

Killamarsh Parish Council

Killamarsh Sports Centre
Killamarsh Community Campus
Stanley Street
Killamarsh, S21 1EL

Tel: 0114 247 2260

Email: parish.office@Killamarsh-pc.gov.uk

Website: www.killamarsh-pc.gov.uk



Locum Parish Clerk: Ms Safia Kauser

Email: parish.clerk@killamarsh-pc.gov.uk

Date Issued: 25 February 2021

NOTICE OF AN EXTRAORDINARY MEETING

In accordance with The Local Authorities (Coronavirus) (Flexibility of Local Authority Meeting Regulations 2020); this meeting will be held using a remote conference facility.

To All Members of the Personnel Committee

Notice is hereby given that an Extraordinary meeting of the Personnel Committee will be held virtually via Zoom Video Conference on Tuesday 02nd March 2021 at 5.00pm

Carol Lacey

Councillor Carol Lacey

Chairman of the Personnel Committee

Virtual Meeting Joining Instructions

1) Click on the direct meeting invitation:

2) Enter the Meeting ID: 812 5128 8547 and then enter the Password: 826121

<https://us02web.zoom.us/j/81251288547?pwd=YVc1UzFGYU5mekhFVGdqeHVFMDndzQT09>

3) Alternatively you can dial: 0203 481 5237 or 0203 051 2874 or 0203 901 7895 or 0131 460 1196 and then enter Meeting ID: 812 5128 8547 followed by Password: 826121 (local call rate charges may apply)

Personnel Committee Membership

Cllr Carol Lacey (Chair)

Cllr Pat Bone

Cllr Kevin Bone

Cllr Nick Challenger

Cllr Eva Thompson

Recording of Council Meetings

Under the Openness of Local Govt. Bodies Regulations 2014, members of the public may now film, photograph and make audio recordings of the proceedings of the formal Council meeting, though not, under current legislation, of the Public Participation session, as this is not part of the formal agenda of the meeting. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted.

Public Participation

- Notice is given that at a time agreed by the meeting, 15 minutes may be set aside for members of the public to make representation on the business of the agenda for the meeting
- Any member of the public shall not speak for more than three minutes.
- A question asked by a Member of the Public during Public Participation shall not require a response or debate during the meeting though the Chairman may direct that a written response will be provided subsequent to the meeting.

PUBLIC BODIES (ADMISSION TO MEETINGS ACT) 1960

Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion in accordance with the Public Bodies (Admission to Meetings Act) 1960.

AGENDA

1.	Chairman's Opening Remarks To receive the Chairman's opening remarks. The Chairman will notify those present about the holding of virtual meetings.
2.	Apologies for Absence To receive and approve apologies for absence and reasons given to the Clerk prior to the meeting.
3.	Declarations of Disclosable Pecuniary and Other Interests 3.1 To receive declarations of disclosable pecuniary interests (DPI) and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117. Note: Members must generally declare a disclosable pecuniary interest which he or she has in any item on the Agenda. A Member with a disclosable pecuniary interest may not participate in any discussion of the matter at the meeting and must not participate in any vote taken on the matter at the meeting. In addition, the Council's Standing Orders require a Member with a disclosable pecuniary interest to leave the room where the meeting is held while any discussion or voting takes place. 3.2 To receive, consider and record councillors requests for DPI dispensation (section 31 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.
4.	Adjournment for Public Participation To adjourn the meeting for 15 minutes to allow members of the public to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.
5.	Exclusion of Press and Public - Public Bodies (Admission to Meetings Act) 1960 To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admissions to Meetings) Act 1960 for matters appertaining to confidential or exempt information.
6.	Minutes To approve the draft minutes of the Extraordinary Personnel committee meeting held on the 16 February 2021 and to confirm the receipt of the confidential meeting notes (minutes previously circulated).
7.	Parish Clerk and RFO Recruitment Following the full council approval on the 22 nd February 2021 to split the post of Parish Clerk and RFO, members are required to agree a recruitment timetable for the Parish Clerk and RFO vacancies and to resolve the next steps, including: <ul style="list-style-type: none">• Approval of the job adverts, job descriptions and recruitment pack inclusive of any changes required to the post due to internal organizational changes effective from 01 April 2021.• Shortlisting, Interview panel, date for interviews and start date. The closing date for the combined post was 31 December 2020.
8.	Deputy Parish Clerk Position Members are required to agree a recruitment timetable and agree the job advert, job description and person specification following the full council approval to delegate the responsibility of recruitment to the Personnel Committee. The Deputy Parish Clerk position was previously agreed at 20 hours per week at a salary grade of NJC points 26 to 30 [£30,451 to £33,782] pro-rata.

<p>9.</p>	<p>Interim Deputy Parish Clerk Vacancy To receive an update on the recruitment of an interim Deputy Parish Clerk following full council approval on the 22nd February 2021 and to resolve any further actions. The Locum Clerk has placed the advert with YLCA at a cost of £15.00 and with DALC (no charge) in agreement with the Chair of Personnel (copy advert previously circulated).</p>
<p>10.</p>	<p>Handyperson To receive an update from the Locum Clerk on the appraisal date mutually agreed with the post-holder.</p>
<p>11.</p>	<p>Whistle Blowing Policy To consider adopting a whistle blowing policy. The Locum Clerk recommends that the NALC Model Whistle Blowing Policy is tailored and adopted to the council's requirements.</p> <p>Note: Policies enclosed (1) Policy drafted by Cllr Thompson and (2) NALC Model Whistle Blowing Policy.</p>
<p>12.</p>	<p>Any items for discussion for a future agenda To notify the Clerk of any matters for inclusion on the agenda of the next meeting.</p>
<p>13.</p>	<p>Date of the Next Committee Meeting To agree a date for the next ordinary meeting of the Personnel committee to be convened.</p>

Killamarsh Parish Council

Killamarsh Sports Centre, Killamarsh Community Campus
Stanley Street. Killamarsh, S21 1EL

Tel: 0114 247 2260

Email: parish.office@Killamarsh-pc.gov.uk

Website: www.killamarsh-pc.gov.uk



Draft Minutes Are Subject To Approval At The Next Committee Meeting.

Minutes of An Extraordinary Meeting of The Personnel Committee Held Remotely on Tuesday 16th February 2021 Via Zoom Video Conference

Commenced: 4.30pm - Concluded: 7.10pm

Councillors Present: Carol Lacey [Chair], Pat Bone, Kevin Bone, Nick Challenger, Eva Thompson [to 5.35 and from 5.36]

Absent Councillors: None

Non-Councillors (without voting rights): None permitted

Observing Councillors (not a member of the committee): Mo Potts [to 5.24pm]

Officer: Safia Kauser [Locum Parish Clerk, minute taker]

Members of the Public: One member of the public [to 5.24pm]

(1) Item 1: Chairman's Opening Remarks

To receive the Chairman's opening remarks. The Chairman will notify those present about the holding of virtual meetings.

The Chairman informed those present who had joined the meeting via video to use the 'raise your hand' facility to speak and those members who had joined by telephone were advised to state their name and be permitted to speak when asked to do so by the Chair.

(2) Item 2: Apologies for Absence

To receive and approve apologies for absence and reasons given to the Clerk prior to the meeting.

All members of the committee were present.

(3) Item 3: Declarations of Disclosable Pecuniary and Other Interests

Item 3.1 - To receive declarations of disclosable pecuniary interests (DPI) and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.

No declarations of interests were received.

Item 3.2 - To receive, consider and record councillors requests for DPI dispensation (section 31 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.

None declared.

(4)	<p><u>Item 4: Adjournment for Public Participation</u></p> <p>To adjourn the meeting for 15 minutes to allow members of the public to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.</p> <p>No members of the public requested to take part in public participation.</p>
(5)	<p><u>Item 5: Exclusion of Press and Public - Public Bodies (Admission to Meetings Act) 1960</u></p> <p>To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admissions to Meetings) Act 1960 for matters appertaining to confidential or exempt information.</p> <p>RESOLVED:</p> <p>1) In accordance with the Public Bodies (Admissions to Meetings) Act 1960; that in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded from agenda items 7, 8 and 9 due to the confidential information relating to personal data and employment matters.</p>
(6)	<p><u>Item 6: Minutes</u></p> <p>To approve the draft minutes of the Extraordinary Personnel committee meeting held on the 02 February 2021. (previously circulated)</p> <p>RESOLVED:</p> <p>1) That the draft minutes of the Extraordinary Personnel committee meeting held on the 02 February 2021 are approved as a true and accurate record of proceedings, subject to the amendment at Item 9.1, Recommendation: the wording ‘authorizes the Personnel Committee to carry out an annual appraisal for the Handyperson’ is replaced with ‘delegates the responsibility of appraisals to the Personnel committee and that the Clerk is tasked to conduct the appraisal for the Handyperson and report back to the Personnel Committee’ and the amendment at Item 10.2 – additional wording to be added ‘Action: Locum Clerk to circulate all employment contracts to members of the Personnel Committee’.</p>
(7)	<p><u>Item 7: Parish Clerk and RFO Recruitment</u></p> <p>To receive an update on the recruitment timetable for the Parish Clerk/RFO post and to resolve the next steps. Members are requested to consider:</p> <ul style="list-style-type: none"> • Changes required to the post due to internal organizational changes that will impact the salary, job role and person specification. • Combined role or potential splitting of the role • Applications received. The closing date was 31 December 2020. • Shortlisting, Interview panel, interviews and start date <p>Note: Supporting documents to be sent separately.</p> <p>Information received from Eckington Parish Council had been circulated to all members. A decision was to be made on the combined or splitting of the role before consideration could be given to the interviewing process. Members discussed in detail the salary grading options having considered the SLCC job evaluation profiles, pay grading and a risk analysis for the combined role for Clerk/RFO having considered business continuity measures.</p> <p>RECOMMENDED:</p> <p>1) That the Personnel Committee recommends that the full parish council splits the combined role of Parish Clerk and RFO and agrees the changes to the post and delegates the responsibility of recruitment to the Personnel Committee. The Parish Clerk post to be agreed at 25 hours per week at a salary grade of NJC points 32 to 36 [£35,745 to £39,880 pro rata]. The RFO post to be agreed at a salary grade of NJC points 32 to 36 [£35,745 to £39,880] pro-rata and to be advertised at 10 hours per week.</p>

(8) Item 8: Deputy Clerk Position

To consider and resolve the recruitment timetable for the Deputy Clerk position and to agree the job advert, job description and person specification. Councillor Lacey was due to contact the previous applicants.

**Cllr Thompson left the meeting at 5.35 and rejoined at 5.36pm.*

The Chair had contacted all candidates to inform them of the changes. Members discussed in detail the salary grading options having considered the SLCC job evaluation profiles, pay grading and the responsibilities and services of the council from the 01 April 2021. Members agreed that the post holder would be expected to attend and service committees in accordance with the contract and take time off in lieu. Members agreed to seek a resolution from full council prior to agreeing a timetable for the interviews.

RECOMMENDED:

- 1) That the Personnel Committee is delegated the responsibility to recruit a Deputy Clerk at 20 hours per week at a salary grade of NJC points 26 to 30 [£30,451 to £33,782] pro rata.

RESOLVED:

- 1) The Locum Clerk to review the Deputy Clerk recruitment documents prior to the next meeting.
- 2) That the Deputy Clerk job descriptions are revised to ensure that the Deputy Clerk deputizes in the absence of the Parish Clerk / RFO.
- 3) That Standing Order 3x is suspended to allow the committee to continue conducting council meeting exceeding 2 hours.

(9) Item 9: Handyperson

Item 9.1 - To receive an update from the Locum Clerk on the recent informal meeting held with the Handyperson.

The Locum Clerk provided a comprehensive update of the informal meeting held with the Handy person on Monday 15th February.

**Confidential notes retained on file.*

Members noted the verbal update provided by the Locum Clerk.

Item 9.2 - To review the Handyperson duties in view of the alternative duties carried out during lockdown and the recent meeting held with the Locum Clerk.

Members discussed the alternative duties being carried out by the Handyperson and agreed that the daily duties in accordance with the contract should resume as soon as possible.

**Confidential notes retained on file.*

RESOLVED:

- 1) That the Locum Clerk circulates the Employee Personnel File to members of the Personnel Committee.
- 2) That the Locum Clerk arranges a meeting with the post-holder in 4-6 weeks' time to inspect the employee file.

RECOMMENDED:

- 1) That the full parish council terminates the alternative duties (with immediate effect) carried out by the Handyperson during the lockdown period and that the post holder be requested to return to their normal daily duties in accordance with their job description.

(10) Item 10: Employee Appraisals

To receive and adopt the appraisal scheme and policy. This has been drafted by the Locum Clerk for a smaller parish council and adapted to the requirements for Killamarsh Parish Council. (enclosed).

Members reviewed the draft policy and supporting documentation and changes were agreed. A discussion took place about the timing of the appraisals. The Locum Clerk advised members that all appraisals should take place at the same time and towards the end of the financial year to ensure that any salary changes can be implemented from the 01 April subject to an employee's contract.

RESOLVED:

- 1) That the Locum Clerk updates the draft policy with the agreed changes:
 - That all references to the Staffing Committee to be replaced with the Personnel Committee.
 - New paragraph to be added under the Performance Appraisal Implementation 'New members of staff may not be subject to an annual appraisal during the first year of their appointment due to an interim probationary job review that will have taken place. The Personnel Committee will determine this and formally document any decision in the council minutes which will be communicated to the post-holder via their line manager or the Chair of Personnel Committee for the Clerk'

RECOMMENDATION:

- 1) That the Personnel Committee recommends that the full parish council adopts the Employee Performance Appraisal Policy.

Action: Locum Clerk to update the policy prior to circulating draft documents to full council.

(11) Item 11: HR Fixed Fee Support Services and Employee Handbook

Item 11.1 - To consider the procurement of HR support services for an annual fixed fee. The HR providers should draft employee handbooks including policies for whistle blowing in addition to providing professional support and employment documentation. Locum Clerk to update members on this item.

The council had historically used an advisory service which was terminated and free advice was currently being provided by the district council. The Locum Clerk informed members that consideration should be given to professional HR support for an annual fixed fee that the council could benefit from which would include drafting employee handbooks, access to professional employment documentation, drafting letters and free advice and support for all employment related matters. It was noted that there were different HR providers offering different support packages and to ensure compliance with the financial regulations, a procurement exercise would need to be carried out and a cost and service analysis would need to be prepared to compare what each provider could offer the council.

RESOLVED:

- 1) That the Locum Clerk obtains three quotations for a fixed fee HR service and presents the quotations to full council for consideration.

Item 11.2 - To consider a whistle blowing policy.

Cllr Thompson had prepared a draft policy which had not been circulated to all members of the committee for comment. The policy had been checked out with DALC.

RESOLVED:

- 1) That the Locum Clerk circulates the draft Whistle Blowing Policy to all members of the committee for comment and consideration at the March meeting.

(12)	<p>Item 11: Any items for discussion for a future agenda To notify the Clerk of any matters for inclusion on the agenda of the next meeting.</p> <p>RESOLVED:</p> <p>1) That the following items of business are added to a future meeting of the Personnel committee:</p> <ul style="list-style-type: none"> • TUPE Update
(13)	<p>Item 13: Date of the Next Committee Meeting To agree a date for the next ordinary meeting of the Personnel committee to be convened.</p> <p>The Chair agreed to call another Extraordinary meeting of the Personnel committee in three weeks' time.</p> <p>There being no further business the Chair closed the meeting at 7.10pm.</p>

Whistleblowing policy

Introduction

Whistleblowing, also known as ‘making a disclosure in the public interest’ is when an employee reports suspected wrongdoing. It’s an important part of safeguarding the effective delivery of public services and ensuring value for money. Not only does it protect and enhance the freedom of employee expression but it also contributes to a healthy working culture and the efficient running of the Council.

By having Whistleblowing Policy in place, Killamarsh Parish Council demonstrates its commitment to listening to the concerns of employees and getting ahead of issues before they arise. It also creates an open, transparent and safe working environment where workers feel able to speak up.

Purpose of the Policy

This policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

Employees are often the first to realise that there may be evidence of malpractice within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation.

The wrongdoing employee disclose must be in the public interest. This means it must affect others, e.g. the general public.

An employee’s concerns about malpractice may include a reasonable belief that one or more of the following is either happening, has taken place, or is likely to happen in the future :

- Conduct which is an offence or a breach of law,
- Council’s Standing Orders, Financial Regulations or policies
- Miscarriages of justice,
- Health and safety risks, including risks to the public as well as other employees,
- Damage to the environment,
- The unauthorised use of public funds,
- Fraud and corruption,
- Sexual or physical abuse of clients,
- Other unethical conduct.

Complaints that count as whistleblowing

An employee is protected by law if he/she report any of the following:

- a criminal offence, for example fraud
- someone’s health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. doesn't have the right insurance
- if he/she believes someone is covering up wrongdoing.

Complaints that do not count as whistleblowing

Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing legislation, unless the particular case is in the public interest. These cases should be reported under Grievance Policy.

Safeguarding

The Council recognises that the decision to report a concern can be a difficult one to make, not least

because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect the whistleblower when he/she raise a concern in good faith. An employee can raise his/her concern at any time about an incident that happened in the past, is happening now, or he/she believes will happen in the near future.

Anybody who is raising concerns about activity he/she reasonably believes is in the public interest, is protected under the Public Interest Disclosure Act 1998. The employee is protected under said Act even if the belief is later found to be mistaken.

An employee can raise his/her concerns with the Supervisor, Manager, Parish Clerk or the Chairman of the Parish Council .

If the employee doesn't want to raise the concerns within the Parish Council he/she could contact any of local councillors or depending on the matter of the concern he/she can raise this with the appropriate agency e.g. Police.

The other options of raising concerns are to get legal advice from a lawyer or to tell about the concerns to prescribed person or body or local MP. If the whistleblower decides to contact a prescribed person or body, it must be one that deals with the issue he/she is raising.

List of prescribed persons and bodies is published on the government website:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies—2/whistleblowing-list-of-prescribed-people-and-bodies>.

Any whistleblowing concerns could be raised also with the trade union representative.

Raising a concern

Concerns could be raised verbally, in writing by a letter or email. However if the whistleblower choose to use email, he/she should make sure that the message is sent to the correct person and be aware that, due to the nature of email it may be read by other people.

In case the concerns are raised by letter or email it should be always written at the beginning:

Whistleblowing – confidential – recipient only.

Confidentiality

All concerns raised under Whistleblowing Policy will be treated in a confidential and sensitive manner. The Council will keep the identity of the employee raising the concern confidential and will not disclose the employee identity until discussed this with the employee. However should the concern result in the whistleblower's statement may be required as part of the evidence needed in the investigation process or any external process, e.g. in court or an employment tribunal, then the Council will be unable to keep the whistleblower's identity confidential. In such case it will be always discuss with the whistleblower.

If the whistleblower reports the concern to the media, in most cases he/she will lose the whistleblowing law rights.

Anonymous Allegations

This policy encourages all employees to put their name to the allegation. If the employee raising a concern doesn't want to reveal the name it will be much more difficult for the Council to look into the matter, protect the whistleblower's position or give feedback on the disclosure. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Parish Council. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

False Allegations

If the employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her. If, however, the employee makes allegations that are malicious disciplinary action may be taken against him/her.

Response to raised concern

Killamarsh Parish Council will listen to all raised concerns and decide if any action is needed. The employee raising any concern may be asked for further information.

Where appropriate, the matters raised may be

- investigated by management or through the disciplinary process
- referred to the Police
- referred to the external auditor.
- referred to other appropriate body.

The Council will first check if some concerns may be resolved by agreed action without the need of investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within 10 working days of a concern being raised the whistleblower will receive an acknowledgment that the concern has been received. Further the whistleblower will be informed what initial enquiries have been made and how the matter is going to be dealt with. The response to the whistleblower's concern should give an estimate of how long it will take to provide a final response. In case the Council will decide there is to be no further investigation the information why should be mentioned.

If the whistleblower is not satisfied with any action taken by the Parish Council, and he/she believes the information have been disclosed is substantially true, possible contact points are:

- Public Concern At Work
- The external auditor
- Trade union representative
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The Police.

If the concern is taken outside the Council, the whistleblower should ensure that he/she doesn't disclose confidential information.

The whistleblower can contact the Advisory, Conciliation and Arbitration Service (Acas), the whistleblowing charity Protect or your trade union for more guidance.

Concerns raised by the Councillor

If a councillor has concerns:

- about a member of staff then this should be dealt with through the HR processes (therefore potentially disciplinary)
- about a councillor then it should be reported to the Monitoring Officer
- about the council, then it needs to be raised as an agenda item so that the Council investigate and manage the issue as required.

Note: I'm not sure if the following should be added.

A councillor is not covered by whistleblowing legislation – it is intended for employees only.

It is important for councillors to remember that they themselves are responsible for the running of the Council so they need to take responsibility jointly for improving the Council where it is needed. This should be the priority rather than lowering the reputation of the Council in the eyes of the public. A councillor choosing to air matters publicly that the Council itself needs to resolve, needs to think through the consequences of their actions on the reputation of the Council and the cost to the Council (eg the clerk having to deal with increased levels of complaint, FOI requests etc).

[ENTER COUNCIL NAME] WHISTLEBLOWING POLICY

Policy	2
Background	2
Principles	2
Procedure	3
Date protection	4

Policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the council is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is the council's responsibility to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the council will be victimised for raising a matter under this procedure. This means that the continued employment

and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.

- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Clerk or the Chair of the Council.

Procedure

If you believe a Councillor has breached the councillor Code of Conduct, then raise it with the Chair of the Council. Concerns relating to an alleged breach of the councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

Stage 1

In the first instance, any concerns should be raised with the Clerk, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

The Clerk (or delegated officer) will take any necessary action, including reporting the matter to the Council, or any appropriate government department or regulatory agency. The Clerk (or delegated officer) will also invoke any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, you will be told the outcome and what the council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2

If you are concerned that the Clerk is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Council. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries.

Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014: www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: December 2019

Approving committee:

Date of committee meeting:

Policy version reference:

Supersedes: [Name of old policy and reference]

Policy effective from:

Date for next review:

— policy ends here —

Notes

The wording of this policy is based on an employee's statutory right to make a disclosure in the public interest. Adopting and applying this policy as it stands will support the council to comply with this right.

1. Legal considerations

An employee making a genuine disclosure under this policy is protected from victimisation and any unfavourable treatment. If a member of staff believes they have been treated differently because they have made a disclosure, they may be able to make a claim to an Employment Tribunal irrespective of whether they are a casual, fixed term worker, or an established member of staff.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.