

Date of issue: 11th July 2022

MEETING:	STANDARDS COMMITTEE (Councillors Mann (Chair), Sabah (Vice Chair), P. Bedi, S. Malik, Minhas, Mohammad and S. Parmar)
	CO-OPTED PARISH COUNCIL MEMBERS: Britwell Parish Council (Cllr Kevin Barry) Colnbrook with Poyle (TBC) Wexham Court Partish (Cllr Iftakhar Ahmed)
	INDEPENDENT PERSON: Raymond Tomkinson
DATE AND TIME:	TUESDAY, 19TH JULY, 2022 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	LAUREN FAIR 07564 046033

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



GAVIN JONES
Chief Executive

AGENDA PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
1.	Declarations of Interest	-	-
	<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>		
2.	Councillors' Code of Conduct and Standards Committee terms of reference	1 - 18	All
3.	Whistleblowing annual report	19 - 42	All
4.	Annual Update on Members' Register of Interests and Gifts & Hospitality	43 - 52	All
5.	Update on Government's Response to Committee on Standards in Public Life	53 - 62	All
6.	Date of Next Meeting		
	Thursday 2 nd February 2023.		

Press and Public

Attendance and accessibility: You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

Webcasting and recording: The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

Emergency procedures: The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.



Slough Borough Council

Report to:	Standards Committee
Date:	19 July 2022
Subject:	Councillors' Code of Conduct and Standards Committee terms of reference
Chief Officer:	Sarah Wilson (Monitoring Officer)
Contact Officer:	Sarah Wilson (Monitoring Officer)
Ward(s):	All
Exempt:	No
Appendices:	Appendix 1 – Draft Part 2 and Part 3 of Part 5.1 Councillors' Code of Conduct of the Constitution Appendix 2 – Outcomes of Code of Conduct complaints determined up to 30 June 2022 in 2022/23 Appendix 3 – Draft Article 9A of the Constitution

1. Summary and Recommendations

- 1.1 The purpose of this report is to provide members with an update in relation to the Councillors' Code of Conduct and to seek a recommendation to full council to make amendments to the Standards Committee terms of reference and the procedure for resolving complaints to take account of the new Standards Committee.

Recommendations:

The Committee is recommended to:

1. Recommend to full council that the Constitution's Article 9A and Part 5.1 Councillors' Code of Conduct are amended as set out in Appendix 1 and 3.
2. Note the outcome of complaints determined to date in 2022/23 as set out in Appendix 2.

Reason:

The Councillors' Code of Conduct is a key code governing the behaviour of elected members and forms part of the Council's Ethnical Framework. The Council has set up a separate Standards Committee to assist the Council to fulfil its duties to maintain high standards of conduct by members and co-opted members. The Council is recommended to make minor changes to the terms of reference to remove the requirement for independent members and to the procedure for determining complaints to reflect the role of the new Committee.

2. Report

Introduction

- 2.1 With effect from the municipal year 2022/23, the Council has set up a separate Standards Committee to assist the Council to meet its duty under s.27 of the Localism Act 2011. Part of the Committee's remit is to advise the Council on the adoption or revision of the Councillor's Code of Conduct and to determine written complaints made against an elected member alleging a breach of the Code of Conduct.
- 2.2 The Monitoring Officer should also produce bi-annual reports on Member Conduct Complaints.

Background

- 2.3 The Councillors' Code of Conduct is split into three parts, with the first part setting out the formal Code of Conduct and Part 2 and Part 3 setting out the process for determining a complaint. Parts 2 and 3 need amending to reflect the removal of the process from the Audit and Corporate Governance Committee. The process should also clarify the role of the Local Government and Social Care Ombudsman.
- 2.4 The proposed changes are summarised below:
- (a) Change the reference to Audit and Corporate Governance Committee to Standards Committee throughout the document.
 - (b) Complaints against Members – clarify that the Subject Member will be notified once the Monitoring Officer has clarified that a complaint should be dealt with under the complaints procedure and the complainant has understood that their details will be disclosed to the complainant. The amendment clarifies that there may be situations when the Subject Member has not been notified about a complaint, for instance if it has been determined that no formal investigation is required, due to the complainant not wishing for the detail of the complaint to be provided to the Subject Member and it not being possible to investigate it on an anonymous basis.
 - (c) Part 3 – change reference to Standards Determination Sub Committee to Standards Committee.
 - (f) Appeals – confirm that the complainant has the right to refer the matter to the Local Government and Social Care Ombudsman.
- 2.5 The Local Government and Social Care Ombudsman (LGSCO) investigates complaints of injustice caused by maladministration or service failure in accordance with the Local Government Act 1974. There have been several complaints about other local authorities to the LGSCO in relation to the process for determining complaints against councillors in 2021/22. These have been reviewed and the relevant findings include the following:
- (a) a failure to record the considerations in the minutes of a sub-committee.
 - (b) delay in investigating complaints.
 - (c) a lack of clarity in the complaints process.
- 2.6 The Council's process makes it clear that there is no appeal against a determination by the Monitoring Officer or the Standards Committee, however it does not clarify the

right of the complainant to complain to the LGSCO if they are concerned that maladministration or a service failure has occurred. It is recommended that the procedure is amended to confirm this right.

Complaints made under Code of Conduct to date in 2022/23

- 2.7 The former monitoring officer left on 20 May 2022 and was responsible for determining and managing complaints made up until that date. From 23 May 2022, the Monitoring Officer role is designated to the Principal Lawyer at Harrow Council, who is also the Council's lead legal advisor. The outcomes of complaints for 2021/22 were reported as part of the Council's annual report from the chairman of Audit and Corporate Governance Committee. The terms of reference for the Standards Committee confirms that the Monitoring Officer should report at least bi-annually on complaints made under the Code of Conduct. Appendix 2 provides an update up to end of June 2022.
- 2.8 The summary of complaints received to date is as follows:
- (a) 3 complaints received concerning SBC elected members
 - (b) 1 complaint received concerning a parish councillor
 - (c) No complaints have necessitated referral for formal investigation
 - (d) 2 of the complaints received concerning SBC elected members were found not to have involved a breach of the code of conduct
 - (e) 1 complaint has not been progressed due to lack of further information from the complainant.
- 2.9 It is difficult to draw themes from such a small number of complaints, however they mainly relate to use of language and whether this is disrespectful. This includes language used in conversations between members and in public meetings. The Code of Conduct confirms that members should treat other councillors, staff, partner organisations' staff, volunteers and members of the public with respect. The Code also makes clear that debate and having different views are all part of a healthy democracy and elected members should be able to express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. However, elected members should not subject individuals, groups of people or organisations to personal attack.
- 2.10 As part of the welcome evening and induction, 12 of the 14 members who were elected to office in 2022 attended training on the Code of Conduct. This training reminded members of the main requirements of the Code of Conduct, as well as the role of a councillor, rules on registering and declaring interests and the member officer relations protocol. With the first whole council elections in May 2023, the Council has an opportunity to run a comprehensive welcome and induction event for all elected members, which will include training on the Code of Conduct, interests, member officer relations and complaints process.

Recommendations to amend the Standards Committee terms of reference

- 2.11 It is recommended that minor changes are made to Article 9A which sets out the terms of reference for the Standards Committee. Two recommendations are made:

- (a) Removal of the requirement to have independent members appointed to the Committee.
- (b) Clarification that the parish councillors who are appointed to the Committee are non-voting and can only speak on parish council matters.

2.12 The requirement to have independent members on the Committee came about as this was a requirement for the Audit and Corporate Governance Committee. This is recommended as best practice. However, the Standards Committee already has an independent voice on the committee by means to the appointed independent person. There is therefore no requirement to have an independent member in addition to the independent person. In addition, the Council has attempted to recruit to the independent member role on this committee and has been unsuccessful.

2.13 The Committee consists of elected members on a politically proportional basis. In addition as the Committee determines complaints against parish councils, it is deemed appropriate to include the right for parish councillors to be appointed to the committee. However, it is recommended that the parish councillors are non-voting and can only speak on parish council matters. This ensures that the voting members of the committee are elected members of Slough Borough Council and the committee remains politically proportionate. In addition, it is not deemed appropriate to require a parish councillor to attend to ensure quoracy for extraordinary meetings. By having this rule, there is a risk that the Committee cannot make a decision due to the non-attendance of parish councillors.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 Accepting the recommendation will not involve any additional expenditure.

3.2 Legal implications

3.2.1 The Localism Act 2011 changes the system for maintaining standards amongst elected members by removing the Standards Board and placing responsibility with individual local authorities. Section 27 place a duty on local authorities to ensure that their members and co-opted members maintain high standards of conduct and require them to adopt a code of conduct for their members.

3.2.2 Section 28 confirms that the adopted code should be consistent with the seven “Nolan” principles of standards in public life and must set out the rules that the authority wants to put in place in relation to registering and disclosing pecuniary and non-pecuniary interests. The Council adopted the LGA’s model code of conduct in 2021.

3.2.2 Section 28 also requires local authorities to put in place arrangements under which it can investigate an allegation of a breach of the code made in writing and, if it considers that it warrants investigation, requires that the authority appoint at least one independent person whose views must be sought after it has made an investigation and before it takes a decision. The Council appointed Mr R Tomkinson as the Council’s independent person from 19 May 2022.

3.3 Risk management implications

- 3.3.1 Having an effective code of conduct in place setting out the standards of behaviour for elected members and an effective system for managing and monitoring such behaviour is a key part of the Council's ethical framework and risk management system. As a public body, the Council should act lawfully and in the public interest and failing to do so opens it up to challenge. Decisions of the council can be challenged where they have not been made on a rational basis or having followed a fair process. Ensuring that elected members take decisions in an appropriate and properly informed way, including declining to take part in decision-making when they have a relevant interest, will help ensure fair and lawful decisions and reduce the risk of successful legal challenge.

3.4 Environmental implications

- 3.4.1 There are no specific environmental implications arising from this decision.

3.5 Equality implications

- 3.5.1 Section 149 of the Equality Act 2010 requires public bodies to pay due regard to the need to
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and those who do not.
- 6.3 The Code of Conduct requires members to promote equalities and not discriminate unlawfully against any person. It explains the central role that elected members have in ensuring that equality issues are integral to the Council's performance and strategic aims and that there is a strong vision and public commitment to equality across public services.

4. Background Papers

None.

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PART 2: THE COMPLAINTS PROCESS

This Part of the Code of Conduct sets out how the Council will deal with allegations of a failure to comply with the Council's Code of Conduct.

The Monitoring Officer may investigate a specific matter relating to a Member's adherence to the Rules of Conduct under the Code or a complaint made against a member for breach of the Council's Code of Conduct. Members shall cooperate, at all stages, with any such investigation by or under the authority of the Council. No Member shall lobby a member of the Standards Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

Complaints against Members

All complaints against members must be in writing and on the Council's prescribed form. The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will consider complaints according to the Code of Conduct's "Member's Complaint Assessment Criteria" contained at Appendix C of the Code. **Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**

The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receiving it and seek further information as required to enable the assessment criteria to be applied. Once sufficient information has been obtained and the complainant has been informed that details of the complaint will be passed to the Subject Member, the Subject Member will be advised that a complaint has been made, together with a short summary of the complaint and the name of the complainant. If the complainant has indicated that they wish to remain anonymous, the Monitoring Officer will consider the impact this will have on the fairness of the process.

The Monitoring Officer will determine every complaint received and shall consult the Independent Person as to whether a formal investigation should be undertaken and shall give him the opportunity to review and comment upon any complaint which the Monitoring Officer is minded to dismiss as being without merit, vexatious, or trivial. This decision will normally be taken within 14 days of receipt of a complaint. Where the Monitoring Officer has taken a decision, he will inform the Complainant and the Subject Member of his decision and the reasons for that decision.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies

PART 3: INVESTIGATION & DETERMINATION OF COMPLAINTS

If the Monitoring Officer decides that a complaint merits formal investigation, he may either appoint an Investigating Officer to investigate the complaint or investigate the complaint himself.

The Investigating Officer would normally write to the Subject Member.

The Subject Member will be provided with a copy of the complaint. The Subject Member will be requested to provide any relevant information the Investigating Officer needs to investigate the Complaint.

In exceptional cases, where it is appropriate to keep the identity of the Complainant confidential or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer will withhold the Complainant's details or delay notifying the Subject Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer/Monitoring Officer will produce a draft report. This draft will be sent in confidence to the Complainant and the Subject Member, to give them an opportunity to identify any matter in that draft report which is either factually incorrect or which may require further consideration. Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the Subject Member and the Complainant notifying them of either:

- (a) he is satisfied that no further action is required, and provide them both a copy of the Investigating Officer's final report, or
- (b) following review of the Investigating Officer's report that either the complaint will be
 - (i) sent for determination before a Standards Committee or,
 - (ii) after consulting the Independent Person, seek a local resolution.

Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

Process for the Determination of Complaints

If the Monitoring Officer considers that local resolution is not appropriate, then the Monitoring Officer will convene a Standards Committee to determine the complaint. It will conduct a hearing which will decide whether the member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the member.

The set up and structure of the Standards Committee is provided for by the Council's Constitution

The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and may issue directions as to the manner in which the hearing will be conducted.

Conduct of a Committee hearing

The Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Committee, with the benefit of any advice from the Independent Person, concludes

- (a) that the Subject Member did not fail to comply with the Code of Conduct, then they can dismiss the complaint
- (b) that the Subject Member did fail to comply with the Code of Conduct, the Chair will inform the Subject Member of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the Subject Member's failure to comply with the Code of Conduct. In doing this, the Committee will give the Subject Member an opportunity to make representations to the Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

The Council has delegated to the Committee powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Committee may authorise the Monitoring Officer to –

- (a) Publish on the Council's website any findings in respect of the Subject Member's conduct which shall include a brief statement of the facts, the provisions of the Councillors' Code of Conduct which have been breached, the view of the Independent Person, the reasons for the findings made and details of the sanctions applied;
- (b) Report the findings to the Standards Committee for information;

- (c) Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (d) Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (e) Arrange training for the Subject Member;
- (f) Remove from all outside appointments to which the Subject Member has been appointed or nominated by the Council;
- (g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- (h) Exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Committee has no power to suspend or disqualify the Sub Member or to withdraw members' or special responsibility allowances.

At the end of the hearing, the Chairman will state the decision of the Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Committee resolves to take.

The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Committee. The decision notice will be sent to the Complainant and the Subject Member. Thereafter a summary of the decision may be available for public inspection and the decision will be reported to the next convenient meeting of the Standards Committee.

Appeals

There is no right of appeal against a decision of the Monitoring Officer or of the Standards Committee to the Council.

The complainant may complain to the Local Government and Social Care Ombudsman if he or she is concerned that there has been a service failure or maladministration and they have been directly affected by the matter.

Independent Person

The Independent Person is invited to attend all meetings of the Committee and his/her views are sought and taken into consideration before the Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Revision of these arrangements

In the interests of fairness, the Monitoring Officer may vary any of these arrangements as appropriate. The Chair of the Standards Committee may depart from the arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Appendix C

MEMBERS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is "tit-for-tat"; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor's private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
11. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

Complaints which may be referred to the Standards Committee

1. It is serious enough, if proven, to justifying the range of actions available to the Standards Sub-Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation.
3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or

4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate.
5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate.

Code of Conduct complaints – 2022/23

Date received	Nature of complaint	Subject member	Outcome	Comments
1 May 2022	Lack of respect	Cllr 1	No need for formal investigation – member did not breach Code of Conduct	Determined by former MO
Prior to 19 May 2022	Relationship between two elected members	Parish Cllr 2	Recommendation for informal resolution via mediation or training	Determined by former MO
Prior to 19 May 2022	Lack of respect	Cllr 1	No need for formal investigation – member did not breach Code of Conduct	Determined by former MO
18 May 2022	Various allegations – detail unclear	Cllr 3	Further information requested on 23 May 2022, as allegations relate to historic matters and lack of detail in order to assess complaint. Clarification sought regarding disclosure of complaint to subject member. As at 11 July 2022 no further information received, complaint closed.	Independent person consulted and responded on 1 July 2022 confirming that he was satisfied with the proposal to close the complaint, which was appropriate and in line with the Council's procedure.

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ARTICLE 9A – STANDARDS COMMITTEE

The Council will appoint a Standards Committee which will assist the Council to meet its duty under section 27 of the Localism Act 2011 to maintain high standards of conduct by members and co-opted members.

1. Statement of Purpose

The purpose of this Committee is to promote and maintain the highest ethical standards.

2. Terms of Reference

The core functions of the Committee are:

- (a) To promote and maintain high standards of conduct by Members (and this term includes co-opted Members)
- (b) To assist Members to observe the Council's Ethical Framework including the Code of Conduct
- (c) To advise the Council on the adoption or revision of the Council's Ethical Framework including the Code of Conduct
- (d) To monitor the operation of the Council's Ethical Framework including the Code of Conduct
- (e) To advise, train or arrange to train Members on matters relating to the Council's Ethical Framework including the Code of Conduct
- (f) To determine written complaints made against a Member (including a Parish Council Member) alleging a breach of the Code of Conduct and taking any action that is deemed appropriate and permitted under the Localism Act 2011 and Regulations thereunder
- (g) To exercise any of (a) to (f) above in relation to Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- (h) To keep under review and make recommendations to Council on the Whistleblowing Policy and Procedure.
- (i) To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted policy.
- (j) To receive bi-annual reports from the Monitoring Officer on Member Conduct Complaints received since the date of the previous Ordinary Committee meeting.
- (k) To receive an annual statistical report from the Monitoring Officer on declarations of interest.

3. Determination of Member Conduct Complaints

When a meeting is convened to determine allegations that a Member (Subject Member) has breached the Code of Conduct, the Committee may make one of the following findings:

- (a) That the Subject Member has not breached the Code of Conduct;
- (b) That the Subject Member has failed to comply with the Code of Conduct but that no action need be taken in respect of the matters considered at the hearing; or

(c) That the Subject Member has failed to comply with the Code of Conduct and that one or more of the following sanctions should be imposed:

- (i) Censure of the Subject Member
- (ii) Restriction for a period not exceeding six months of the Subject Member's access to the Council's premises or the Council's resources PROVIDED THAT those restrictions are a reasonable and proportionate response to the breach and do not unduly restrict the person's ability to perform the functions of a Member.
- (iii) That the Subject Member submits a written apology in a form specified by the Committee.
- (iv) That the Subject Member undertakes such training as the Committee directs.
- (v) That the Subject Member participates in such conciliation as the Committee directs.

4. Membership

The Committee will comprise:

- Seven councillors, no more than one of whom should be a member of the Executive; and none of whom should be a member of the Audit and Corporate Governance Committee.
- One Parish Council Member from each of the three Parish Councils within the Borough, who will be non-voting members on the Committee and entitled to speak only on matters that relate to parish councils.
- One independent person whose views must be sought and taken into account by the Committee when determining a complaint against a Member and before determining the appropriate sanction to impose upon a Subject Member.

The Chair of the Committee will be an elected Member of the Council.

5. Working Arrangements

Ordinary Meetings of the Committee will take place twice per year and the committee will consider an annual report on declarations of interest; and gifts and hospitality made by all Councillors, co-opted Members and Senior Officers of the Council, with summary reports on compliance by officers at other tiers of the organisation.

Extraordinary Meetings will be convened whenever necessary to allow the Committee to determine allegations that a Member has breached the Code of Conduct.

For Ordinary Meetings the quorum of the Committee shall be a minimum of three elected Members of the Council. For Extraordinary Meetings the quorum of the Committee shall be a minimum of three elected Members of the Council .

Slough Borough Council

Report to:	Standards Committee
Date:	19 July 2022
Subject:	Whistleblowing annual report
Chief Officer:	Sarah Wilson (Monitoring Officer)
Contact Officer:	Sarah Wilson (Monitoring Officer)
Ward(s):	All
Exempt:	No
Appendices:	Appendix 1 - Internal Audit Report 10 December 2021 Appendix 2 – Draft Part 5.5 - Confidential Whistleblowing Code of the Constitution

1. Summary and Recommendations

- 1.1 The purpose of this report is to provide members with an annual update in relation to the Council's whistleblowing arrangements and to confirm the annual review process.

Recommendations:

The Committee is recommended to:

1. Note the contents of this report
2. Agree the minor changes to the Confidential Whistleblowing Code as set out in Appendix 2 and recommend to full Council for approval.
3. Agree that an annual report on whistleblowing should be presented to the committee by the Monitoring Officer

Reason:

The Whistleblowing Code provides for the Monitoring Officer to review the Council's whistleblowing arrangements annually. It is considered best practice in many authorities for the relevant member committee to receive an annual report in relation to whistleblowing. The provision of an annual report to the committee increases the profile of whistleblowing across the Council and affords the opportunity to highlight areas of good practice and identify any requirements for improvement. This is particularly important based on the concerns raised in the DLUHC governance review and the findings of previous staff surveys around the culture of the Council being one where staff did not always feel able to raise concerns.

2. Report

Introduction

- 2.1 In response to an internal audit report, the Whistleblowing Code was reviewed by Audit and Corporate Governance Committee on 29 July 2021. The Code had been

amended in response to recommendations in the internal audit report and it was agreed that the Code should be formally reviewed annually. The Committee was also given a reason why some other recommendations had not been taken forward, including the procurement of a case management system.

- 2.2 In 2021/22 the Council's internal audit conducted a review of the Council's whistleblowing arrangements. As part of this RSM, the appointed internal auditors, conducted a survey of staff, which was publicised to all staff in October 2021. The results of the whistleblowing culture questionnaire are appended at Appendix 1. The key results were that nearly half of the respondents had either not been informed about or knew where to find the whistleblowing code and the majority did not understand the procedure and a significant majority did not feel that the culture of the organisation encourages whistleblowing where necessary or were confident that a concern would be handled appropriately.
- 2.3 It should be noted that only a small number of employees completed the survey (35) compared with the 73% (1323) of assigned staff who had completed the mandatory training, therefore care should be taken before concluding that the above results represent a fair assessment across the Council. The training figure is an improvement on previous years and whilst there is a desire to have a higher percentage of staff complete the training, including agency staff, it should be noted that the Council has had relatively high levels of turnover which will always affect the compliance level as there are high numbers of leavers and new starters.
- 2.4 In September 2021, a Government appointed reviewer published a governance review of the Council. Whilst this did not specifically refer to whistleblowing as a concern, it did raise significant concerns about the culture and leadership, including the lack of an annual governance statement for 2020/21 or an action plan for the previous statement, inadequate internal processes, signs of distrust among and between councillors and senior officers, the absence of scrutiny, transparency and public consultation and insufficient capacity to achieve the changes required. An effective whistleblowing code and procedures are important but must be seen as part of a much wider system to ensure ethical practices are understood and complied with and that the Council is a learning organisation, seeking continuous improvement and encouraging staff to raise concerns.
- 2.5 The above is reflected in the Council's corporate plan, which has flagged leadership and culture and governance as two of its seven recovery themes. This includes improvements related to refreshing and embedding values and behaviours and being an open and inclusive employer. Whilst work has been undertaken on strengthening the whistleblowing procedures, without the right culture, the rules and procedures along will make little difference.

Background

- 2.6 Whistleblowing is the term used when an employee passes on information concerning wrongdoing. An employee is protected in law from being subjected to detriment or dismissed on the basis of whistleblowing if they reasonably believe that they are acting in the public interest and they reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into prescribed categories.

2.7 The DBEIS guidance recommends that employers should have clear policies and procedures for dealing with whistleblowing, which will help demonstrate that the organisation welcomes information being brought to the attention of management. This is demonstrated by the following:

- Recognising workers are valuable ears and eyes – getting information can prevent wrongdoing, which can negatively impact on performance and in extreme cases prevent people from harm and death
- Getting the right culture – the lack of a supportive culture will be a barrier to disclosures, firstly because workers may fear reprisals and secondly that no action will be taken in response to the disclosure
- Training and support – training, mentoring, advice and support systems should be in place to ensure workers can approach a range of people within the organisation
- Being able to respond – prompt investigation and where appropriate feedback is in the interests of the organisation
- Better control – embracing whistleblowing will ensure that managers have better information to make decisions and control risk
- Resolving the wrongdoing quickly – the benefits of internal disclosures are that there is an opportunity to act promptly and put right any wrongdoing.

Review of current code

2.8 The Whistleblowing Code has been reviewed against the requirements of the Department for Business, Energy & Industrial Strategy's (DBEIS) guidance and code of practice.

2.9 The review has considered the best practice set out in the guidance regarding the need for a whistleblowing code of practice. The results of this are set out below:

- **Have a whistleblowing policy or appropriate written procedures in place**

The Council has a Whistleblowing Code, which is in its constitution and published on its website. In addition, it has codes of conduct for members and employees which provide guidance and create obligations in relation to the need to act in the public interest, a member officer relations code which sets out the different roles of elected members and officers and provides obligations on officers to raise concerns if they are subjected to improper pressure and an anti-fraud corruption strategy and policy which again provides an obligation on officers to report any suspicious activity. These documents collectively provide a strong ethical framework in which all elected members and officers should act.

- **Ensure the whistleblowing policy or procedures are easily accessible to all workers**

The Whistleblowing Code is part of the Council's Constitution, which is published online and has a separate part listing the documents that collectively provide the ethical framework. Since the audit the Council has updated the information setting out what Whistleblowing is, the process and key contacts to report issues or seek advice on the intranet (<http://insite/people/hrpolicies/whistleblowing/>). The Council

has also signposted the policy & code on the intranet homepage to ensure that staff are aware of its location.

The Council is currently updating its financial procedure rules which refer to officers' obligation to report any suspicious activity and links to the Council's whistleblowing code as a process which should be used if the employee feels unable to report concerns via their line manager.

- **Raise awareness of the policy or procedures through all available means such as staff engagement, intranet sites, and other marketing communications.**

On a monthly basis, the Workforce Development team issue mandatory training compliance reports to all Directors and Associate Directors members to highlight both compliance and non-compliance in their directorates, requesting their support to cascade to the managers and drive up compliance. All line managers have also been given training reporting functionality to monitor their teams progress themselves. In addition the team have flagged the importance of compliance and impact of not doing so with all mandatory training, including Whistleblowing, via a communication message on the intranet and also directly emailing the message to all line managers calling them to action to ensure compliance in their teams.

- **Provide training to all workers on how disclosures should be raised and how they will be acted upon**

There is a mandatory training module on whistleblowing with 73% of assigned staff having completed this in the last year. The Council has reviewed its mandatory training approach. As a result, all mandatory training now needs to be refreshed/completed annually rather than every three years. We have recently reassigned training to all staff (on Agresso and temporary or contractor staff reported to us by line managers). In order to ensure that all staff are captured and allocate training a project has been initiated that will integrate the temporary/contractor staff data held on the Matrix (agency database) and feed this into the Council's Agresso system. As Agresso feeds into the Learning Management system, this will ensure there are records for all staff in relation to mandatory training.

- **Provide training to managers on how to deal with disclosures**

Mandatory in-person training was delivered to Associate Directors and Group Managers on the essentials of local-government decision-making. This included reference to the employee code of conduct and the member officer relations code, including emphasising the role of an employee and the obligation to raise concerns if officers were subjected to improper pressure or had concerns around decision-making.

- **Create an understanding that all staff at all levels of the organisation should demonstrate that they support and encourage whistleblowing**

This is part of a wider piece of work on the Council's values and behaviours and links to elected members and employees understanding their role in terms of creating a "learning organisation". This also links to understanding the Seven Principles of Public Life (Nolan Principles), which includes the principles around integrity, accountability, openness and honesty

Elected members who were newly or re-elected in 2022 attended a welcome induction evening which included an introduction to the Councillors' Code of Conduct, the role of a councillor, registering and declaring interests and member officer relations. This included guidance on how to raise concerns about officers and other elected members.

➤ **Confirm that any clauses in settlement agreements do not prevent workers from making disclosures in the public interest**

All settlement agreements are approved by the Council's HR department and HB Public Law, as the Council's shared legal practice. The template agreement specifically states that the confidentiality obligations in the agreement do not prevent the employee from making a protected disclosure, making a disclosure to a regulator, reporting a criminal offence to any law enforcement agency or assisting with a criminal investigation or prosecution.

➤ **Ensure the organisation's whistleblowing policy or procedures clearly identify who can be approached by workers that want to raise a disclosure. Organisations should ensure a range of alternative persons who a whistleblower can approach in the event a worker feels unable to approach their manager. If your organisation works with a recognised union, a representative from that union could be an appropriate contact for a worker to approach.**

The Code provides clear guidance on how to deal with a range of concerns. For instance:

(a) Councillors and officers are informed that a breach of either the councillor code of conduct or the local code of conduct for employees should be raised with the Council's Monitoring Officer. There is a generic monitoring officer email account for those councillors or staff who may be unaware of who the monitoring officer is or who prefer to use this official email account.

(b) Existing HR policies and procedures are referred to for resolving HR related concerns – the procedures are listed.

(c) A schedule is provided of the type of concern that should be raised under the whistleblowing code.

The Code advises individuals to raise concerns with colleagues, a line manager or their superior and if they feel unable to do so, to raise it with a chief officer. If the above has been exhausted or is not appropriate, the concern should be raised with the Monitoring Officer or if it relates to the Monitoring Officer or s.151 Officer, with the Chief Executive.

Recommended change: The Code currently lists landline numbers for the Monitoring Officer or the Chief Executive. It would be preferable for email addresses to be used, as this will ensure there is a written record of any complaint as well as ensuring it can be picked up by the individual at a convenient time.

- **Create an organisational culture where workers feel safe to raise a disclosure in the knowledge that they will not face any detriment from the organisation as a result of speaking up.**

This is part of a wider piece of work that is being undertaken as part of the Corporate Plan priorities and recovery themes.

Recommendation: It is also recommended that there is a regular staff survey undertaken which incorporates questions about whistleblowing, including whether staff feel confident that whistleblowing concerns will be dealt with appropriately and taken seriously. This is preferable to the internal audit undertaking a stand alone survey, as whistleblowing should be seen as part of a wider system.

- **Undertake that any detriment towards an individual who raises a disclosure is not acceptable**

The Code contains a section on support that is available for employees raising a concern and others affected. This includes reference to the Employee Assistance Programme, the use of trade unions or regulatory bodies, reference to the Employee Support Group and support that is available if the employee has to give evidence in subsequent proceedings.

- **Make a commitment that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally**

The Code makes clear that managers are responsible for making their staff aware of the policy and procedures, should encourage a positive open working culture for staff and others working at the Council to express their concerns, to take concerns seriously and to guide staff to the most appropriate route.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 Accepting the recommendation will not involve any additional expenditure.

3.2 Legal implications

3.2.1 Employees and other certain types of workers are provided with protection when whistleblowing under the Employment Rights Act 1996. The protection is from being dismissed or subjected to a detriment because they have made a protected disclosure (blown the whistle). There are a number of conditions which an individual must fulfil in order to qualify for the protection. There must be a disclosure of information which the individual reasonably believes tends to show that one or more of six specified types of malpractice or failure has taken place. The individual must

also have a reasonable belief that the disclosure is in the public interest. Further, the disclosure must be made to one of the categories of people listed in the Act, one of which is their employer.

3.3 Risk management implications

3.3.1 Having effective systems in place to allow councillors and officers to raise whistleblowing concerns is a critical part of the Council's risk management systems. By improving the policy, procedures and culture to allow for concerns to be raised and acted upon, the Council will reduce its risks of fraud, being the victim of criminal offending, permitting or allowing a criminal offence to be committed, failing to comply with the law, endangering someone's health and safety, damaging the environment and individuals or organisations deliberately concealing any wrongdoing.

3.4 Environmental implications

3.4.1 None, although damage to the environment is listed as a category of wrongdoing.

3.5 Equality implications

3.5.1 Section 149 of the Equality Act 2010 requires public bodies to pay due regard to the need to

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

3.5.2 Failing to comply with an obligation set out in law is covered as a category of wrongdoing. By having in place an effective system for whistleblowing, individuals can raise concern that the Council is not properly complying with its equality duties. In addition by undertaking a staff survey including questions on whistleblowing, the Council will be able to analysis the monitoring data to see if certain groups of staff feel less able to raise concerns than others and put in place an action plan to address this.

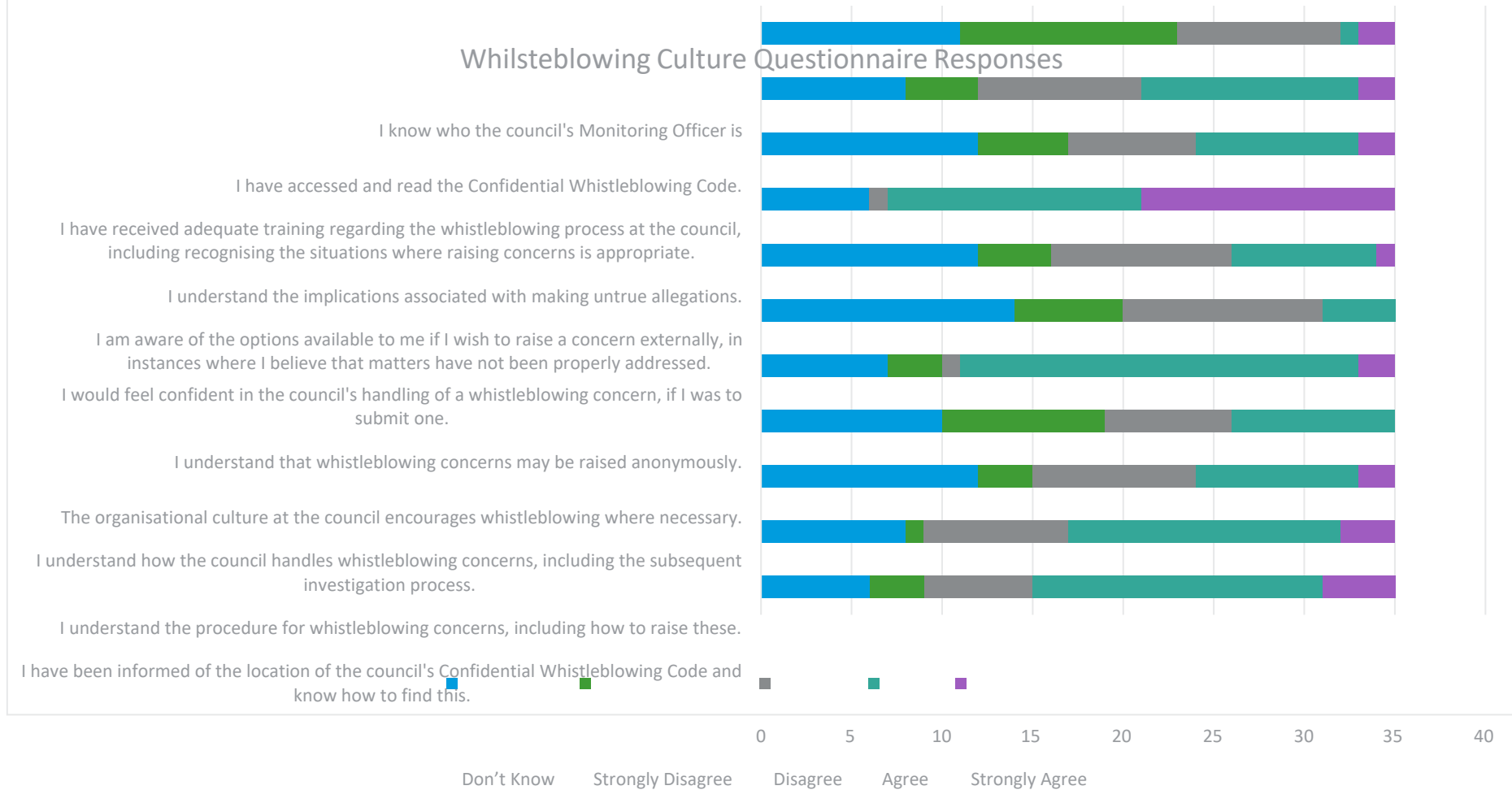
4. Background Papers

None.

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APPENDIX A: WHISTLEBLOWING CULTURE QUESTIONNAIRE RESULTS

As part of the review, we sought to gain an understanding of the attitudes regarding the whistleblowing process within the Council and have therefore undertaken a staff culture questionnaire. The questionnaire was issued to all staff and completed by 35 members of staff, gauging the perceptions of the Council's approach to whistleblowing and the extent to which this is embedded within the organisational culture. The results of the questionnaire are shown below:



The following key themes were identified as part of the questionnaire findings above:

Awareness of Guidance – staff were provided with a series of statements which related to the awareness of the Confidential Whistleblowing Code, including where this can be found, and processes noted within the code. We identified that responses to these questions were largely negative and as such have raised an action in this regard (see management action one).

Whistleblowing training – when asked regarding the provision of whistleblowing training, 69 per cent of respondents responded negatively. Two management actions in relation to training have been raised (see management actions four and five).

Awareness of the Monitoring Officer - Only three of the 35 respondents advised that they were aware of who the Council's Monitoring Officer is. A management action has been raised in this regard (see management action six).

Organisational culture with regards to whistleblowing - 74 per cent and 89 per cent answering negatively to the following statements:

1. *The organisational culture at the council encourages whistleblowing where necessary.*
2. *I would feel confident in the council's handling of a whistleblowing concern, if I was to submit one*

In addition to this, respondents provided a number of comments which supported the above findings with claims around lack of care for those accused, cases being “pushed aside” and staff being made to feel like it is their fault and several examples of respondents feeling like if they had a case to raise, this would not be managed and investigated appropriately and therefore would be less inclined to raise these matters. We also identified several comments where staff advised that there is a culture at the Council that “punishes critical feedback” and could result in “losing your job” should a matter be raised. A management action has been raised in this regard (see management action seven).

PART 5.5 Confidential Whistleblowing Code

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1. INTRODUCTION

The council is committed to the highest possible standards of openness, honesty and accountability. It is not prepared to tolerate malpractice and/or wrongdoing. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the council's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis, but this should be the exception.

This document makes it clear that employees and others can voice concerns without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.

I hope that the improvements made to this process inspire confidence and enable employees and others to feel able to raise concerns so that the Authority can address them appropriately and improve standards within the organisation.

James Swindlehurst Leader, Slough Borough Council

1.1 What is the Code about?

1.1.1 Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within Slough Borough Council (the council). However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

1.1.2 'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

1.2 Who does the policy apply to?

1.2.1 This code applies to all employees except for school-based employees. Schools need to give consideration to their own code adopted by the governing body, but are strongly recommended to adopt this policy.

1.2.2 The code also applies to former employees, agency staff working for the council, home workers, contractors and their staff, suppliers, volunteers, elected members and members of the public.

- 1.2.3 The code is recommended as good practice to all other groups associated with the council who have the discretion to adopt our policies. Apart from schools, this will include such groups as voluntary sector organisations.
- 1.2.4 The term “employee” within this document is used to describe any of the above.
- 1.2.5 These procedures are in addition to the council’s complaints procedures and other statutory reporting procedures applying to some services. If asked, employees should make service users aware of the existence of these procedures.

2. AIMS AND SCOPE OF THE CODE

2.1 Aim of the code

This code aims to:

- 2.1.1 encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- 2.1.2 provide avenues for you to raise those concerns and receive feedback on any action taken;
- 2.1.3 ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- 2.1.4 reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest;
- 2.1.5 ensure consistency and fairness in dealing with whistleblowing across the Council.

2.2 Scope of the code

- 2.2.1 An employee who makes a disclosure under this code must reasonably believe:
 - (a) That they are acting in the public interest;
 - (b) That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - (i) criminal offences;
 - (ii) failure to comply with an obligation set out in law;
 - (iii) miscarriages of justice;
 - (iv) endangering of someone’s health and safety;
 - (v) damage to the environment;
 - (vi) deliberate concealment of any of the above.

- (c) Examples of the above could include:
- (i) conduct which is an offence or a breach of law;
 - (ii) health and safety risks, including risks to the public as well as other employees;
 - (iii) the unauthorised use of public funds;
 - (iv) negligence;
 - (v) unauthorised disclosure of confidential information;
 - (vi) possible fraud and corruption;
 - (vii) sexual or physical abuse of children and/or vulnerable young people/adults;
 - (viii) deliberate concealment of the above matters.

2.2.2 The above list is neither exclusive nor exhaustive.

2.2.3 Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision or the conduct of officers or members of the council or others acting on behalf of the council can be reported under the Confidential Whistleblowing Code.

2.2.4. Councillors and Officers, by nature of working in the public sphere, are always likely to face a conflict between their own personal interest and the public interest. That is why the Council has codes of conduct for Councillors and Officers which require each of them to act in the public interest rather than in their own personal interest. Councillors are subject to the Councillors' Code of Conduct in part 5.1 of the Constitution and Officers are subject to the Officers are subject to the Local Code of Conduct for Employees in Part 5.3 of the Constitution. These codes guide Councillors and Officers on how to act in the public interest in certain circumstances where this conflicts with their own personal interest. Any breach of these codes could in extreme circumstances lead to the disqualification of a Councillor or the dismissal of the Officer. If you become aware of any breach of these codes by a Councillor or another Officer you must report this to the Monitoring Officer.

2.3 Which procedure should I use?

2.3.1 There are existing employee policies and procedures designed to resolve many concerns you may have. The procedures to be followed in raising issues under these policies can be found on SBCinsite by clicking on People. They include

- (a) Incident Reporting and Investigation Guidelines
- (b) Grievance Policy & Procedure
- (c) Equal Opportunities Policy

- (d) Disciplinary Policy & Procedure
- (e) Capability Procedure
- (f) Drug & Alcohol Policy
- (g) Probationary Policy & Procedure

2.3.2 If one of these procedures is relevant that process should be used unless you have genuine concerns, at either the outset or the end of the procedure, about following the relevant process in which case this Policy & Procedure should be used. The procedure is not an appeal mechanism for other procedures, unless, exceptionally, you think when you have been through another procedure, that process was compromised. If you are unsure which procedure you should use, then please seek advice from your trade union representative or an HR Adviser or your line manager.

2.3.3 The Confidential Whistleblowing Code is for all other cases involving conduct which appears likely to harm the reputation of the Council.

2.3.4 Schedule 1 shows some examples of situations in which employees might blow the whistle and the procedure to use.

3. SAFEGUARDS

3.1 The Council's Assurances to you

3.2 The council is committed to good practice and high standards and wants to be supportive of employees.

3.3 The council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.4 It is understandable that whistleblowers are sometimes worried about possible repercussions. The council aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken. However, please see Paragraph 6 regarding untrue allegations.

3.5 The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific service arrangements.

3.6 Employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.

3.7 Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

3.8 On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.

3.9 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, it is possible that we will be unable to resolve the concern raised without revealing identity (eg because your evidence is needed in Court) but if this occurs we will discuss this with you as to how we can proceed). Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

4.2 All information will be handled sensitively and used only for its proper purpose.

4.3 Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

5. ANONYMOUS ALLEGATIONS

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 If you don't tell us who you are, it will be much more difficult for us to look into the matter, protect your position and give you feedback.

5.3 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account will include:-

5.3.1 The seriousness of the issues raised

5.3.2 The credibility of the concern

5.3.3 The likelihood of confirming the allegation from attributable sources.

6. UNTRUE ALLEGATIONS

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. However, the Council will view very seriously any false or malicious allegations or allegations made for personal gain and disciplinary action may be taken against you under the Council's Disciplinary Policy.

Similarly if an agency worker, external secondee, volunteer etc makes malicious or vexatious allegations or allegations made for personal gain, then the Council will consider dispensing with their services.

7. HOW TO RAISE A CONCERN - INTERNALLY

- 7.1 Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. The earlier you express your concern the easier it will be to take action. **REMEMBER – IF IN DOUBT RAISE IT.** You must make it clear that you are using this procedure.
- 7.2 The Council will not expect you to prove that your concern is true but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.
- 7.3 It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.4 If you have a concern about any malpractice/wrongdoing, we hope you will feel able to raise it first with your Line Manager or their superior. If you feel unable to raise the matter with your Line Manager or their superior, then please raise the matter with your Chief Officer.
- 7.5 If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with your Line Manager, their superior or your Director or you consider that it is not appropriate (e.g. you are a contractor, supplier, Councillor or member of the public), then you can contact the Council's Monitoring Officer MonitoringOfficer@slough.gov.uk .
- 7.6 Where your complaint relates to the Monitoring Officer and/or the Section 151 Officer you should contact the Chief Executive. If you are unhappy about raising your concern internally then you are at liberty to whistleblow externally under Paragraph 10 below.
- 7.7 Where your complaint relates to the Chief Executive you should contact the Monitoring Officer on MonitoringOfficer@slough.gov.uk.
- 7.8 Where Council members have concerns, they may wish to first discuss matter with their Group Leaders.

8. HOW THE COUNCIL WILL HANDLE THE MATTER (See flowchart at Schedule 3)

- 8.1 Within 5 working days, the person with whom the concern was raised will acknowledge its receipt in writing, irrespective of how the concern was raised.
- 8.2 Where the concern has been raised with a manager, (s)he together with an HR Adviser (or other relevant representative eg from Audit or Child Protection Unit) will decide whether the matter needs to be referred to a more senior officer e.g. Director, Section 151 Officer, Monitoring Officer or Chief Executive.
- 8.3 Investigation does not imply either acceptance or rejection of an individual's concerns

- 8.4 The initial enquiry will be undertaken, wherever possible within 10 working days, by the most appropriate Officer(s). This will not involve a detailed investigation, however, sufficient information will need to be gathered in order that a decision can be made as to whether further investigation will take place.
- 8.5 Where appropriate, the matters raised may:
- 8.5.1 be investigated by management, internal audit, or through the disciplinary process
 - 8.5.2 be referred to the police
 - 8.5.3 be referred to the external auditor or other external investigation
 - 8.5.4 form the subject of an independent inquiry
 - 8.5.5 be investigated under another procedure e.g. child/adult protection
 - 8.5.6 be investigated under other forms of prosecution and inspection e.g. to protect public health and safety
- 8.6 In order to protect individuals and those accused of misdeeds or possible malpractice or wrongdoing, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.7 Within fifteen working days of a concern being raised, the person with whom the concern has been raised will write to the individual who raised the matter:
- 8.7.1 indicating how they propose to deal with the matter
 - 8.7.2 giving an estimate of how long it will take to provide a final response
 - 8.7.3 informing them whether any initial enquiries have been made
 - 8.7.4 supplying them with information on staff support mechanisms, and
 - 8.7.5 informing them whether further investigations will take place and who will conduct that investigation, or
 - 8.7.6 explaining the reasons why no investigation is to be carried out.
- 8.8 It may be necessary, as part of the investigation, to obtain additional information from the individual who raised the concern.
- 8.9 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the concern until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud.
- 8.10 The Council accepts that individuals who raise a concern need to know that the matter has been properly addressed. Thus, subject to legal constraints, the

employee will be given feedback on any action taken. However, it will not include information relating to specific individuals, which will remain confidential.

9. HOW THE MATTER CAN BE TAKEN FURTHER

9.1 This policy and procedure is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes employees will be satisfied with any action taken. If not, and they feel it is right to take the matter outside the Council, the matter can be raised with the relevant organisation(s) as listed in Schedule 2.

9.2 There may be circumstances where an employee considers that (s)he needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the employee considers that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be covered up.

9.3 If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice or wrongdoing at work.

9.4 Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at www.acas.org.uk.

9.5 In circumstances where an employee decides to raise the matter externally, (s)he will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the PIDA. This means that the disclosure must fall under one of the categories listed in paragraph 4 above and must be made in one of the following ways:

9.5.1 in the course of obtaining legal advice

9.5.2 to a prescribed regulatory body (listed in Schedule 4) provided the employee reasonably believes the prescribed body is responsible for the matter of concern and that the allegations are substantially true;

9.5.3 to other third parties where the employee makes the disclosure:

(a) with reasonable belief that the information and allegations are substantially true, and

(b) does not make the disclosure for personal gain, and

(c) has already raised the matter with the Council or prescribed regulator, unless the employee reasonably believes that (s)he will suffer a detriment, or there is no prescribed regulator and (s)he reasonably believes that evidence will be concealed or destroyed if (s)he makes the initial disclosure to the Council, and

(d) in all of the circumstances it is reasonable to make the disclosure.

- 9.5.4 The disclosure is of an exceptionally serious nature and the whistleblower makes the disclosure:
- (a) with reasonable belief that the information and allegations are substantially true, and
 - (b) does not make the disclosure for personal gain, and
 - (c) in all of the circumstances it is reasonable to make the disclosure.
- 9.5.5 Council employees who wish to take the matter outside the Council should check with their Trade Union/Professional Association Representative, Human Resources or statutory body that they are not in breach of the Council's Code of Conduct.

Important:

All employees must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with the Council's procedures in relation to staff surveillance which can be found in the Regulation of Investigatory Powers (RIPA) Policy – a copy of this is available on the intranet. Failure to do so may infringe Human Rights and render the Council liable to legal action.

10. SUPPORT FOR EMPLOYEES RAISING A CONCERN AND OTHERS AFFECTED BY THE RAISING OF A CONCERN

- 10.1 The Council is committed to good practice and high standards and wants to be supportive of individuals who raise concerns.
- 10.2 The Council will also support individuals affected by the raising of a concern as appropriate.
- 10.3 Council employees experiencing stress as a result of their involvement in this process can seek counselling and support through the Council's Employee Assistance Programme.
- 10.4 Council employees can also approach their Trade Union or a statutory body such as the General Medical Council (GMC) or Nursing and Midwifery Council (NMC) for advice/support throughout the procedure.
- 10.5 Council employees may also approach their Employee Support Group for support throughout the procedure.
- 10.6 The employee may find it helpful to involve his or her manager, particularly if they can identify specific support that would be helpful and which the manager feels are reasonable.
- 10.7 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern, eg if they are required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and, if necessary, be fully prepared for a Court appearance.

10.8 Where the raising of a concern affects a group of staff, the relevant manager will, having made an assessment, take appropriate action to support the workgroup.

11. RESPONSIBILITIES

11.1 Staff and others working at the Council

11.1.1 To be aware of this policy and procedure.

11.1.2 In making any disclosure to tell us if you have a direct personal interest in the matter.

11.2 Managers

11.2.1 To make their staff aware of this policy and procedures.

11.2.2 To encourage a positive open working culture for staff and others working at the Council to express easily their concerns.

11.2.3 To take concerns seriously

11.2.4 To guide staff to the most appropriate route.

12. REVIEW OF THIS POLICY

This policy will be reviewed annually by the Council. The Responsible Officer for the maintenance and operation of the policy is:

The Monitoring Officer
Slough Borough Council
Observatory House
25 Windsor Road
SLOUGH
SL1 2EL

_____MonitoringOfficer@slough.gov.uk

SCHEDULE 1 – SITUATIONS IN WHICH EMPLOYEES MIGHT BLOW THE WHISTLE

1. EXAMPLE ONE

You are working in an area which regularly engages outside contractors. You have noticed how the one which has been named Council's preferred supplier doesn't deliver on time or to budget. Your Chief Officer who is very friendly with one of the staff in the contracting firm, doesn't appear to share your concerns, but is quick to make excuses for them. Senior management seem to have accepted these explanations and don't seem to be concerned. You suspect your Director may be receiving inducements. What should you do?

Report the suspicion to the Monitoring Officer.

2. EXAMPLE TWO

You are in the gym within a Council leisure facility and you notice that everyone using a piece of equipment is now complaining of back trouble. You see that one part of it is loose, but, despite reporting it to the manager of the leisure facility, nothing had happened. What should you do?

Report the matter immediately to the Head of Health & Safety under the Health & Safety policy. Allow a reasonable time for the problem to be resolved and ask about progress. If you have genuine concerns that nothing is being done, contact the Monitoring Officer.

3. EXAMPLE THREE

You work for a contractor in the staff restaurant, and over the past few weeks you notice a member of staff who doesn't seem to be paying for their food. You put this down to your error or their genuine mistake. However recently you notice the same person doing this on a daily basis. You are not sure what to do and you are worried because you did not report it the first time. What should you do?

Report the incident immediately to your Line Manager or their superior. If the concern involves your Line Manager or their Superior or your Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

4. EXAMPLE FOUR

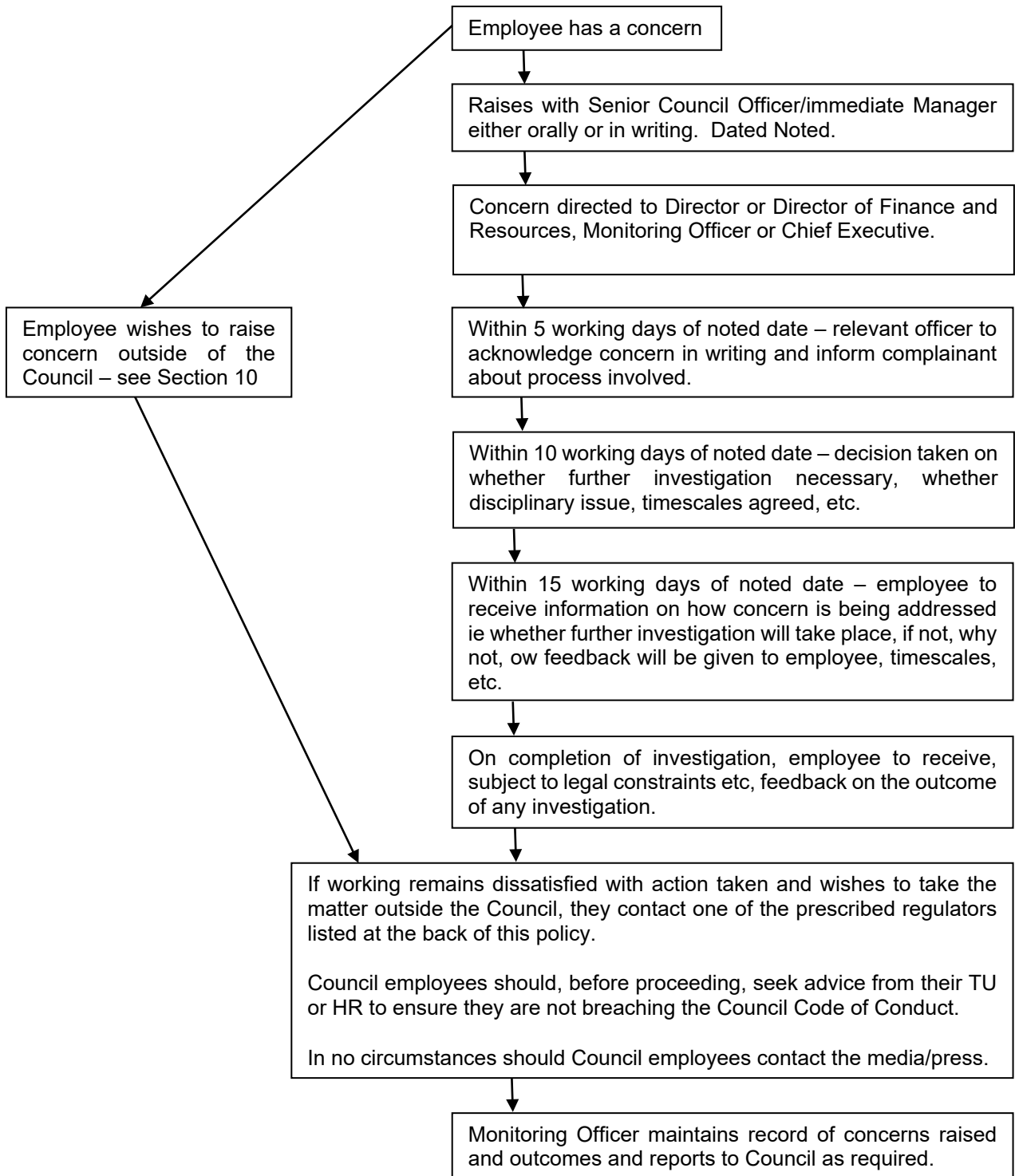
You start work at the Council in an administrative role. It isn't long before you become aware that false claims for expenses are being made by certain people in your department. What should you do?

Report the incident immediately to your Line Manager. If the concern involves your immediate Line Manager or their Superior or Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

SCHEDULE 2 – LIST OF EXTERNAL BODIES

<u>NAME & ADDRESS</u>	<u>AREA OF CONCERN</u>
Public Concern at Work Suite 306, 16 Baldwins Gardens London, EC1N 7RJ (Tel. No. 0207 404 6609)	All matters of malpractice and/or wrongdoing.
Local Government Ombudsman The Commission for Local Administration in England 10th Floor Millbank Tower Millbank London, SW1P 4QP (Tel. No. 0207 217 4620)	Maladministration – causing injustice to a member of the public.
Thames Valley Police Windsor Road Slough, Berkshire (Tel. No. 08458 505 505) or CRIMESTOPPERS Tel. (0800 555 111)	Breach of the Criminal Law
Headquarters: Fraud Squad Thames Valley Police c/o Loddon Valley Police Station Rushey Way Lower Earley, Reading Berkshire, RG6 4PS (Tel. No. 01189 181 818)	Fraud and Public Sector Corruption
The Health & Safety Executive Priestley House Priestley Road Basingstoke, Hants (Tel. No. 0845 300 9923)	Health & Safety dangers
National Customer Contact Centre P O Box 544 Rotherham S60 1BY	Environmental dangers.
Inspection Unit Unit 6, Commerce Park Brunel Road Theale (Tel. No. 01189 306 000)	Poor care practice/abuse in registered establishments, including care homes.

SCHEDULE 3 – Flowchart showing how whistleblowing matters will be handled



SLOUGH BOROUGH COUNCIL

REPORT TO:	Standards Committee
DATE:	19 July 2022
SUBJECT:	Annual Update on Members' Register of Interests and Gifts & Hospitality
CHIEF OFFICER:	Monitoring Officer
CONTACT OFFICER:	Nick Pontone, Democratic Services Lead
WARD(S):	All
EXEMPT:	No
APPENDICES:	Appendix A – summary of Register of Interests 2021/22 Appendix B – summary of Gifts & Hospitality 2021/22

1 Summary and Recommendations

- 1.1 To provide the first annual update to the Standards Committee on the Members' register of interest and declarations of gifts & hospitality in the 2021/22 municipal year.

Recommendations:

The Committee is asked to note and comment on any aspects of the report.

Reason:

Members' registering and declaring interests and receipt of gifts and hospitality is a key part of the Councillors' Code of Conduct. This report sets out the processes in relation to such declarations and the activity in 2021/22 to provide both transparency and an opportunity to review and strengthen any of the Council's processes.

Commissioner Review

"Good decision making requires openness by the decision makers of any interests they may have which could have a bearing on their rationale for the decision. We therefore fully endorse the content of this report."

2 Report**Introduction**

- 2.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interest for Members of the authority. This is to ensure that the authority, public and any other interested parties know of any interests a

councillor may have that might give rise to a conflict of interest. An accurate and up to date register is a core part of the Council's Ethical Framework, demonstrates openness and promotes accountability.

- 2.2 The Councillors' Code of Conduct in Part 5.1 of the Constitution sets out the relevant interests that should be declared and disclosed in both the register and at meetings. Members are personally responsible for registering and declaring their interests and are encouraged to seek advice from the Council's legal and democratic services officers.
- 2.3 There are three types of interest
 - Disclosable pecuniary interest (DPIs)
 - Other registerable interests
 - Non-registerable interests
- 2.4 DPIs must be registered within 28 days of election and whenever a change is required. DPIs include employment, land, directorships and contracts that may be held with the Council. The definition of these interests is shown in Appendix C. The Council also requires councillors to register and declare non-statutory interests which can include membership of outside bodies, political parties and other community bodies such as charities or school governorships.
- 2.5 The procedure at Slough Borough Council is that a councillor must complete a new registration of interest form at the start of their term of office. Any changes during the course of their term must then be notified within 28 days. The Council requires hard copy forms to be completed which must be signed and dated by the Member. The Monitoring Officer temporarily amended this process during the Covid-19 pandemic and accepted electronic submissions via email to maintain the accuracy of the register whilst the Council was operating remotely. The system has now reverted to hard copy forms only.
- 2.6 To ensure that all councillors review the accuracy of their register each year the process is being strengthened and all Members will be required to confirm they have reviewed their register and either confirm its accuracy or notify any changes on an annual basis.
- 2.7 Members must also declare any interest which relate to any matters on a meeting agenda and take any appropriate action. If a Member has a DPI they must not take any part in the decision and should leave the meeting room. Declarations, and the action taken, are recorded in the minutes and published on the Council website on each councillor's webpage. The registers for independent members are not published to recognise that these individuals are appointed as opposed to elected, however a record is kept, and the Monitoring Officer would consider whether this should be disclosed if a request was made to view it.

Activity in 2021/22

- 2.8 Appendix A shows the activity in relation to the register and declarations at meetings since the start of the 2021/22 municipal year. In summary it shows that:
 - All councillors elected or re-elected both May 2021 and May 2022 submitted a new register of interests form within the required 28 days of their election.

- A further 14 of the councillors who had not been required to submit a new register of interest form during the year, notified changes to their register during the year.
- 29 councillors made declarations at meetings. The majority of these declarations by volume related to the Planning Committee, for example a councillor declared that an application was in their ward or that they had been contacted by the applicant or an objector. In only a small minority of the total number of declarations was the interest considered by the Member to be a conflict which required them to either not take part in the decision or leave the room during consideration of the item. The minutes of meetings record whether or not a Member left the room having declared an interest.

Training

- 2.9 Annual training is provided on the Councillors' Code of Conduct, including declarations of interest. Newly elected councillors are required to complete this training before submitting their register of interest form. The councillors welcome and induction session was held on 12th May 2022. The three councillors elected for the first time were all present to receive the training and seven of the re-elected councillors received the refresher training.
- 2.10 Training was also given to the newly appointed independent person and the newly appointed independent members of Audit and Corporate Governance Committee. Whilst these individuals are not voting members of the committees, they are asked to complete a register of interest and abide by the Code of Conduct for Members in the same way as elected members are expected to.

Lesson learned and areas for improvement

- 2.11 Having conducted a review of the processes, the areas for improvement have been identified as:
- Maintaining accuracy – As stated in paragraph 2.6, a new process has been introduced this year to ensure all councillors review their register on an annual basis and confirm that is up to date or notify any changes.
 - Compliance – whilst the information provided in Appendix A provides a good level of assurance that councillors are submitting the required forms on time, updating their register when required and declaring interests at meetings, further consideration should be given to additional steps to ensuring councillors are declaring all relevant interests and taking the appropriate action when declaring an interest at a meeting. Members are strongly encouraged to seek advice if they are unsure what to declare and what action to take. Improving councillors' understanding beyond the basic processes will be a key part of future Member training, particularly following the whole council elections in 2024 when a comprehensive member induction and training programme will be run.
 - Outside bodies – councillors are required to register any outside bodies they are appointed to by the Council. Members appointed to outside bodies are reminded of the requirement to register them following their appointment.

Spot checks have revealed that there is not full compliance with this requirement. Whilst registering interests is a matter for each Member, democratic services will notify Members of any such discrepancies and require the register to be updated.

- Co-opted Members – arrangements have been put in place for the newly appointed independent person and independent members of Audit & Corporate Governance Committee. A review of the arrangements for the interests of other co-opted Members, for example to scrutiny panels, will be carried out later in the year.

Gifts and Hospitality

- 2.12 The Code of Conduct sets out the procedure for registering Members' gifts and hospitality. Councillors are advised not to accept gifts or hospitality, irrespective of the estimated value, if it could give rise to a real or substantive personal gain or reasonable suspicion of influence. However, it is recognised that there are occasions where gifts and hospitality are not refused and the Code requires Members to register any gift or hospitality with an estimated value of at least £50 within 28 days of receipt. The Code also requires members to register the refusal to accept gifts or hospitality of a significant value.
- 2.13 The Council strengthened the transparency last year and from June 2021 all registrations by Members have been published on each councillor's webpage. Older declarations are maintained in a file held by democratic services and available for public inspection. To further improve openness historic declarations of gifts and hospitality for current councillors will be added to the website by the end of August 2022.
- 2.14 Appendix B shows the gifts and hospitality declared by councillors since the start of the 2021/22 municipal year:
- There were a total of 8 declarations made by 4 councillors.
 - No declarations were made for the receipt of gifts or hospitality over an estimated value of £50.
- 2.15 The Council is not complacent about the relatively low levels of declarations of gifts and hospitality and will take further steps to regularly remind Members of their responsibilities under the Code of Conduct to declare any such matters.

3. Implications of the Recommendation

3.1 Financial implications

- 3.1.1 There are no financial implications arising from this report.

3.2 Legal implications

- 3.2.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of members' and co-opted members' interests and to make the register available for inspection and publish on the Council's website. The Relevant

Authorities (Disclosable Pecuniary Interests) Regulations 2012 set the disclosable pecuniary interests required to be registered under the Act.

3.3 Risk management implications

3.3.1 Failure to maintain an accurate register of interests could cause a reputational risk to individual councillors and the Council as a whole. The risks are mitigated by the measures detailed in this response to maintain an accurate register and ensure councillors understand their responsibilities to register and declare relevant interests.

3.4 Environmental implications

3.4.1 None.

3.5 Equality implications

3.5.1 The public sector equality duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

4. Background Papers

None

SUMMARY OF MEMBERS' REGISTER OF INTERESTS 2021/22

COUNCILLOR	Start of term of office	Register published within 28 days of taking office	Most recent update	Number of Declarations at meetings 2021/22
Zaffar Ajaib	May 2019	Yes	May 2019	7
Shaida Akbar	May 2022	Yes	May 2022	0
Sabia Akram	May 2019	Yes	June 2022	2
Safdar Ali	May 2022	Yes	May 2022	0
Rob Anderson	May 2022	Yes	May 2022	1
Balvinder Bains	May 2022	Yes	May 2022	1
Joginder Bal	May 2021	Yes	July 2022	13
Jina Basra	May 2019	Yes	Nov. 2019	3
Madhuri Bedi	May 2021	Yes	May 2021	1
Puja Bedi	May 2022	Yes	May 2022	0
Ruqayah Begum	May 2019	Yes	June 2020	0
Preston Brooker	May 2022	Yes	May 2022	6
Martin Carter	May 2021	Yes	May 2021	2
Harpreet Cheema	May 2019	Yes	June 2022	0
Haqeeq Dar	May 2022	Yes	May 2022	6
Jemma Davis	May 2021	Yes	May 2021	5
Roger Davis	May 2022	Yes	June 2022	4
Harjinder Gahir	May 2019	Yes	May 2019	5
Bally Gill	May 2021	Yes	May 2021	0
Gurdeep Grewal	May 2021	Yes	June 2022	0
Christine Hulme	May 2019	Yes	Feb. 2022	3
Iram Hussain	May 2021	Yes	May 2021	0
Kamaljit Kaur	May 2021	Yes	Jan. 2022	4
Paul Kelly	May 2019	Yes	May 2019	3
Mushtaq Malik	May 2022	Yes	May 2022	0
Sandra Malik	May 2021	Yes	May 2021	0
Pavitar Kaur Mann	May 2019	Yes	April 2022	8
Fiza Matloob	May 2022	Yes	May 2022	1
Harjinder Minhas	May 2022	Yes	May 2022	1
Maroof Mohammad	May 2019	Yes	June 2022	2
Chandra Muvvala	May 2021	Yes	May 2021	2
Mohammed Nazir	May 2019	Yes	March 2022	0
Natasa Pantelic	May 2019	Yes	June 2022	1
Dilbagh Parmar	May 2022	Yes	May 2022	0
Satpal Parmar	May 2021	Yes	July 2021	5
Naveeda Qaseem	May 2021	Yes	May 2016	0
Waqas Sabah	May 2022	Yes	May 2022	1
Atiq Sandhu	May 2021	Yes	Nov. 2021	0
Dexter Smith	May 2019	Yes	March 2021	3
Wayne Strutton	May 2021	Yes	August 2021	1
James Swindlehurst	May 2019	Yes	Feb 2022	1
Anna Wright	May 2022	Yes	May 2022	0

FORMER MEMBERS (TO MAY 2022)				
Avtar Kaur Cheema	May 2018	Yes	May 2018	7
Arvind Dhaliwal	May 2018	Yes	May 2018	0
Mohammed Sharif	May 2018	Yes	May 2018	1

SUMMARY OF MEMBERS' REGISTER OF GIFTS & HOSPITALITY 2021/22

COUNCILLOR	Number of Gifts & Hospitality Declared since May 2021 (by value)			
	Under £50	£50-500	Over £500	TOTAL
Zaffar Ajaib	0	0	0	0
Shaida Akbar	0	0	0	0
Sabia Akram	0	0	0	0
Safdar Ali	0	0	0	0
Rob Anderson	0	0	0	0
Balvinder Bains ¹	1	0	0	1
Joginder Bal	0	0	0	0
Jina Basra ¹	1	0	0	1
Madhuri Bedi	0	0	0	0
Puja Bedi	0	0	0	0
Ruqayah Begum	0	0	0	0
Preston Brooker	0	0	0	0
Martin Carter	0	0	0	0
Harpreet Cheema	0	0	0	0
Haqeeq Dar	0	0	0	0
Jemma Davis	0	0	0	0
Roger Davis	0	0	0	0
Harjinder Gahir	0	0	0	0
Bally Gill	0	0	0	0
Gurdeep Grewal ¹	1	0	0	1
Christine Hulme	0	0	0	0
Iram Hussain	0	0	0	0
Kamaljit Kaur	0	0	0	0
Paul Kelly	0	0	0	0
Mushtaq Malik	0	0	0	0
Sandra Malik	0	0	0	0
Pavitar Kaur Mann	0	0	0	0
Fiza Matloob	0	0	0	0
Harjinder Minhas	0	0	0	0
Maroof Mohammad	0	0	0	0
Chandra Muvvala	0	0	0	0
Mohammed Nazir	0	0	0	0
Natasa Pantelic	0	0	0	0
Dilbagh Parmar	0	0	0	0
Satpal Parmar	0	0	0	0
Naveeda Qaseem	0	0	0	0
Waqas Sabah	0	0	0	0
Atiq Sandhu	0	0	0	0
Dexter Smith	0	0	0	0
Wayne Strutton	0	0	0	0
James Swindlehurst ²	5	0	0	5
Anna Wright	0	0	0	0

FORMER MEMBERS (TO MAY 2022)				
Avtar Kaur Cheema	0	0	0	0
Arvind Dhaliwal	0	0	0	0
Mohammed Sharif	0	0	0	0
TOTAL	8	0	0	8

Notes:

1. Notified via email from Councillor Basra on 16th December 2021.
2. Four of these entries were submitted via a single form on 11th February 2022 for 4 occasional meals with other councillors and guests between November 2021 and February 2022 which were considered social events but declared for transparency.

Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

Slough Borough Council

Report to:	Standards Committee
Date:	19 July 2022
Subject:	Update on Government's Response to Committee on Standards in Public Life
Chief Officer:	Sarah Wilson (Monitoring Officer)
Contact Officer:	Sarah Wilson (Monitoring Officer)
Ward(s):	All
Exempt:	No
Appendices:	None

1. Summary and Recommendations

- 1.1 The purpose of this report is to provide members with an update on the Government's response to the Committee on Standards in Public Life report and recommendations arising from its review of Local Government Ethical Standards and to provide details of how these recommendations would apply in the local context of Slough.

Recommendations:

The Committee is recommended to:

- Note the update and the Council's local procedures.

Reason:

Local authorities remain accountably for implementing and applying the Seven Principles of Public Life in local government via implementing and monitoring the effectiveness of their ethical frameworks and taking action when there are breaches of this framework.

2. Report

Introduction

2.1 The Committee on Standards in Public Life published a Local Government Ethical Standards report on 30 January 2019. The committee considered whether there was a need to return to a centralised system to govern and adjudicate on standards, however it concluded that whilst the independence and consistency of the system could be enhanced, there was no need to reintroduce a centralised body. The report did contain a number of recommendations and identified best practice to improve ethical standards in local government. This included recommendations to change primary legislation, secondary legislation and the Local Government

Transparency Code. The report also included best practice recommendations for local authorities which would be a benchmark of good ethical practice.

- 2.2 The Monitoring Officer is responsible for keeping the ethical framework under review and for reporting to this committee on best practice.

Recommendations

- 2.3 On 18 March 2022, Kemi Badenock MP – Minister of State for Equalities and Levelling Up Communities – responded to Lord Evans of Weardale, the Chair of the Committee on Standards in Public Life. The following sections summarise the recommendations, the Government’s response and the situation as it applies in Slough.

Recommendation 1

The Local Government Association (LGA) should create an updated model code of conduct.

Government response: It is for individual councils to set their own local code, in line with the Localism Act 2011. The LGA published an updated model code of conduct in January 2021.

Slough context: The Council adopted the LGA’s model code of conduct in 2021.

Recommendation 2

The Government should ensure that candidates standing for or accepting public offices are not required to disclose their home address.

Government response: The Government will consider amending the regulations to achieve this aim and will consult with candidates and councillors on the best means to ensure that they are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

Slough context: The Monitoring Officer has the ability to grant a dispensation to councillors to prevent their home addresses being published on their register of interest. A number of dispensations were granted to councillors following the local election in May 2022.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media.

Government response: It is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media. There is a boundary between an elected member’s public and private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

Slough context: The Council has adopted the model code of conduct which highlights the difference between strongly felt political debate and unacceptable acts of abuse, intimidation and violence. The Code explains when a member is acting in an official capacity, which includes when a member seeks to use their position to confer an advantage.

Recommendation 4

The Localism Act 2011 should be amended to state that they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

Government response: The LGA have updated their own model code of conduct to cover action when a reasonable member of the public with knowledge of the facts could form the impression that the individual was acting as a member.

Slough context: The Council has adopted the model code of conduct and training has been delivered to elected members who were re-elected in 2022.

Recommendation 5

The Regulations on disclosable pecuniary interests should be amended to include unpaid directorships, trusteeships, management roles in a charity or a body of a public nature and membership of any organisation that seeks to influence opinion or public policy.

Government response: Unpaid roles may need to be declared if they are relevant to council business, and councillors should recuse themselves, if necessary, if discussions relate to private bodies they are involved in. The government will keep the matter under review but has no immediate plans to amend the regulations.

Slough context: The Council already requires elected members to register a wider range of interests than that covered in the regulations. Elected members should seek advice of the Monitoring Officer if they are unclear on which interests they should register and declare at a meeting and whether they should participate in a meeting.

Recommendation 6

Local authorities should establish a register for gifts and hospitalities with set amounts as set out in their code of conduct.

Government response: The LGA model code includes a requirement to register gifts and hospitalities with an estimated value of at least £50. The Government agrees that there is merit in the register being publicly available.

Slough context: The Council has adopted the model code of conduct and provided training to members who were elected in 2022 on the requirement to register gifts and hospitalities. The code also requires registration of any gift or hospitality that has been offered but refused and states that elected members should refuse any gift or hospitality, irrespective of estimated value, where this could give rise to a real or substantive personal gain or reasonable suspicion of influence.

Action: The Monitoring Officer will review the arrangements and consider whether the register should be published or reported on a regular basis to this committee as part of the Council's commitment to transparency.

Recommendation 7

The Localism Act should be amended in relation to disclosable pecuniary interests.

Government response: There are no plans to repeal the provision in relation registration of disclosable pecuniary interests, which include an obligation to register pecuniary interests of a councillor's spouse or partner where these are known.

Slough context: The Council has adopted the model code of conduct which requires registration of a wider range of interests and declaration of interests and non-participation in meetings in specified circumstances. As non-registration of a disclosable pecuniary interest is a criminal offence, it is right that the list is specific so there is clarity on whether an offence has been committed.

Recommendation 8

The Localism Act should be amended to require that independent persons are appointed for a fixed term of two years, renewable once.

Government response: This is more appropriate to be implemented as a best practice recommendation. The above rate of turnover may be unachievable, bearing in mind the small pool of people capable and willing to undertake the role. The role of the independent person is quite demanding, but unpaid and therefore individuals may be unwilling to take it on with these limitations in place.

Slough context: The Council has appointed a new independent person for a term of 4 years. The Council will advertise the role on a 4 year basis or when there are vacancies, but it is appropriate to have discretion to agree a longer term of a particular individual if there are no suitable candidates to replace them.

Recommendation 9

The Local Government Transparency Code should be updated to provide that the view of the independent person should be formally recorded in any decision notice or minutes.

Government response: The Government does not agree. The suggestion has merit but will depend on circumstances. Where there is a determination of no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Slough context: The Monitoring Officer agrees that the level of detail published in relation to a complaint should be considered on a case by case basis. The Monitoring Officer has confirmed with the Independent Person that he should provide their comments in writing, so there is a written record of his view, however fairness may not require details of these comments to be published.

Recommendation 10 to 16

The recommendations relate to a sanction of suspension, having voting independent members and voting parish councillors and having a right of appeal to the Local Government Ombudsman which is binding on the local authority.

Government response: A deliberate policy decision was taken not to include a power of suspension in the Localism Act. The sanctions in the current regime are deemed sufficient, including censure and barring from specific roles. In addition where a member is part of a political group, the political group can take action under its own disciplinary procedures. The Government will engage with sector representative groups to seek views on strengthening sanctions for breaches which fall below the bar of criminal activity, but involve serious incidents of bullying and harassment or disruptive behaviour.

Slough context: Details of breaches of the code of conduct are reported to committee, with themes addressed. In addition the Monitoring Officer meets the leaders of the two political parties and would discuss any complaint received where it may be appropriate for the political party to consider investigating and taking action in accordance with party disciplinary procedures.

Recommendation 11

Local authorities should provide legal indemnity to independent persons if their views or actions are disclosed.

Government response: The government agrees in principle, but does not consider that there is a need to require this through secondary legislation.

Slough context: The Council has a relatively low level of complaints that require formal investigation. The provision of a legal indemnity can be considered on a case by case basis.

Recommendation 15

The Local Government Transparency Code should be updated to require councils to publish annually the number of code of conduct complaints they receive, what the complaints broadly relate to, the outcome of those complaints, including if they are rejected as trivial or vexatious and any sanctions applied.

Government response: This is better addressed as best practice. The form and content of annual reports are a matter for local authorities to determine.

Slough context: The committee will receive regular, more than annual, updates on code of conduct complaints and themes, including complaints that have not been referred for a formal investigation. There is a separate report on this committee's agenda.

Recommendation 17

The Government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be in legislation.

Government response: The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. The government will consider this further.

Slough context: The Council's code of conduct includes the above as a sanction.

Recommendation 18

The criminal offences in the Localism Act relating to disclosable pecuniary interests should be abolished.

Government response: The criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption, is a necessary and proportionate safeguard and deterrent against corruption. The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Slough context: Member training has reminded elected members of the requirement to register interests and the criminal offence that will be committed if DPIs are not

correctly registered. Reminders are sent out to elected members on an annual basis to ensure they check their register and update it.

Recommendation 20

The Localism Act should be amended to state that parish councils must adopt the code of conduct of their principal authority or the model code.

Government response: The government does not agree that this is necessary and has no plans to repeal the Localism Act. This is a matter for local determination.

Slough context: There are three parish councils within the borough of Slough and it is a matter for elected members of those councils to determine the appropriate code of conduct for their authority.

Recommendation 21

The Localism Act should be amended to state any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant parish council.

Government response: The government has no plans to repeal the legislation, but will give this matter further consideration.

Slough context: This is a matter for the national government to consider.

Recommendation 22

Legislation should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

Government response: The government agrees in principles with this recommendation and recognises this will be pertinent to monitoring officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the other two statutory officers and who may be subject to personal pressures when conducting high profile breach of conduct investigations. The Government will engage with sector representative bodies of all tiers of local government to seek views on this.

Slough context: The three statutory governance officers are key to assisting the Council to improve its governance arrangements and ensure the ethical framework is effective. These officers support each other. In addition there is an active Berkshire Monitoring Officer group for the purposes of sharing best practice and supporting each other.

Recommendation 23

The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

Government response: Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites and government recommends this as a best practice recommendation. The government will work with local government to advance transparency in the sector and to solidify transparency policies and processes and encourage proactive publication of open data across councils.

Slough context: The Council's whistleblowing policy has been reviewed by the Monitoring Officer and is subject to a separate report on this agenda. The monitoring officer email address is provided in the updated policy. In addition a list of national bodies are listed in the schedule for specific types of complaint.

Action: The Monitoring will discuss with the chief finance officer and the external auditor whether a named contact for the external auditor can be published on the website. It is not advisable for this to be published in the whistleblowing policy as the named contact may change over time and the policy may not be updated to reflect this.

Recommendation 24

Councillors should be listed as "prescribed persons" for the purposes of whistleblowing complaints

Government response: Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing. Local councillors are not external to the workplace. The government is open to further representations on the matter on how local accountability can be strengthened in this regard.

Slough context: The Council has a member officer relations code which contains guidance for elected members on what to do if they are concerned about an officer's conduct. Local councillors are not independent of the Council and there is a risk that their role could become confused. Elected members can utilise the provisions of the whistleblowing policy to raise any concerns.

2.4 In addition to formal recommendations to Government, the Committee also made some best practice recommendations, which have been reviewed by the Monitoring Officer. Most of the best practice recommendations have been covered in the model code of conduct, which the Council adopted last year. Best practice recommendations that have not been adopted include:

- (a) Publication of a register of gifts and hospitalities. This is covered by an action above.
- (b) Local authorities should have access to at least two independent persons. The Council only has one independent person, which is deemed sufficient for the level of complaints received. The Council's Monitoring Officer is part of a Berkshire wide group and there may be opportunity to share independent persons if the need arises.
- (c) Procedures in place to address any conflicts of interest when undertaking a standards investigation. Whilst there are no formal procedures in place, the Berkshire authorities can utilise the services of monitoring officers from another Berkshire council if a conflict of interest arises.
- (d) Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and the separate bodies should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible format. The Council is undertaking reviews of the governance arrangements for all its owned companies and connected entities. It is planned to report the findings to cabinet later this year.
- (e) Senior officers should meet regularly with political group leaders or group whips to discuss standards issues. The three statutory governance officers have regular meetings with the leaders of the two political parties. In addition, the

commissioners have taken steps to ensure the leader of the opposition is involved in the internal improvement and recovery board.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 Accepting the recommendation will not involve any additional expenditure.

3.2 Legal implications

3.2.1 The Localism Act 2011 changed the system for maintaining standards amongst elected members by removing the Standards Board and placing responsibility with individual local authorities. Section 27 place a duty on local authorities to ensure that their members and co-opted members maintain high standards of conduct and require them to adopt a code of conduct for their members.

3.2.2 Section 28 confirms that the adopted code should be consistent with the seven “Nolan” principles of standards in public life and must set out the rules that the authority wants to put in place in relation to registering and disclosing pecuniary and non-pecuniary interests. The Council adopted the LGA’s model code of conduct in 2021.

3.2.2 Section 28 also requires local authorities to put in place arrangements under which it can investigate an allegation of a breach of the code made in writing and, if it considers that it warrants investigation, requires that the authority appoint at least one independent person whose views must be sought after it has made an investigation and before it takes a decision. The Council appointed Mr R Tomkinson as the Council’s independent person from 19 May 2022.

3.2.3 The Standards Committee will assist the Council to meet its duty under s.27 of the Act to maintain high standards of conduct by members and co-opted members. Its core functions include advising on the adoption or revision of the Council’s ethical framework including the code of conduct and to monitor the operation of the same. The Monitoring Officer should produce bi-annual reports on member conduct complaints and an annual report on declarations of interest.

3.3 Risk management implications

3.3.1 Having an effective code of conduct in place setting out the standards of behaviour for elected members and an effective system for managing and monitoring such behaviour is a key part of the Council’s ethical framework and risk management system. As a public body, the Council should act lawfully and in the public interest and failing to do so opens it up to challenge. Decisions of the council can be challenged where they have not been made on a rational basis or having followed a fair process. Ensuring that elected members take decisions in an appropriate and properly informed way, including declining to take part in decision-making when they have a relevant interest, will help ensure fair and lawful decisions and reduce the risk of successful legal challenge.

3.4 Environmental implications

3.4.1 There are no specific environmental implications arising from this decision.

3.5 Equality implications

- 3.5.1 Section 149 of the Equality Act 2010 requires public bodies to pay due regard to the need to
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and those who do not.
- 6.3 The Code of Conduct requires members to promote equalities and not discriminate unlawfully against any person. It explains the central role that elected members have in ensuring that equality issues are integral to the Council's performance and strategic aims and that there is a strong vision and public commitment to equality across public services.

4. Background Papers

None.

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