

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



Contact Officer:
Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

To: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted Members:

David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd and Ian Papworth

2 January 2024

Dear Sir/Madam

NOTICE OF REMOTE MEETING
STANDARDS COMMITTEE
MONDAY, 8TH JANUARY, 2024 at 6.30 PM

Please note that a training session will be held from 6.00pm to 6.30pm

Yours faithfully

Steven Goodrum
Democratic Services Manager

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 5 - 14)

Purpose: To confirm as a correct record the minutes of the meetings held on 6 November and 4 December 2023.

ITEMS FOR DECISION

4 DISPENSATIONS

Purpose: To receive any requests for dispensations.

Members of the press/public will be able to remain at the meeting whilst an application for dispensation is presented to the Committee and will be able to return to hear the Committee's decision. However, under Paragraph 18C Schedule 12A Local Government Act 1972 the Committee will exclude the press and public from the meeting whilst it deliberates on any application for a dispensation.

5 CONFIDENTIAL WHISTLEBLOWING PROCEDURE (Pages 15 - 34)

Purpose: Rolling Review of the Confidential Whistleblowing Procedure

6 REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN & COMMUNITY COUNCILS

Purpose: To receive verbal reports from independent members of the Committee on their visits to the following councils:

- Higher Kinnerton Community Council – revisit - (Ian Papworth 21.11.23)

7 REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS

- Purpose:** To receive verbal reports from Independent Members of the Committee on their visits to the following meetings:
- 15.11.23 - Community and Housing Overview and Scrutiny Committee (Julia Hughes)
 - 29.11.23 – Clwyd Pension Fund Committee (Mark Morgan)
 - 06.12.23 – Flintshire County Council (Julia Hughes)
 - 14.12.23 – Corporate Resources Overview and Scrutiny Committee (Mark Morgan)

ITEMS FOR INFORMATION

8 FORWARD WORK PROGRAMME (Pages 35 - 38)

- Purpose:** For the Committee to consider topics to be included on the attached Forward Work Programme.

9 OVERVIEW OF ETHICAL COMPLAINTS (Pages 39 - 50)

- Purpose:** That the Committee notes the number and type of complaints.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

The following appendix is considered to be exempt by virtue of Paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The appendix relates to a particular individual and the public interest in withholding the information outweighs the public interest in disclosing the information.

10 OVERVIEW OF ETHICAL COMPLAINTS - APPENDIX 2

- Purpose:** A copy of the appendix will be available to members of the Standards Committee only.

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

This page is intentionally left blank

STANDARDS COMMITTEE **6 NOVEMBER 2023**

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 6 November 2023

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted members: David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd and Councillor Ian Papworth

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:

Shaun Jones, Clerk of Buckley Town Council; Councillor Chrissy Gee of Broughton & Bretton Community Council; Councillor Patricia Davies of Brynford Community Council; Councillor Arnold Woolley of Buckley Town Council; Councillor Steve Copple of Caerwys Town Council; Councillor David Roberts of Halkyn Community Council; Councillors Janet Axworthy, Bill Cooper and Dave Mackie of Hawarden Community Council; Liz Corner (Clerk) and Councillor Chris Upton of Higher Kinnerton Community Council; Councillor Ian Hodge of Holywell Town Council; Tracey Brown (Clerk) and Councillors Penny Brett-Roberts, Barrie Gregory, Eileen Gregory, Ros Griffiths, Richard Lloyd, Mark Robinson, Kim Shallcross and Jason Shallcross of Saltney Town Council; Councillors Barry Jones, Allan Marshall and Mark Thornton of Treuddyn Community Council; Councillor Richard Dolphin of Whitford Community Council; Sharron Jones, Clerk of Broughton & Bretton Community Council and Hawarden Community Council; Phillip Parry, Clerk of Caerwys Town Council, Halkyn Community Council and Whitford Community Council; and Carolyn Thomas, Clerk of Llanfynydd Community Council and Treuddyn Community Council

IN ATTENDANCE: Monitoring Officer and Democratic Services Officer

30. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Andrew Parkhurst declared a personal and prejudicial interest on minute number 41 which was an urgent confidential item to be discussed at the end of the meeting, as agreed by the Chair. Councillor Parkhurst left the meeting prior to the start of that item. Councillor Antony Wren declared a personal interest on the same item.

31. MINUTES

The minutes of the meeting held on 4 September 2023 were approved, as moved and seconded by Jacqueline Guest and David Davies, subject to the following amendments:

Minute 25, final paragraph: to remove the word 'Councillor' from reference to Jacqueline Guest.

Minute 26, penultimate paragraph: to re-word the second sentence for clarity.

RESOLVED:

That subject to the two amendments, the minutes be approved as a correct record.

32. DISPENSATIONS

None received.

33. ITEMS RAISED BY TOWN AND COMMUNITY COUNCILS

Town and Community Councils had been given the opportunity to raise any items in advance of the meeting.

On behalf of Broughton & Bretton Community Council, Sharron Jones shared a document which encouraged all local councils to sign the Civility and Respect Pledge as endorsed by the Society of Local Council Clerks (SLCC), National Association of Local Councils (NALC) and One Voice Wales. The Pledge had been introduced to enable local councils to demonstrate their commitment to stand up to poor behaviour across the sector and to enforce positive changes in support of civil and respectful conduct.

As requested by the Chair, the Monitoring Officer agreed to contact Clerks to identify the number of Town and Community Councils in Flintshire signing up to the Pledge.

34. REPORTS FROM THE INDEPENDENT MEMBERS' VISITS TO TOWN AND COMMUNITY COUNCILS

The Monitoring Officer presented a report which summarised common themes arising from Independent Members of the Committee observing meetings of Town and Community Councils over the past 12 months. The report reiterated the purpose for the visits and included written feedback shared with councils during the period.

In response to questions, the Monitoring Officer provided clarification on declarations of interest. It was explained that dispensations could last a maximum of 12 months. As only the councillor who applied for the dispensation would know whether the personal and prejudicial interest still pertains, the onus rests with them to seek a renewal of any dispensation.

Town and Community Councils were thanked for welcoming the Independent Members at the meetings.

The Chair suggested that examples of positive practices observed at the meetings could also be reflected in the report. On that basis, the

recommendations were moved and seconded by Mark Morgan and Councillor Teresa Carberry.

RESOLVED:

- (a) That the report include examples of good practice observed at the meetings; and
- (b) That the report is circulated to all Town and Community Councils in Flintshire and the common themes and suggestions at paragraph 1.04 of the report are endorsed as recommendations of best practice to those councils.

35. REPORTS FROM INDEPENDENT MEMBER VISITS TO FLINTSHIRE COUNTY COUNCIL MEETINGS

The Chair explained that Independent Members had agreed a rota for attending and observing formal meetings of the County Council for 2023/24, similar to the arrangement undertaken for Town and Community Council meetings. She invited the Independent Members to present their reports on the first of those visits which had taken place, as follows:

- David Davies - Environment & Economy Overview & Scrutiny Committee on 10 October
- Gill Murgatroyd - Cabinet on 17 October
- David Davies - Education, Youth & Culture Overview & Scrutiny Committee on 19 October
- Mark Morgan - Flintshire County Council on 24 October

The following key points were raised from those visits:

- Meetings were generally well chaired.
- Agendas were well structured and included an item on declarations of interest.
- That officers attending meetings should be introduced by their roles and that job titles should be displayed in remote meetings to assist observers.
- In response to the issues observed at one meeting, to remind Councillors that they should choose their words carefully as whilst opinions differed, it is important to remain respectful and courteous so that public meetings are conducted in a professional manner and do not undermine confidence in the Council.

During discussion on the latter point, reference was made to the earlier item on the Civility and Respect Pledge by local councils. Gill Murgatroyd suggested that Independent Members observing future County Council meetings may wish to identify continuing themes in order to consider potential action such as raising concerns with the relevant Group Leader.

The Monitoring Officer confirmed that feedback from the visits would be shared in a communication to all Members. This was moved and seconded by Gill Murgatroyd and David Davies.

RESOLVED:

That the Committee notes the verbal feedback to be shared with all Members.

36. ROLLING REVIEW OF THE MEMBERS' CODE OF CONDUCT

The Monitoring Officer presented a report on the Members' Code of Conduct which was due for review as part of the rolling programme.

Since the last review in November 2022, all authorities in Wales had agreed to adopt a common value of £25 as the threshold for registering gifts and hospitality, as recommended by the Penn Review. This was the only recommended change to the Code of Conduct.

The recommendation was moved and seconded by Councillors Antony Wren and Andrew Parkhurst.

RESOLVED:

That the Committee amends the value above which gifts and hospitality must be registered from £10 to £25.

37. SUGGESTED ITEMS FOR THE NATIONAL FORUM FOR CHAIRS OF STANDARDS COMMITTEES

The Chair sought items for the agenda of the National Forum for Chairs of Standards Committees scheduled for January 2024. The following suggestions were agreed:

- To ask when the All Wales Conference for Standards Committee would take place.
- To seek an update on progress in adopting the consistent threshold for declaring gifts and hospitality in Wales.
- To seek views on whether Group Leaders are permitted to sit on Standards Committees across Wales, given the new duty on promoting ethical behaviour.
- To promote the Civility and Respect Pledge.
- To share learning from observation visits to meetings which may assist other councils.
- To identify any guidance on the use of social media other than that produced by the Welsh Local Government Association (WLGA).

The above items were moved by Councillor Teresa Carberry and seconded by Mark Morgan.

RESOLVED:

That the suggested items be put forward for inclusion on the agenda of the next meeting of the National Forum for Chairs of Standards Committees.

38. FEEDBACK FROM THE ETHICAL LIAISON MEETING

The Monitoring Officer presented the report which summarised feedback from the Ethical Liaison meeting held on 6 October 2023 attended by the Committee's Chair and Vice-Chair, the Leader of the Council and Group Leaders.

The recommendation was moved and seconded by Gill Murgatroyd and Councillor Ian Papworth.

RESOLVED:

That the Committee oversees the development of a training programme for County Councillors and Group Leaders.

39. FORWARD WORK PROGRAMME

The following suggestions were received:

- Feedback from meetings of the National Standards Forum to be moved to the March meeting.
- Feedback from Independent Member attendance at County Council meetings to be included for March and June 2024.
- Feedback from the All Wales Standards Conference to be scheduled once the date is known.

In response to comments from Gill Murgatroyd, the Monitoring Officer would circulate the agreed process for preparing the annual report scheduled for June 2024.

The changes were moved and seconded by Mark Morgan and Councillor Ian Papworth.

RESOLVED:

That the Forward Work Programme, as amended, be approved.

40. URGENT ITEM - LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

Exclusion of the press and public was moved and seconded by Councillors Antony Wren and Ian Papworth. At this point, all Town and Community Council representatives left the meeting along with Councillor Andrew Parkhurst who had declared a personal and prejudicial interest.

The Monitoring Officer referred to a confidential document which had been shared with the Committee, summarising reasons for the dismissal of a complaint by the Public Services Ombudsman for Wales (PSOW). The PSOW had permitted the document to be shared with the Committee Members who were asked to consider whether any communication was required in respect of learning from the matter.

During discussion, there was consensus that whilst the Standards Committee respected political debate and freedom of speech, there must be an appropriate balance of compliance with the Code of Conduct. The Committee felt it was important to urge all Councillors to treat each other with respect and courtesy, including officers carrying out their duties within the Chamber, and to reflect on how their words and actions may be perceived, to ensure that confidence in the Council is not undermined. To support Members in their role, information on the training and development programme would be shared.

It was agreed that a communication to all Members should reflect the Committee's views on the case, together with concerns about feedback from the recent County Council meeting, as referred to earlier in the meeting.

RESOLVED:

- (a) That the Monitoring Officer write to all County Councillors (copied to the Standards Committee) to convey the Committee's concerns following consideration of feedback from a recent visit to a County Council meeting and the findings of a PSOW case; and
- (b) That once visits to County Council meetings had been completed for the 2023/24 municipal year, the Committee would review the situation to assess if further visits were required.

41. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

None.

(The meeting started at 6.30pm and ended at 9pm)

.....
Chair

STANDARDS COMMITTEE
4th DECEMBER 2023

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 4th December 2023

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted members: David Wynn Davies, Mark Morgan, Gill Murgatroyd and Councillor Ian Papworth

IN ATTENDANCE: Legal Services Manager, Team Leader – Democratic Services and Clare Hardy, Partner at Geldards Solicitors.

APOLOGIES: Jacqueline Guest

42. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

43. ADOPTION OF PROCEDURE FOR DEALING WITH A REPORT REFERRED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) REGARDING ALLEGATIONS OF BREACH OF A CODE OF CONDUCT FOR MEMBERS

The Legal Services Manager introduced the report and explained that the Standards Committee was responsible for dealing with reports that were referred to the Council's Monitoring Officer by the Public Services Ombudsman for Wales under section 69 of the Local Government Act 2000.

Such a referral is made after the Ombudsman has carried out an investigation into and had concluded that there is evidence suggestive of an alleged breach of the authority's code of conduct for members.

When the Standards Committee received a report, it must deal with such a report in accordance with the requirements of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

The Standards Committee did not currently have a procedure for dealing with reports that were referred to it for determination. The Council had received a report from the Public Services Ombudsman for Wales and was referring it to the Standards Committee for determination. The Standards Committee therefore needed to adopt a procedure to deal with the immediate report and for any reports that may be referred to the Standards Committee in the future.

The appendix to the report outlined out a recommended procedure.

Following a discussion and clarification of some points, the following amendments to the procedure were agreed:

- Paragraph 2.1 – the two key elements to be bullet pointed
- Paragraph 4.2 – removal of the words ‘will be informed’
- Paragraph 4.3 – include (g) and the wording ‘Whether the Ombudsman requires the hearing to be conducted in Welsh’
- Paragraph 4.6 – full stop after the word ‘Council’, delete the word ‘and’, then start the next sentence with ‘The’
- Covering report to be consistent with 5.1 in relation to training and refer to four years

RESOLVED:

That the procedure set out in Appendix 1 to the report, with the amendments as outlined above, for dealing with reports regarding alleged breaches of a local authority’s code of conduct for members be adopted.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded for the remainder of the meeting for the following item by virtue of exempt information under paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

44. PRELIMINARY MATTERS ARISING FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) INTO AN ALLEGED BREACH OF THE CODE OF CONDUCT FOR MEMBERS

The Legal Services Manager introduced the report and explained that item required consideration of a referral from the Public Services Ombudsman for Wales (PSOW) relating to an alleged breach of the Code of Conduct.

Committee were required to determine either:

- there was no evidence of any failure to comply with the Code of Conduct;
- or that the Councillor who was the subject of the complaint should be given the opportunity to make representations to the Committee either orally or in writing in respect of the findings of the investigation.

RESOLVED:

- (a) That a person who is the subject of the investigation must be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of any allegation of a failure to comply with the relevant authority's code of conduct; and

- (c) That the Legal Services Manager be authorised to communicate with the subject member and to make arrangements for the subject member to make representations, instructing external legal advisers where necessary.

45. **MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

None.

(The meeting started at 6.00pm and ended at 8.30pm)

.....

This page is intentionally left blank



STANDARDS COMMITTEE

| | |
|------------------------|---------------------------------------|
| Date of Meeting | Monday, 8 January 2024 |
| Report Subject | Confidential Whistleblowing Procedure |
| Report Author | Chief Officer Governance |

EXECUTIVE SUMMARY

The council has a “whistle blowing” procedure to enable concerns to be raised in a confidential manner with the authority for investigation. Although the procedure is born out of the Public Interest Disclosure Act 1998, that legislation applies only to employees and the council’s procedure is open to anyone for greater transparency.

The procedure is long standing. It has been reviewed a number of times since it was introduced. Whilst some small changes are recommended these are not issues of principle or substance, and reflect the need to fine tune the wording in response to experience of how the procedure works in practice.

This report is part of the committee’s regular review of policies to ensure that they remain up to date and pertinent.

RECOMMENDATIONS

| | |
|---|--|
| 1 | That the recommended changes are made to the procedure |
|---|--|

REPORT DETAILS

| | |
|-------------|--|
| 1.00 | EXPLAINING THE WHISTLEBLOWING PROCEDURE |
| 1.01 | The Council has a whistle blowing procedure to enable people to raise with it concerns about possible unlawful action, fraud etc. Ideally employees would raise any issues with their line manager for either assurance to be given or action to be taken. This procedure also gives employees a |

| | |
|------|---|
| | mechanism to raise concerns that they do not feel able to discuss with their line manager. Those concerns can be raised confidentially, and employees will not suffer detriment by raising their concerns using this procedure. This satisfies the requirements of the Public Interest Disclosure Act 1998 ("PIDA"). |
| 1.02 | The procedure also extends to all contractors and indeed the public at large so anyone can raise issues with the Council for an investigation to take place. This is beyond the scope of PIDA and complicates the procedure slightly but that is felt to be justified by the public interest in learning of such issues. Again, concerns can be raised confidentially. |
| 1.03 | <p>Currently the procedure says that at our discretion we will accept anonymous allegations. The reason for that is because "we would prefer that you raised serious concerns anonymously than not at all". However, anonymous allegations</p> <ol style="list-style-type: none"> 1) are more difficult to investigate because we cannot seek further explanation or clarification; and 2) are more time consuming to investigate because we have to investigate all possible options to address what we think might be the issue, rather than focussing on what might actually be quite a specific point; and 3) might be raised for malicious reasons. <p>For these reasons it suggested that we remove the ability to make anonymous complaints from the procedure.</p> |
| 1.04 | There are a number of minor changes such as phraseology or updates to be made to the procedure which are marked as tracked changes in Appendix 1. |

| | |
|-------------|--|
| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | Removing the ability to submit anonymous allegations would alleviate pressure on the Internal Audit service which carries out the investigations and which is losing a post in order to help balance the budget next year. |

| | |
|-------------|---|
| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 3.01 | Senior officers have been asked for comment. The Governance and Audit Committee will also be asked for its views prior to reporting to the Constitution and Democratics Services Committee and, ultimately, Full Council. |

| | |
|-------------|--|
| 4.00 | RISK MANAGEMENT |
| 4.01 | The whistle blowing procedure is itself a mitigation measure against the risk of fraudulent, illegal or unethical behaviour. The council is unusual in |

| | |
|--|---|
| | extending its policy to everyone and not just employees. The Council is also one of very few organisations to have whistleblowing as a “report it” function on its website. Both factors serve to maximise the “reach” and impact of the policy |
|--|---|

| | |
|-------------|--|
| 5.00 | APPENDICES |
| 5.01 | Appendix 1 – Whistleblowing Procedure with tracked changes |

| | |
|-------------|---|
| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | None Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk |

| | |
|-------------|---|
| 7.00 | GLOSSARY OF TERMS |
| 7.01 | Public Interest Disclosure Act 1998 - An Act to protect individuals who make certain disclosures of information in the public interest; to allow such individuals to bring action in respect of victimisation. |

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

**(Excluding staff employed by School Governing
Bodies)**

Whistleblowing Policy

December 2019

Contents

| | | |
|-----|--|----|
| 1. | Introduction | 2 |
| 2. | The Council's Commitment | 2 |
| 3. | Aims of the Policy | 2 |
| 4. | Definitions | 3 |
| 5. | Scope of the Policy | 4 |
| 6. | Independent Advice | 5 |
| 7. | Confidentiality | 5 |
| 8. | Reporting Procedures | 5 |
| 9. | The Council's Response | 6 |
| 10. | Appeals | 7 |
| 11. | Alternative Reporting Procedures | 7 |
| 12. | Legal Protection | 8 |
| 13. | Responsibilities | 8 |
| 14. | Other related Policies | 10 |
| | Appendix A – Example of Concerns | 11 |
| | Appendix B – Contact Details for Reporting a Concern | 12 |
| | Appendix C – Alternative Contact Details | 13 |
| | Appendix D – Flow Chart | 14 |

| | |
|--|---|
| Policy Owners | Internal Audit Manager and Senior Manager, Human Resources & Organisational Development |
| Date Implemented | April 2007 |
| Date Last Reviewed | April 2014 |
| Current Review: | |
| Approved by Audit Committee (<i>Version 1.9</i>) | February 2019 |
| Approved by Constitution and Democratic Services Committee (<i>Version 1.10</i>) | June 2019 |
| Approved by Council (<i>Version 2</i>) | December 2019 |

1. Introduction

- 1.1 Flintshire County Council (the Council) encourages a free and open culture in dealings between its managers, employees and all people with whom it engages in business and legal relations. In particular, the Council recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the organisation's success ensured.
- 1.2 The Council aims to create an environment where an individual (employees or member) or a third party (supplier / contractor/volunteers) feels able to share their concerns internally in confidence and does not suffer any detriment or victimisation as a result of making a protected disclosure.
- 1.3 Flintshire County Council are committed to this policy and to maintaining high ethical standards. If you raise a genuine concern under this policy, your concern will be taken seriously and you will not be at risk of losing your job or suffering any form of retribution as a result, even if the concern proves to be unfounded.

2. The Council's Commitment

- Individuals who reasonably believe that the disclosure they are making is true will not face sanctions.
- Anybody attempting to deter individuals from raising concerns or victimising them for doing so may be subject to disciplinary action.
- At the same time someone who maliciously raises a matter they know is untrue may also be subject to disciplinary action (where applicable).

3. Aims of the Policy

- 3.1 This policy sets out how to make a disclosure under the Public Interest Disclosure Act 1998. This policy is designed to provide guidance to all those who work with or within the Council, who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence.
- 3.2 This Policy ensures that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- 3.3 Procedures for raising concerns internally (within the Council), members and externally are given. When raising concerns internally we would encourage you to follow procedures 1 and 2 but if you feel you cannot do

so, please follow the procedure 3 rather than doing nothing. For members and concerns raised externally procedure 3 should be followed.

- 3.4 This policy should be read in conjunction with the Council's Anti-Fraud and Corruption Strategy and the Fraud and Irregularity Response Plan which can be found on the Council's website and Infonet.

4. Definitions

- 4.1 Whistleblowing is the raising of concern, either within the workplace or externally, about a danger, risk, malpractice, ~~wrongdoing~~ or unethical practices which affects others. It is primarily for concerns where the interests of others or the organisation itself are at risk, and should not nebe used to handle service complaints.

- 4.2 **Fraud:** for the purpose of this policy fraud refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for him/herself or another, or cause loss to another, or expose another to risk of loss. The term 'fraud' encompasses:

- Fraud by false representation;
- Fraud by failing to disclose information; and
- Fraud by abuse of position.

Descriptions of the above can be found within the Fraud Act 2006.

- 4.3 **Corruption:** for the purpose of this policy corruption refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to the Authority or the rights of others. Examples include accepting bribes or incentives during procurement processes and/or seeking to influence others.

- 4.4 **Malpractice:** for the purpose of this policy malpractice refers to actions which may be:

- illegal, improper, negligent or unethical;
- in breach of a professional code and ethics;
- possible maladministration, fraud or misuse of public funds; or
- acts which are otherwise inconsistent with the Officers Code of Conduct and Members Code of Conduct.

- 4.5 **Irregularity:** Any administrative or financial mismanagement that comes about either by act or omission.

~~Minister of the Crown – means the holder of an office in His Majesty's Government in the United Kingdom and includes the Treasury, the Board of Trade and the Defence Council.~~

- 4.6 This policy does not include grievances about your personal position. If you have a complaint that relates to personal disputes or your own terms and conditions of employment, this should be raised initially with your line manager and if the issue is not resolved by your line manager, the Grievance Policy should be followed.

5. Scope of the Policy

- 5.1 This policy applies to all workers (including centrally employed teachers) of Flintshire County Council (As defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice e.g. NEWydd, Aura. The policy also applies to Members and Third Party individuals who work with the Council.
- 5.2 Workers are defined as employees, agency workers, people that are training with Flintshire County Council but are not employed and self-employed workers.
- 5.3 Members must, under the Model Code of Conduct (Wales) Order 2008, report through the Council's confidential reporting procedure, any conduct by another member or anyone who works for, or on behalf of, the Council which they believe involves or is likely to involve criminal behaviour.
- 5.4 **Members should follow Procedure 3 of the Reporting Procedure detailed in Section 8 of this policy.**
- 5.5 Third party individuals are defined as partners, consultants, suppliers, contractors, volunteers and employees of Council suppliers and contractors (who are employed to deliver a service / goods to the Council).
- 5.6 The Public Interest Disclosure Act 1998 applies to all workers within the Council. The Council is also committed to ensuring that any third party or contractor who raises a concern under this Policy will not be harassed or victimised as a result.
- 5.7 **Third party individuals should follow Procedure 3 of the Reporting Procedure detailed in Section 8 of this policy.**
- 5.8 Additionally if concerns raised relate to modern slavery and trafficking or any safeguarding issues Social Services should be contacted on 01352 701053 (Children) or 01352 702540 (Adults).
- 5.9 This procedure applies to, but is not limited to, allegations about any of the following:
- Conduct which is an offence or breach of the law;

- Alleged miscarriage of justice;
- Serious Health and Safety risks;
- The unauthorised use of public funds;
- Possible fraud, corruption or malpractice;
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users. This includes concerns relating to modern day slavery and human trafficking;
- Abuse of authority;
- Other unethical conduct e.g. Criminal activity within supply chains, employment practices within the Council or of suppliers / contractors of the Council.

6. Independent Advice

6.1 If you are unsure whether to use this policy or you want independent advice at any stage you should contact:

- The HR Department.
- Your Trade Union representative.
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

7. Confidentiality

7.1 We recognise that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example, this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal ~~proceedings~~, proceedings or may be required to give evidence in a disciplinary hearing. In such as case the matter will be discussed with you in the first instance. It is also possible that the investigation itself may serve to reveal the source of information, although this will be avoided where possible.

7.2 This policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. However, we would prefer that you raised serious concerns anonymously than not at all. Anonymous allegations will be considered at the discretion of the Council.

8. Reporting Procedure

8.1 As an employee of the Council, when raising a concern you follow the reporting **PROCEDURES** described in paragraph 8.3 below and as detailed in Appendix D.

8.2 For Members and third party individuals (and their employees) you go directly to **PROCEDURE 3** of the reporting procedure and contact any one of those listed in the first instance. (As stated previously Members must, under the Model Code of Conduct (Wales) Order 2008, report through the Council's confidential reporting procedure, any conduct by another member or anyone who works for, or on behalf of, the Council which they believe involves or likely to involve criminal behaviour).

8.3 Reporting Procedures:

Procedure 1 Raise the issue first with your line manager in order for practices to be modified before they reach the point where problems are created or harm is caused. These issues will initially be dealt with informally where possible. This may be done orally or in writing.

Procedure 2 If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter with the next immediate line manager whom you trust, or with someone outside line management within the Portfolio. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

Procedure 3 If these 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 any of the above, or you are a Member or third party please contact one of the following:

- the Internal Audit Manager;
- the Senior Manager, Human Resources ~~&~~and Organisational Development ;
- the Chief Officer (Governance) and Council's Monitoring Officer; and
- a Member of the Council, who will refer to the appropriate officer.

9. The Council's Response

9.1 The Council will assess the concern once it is raised, which may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether further assistance may be needed. If you request it, we will write to you

summarising your concern and how we propose to handle it. Some concerns may be resolved by agreed action without the need for investigation.

- 9.2 While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can within an agreed timescale. The length of time will depend on the nature of the concern. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe upon a duty of confidence owed by us to someone else or being in breach of any statutory requirement.
- 9.3 The Council will ensure that an Officer with knowledge and experience of this procedure will be given the responsibility for obtaining initial information from the referrer. A trained and suitable Officer will also conduct any initial meetings that are required.
- 9.4 At an appropriate stage in any investigation due consideration will need to be given to informing the subject of the concerns raised. It will be necessary to do this to comply with the Council's duties under the Human Rights legislation. However, all efforts will be made to ensure that the source of the concerns remains confidential where possible. The source of the concern will not be disclosed without their consent apart from exceptional cases. For example, this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. In such as case the matter will be discussed with you in the first instance.

10. Appeals

- 10.1 If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.
- 10.2 Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this.

11. Alternative Reporting Procedure

- 11.1 If all reporting channels have been followed or you do not feel you can raise your concerns within the Council, you can contact a relevant prescribed body. Examples of prescribed bodies which are relevant to the Council are shown at Appendix C.

11.2 ~~11.2~~ You can also raise your concerns with other external persons such

as a Minister of the Crown and the Press or Media.

11.3 **Minister of the Crown** - means the holder of an office in His Majesty's Government in the United Kingdom and includes the Treasury, the Board of Trade and the Defence Council.

11.2 Legal Protection

- 12.1 Providing that you reasonably believe the disclosure you are making is in the public interest and you follow the procedures outlined in this policy then whistleblowing legislation protects you from detriment.
- 12.2 As an employee, you have a right not to be demoted, suspended, unfairly dismissed or victimised and you will be protected from suffering a detriment, bullying or harassment. Disclosures will be protected if the employee or worker discloses:
- in the course of obtaining legal advice
 - to the employer
 - to any Member of Parliament (a prescribed person)
 - in certain circumstances to a Minister of the Crown
 - to a prescribed body (see Appendix B for list of prescribed bodies)
 - to another non prescribed person or body e.g. the press or media
- 12.3 As a Member you have a right not to be unfairly treated or victimised and you will be protected from suffering a detriment, bullying or harassment. Disclosure will be protected if the Member discloses.
- in the course of obtaining legal advice
 - to the employer
 - to any Member of Parliament (a prescribed person)
 - in certain circumstances to a Minister of the Crown
 - to a prescribed body (see Appendix B for list of prescribed bodies)
 - to another non prescribed person or body e.g. the press or media
- 12.4 If you are a third party individual raising concerns with the Council you will not suffer any detriment providing you reasonably believe the disclosure is being made in the public interest.
- 12.5 It should be noted that if disclosures are made to a non-prescribed external body then a number of detailed conditions need to be met. These include a requirement that you do not make the disclosure for personal gain and that it is reasonable to make the disclosure in the circumstances.
- 12.6 Where a concern is raised directly with the Council by an employee of a third party or contractor, the employee should not suffer any detriment from the employing third party or contractor.

13 Responsibilities

13.1 Role of the Employee

- Employees are expected to raise concerns they become aware of.
- Employees must reasonably believe the disclosure of information is in the public interest.
- Employees must **not** act maliciously or make false allegations.
- Employees must **not** seek any personal gain.

13.2 Role of the Member

- Members are expected to raise concerns they become aware of.
- Members must reasonably believe the disclosure of information is in the public interest.
- Members must **not** act maliciously or make false allegations.
- Members must **not** seek any personal gain.

13.3 Role of a Third Party Individual (Partner, Consultant, Supplier, Contractor, volunteers and employees of Council Suppliers and Contractors)

- The Third Party is expected to raise concerns they become aware of.
- The Third Party must reasonably believe the disclosure of information is in the public interest.
- The Third Party must **not** act maliciously or make false allegations.
- The Third Party must **not** seek any personal gain.

13.4 Role of the Manager

- To deal with and respond promptly to any complaints raised under this policy if within their area of control.
- If necessary to escalate the concern to one of the contacts listed under procedure 3.
- To ensure employees are protected from suffering a detriment as a result of raising an issue under this policy.

13.4 Monitoring and Evaluation

- The policy will be reviewed regularly—once every council term (or whenever there is a significant change in legislation) to ensure compliance with changes in employment legislation or recommended best practice. Any future amendments to the policy will be considered by the Audit Committee.
- A central log of concerns reported under this Policy will be kept by Internal Audit.

- An annual summary of the number and outcomes of whistleblowing cases will also be reported to the Audit Committee, whilst respecting confidentiality.

13.5 Training and Development

Training will be provided to ensure that those with management responsibility for employees are clear about the policy and the procedures contained within it.

14 Other Related Policies

14.1 The Council's Anti-Fraud and Corruption Strategy and the Fraud Response Plan can be found on the Council's website and the Infonet.

Appendix A**Examples of concerns which could be raised**

This policy will apply in cases where employees reasonably believe that the disclosure they are making is in the public interest. Examples of this are:

- a criminal offence has been committed, is being committed or is likely to be committed.
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject to.
- a miscarriage of justice has occurred, is occurring or is likely to occur.
- the health and safety of any individual has been, is being or is likely to be endangered.
- the environment has been, is being or is likely to be damaged.
- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- the unauthorised use of public funds.
- possible fraud and corruption e.g. Recent data hacking incidents to obtain payment card information.
- other unethical conduct e.g. not acting with honesty, fairness, equality, dignity and diversity.
- where a criminal act takes place dealing within computers, network or over the internet (Cyber Crime).
- computers are used to manipulate programmes or data dishonestly (e.g. by altering, substituting or destroying records or creating spurious records), or where the use of an IT system was a material factor in the perpetration of fraud (Computer Fraud).
- where unlawful and or unethical employment practices exists such as the unethical treatment of workers by a supplier or contractor of the Council as a result of undue cost and time pressures.
- undue cost and time pressures are not applied to any of our suppliers if this is likely to result in unethical treatment of workers.
- concerns relating to procurement can also be raised directly with Value Wales (supplier feedback service) online on the following websites listed in **Appendix B**

Concerns may relate to modern slavery and trafficking issues. If this is the case, any concerns should be reported on the numbers listed in **Appendix B**

Appendix B

Initial Contacts for Reporting a Concern

| | |
|---|---|
| <p>Internal Audit Manager Flintshire County Council, County Hall Mold, CH7 6NA Lisa.brownbill@flintshire.gov.uk Tel: 01352 702231</p> | <p>Council’s Monitoring Officer Flintshire County Council, County Hall Mold, CH7 6NA Gareth.legal@flintshire.gov.uk</p> |
|---|---|

| | |
|---|--|
| <p>Senior Manager, Human Resources & Organisational Development Flintshire County Council, County Hall Mold, CH7 6NA Sharon.carney@flintshire.gov.uk</p> | |
|---|--|

| | |
|---|--|
| <p>Modern Day Slavery & Human Trafficking</p> <p>Children - 01352 701053 Adults 01352 702540</p> <p>Safeguarding</p> <p>Senior Safeguarding Manager-01352 702503</p> | <p>Value You Wales (Procurement)</p> <p>https://gov.wales/topics/improvingservices/bettervfm/supplier-feedback-service/?lang=en</p> <p>https://gov.wales/topics/improvingservices/bettervfm/supplier-feedback-service/?skip=1&lang=cy (Welsh version)</p> |
|---|--|

Appendix C

Alternative Relevant Organisations

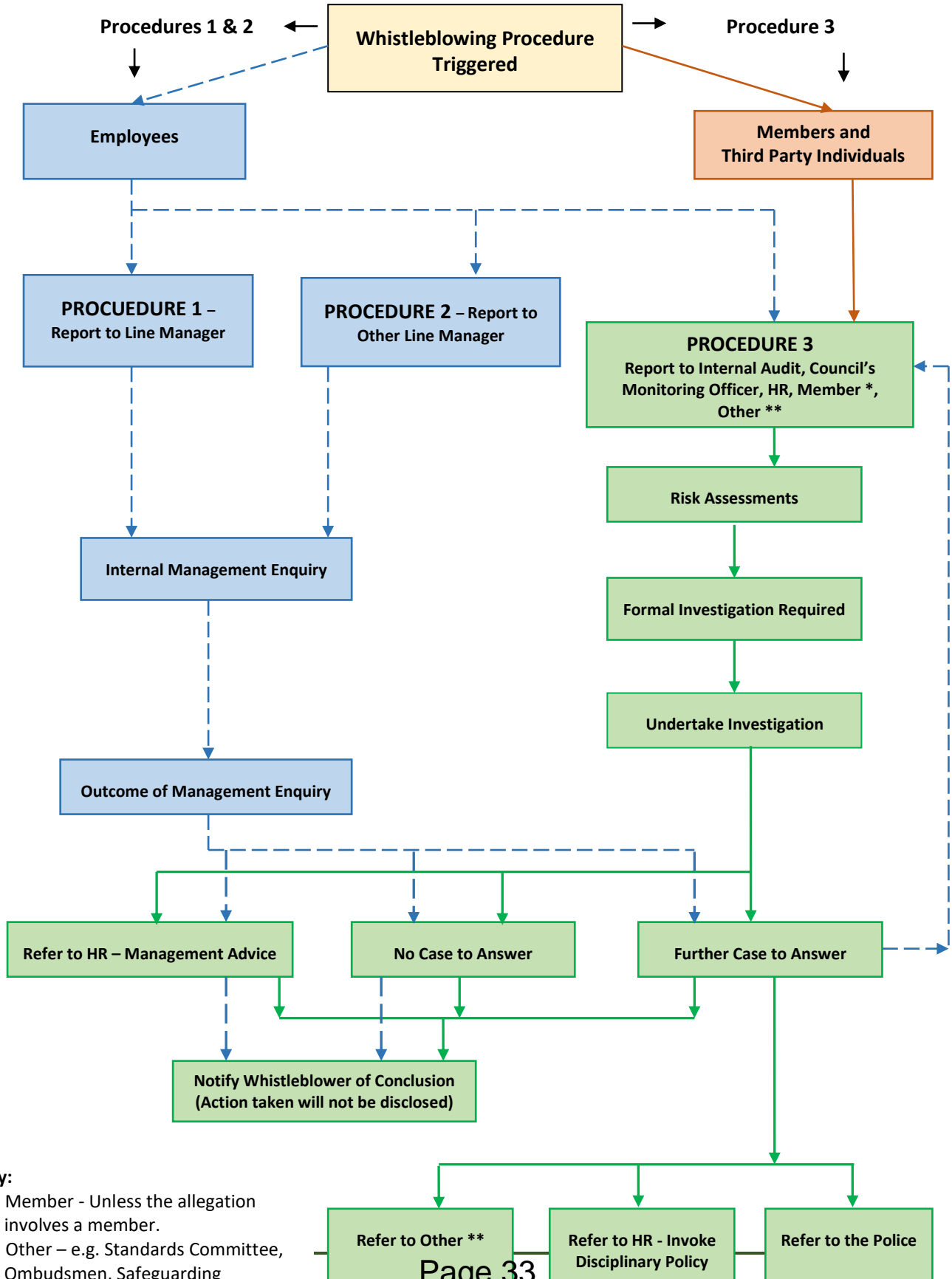
Relevant organisations (prescribed regulators) you can contact to make a protected disclosure.

| | |
|---|---|
| Auditor General Wales 24 Cathedral Road Cardiff, CF11 9LJ Tel: 01244 525980 whistleblowing@wao.gov.uk | Your Local Council Member http://committeemeetings.flintshire.gov.uk/mgMemberIndex.aspx?bcr=1 |
| Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 01625 545745 mail@ico.gsi.gov.uk | Health & Safety Executive Rose Court 2 Southwark Bridge London SE1 9HS Tel: 0300 0031647 www.hse.gov.uk (online form) |
| Natural Resources Wales Ty Cambria Newport Road Cardiff CF24 0TP Tel: 0300 065 3000 | The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 confidential@sfo.gsi.gov.uk |
| Any Members of Parliament | |
| Rob Roberts 01352 710232 rob.roberts.mp@parliament.uk | Mark Tami 01244 819854 tamim@parliament.uk |
| Any Assembly Member for Alyn & Deeside or Delyn | |
| Jack Sargeant 0300 200 6565 Jack.sargeant@assembly.wales | Hannah Blythyn 0300 200 7132 Hannah.Blythyn@assembly.wales |
| Carolyn Thomas 0300 110 0176 Carolyn.Thomas@Senedd.Wales | Mark Isherwood 0300 200 7217 Mark.Isherwood@assembly.wales |
| Sam Rowlands 0300 200 7267 Sam.Rowlands@senedd.wales | Llyr Gruffydd 01824 703 593 Llyr.Gruffydd@assembly.wales |

There are many other prescribed regulators who can be contacted to raise a concern, they can be found at <http://www.direct.gov.uk/>.

Appendix D

Flow Chart – Whistleblowing Procedures



Key:

* Member - Unless the allegation involves a member.

** Other – e.g. Standards Committee, Ombudsmen, Safeguarding

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2023/24

| Date of Meeting | Topic | Notes/Decision/Action |
|------------------------|---|------------------------------|
| 3 June 2024 | <ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Protocol for Members in their dealings with contractors/developers. • Members' Code of Conduct. • Draft Annual Report 2023-2024 • Forward Work Plan | |
| 4 March 2024 | <ul style="list-style-type: none"> • Training • Dispensations • Feedback on Meetings of the National Standards Forum • Feedback from Independent Member Attendance at Meetings of the County Council • Review of the Flintshire Standard – moved as agreed at the Ethical Liaison Meeting • Protocol on Member/Officer Relations • Forward Work Plan | |
| 8 January 2024 | <ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Confidential Whistleblowing Procedure • Feedback from Independent Member Attendance at Meetings of the County Council | |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • Forward Work Plan | |
| 6 November 2023 Joint meeting with T&CCs | <ul style="list-style-type: none"> • Training • Dispensations • Items raised by Town and Community Councils • Rolling review of the Members Code of Conduct • Suggested items for the National Forum for Chairs of Standards Committees • Feedback from the Ethical Liaison Meeting with Group Leaders • Summary of Feedback from Independent Member Visits to Town and Community Councils • Forward Work Plan | Verbal Report by Gareth Owens Verbal Report by Gareth Owens Verbal |
| 4 September 2023 | <ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Public Services Ombudsman for Wales (PSOW) Findings • Results of Survey on Councillors Newsletters • Agenda items for the next Ethical Liaison Meeting • Feedback from Independent Member Visits to Town and Community Councils • Forward Work Plan | Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Verbal |
| 3 July 2023 | <ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Visit Schedules for County Council Meetings • Feedback from National Standards Forum • Feedback from Independent Member Visits to Town and Community Councils | Report by Gareth Owens Report by Gareth Owens Verbal Verbal |

| | | |
|--|---|--|
| | <ul style="list-style-type: none">• Forward Work Plan | |
| <p>Reports to be scheduled – Welsh Government decision following consultation on implementing the Penn Review National Standards Conference</p> | | |

This page is intentionally left blank



STANDARDS COMMITTEE

| | |
|------------------------|-------------------------------------|
| Date of Meeting | Monday 8 th January 2024 |
| Report Subject | Overview of Ethical Complaints |
| Report Author | Chief Officer Governance |

EXECUTIVE SUMMARY

This report shows a summary of the ethical complaints alleging a breach of the Code that have been submitted to the Public Services Ombudsman for Wales (PSOW). As per the Committee's resolution, the complaints distinguish between different Councils and Councillors whilst still remaining anonymous.

The report gives the Committee an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. Since the last report (4 September 2023) 2 complaints have been received of which 1 was not investigated and 1 is under investigation.. There are still 4 outstanding.

RECOMMENDATIONS

| | |
|---|---|
| 1 | That the Committee notes the number and type of complaints. |
|---|---|

REPORT DETAILS

| | |
|-------------|---|
| 1.00 | NUMBER OF COMPLAINTS |
| 1.01 | The attached spreadsheet at Appendix A lists in summary form the complaints received during 2022/2023 and 2023/2024. Each entry lists: <ul style="list-style-type: none"> the Ombudsman's reference number (year/4 digit reference) the type of Council (Community, County or Town) the complainant (Councillor, officer, public) the provisions which are alleged to have been breached the decision at each of the 3 stages of investigation |
| 1.02 | Since the last report: <ol style="list-style-type: none"> 2 new complaints (2023/03774 and 2023/03046) have been received. Complaint 03774 was dismissed and 03406 is being investigated 1 complaint from 2021 (2021/05656) has been referred for a hearing by this committee; |

| | |
|------|---|
| | <p>c) 1 complaint from 2022 (2022/01184) has been closed following investigation – the full investigation outcome is attached as a confidential appendix; and</p> <p>d) 1 complaint from 2022 (number withheld pending publication on the APW website) has been referred for the Adjudication Panel for Wales to convene a case tribunal.</p> |
| 1.03 | This report is correct as at the date of preparation (18.12.23). If we are notified of the outcome of any complaints after this date they will be included in the next quarterly report. |

| | |
|-------------|--|
| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | None associated with the complaints recorded in this report. |
| 2.02 | As a complaint has been referred to the committee for a hearing, training has been provided. |

| | |
|-------------|---|
| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 3.01 | None. |

| | |
|-------------|------------------------|
| 4.00 | RISK MANAGEMENT |
| 4.01 | None |

| | |
|-------------|---|
| 5.00 | APPENDICES |
| 5.01 | Appendix A - Number of complaints. Appendix B – Confidential note of PSOW findings in case 2022/01184) |

| | |
|-------------|---|
| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | None Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk |

| | |
|-------------|--------------------------|
| 7.00 | GLOSSARY OF TERMS |
|-------------|--------------------------|

7.01

Public Services Ombudsman for Wales – the Ombudsman investigates service complaints and alleged breaches of the code. The Ombudsman will only investigate an alleged breach of the Code if there is clear evidence of a breach and it is in the public interest to do so.

This page is intentionally left blank

| PSOW Reference | Type of Council | Councillor | Complainant | Alleged breach | Gatekeeper | Outcome by stage | |
|----------------|-----------------|------------|-----------------|---|--|---|---------|
| | | | | | | Investigation | Hearing |
| 2022/00603 | County | A | Public | Failure to declare on register of interest that the Cllr is a Clerk of a T&CC | PSOW did not investigate - no breach of the Code found. Satisfied that the Cllr has made the necessary declaration. This has also been confirmed by the MO. | | |
| 2022/01136 | County | B | Councillor | Post on Social Media seen as a slur on the Councillor's character. Comments are allegedly contrary to para 6 (bring the Council into disrepute) | Complaint investigated | The councillor failed to show respect (para 4b) and could reasonably be regarded as bringing both the council and his office into disrepute (6(1)). The Ombudsman took into account events since the comment on social media was made. The Member publicly apologised for the comment and the apology was accepted. The member subject to the comments said that he suffered no lasting anxiety or loss of reputation and wished to withdraw his complaint. In view of this, the Ombudsman did not consider that it was in the public interest for any further action to be taken. Had the Member not publicly apologised and had the member subject to the comments taken a different view on the matter, further action would have been taken. The Member was reminded of his need to take care when posting on social media. | |
| 2022/01184 | County | B | Town Councillor | Messages sent to complainant that they felt were threatening in nature. | Complaint investigated | Breach of code but no action needs to be taken | |
| 2022/01509 | County | B | Public | Disrepute, bullying, failure to declare interest, disclosure confidential information | Complaint investigated | Referred to APW | |
| 2022/02457 | Community 1 | C | Public | Alleged breach of the Code of Conduct by allegedly ignoring the policy regarding the election of a Chair/Vice Chair | PSOW did not investigate - the act complained of was the action of the Council not an individual. PSOW willing to consider whether it is a service complaint | | |

| | | | | | | | |
|------------|-------------|---|--------|--|---|--|--|
| 2022/02713 | Town 1 | D | Public | Alleged in appropriate posts on social media including use of bad language. | PSOW did not investigate. Swearing in the FB post was not directed at any specific person & was an attempt to raise awareness of a community issue. Post was therefore protected political expression | | |
| 2022/04701 | Community 2 | E | Public | Alleged bullying at a meeting towards a member of the public. | PSOW did not investigate - because complaint duplicates another complaint about the same Councillor. | | |
| 2022/05038 | County | F | Public | Alleged interference with the planning process and putting pressure on the Planning Officer to refuse an application and making false statements | PSOW did not investigate - complaint is unlikely to amount to a breach of the Code. The councillor is entitled to have a view on the application, no evidence they would benefit from this view. No evidence to suggest the comment put any pressure on the Planning Officer. | | |
| 2022/04846 | County | B | Public | Complainant alleged no formal response was received from any Members to an e mail requesting help. They also alleged the Member reported on social media that Members had been advised by the Legal Team not to respond and Members should not be taking instructions from the Legal Department. | PSOW did not investigate - the evidence is not suggestive of a breach of the Code. | | |
| 2022/04748 | Community 2 | E | Public | Alleged bullying at a meeting towards a member of the public. | PSOW did not investigate - evidence suggested poor behaviour and rudeness towards a member of the public during the meeting. (see complaint reference 2022/04701) | | |

| | | | | | | | |
|------------|-------------|---|------------|---|---|--|--|
| 2022/05046 | Community 2 | E | Public | It was alleged that when the complainant was invited to speak at the Council meeting, the Member shouted at the complainant and spoke to them in a "disgusting and degrading" manner and made accusations about them in the meeting and acted like a "terrorising bully" | PSOW did not investigate - the alleged remarks can reasonably be said to fall within the realms of freedom of expression, and whilst they may have been unpleasant and may have caused offence to the complainant and others, the evidence does not suggest language or behaviour which is likely to amount to a breach of the Code or to lead to a sanction being imposed.(see complaints 2022/04701 and 2022/04701) | | |
| 2022/05644 | Town 2 | F | Councillor | Self referral - Councillor may have brought his Office or Authority into disrepute as he had received a conditional discharge relating to a public order offence | PSOW did not investigate. At the time of the conduct complained of the member was not acting as a Councillor but as a private individual. While the Code of Conduct applies at all time in respect of whether the member has brought the Council, or the office of member, into disrepute, there is no evidence to suggest that the incident is in any way related to Council business. | | |
| 2022/06095 | Comm 1 | G | Public | It was alleged that the Member broke the code of practice by organising support for a planning application. Evidence was provided that the Member posted on social media their intention to have the planning application called in and the reasons that people should focus on if they intended to make objections | PSOW did not investigate. Complaint unlikely to amount to a breach of the Code. Members are elected to represent their constituents and therefore, they can raise concerns which may affect the area they were elected to represent. No evidence has been presented to suggest the Member had a personal interest or a prejudicial interest. The evidence presented does not indicate that the Member arranged support for or against the application rather that they used social media to respond to queries and to advise constituents on how they could submit any objections which they are entitled to do. Any concerns about the decision taken should be made through the planning process. | | |

| | | | | | | | |
|------------|--------|---|--------|---|---|--|--|
| 2022/05508 | Town 2 | H | Public | It was alleged that the Member breached the Code of Conduct by entering into a contractual agreement, without the permission of the Council. It was alleged that this incurred unauthorised expenditure to the Council. | PSOW did not investigate. Entering into a contract without the knowledge of the Council and incurring costs to the Council, if proven, may be suggestive of a breach of the Code of Conduct. However, cost was small and no evidence that the Member sought to personally gain from their actions. | | |
| 2022/07521 | Town 2 | H | Public | It was alleged that the Member assisted in providing a contract, after obtaining quotes as part of their role on a Working Group. It was alleged that the Member is in a relationship with a person who works at the company, therefore the Member has misused public funds for the benefit of their partner. | PSOW did not investigate. Evidence has not been provided to substantiate key elements of the complaint e.g there was no proof that the councillor and company employee were in a relationship or that he benefitted from her actions. | | |
| 2022/08386 | Town 3 | I | Public | It was alleged that the Member is recording calls and will ultimately use them to expose the behaviour of others. The complainant said the member also recorded a personal call between them when they argued over the behaviour of the Member's dog. | PSOW did not investigate - At the time it is alleged the Member recorded the call with the complainant they were not acting as a Councillor but as a private individual. The PSOW was of the view that the code did not apply and this was a personal discussion about a personal matter. The complainant had indicated that the member has shared recordings they have taken when at Council meetings but no evidence was provided to support this. No evidence was provided to suggest that any recordings have been made for anything other than personal use. Further it is likely that the information is already in the public domain. | | |

| | | | | | | | |
|------------|--------|---|--------|---|---------------------|--|--|
| 2022/08536 | Town 3 | J | Public | It is alleged that the Member has brought the Council into disrepute and breached Section 6(1)(a) of the Code of Conduct by appearing in Court over several offences. | Under investigation | | |
|------------|--------|---|--------|---|---------------------|--|--|

| PSOW Reference | Type of Council | Councillor | Complainant | Alleged breach | Outcome by stage | | |
|----------------|-----------------|------------|-------------|---|---|---------------|---------|
| | | | | | Gatekeeper | Investigation | Hearing |
| 2023/00482 | County | A | Public | It was alleged that the Member called the First Minister "Fuhrer" on Facebook and this was a slur comparing the Labour party with the Nazi party. It is alleged that the Member's claim that he simply used the German word for leader was not credible. | PSOW did not investigate. The Member clearly identified himself on Facebook as a Councillor therefore the PSOW was satisfied that the Code of Conduct was engaged. The language used by the Member, calling the First Minister "Fuhrer", is offensive and not language that the Ombudsman would condone. Given the context, the explanation that it was a simple translation of the word "leader" lacks credibility. It is likely that the language used is suggestive of a breach of paragraph 4(b) of the Code of Conduct. An investigation into this matter would not be in the public interest. It is not uncommon for elected members to say things about political opponents which others may consider to be rude or offensive. However, it is not the purpose of the Code to inhibit free speech and the robust expression of political differences. | | |
| 2023/02636 | Town 1 | C | Public | It was alleged that the Member was in breach of the requirement not to bully or harass any person by engaging in intimidating behaviour towards a staff member, when they questioned them on whether minutes that had been prepared, accurately reflected a Council meeting and in a separate incident at a meeting where he told them they were not to be trusted. | When assessing matters concerning Council Officers, it is necessary to consider if the allegations are supported by evidence that a member has gone beyond what might be regarded as reasonable challenge. The PSOW assessed the comments the Member is alleged to have made when questioning the meeting minutes and was not persuaded that what the Member is alleged to have said could be considered to have passed the threshold of reasonable challenge. Whilst the Member has made comments which could be considered offensive or rude to the staff member, they were not so serious that, even if a breach of the Code were proven, a sanction would be a proportionate interference with the Member's right to freedom of expression. The Complainant also alleged that the Member told the staff member that she was not to be trusted. The Ombudsman's Guidance to members on the Code states that harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, that may happen once or be part of a pattern of behaviour. Having considered the information provided, the PSOW not persuaded the Member's comment was so serious that it would be likely to amount to a breach of the Code of Conduct. | | |
| 2023/01712 | County | D | Councillor | It was alleged that the Member behaved inappropriately during Council meetings, by making inappropriate gestures and shouting. | PSOW did not investigate. Evidence was not provided to substantiate the complaint. The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test. | | |

| | | | | | | | |
|------------|-------------|---|------------|--|--|--|--|
| 2023/02892 | Community 2 | E | Councillor | <p>It was alleged that the Member made disrespectful comments towards a member of the public in response to a speech made by the member of the public during a Community Council meeting. It was also alleged that the Member was corrupt, that they were a member of a clique of councillors who voted for each other and did not allow others to put suggestions forward. The Complainant said that they felt unsupported by the Community Council and that nothing was achieved by the Community Council because of the behaviour of the clique of councillors.</p> | <p>PSOW did not investigate. The matters complained about were unlikely to amount to a breach of the Code. It was alleged that the Member accused the member of the public of “waffling about nature” and suggested that they and others who supported them had brought the situation upon themselves. Whilst the Complainant may have been offended by the Member’s comments, the PSOW did not consider that the Member’s comments were sufficiently offensive, intimidating or insulting to amount to a breach of the Code.</p> <p>In relation to the allegation of corruption, no evidence was provided to substantiate the complaint.</p> | | |
| 2023/03339 | County | D | Public | <p>It was alleged that the Member failed to declare a personal and prejudicial interest in a planning application that was considered by the Authority’s Planning Committee in June 2023, and that they made inappropriate comments during the Planning Committee’s consideration of the matter.</p> | <p>PSOW did not investigate.(1) The Complainant said that the Member was friends with the Director of the housing development company (“the Director”), who had submitted the planning application and that their friendship was public knowledge. A series of photographs and screenshots provided in support of the complaint showed that the Member had posted their thanks to the housing development company for its support on various local initiatives and events on more than one occasion. The Director was not named in any of the posts, and the PSOW not persuaded that they demonstrated a close personal relationship between the Member and the Director. The Complainant said that the Member had assisted the Director in marketing homes on behalf of the housing development company. However, the evidence provided in support of the complaint demonstrated that the Member had shared information about a housing scheme by a property management company. The PSOW did not consider that they demonstrated a close personal association between the Member and the Director as it is not uncommon for elected members to share information that may be of interest to their electorate on their social media pages. (2) the PSOW saw no evidence to suggest that it was inappropriate for the Member to second the proposal to approve the planning application. When speaking about the application, the Member referenced the Planning Officer’s report and recommendation to approve the application and had considered the objections received from members of the community. It therefore appears that the Member appropriately considered the information available before reaching a decision to vote in favour of the application.</p> | | |

| | | | | | | | |
|------------|-------------|---|------------|---|---|--|--|
| 2023/03774 | County | F | Public | It was alleged that the Member had breached the Code of Conduct (“the Code”) because they failed to give adequate advice to the complainant about action they should take regarding damage to his car caused by driving over a large pothole. The complainant also indicated they were unhappy that the Member had failed, as an official, to respond to his enquiries. | PSOW did not investigate. The Member did provide advice, as asked, and while the PSOW noted the complainant did not like the response, his follow up email to the Member contained language that could also be considered discourteous. If the Member decided not to respond further, because he had already shared the advice he was given, that is a matter for him, and he was under no obligation to respond further. | | |
| 2023/03046 | Town 1 | G | Public | It is alleged that the Councillor has failed to disclose matters to the relevant authorities despite that being part of their bail conditions, and that they have also broken their bail conditions by approaching their estranged spouse and their property. It is alleged that the Police are aware, and all incidents are due to be heard in court in August 2023. | Under investigation | | |
| 2023/00532 | Community 1 | B | Councillor | Breach of the Code relating to declarations of interest and not declaring a personal and prejudicial interest on a planning application. | Under Investigation | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |