

Agenda for Standards Committee

Tuesday, 20 January 2015; 10.00am



[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Hannah Whitfield](#), 01395 517542 (or group number 01395 517546): Issued 9 January 2015

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- 1 [Public speaking](#)
- 2 Minutes for 28 October 2014 (page 3 - 8)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 7 **Probity in planning and lobbying by and of councillors** (page 9 - 11)
Deputy Monitoring Officer and Corporate Legal and Democratic Services Manager

At the last meeting the Committee considered a report on probity in planning and lobbying by and of councillors. Following discussion the Committee resolved to defer the issues to the next Committee meeting to allow the Deputy Monitoring Officer to draft a further discussion document on introducing declarations at Development Management Committee meetings where there has been significant lobbying of committee members by developers or supporters or those opposing an application.

The Committee is asked to consider the discussion document.

- 8 **Complaint update** (page 12 - 14)
The Committee is asked to note the update on new Code related cases received since the last meeting.
- 9 **Whistleblowing Policy** (15 - 21)
Deputy Monitoring Officer and Corporate Legal and Democratic Services Manager to provide a verbal update on legal changes required to the policy. Existing policy attached for information.

10 **Councillor attendance at Committee meetings** (verbal)

The Chairman has agreed for Cllr Tony Howard to raise this matter with the Committee for discussion.

11 **Forward Plan** (page 22)

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 28 October 2014

Attendance list at the end of the document

The meeting started at 10.00am and ended at 11.30am

The Chairman introduced the interim Monitoring Officer, Ian Clarke, and welcomed him to the meeting.

***1 Public speaking**

There were no questions asked.

***2 Minutes**

The minutes of the meeting of the Standards Committee held on 8 April 2014 were confirmed and signed as a true record subject to Councillor Chamberlain's name being corrected in the attendance list.

***3 Declarations of interest**

There were none.

***4 Guidance/advice on Councillors meeting with developers update**

At the previous meeting, the Committee was presented with advice/guidance on councillors meeting with developers - this had been produced by the Monitoring Officer in consultation with the Devon Association of Local Councils and had been circulated to town and parish councils. The Committee had agreed that the Monitoring Officer should review the last paragraph of the advice/guidance in light of the Committee's discussions on whether parish and town councils should take notes of any meetings with developers.

The interim Monitoring Officer had reviewed the advice and amended the last sentence, advising that in the interests of transparency where a parish or town council had been involved with pre-application discussions with developers they should make this known at the time they submit their planning consultation response to the local planning authority. The Committee was advised that it was not the role of the Monitoring Officer to say whether the parish or town council should take notes of any pre-application discussions.

The Committee considered the reviewed advice/guidance and during discussion raised concern about the use of the word 'private' in the first sentence as it was considered that this implied that meetings were taking place 'behind closed doors'. An amendment to the wording of the first sentence was proposed and accepted by the Committee.

RESOLVED: that the reviewed advice/guidance to councillors on meeting with developers be agreed, subject to:

- the first sentence being amended to read 'It is up to each Town/Parish Council to determine whether circumstances exist to justify holding a confidential meeting. EDDC has no authority....'
- 'know' being corrected to 'known' in the last sentence.

5 **Probity in planning and lobbying by and of councillors**

At the Council meeting on 26 February 2014, Members agreed that a motion on lobbying be referred to Standards Committee for clarification and debate. Following discussion about the motion at their last meeting the Committee asked for a report on lobbying, particularly in relation to councillors and the planning process be brought to its next meeting.

The Committee considered the Deputy Monitoring Officer's report, which set out the current legal and constitutional safeguards in place concerning lobbying by, and of, councillors. Members were advised that the Planning Code of Good Practice had been reviewed following recent work undertaken by the body of Lawyers in Local Government; proposed minor revisions were set out in an appendix to the report. The Planning Code covered a range of issues such as lobbying, registering of interests, bias and predetermination. The safeguards in place aimed to make sure Development Management Committee (DMC) members did not have a closed mind when weighing up material planning considerations and that planning processes operated in a fair way.

Points made and questions raised during a lengthy discussion about the current safeguards in place concerning lobbying and the motion referred from Council included:

- Had there been any instances of a councillor reporting excessive lobbying to the Monitoring Officer for consideration? The Deputy Monitoring Officer did not recall any instances. [The Planning Code provides for members to inform the Monitoring Officer if they have been subject to excessive lobbying].
- Should Development Management Committee members attend pre-application public exhibitions?
- Ward members often, in the presence of officers, engaged with developers during the pre-application process.
- The Code of Good Practice set out clear rules about Councillor contact with applicants, developers and objectors, the lobbying of and lobbying by councillors and was sufficient with the proposed revisions included.
- Including an additional item on the DMC agenda requiring committee members to declare if they had been excessively lobbied would provide greater transparency in the decision making process.
- The Council needed to be seen to be doing all it could to address public concern about lack of transparency.
- Concern raised about potential conflicts of interest when considering an application due to council wide-policy. In response, it was advised that each planning application was considered on its own merits and only material planning considerations could be taken into account, including strategic planning policy. This point was emphasised to members during their comprehensive planning training.
- Declarations at DMC meetings should include any lobbying by a councillor as well as of details of lobbying of councillor.
- Failure to declare a pecuniary interest on a matter being considered was a criminal offence without reasonable excuse. However, there was currently no guidance as to what constituted a 'reasonable excuse' as this had not been tested through the courts. Any councillor acting as a paid lobbyist would be required to declare a pecuniary interest and was precluded from the decision making process.
- The principle of DMC members declaring whether or not they had been lobbied on any application on an agenda should be supported.

- Ward members making a representation at DMC try to influence members of the committee and therefore should be required to declare whether or not they had been lobbied.
- Focus should be placed on declaring inappropriate/excessive lobbying.
- Code of Good practice set out that any lobbying correspondence should be passed to the Development Manager which ensures it is on the public record.
- The creation of a central register to record all lobbying approached received by the DMC members was not supported by the majority of the (voting) Committee.

RECOMMEDATION: that the proposed minor revisions set out in the appendix to the report to the Planning Code of Good Practice following recent work undertaken by the body Lawyers in Local Government be agreed.

RESOLVED: that the item on probity in planning and lobbying by and of councillors be deferred to the next Committee meeting to allow the Deputy Monitoring Officer to draft a further discussion document on introducing declarations at Development Management Committee meetings where there has been significant lobbying of committee members by developers or supporters or those opposing an application.

*6 **Approach to induction/welcome programme following 2015 elections**

On 30 September, the Member Development Working Party met to consider:

- What pre-election information should be provided to prospective candidates – local and district councils – prior to the May 2015 elections.
- The welcome/refresher programme following the May 2015 elections.
- The information provided to newly elected councillors.

The minutes of the meeting had been included in the agenda paperwork for information.

The Democratic Services Manager advised that the Working Party meeting had been well attended with a lot of useful feedback received, such as:

- avoiding information overload – information should be provided in bite-sized pieces
- avoiding full days of training
- problem solving and working through examples were an effective way of learning
- newly elected councillors benefited from mentoring provided by experienced councillors
- retiring councillors be asked to take part in the induction process to share their experience
- Include 'meet the team' sessions to help councillors better understand the services provided by the Council
- Emphasise continual learning, particularly through observation and attending meetings

The Committee was invited to feedback any comments or suggestions on the approach to the induction/welcome programme. These included:

- Provide photos and contact details of the Senior Management Team and key staff
- Take newly elected councillors on a tour of the offices introducing them to key staff
- Encourage staff to wear their name badges at all times
- The Democratic Services Team had provided great support to newly elected councillors following the last district elections in 2011

The Democratic Services Manager thanked the Committee for their helpful input – this would be taken into account when finalising the induction/welcome programme.

***7 Open and accountable local government**

The Committee noted new guidance for public and press on attending and reporting meetings of local government. The guidance set out new rights to allow members of the public, including citizens and professional journalists, to:

- use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of the meetings of their councils and other local government bodies
- see information relating to significant decisions made outside meetings by officers acting under a general or specific delegated power

The wording on committee agendas had been amended to reflect the new legislation.

***8 Review of public speaking arrangements introduced in February 2014**

At their meeting in February 2014, Council agreed a number of changes, endorsed by the Committee, to the 'public question time' element of the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees): These changes were:

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;
- b) Where a question is put, this to be put first, with any explanation or background to follow;
- c) Where the public wish to raise a question on an issue which is not included as an agenda item for the meeting, this to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who has submitted the question two clear days in advance to be able to ask a supplementary question relevant to the original question. Two days' notice is not required if the question being put to the Committee relates to a subject already included as an agenda item. This change would be introduced initially for a six month trial period and then reviewed by the Standards Committee;
- d) Where questions are submitted in advance they should be displayed on a screen together with the written answer, if available (otherwise a verbal reply would be given). This approach to help Committee and the public better understand the issue(s);
- e) Questions (or statements) to be limited to those that relate to matters within the remit of the Council or related to matters the Council is able to influence.

The Committee was asked to consider whether the revised arrangements, which had been trialled for 7 months, had been effective. Members noted that to date there had been no questions submitted in advance of a committee meeting on an issue, which did not relate to an item on the agenda. During discussion members of the committee spoke of the need to improve the focus and size of the text projected onto the screen behind the top table, as it was often difficult for Members/members of the public to read what was written.

RESOLVED: that the new arrangements approved by Council in February 2014 for a 6 month trial period to the 'public speaking' agenda item on committee agenda (excluding Licensing and Enforcement and Development Management Committees) continue to be supported by the Committee.

***9 Complaint update**

The Committee considered and noted the report of the interim Monitoring Officer, which detailed the level of code of conduct complaints received since the last meeting.

The interim Monitoring Officer spoke of the importance of managing a complainant's expectations at an early stage in the complaint process by outlining the limited sanctions available to be imposed (or in the case of parish/town councillors recommended) even if a councillor was found to have breached the Code of Conduct.

RESOLVED: that the complaints update report be noted.

***10 Forward Plan**

The Committee noted the contents of the forward plan and future meeting dates. The item on probity in planning and lobbying of and by councillors would be included for the 20 January 2015 agenda.

Attendance list

Present:

Councillors:

Graham Godbeer (Chairman)

Susie Bond

Graham Chamberlain

Tony Howard

Frances Newth

Co-opted non-voting members:

Cllr Courtney Richards, Co-opted Parish/Town Council member

Attendance list cont...

Ray Davison, Co-opted Independent member

David Mason, Co-opted Parish/Town Council member

Also present:

Alison Willan, Independent Person

Councillors:

Ray Bloxham

Alan Dent, substitute Committee Member

Steve Gazzard

Roger Giles

Claire Wright

Officers:

Ian Clarke, Interim Monitoring Officer

Rachel Pocock, Deputy Monitoring Officer and Corporate Legal and Democratic Services Manager

Diana Vernon, Democratic Services Manager

Hannah Whitfield, Democratic Services Officer

Apologies:

Douglas Hull, substitute Committee Member

Tim Swarbrick,

John Walpole, Independent Person

Chairman Date

Report to: **Standards Committee**

Date of Meeting: 20 January 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **Probity in Planning and lobbying by and of councillors –follow up report**

Purpose of report: To offer a discussion document and possible recommendations concerning lobbying of members by applicants for planning permission, objectors and third parties

Recommendation: **To recommend to Council that the Council’s Planning Code of Good Practice be amended to include the recommendations set out in the report relating to the recording of significant lobbying.**

Reason for recommendation: To increase transparency by putting cases of significant lobbying on the public record

Officer: Rachel Pocock, Corporate Legal and Democratic Services Manager
01395 517401 ext 2601

Financial implications: No financial implications have been identified.

Legal implications: Included in the report

Equalities impact: Low Impact
It is considered that all sections of the community are equally affected by probity issues.

Risk: Low Risk
The risk of a member of Development Management Committee casting their vote without regard to proper planning considerations, having been lobbied, is considered to be low. Current constitutional arrangements provide for a member who is lobbied to refer correspondence to the Development Manager and to refer excessive lobbying to the Monitoring Officer for consideration.

Links to background information: • <http://new.eastdevon.gov.uk/media/458802/combined-standards-agenda-281014.pdf>

Link to Council Plan: Living and working in this outstanding place

Report in full

1. On 28 October the Standards Committee resolved that the item on probity in planning and lobbying by and of councillors be deferred to the next Committee meeting to allow the Deputy Monitoring Officer to draft a further discussion document on introducing declarations at Development Management Committee meetings where there has been significant lobbying of committee members by developers or supporters or those opposing an application. The committee was undecided as to the need for this step or its potential efficacy and so wanted a further debate. The original report is included as a background document.
2. Members noted at their last meeting that lobbying is a legitimate part of public life. Lobbying has negative connotations but what it amounts to is the act of trying to persuade a person to adopt a particular point of view. That is what both an applicant and an objector may contact a member to do and it is part of a representative democracy. It is hard to see a situation where being subject to significant lobbying would bar a member from participating. It is only lobbying which is accompanied by aggravating factors that should be of concern to members and the public, for example, intimidation, as that could potentially affect improperly how someone may subsequently vote. Cases of intimidation are likely to be referred to the police.
3. I have done some further research on good practice in planning. The Ombudsman has recently issued a Planning Focus Special Report <http://new.eastdevon.gov.uk/papers/standards/200115standardsbpplanningfocusreportfinal.pdf>
This report refers to the importance of members having the correct information before making a decision: "it is important that the material planning considerations which are raised and taken into account in reaching a decision, are recorded and addressed. Setting them out in the report allows objectors to see whether their voice has been heard and can help local people understand why a council has reached its decision". This process takes place in East Devon through the preparation of an officer report to Development Management Committee. I flag this up as in my view it is this process which is key to ensuring fairness and transparency in planning decision making.
4. At the Standards Committee's last meeting, members endorsed the Interim Monitoring Officer's advice to Town and Parish Councils that where they have had pre-application discussions with developers this should be made known to E.D.D.C. with their planning consultation response. Obviously, the purpose of this is to ensure transparency when the matter is considered by planning officers (if a delegated decision) or by Development Management Committee members.
5. The members' Planning Code of Good Practice provides for members to report any significant contact with the applicant and other parties to the Development Manager, explaining the nature and purpose of the contacts and involvement in them, and to ensure that this is recorded on the planning file. Members may wish to consider going one step further by recommending that significant lobbying, where they involve a member of Development Management Committee, are recorded for transparency within the committee report. This has the advantage of recording the issue of lobbying in writing and earlier than a declaration made by a member at committee.
6. Members at Development Management Committee currently make individual declarations of interest at the beginning of meetings. These declarations most usually cover personal interests under the member Code of Conduct. If a member has been subject to significant lobbying, and that has not been noted in the committee report (perhaps because it has happened after the report was prepared) then a simple declaration could be made to that effect at the meeting if members consider it would add value to the process. It could then be followed with the statement that the member retains an open mind and has not reached any decision in relation to the application and will only do so after consideration of all the relevant facts at the meeting itself. If a member is in any doubt as to the effect, if any, of any discussion with a local objector or an applicant on their ability to participate at committee, the standing advice is for them to seek legal advice from the in-house team before the meeting takes place.

7. The changes in the law relating to predetermination in the Localism Act 2011 acknowledge that not only will members be approached/lobbied by people but are entitled to engage with them and express views without it preventing them from subsequently taking part in the decision making process. However, to avoid public perceptions of bias or unfairness in the decision- making of Development Management Committee members, the Council's Planning Code advises members against expressing strong views in advance of a meeting or giving any indication about how they or other members might vote.

Standards Committee, 20 January 2015

Item 8 - Code of Conduct complaints update

This paper provides an update for the Committee on new Code related cases received since the last Standards Committee meeting (28 October 2014) to date:

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct and outcome following consultation with Independent Person
New complaints:		
MO-C066	Parish Councillor	<p>Complainant alleges that the Councillor failed to take appropriate action when an item, in which they had an interest, was considered by the Council.</p> <p>Paragraphs that relate to the declaration of interests and participation at meetings.</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>No further action. Case closed.</p>
MO-C067	Town Councillor	<p>Complainant alleges that due to a conflict of interest the Councillor was incapable of acting in the public interest when making decisions on matters being considered by the Town Council.</p> <p>Paragraphs that relate to the declaration of interests and participation at meetings.</p> <p>No further action. Case closed.</p>
MO-C068	Town Councillor	<p>Complainant alleges that the Councillor failed to treat them with courtesy and respect, acted in a bullying manner and had, through comments they made, predetermined their position on a matter.</p> <p>4a - you must treat others with courtesy and respect</p> <p>4b – you must when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the Council.</p> <p>5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage</p> <p>5c – you must not bully any person</p> <p>No further action. Case closed.</p>

MO-C069	Town Councillor	<p>Complainant alleges that the Councillor bullied and failed to treat them with courtesy and respect and also used their position improperly, in order to secure themselves an advantage during a debate at a Town Council meeting.</p> <p>4a - you must treat others with courtesy and respect 5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage 5c – you must not bully any person 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>No further action. Case closed.</p>
MO-C070	District Councillor	<p>Complainant alleges that the Councillor made slanderous and false comments about them at a Parish Council meeting.</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>No further action. Case closed.</p>
MO-C071	District Councillor	<p>Complainant alleges that the Councillor used their position improperly in relation to a planning matter.</p> <p>5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>No further action. Case closed.</p>
MO-C072	Parish Councillor	<p>Complainant alleges that Councillor used their position improperly in relation to a planning matter.</p> <p>5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>No further action. Case closed.</p>

MO-C073	Parish Councillor	<p>Complainant raised concerns about the operation of the Parish Council and alleges that undue influence was used by a member of the Council in relation to a planning application.</p> <p>5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage</p> <p>5e – you must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council.</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>Interim Monitoring Officer assessing.</p>
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There are currently **4** new complaints, which are being assessed by the interim Monitoring Officer and have therefore not been logged as Code or non-Code/other complaints.

Whistleblowing Policy

Issue details	
Title:	Whistleblowing Policy
Issue and version number:	Issue 2
Contents:	Purpose and scope of policy Page 2 What is Whistleblowing? Page 3 What is the difference between making a complaint and blowing the whistle? Page 3 Safeguarding whistleblowers and dealing with malicious allegations Page 3 Whistleblowing procedure Page 4 Policy consultation Page 5 Assessments and appraisals Page 5 Related policies and strategies Page 5 The seven principles of public life Page 6 Formal whistleblowing report form Page 7
Officer responsible:	Monitoring Officer
Authorisation by:	SMT then Cabinet
Authorisation date:	
Review date:	

Whistleblowing Policy

1. Previous Policy

Existing Whistleblowing Policy reviewed in July 2011 by the Monitoring Officer.

2. Purpose and scope of the Policy

- 2.1. The Council upholds the seven principles of public life and conducts its business with these in mind (see Appendix 1).
- 2.2. It expects all employees to maintain these standards in everything they do. Employees are therefore encouraged to report any wrongdoing by the Council or its employees that falls short of these principles.
- 2.3. The Council's values are relevant to this Policy too, and are a reminder of the importance of why they link with our work:
 - Courage to lead
 - Wisdom to listen
 - Passion for people, places and performance
 - Champions of improvement and challenge
- 2.4. The Public Interest Disclosure Act 1998 (Commencement) Order 1999 protects employees who report wrongdoing within the workplace. It is our aim to ensure that as far as possible, our employees are able to tell us about any wrongdoing at work which they believe has occurred or is likely to occur.
- 2.5. The Council takes malpractice and wrongdoing in relation to the organisation's procedures very seriously. Any employee or worker who makes a report under this procedure in good faith will not be subject to any detriment.
- 2.6. We recognise that employees may not always feel comfortable about discussing their concerns within the Council, especially if they believe the Council itself is responsible for the wrongdoing. The aim of this policy is to ensure that employees are confident that they can raise the matter with the Council with the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them.
- 2.7. You are encouraged to use the procedure set out in this policy if you have any concerns at all about wrongdoing at work in relation to:
 - any criminal offence
 - a failure to comply with legal obligations
 - a miscarriage of justice
 - a health and safety danger
 - an environmental risk or concealment of any of these.

This policy aims to ensure that the Council investigates and deals with disclosures promptly and properly.

Protective Marking:

Specific Policy Areas

3. What is whistleblowing?

- 3.1. Someone 'blows the whistle' when they tell their employer, a regulator, customers, the police or the media about a dangerous or illegal activity that they are aware of through their work.
- 3.2. Whistleblowing can inform those who need to know about health and safety risks, potential environmental problems, fraud, corruption, deficiencies in the care of vulnerable people, cover ups and many other problems. Often, it is only through whistleblowing that this information comes to light and can be addressed before real damage is done.

4. What is the difference between making a complaint and blowing the whistle?

- 4.1. When someone blows the whistle they are raising a concern about danger or illegality that affects others (for example customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern – they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.
- 4.2. This is very different from a complaint or grievance. When someone complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case.
- 4.3. For these reasons, it is not in anyone's interest if an individual uses this policy to pursue a personal grievance. For personal complaints or grievances, please use the Grievance Policy and Procedure instead.

5. Safeguarding whistleblowers and dealing with malicious allegations

- 5.1. In line with the Employment Rights Act 1996, the Council undertakes that no employee who makes a report in good faith under this procedure will be subjected to any detriment as a result. In the event that you believe you are being subjected to a detriment by any person within the Council, as a result of your decision to invoke the procedure, you must inform the Monitoring Officer or the Head of Organisational Development immediately and appropriate action will be taken to protect you from any reprisals.

- 5.2. The Council encourages you to put your name to your allegation as this gives weight to the case and helps with the investigation of the issue. However, you may remain anonymous if you wish. All information you provide is held in the strictest confidence.
- 5.3. It is worth noting that if your allegation is of such a serious nature that it is brought to court, a judge may order a name to be divulged but the Council will do everything possible to protect your anonymity before this stage is reached.
- 5.4. You may bring a friend or colleague to any meeting arranged in connection with the concern you have raised as long as the friend or colleague is not involved in the matter and agrees to maintain confidentiality. Additionally, if you wish, you may be accompanied by your trade union representative. It is up to you to arrange this.
- 5.5. It is emphasised that you have nothing to fear by raising your concerns. Provided you are acting in good faith, it does not matter if you are mistaken. However, disciplinary action may be taken against any member of staff who is discovered to have made allegations frivolously, falsely or maliciously, for example to pursue a personal grudge against another employee.

6. Procedure

- 6.1. Whether you are a member of staff or a member of the public, you can discuss the matter with any of the following:

Denise Lyon, Monitoring Officer
Email: dlyon@eastdevon.gov.uk
Tel: 01395 517480
Write to: Knowle, Sidmouth, EX10 8HL

Rachel Pocock, Deputy Monitoring Officer
Email: rpocock@eastdevon.gov.uk
Tel: 01395 517401
Write to: Knowle, Sidmouth, EX10 8HL

Chris Gunn, Group Auditor for the South West Audit Partnership (SWAP):
E-mail: Chris.Gunn@southwestaudit.gov.uk
Tel: 07917628779
Write to: The Deane House, Belvedere Road, Taunton, TA1 1HE.

- 6.2. Alternatively, you may contact the East Devon District Council Fraud Line number which is 01395 517494.
- 6.3. An informal approach to any of these officers will be treated as completely confidential and will not result in any report to anyone within the Council unless you agree.

Protective Marking:

- 6.4. Once you have decided to raise a concern formally, in writing, the action the Council takes will depend on the nature of the concern. Potentially, the action could be:
- Investigation by senior management, a senior officer from SWAP or through the disciplinary process
 - Referral to the Police
 - An independent enquiry
- 6.5. There is an example report form on page 8 of this Policy which you may wish to use to formally report a concern. You will be kept informed of the outcome of the action and reasons for any decisions.
- 6.6. The Council is keen to hear any concerns that employees may have about wrongdoing at work and encourages them to use this procedure wherever appropriate.
- 6.7. The Council recognises that there may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary the Council reserves the right to make such a referral without your consent.
- 6.8. In the event that you are unsure whether you should raise an issue under this policy or you need advice, free confidential advice is available from Public Concern at Work (0207 404 6609) www.pcaaw.co.uk, a charity with the objective of promoting compliance with the law and good practice.
- 6.9. If the matter that concerns you is serious and you feel you have exhausted the internal procedure or you do not have confidence in the Council's actions to investigate the matter, you may contact the appropriate regulating authority relevant to the matter in question.

7. Policy Consultation

- 7.1. Strategic Management Team, Staff Joint Forum and South West Audit Partnership

8. Assessments and Appraisals

- 8.1. This Policy has had an equality analysis

9. Policy Review

- 9.1. The Monitoring Officer will review this policy in the light of any legislation and in May 2015 to consider any changes required.

10. Related Policies and Strategies

- Grievance Policy and Procedure
- Anti-Fraud, Theft and Corruption Policy
- Financial Regulations
- Financial Operating Procedures
- Contract Standing Orders

Protective Marking:

Appendix 1

11. The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Report form for whistleblowing complaints

EDDC is committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment we expect employees, partners, members of the public and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

Description of the concern

Where possible include:

- Dates of incidents
- Who was involved
- Why this is a concern
- What the result was
- Whether there were any other witnesses
- Whether you have tried to raise this with your/a manager

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate but will be considered at the discretion of the Monitoring Officer.

Name:		Service (if staff member):	
Address:		Your telephone number:	
Date:		Signature:	

Protective Marking:

Agenda Item 11

Standards Committee

20 January 2015



Standards Committee

Forward Plan 2014/15

7 April 2015

Annual report
Complaints update
Forward Plan

These are the main items, but there may be other matters arising through the year that members want to include too.