

Ethics Committee

Meeting of the Ethics Committee held on Monday, 26 November 2018 at 6.30 pm in F10 - Town Hall

MINUTES

- Present:** Councillor Clive Fraser (Chair);
Councillor Pat Clouder (Vice-Chair);
Councillors Joy Prince and Helen Redfern
- Also Present:** Ashok Kumar and Anne Smith, Independent Members
Jacqueline Harris Baker, Director of Law and Governance/Monitoring Officer
Sandra Herbert, Head of Litigation and Corporate Law /Deputy Monitoring Officer
- Apologies:** Councillor Mario Creatura and Patricia Hay-Justice

PART A

2/18 Minutes of the Previous Meeting

The minutes of the meeting held on 18 October 2018 were agreed as an accurate record.

3/18 Disclosure of Interests

There were no disclosures of interests.

4/18 Urgent Business (if any)

There were no items of urgent business.

5/18 Review of the Council's Whistleblowing Policy

The Director of Law and Governance and Monitoring Officer provided an introduction to the review of the Council's Whistleblowing Policy. It was highlighted that the existing policy aimed to be open and transparent; employees could raise any issue of concern directly with the Director of Law and Governance in addition to an external and independent organisation (*Protect*).

It was approximately five years since the Whistleblowing Policy was last reviewed. The purpose of the review was therefore to look at good practice and ensure the policy was still in line with guidance as provided by the Department for Innovation and Skills.

The proposed revisions were detailed:

- the independent organisation to which issues of concern could be raised had changed its name to *Protect*;
- the definition of “whistleblowing” had been clarified;
- clarification that to qualify as a “protected disclosure”, this must be made in the public interest; and
- the list of persons to whom a protected disclosure could be made had been updated.

It was highlighted that confidentiality was key to any Whistleblowing Policy and its integrity. However, it was noted that this could make investigations difficult. Therefore, there was a need for sensitivity. The potential overlap between public interest and employment issues was stressed and that in some instances it was better to use employment procedures to deal with complaints and grievances.

The Head of Litigation, Corporate Law and Deputy Monitoring Officer clarified that in conducting the review, the Director of Human Resources and Unions (via the staff consultation panel) had been consulted. No comment had been made by Unison, GMB or Unite on the proposed changes. It was also noted that training was to be provided in the New Year for all those involved in making assessments.

In response to Member questions, the Head of Litigation and Corporate Law clarified:

- Staff were made aware of the Whistleblowing Policy which was available on the intranet and forms part of the Croydon staff handbook; and
- The list of “Prescribed Persons” (3.4) to whom a protected disclosure could be made is detailed. Who was most relevant/appropriate was determined by the nature of the concern;

The Committee then took each page of the policy discussing the content and making suggestions for revisions in turn. The following were noted:

- Page 15: **Aims of the Policy**: reference to ‘deliberate concealment of information’ was to comply with legislation;
- Page 16: **Designated Assessors**: grounds for declining an investigation to be updated where specialists knowledge required;
- Page 16: Departmental references for designated assessors to be revised to reflect Council structure. The Director of Law & Governance advised assessors were usually either the Head of Service or more senior. There was no need for a designated assessor in each directorate – just enough to cover the quantity of protected disclosures arising. Normally an assessor would be appointed from a different service area from that which

was being investigated. Allocation would be made by the Council's Monitoring Officer;

- Page 17: **Making a Disclosure**: reference to the confidential reporting facility to be revised to underline its independence;
- Page 17: timeframe for interviews following initial disclosure to be revised to ten working days;
- Page 18: reference to disciplinary action where disclosure concerns were found to be untrue was considered appropriate; and
- Page 21: it was noted that the presentation of periodic reports updating the Ethics Committee was now recorded in the policy.

Additionally, two errors in the text were noted: 'Councillor' (on page 14) and 'of' (on page 16)

Thanks was given to officers for their work in reviewing the Whistleblowing Policy.

RESOLVED:

1. The Committee **AGREED** to approve the report with the amendments as recorded above; and
2. The final copy of the Whistleblowing Policy to be agreed with the Chair of the Committee before publication.

6/18 **Work programme**

RESOLVED: The Committee **AGREED** to:

1. Approve the work programme as detailed in the agenda; and
2. Cancel the meeting on 1 May 2019 given the lack of agenda items currently. Should there be business for this meeting, it could be rescheduled.

7/18 **Dispensation Applications for Members**

No requests for personal dispensations were received.

8/18 **Exclusion of the Press and Public**

No requests for personal dispensations were received and therefore this item fell.

9/18 **Dispensation Applications for Members**

No requests for personal dispensations were received and therefore this item fell.

The meeting ended at 7.07 pm

Signed:

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Date:

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