

Standards Committee

Agenda

Date: Tuesday, 25th November, 2008
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Appointment of Chairman

In order to comply with the Local Government Act 2000, and guidance from the Standards Board for England, the Standards Committee should have a Chairman who is an Independent Member. At the meeting of the Committee on 8 July 2008 Councillor Lesley Smetham was appointed as Chairman of the Committee until such time as the Independent Members had been appointed.

The Council has now endorsed the decision of the Standards Committee Appointments Panel and five Independent Members have now been appointed. The Committee is therefore now asked to appoint a Chairman.

2. Appointment of Vice Chairman

To appoint a Vice Chairman of the Standards Committee.

3. Apologies for Absence

4. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

Please contact Cherry Foreman on 01270 529736
E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

5. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

6. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the Minutes of the meeting held on 7 October 2008.

7. **Recruitment Process for Parish Council Standards Committee Members** (Pages 5 - 8)

To consider a report of the Governance Group on the ongoing recruitment process for Parish Council representatives and to make a recommendation on appointments.

8. **Code of Conduct Training for New Cheshire East Members** (Pages 9 - 10)

To receive a report on the outcome of, and feedback from, the recent training of new Members on the Code of Conduct.

9. **Whistleblowing Protocol** (Pages 11 - 22)

To consider a report of the Interim Monitoring Officer on progress in respect of the adoption of a Whistleblowing Protocol.

10. **Standards Committee Website Presence** (Pages 23 - 26)

To consider a report of the Governance Group on the information to be included on the Cheshire East website.

11. **Feedback from the Annual Standards Board Conference** (Pages 27 - 28)

To receive updates and note feedback from the Standards Board Annual Conference held in Birmingham on 13 and 14 October 2008.

12. **Committee Work Programme** (Pages 29 - 30)

To consider the Committee's Work Programme for the coming months.

13. **Future Meeting Dates**

To confirm that meetings are timetabled to be held on the following dates: -

13 January 2009	11.00 am	Westfields, Sandbach
10 March 2009	time to be confirmed	Westfields, Sandbach

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Standards Committee
held on Tuesday, 7th October, 2008 at Westfields, Middlewich Road,
Sandbach

PRESENT

Councillor Mrs L Smetham (Chairman)

Councillors Mrs R Bailey, B Dykes, J Goddard, J Hammond, Mrs M Hollins
and M Parsons

9 APOLOGIES FOR ABSENCE

None.

10 DECLARATIONS OF INTEREST

None.

11 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the
Committee.

12 MINUTES OF MEETING TUESDAY, 8TH JULY, 2008 OF STANDARDS**RESOLVED**

That the minutes be approved as a correct record.

**13 RECRUITMENT PROCESS FOR INDEPENDENT AND PARISH
COUNCIL STANDARDS COMMITTEE MEMBERS**

Consideration was given to a report updating the Committee on the
ongoing recruitment process for Independent and Parish Council
representatives.

The recruitment process for Independent and Parish Council members
was considered by the Committee on 8 July 2008. It was resolved that
approval be given to recruit Independent Members from the existing pool
of Borough and County Council independent members and that a panel of
members of the Committee be appointed to interview and recommend the
appointment of Independent Members to the Committee. It was also
agreed that the Cheshire Association of Local Councils be approached to
conduct a nomination process for the recruitment of Parish Council
representatives with one nomination coming from each of the three
districts.

The Panel had met to consider applications which had been sought and received from seven of the existing Independent Members and to interview each of the candidates. The Panel decided to recommend that the five applicants be appointed as independent members of the Standards Committee, details of which were set out in the report.

The Panel also decided to recommend that “a reserve list of Independent members be created in case of future vacancies on the Standards Committee and that the remaining two applicants be placed on the reserve list, details of which were set out in the report

It was noted that the Committee needed to recruit 3 Parish Councillors to act as members of the Committee. At its previous meeting, the Committee had agreed that the Cheshire Association of Local Councils (ChALC) would be approached to assist in the recruitment process. As part of a joint process with Cheshire West and Chester Council, an approach had been made to the Cheshire Association, which has agreed to assist in the recruitment process.

In considering the report Members expressed concern that all Parish Councillors should have the opportunity to respond and there might be some difficulties with regard to informing them, as some Parish Council meetings had already taken place. It was understood that Parish Councillors would be contacted individually, rather than through the Parish Clerks, However, this would be clarified with ChALC.

RESOLVED

1. That the progress with regard to the process for selection of Independent Members be noted and that a recommendation be made to full Council on 20 October that the applicants set out in paragraph 4.2 of the report be appointed to the five Independent Member places and the applicants set out in 4.3 of this report be noted on a reserve list in case of future vacancies amongst the five Independent Member places.
2. That the proposed timetable for appointment of Parish Council members be approved and that the Committee agree to reconsider this matter at it's next meeting, providing that all Members have had the opportunity to respond.

14 PROPOSED TRAINING PROGRAMME

At its previous meeting, the Committee had been advised that the full Standards Committee would require training and awareness, which would need to commence once the Independent and Parish members had been appointed.

Consideration was given to a proposed Training Plan.

It was suggested that, initially, training should take place on two occasions: -

- **January 2009 – Prior to the first meeting of the full Committee on 13 January.** It was proposed that an induction session be held. Depending on the areas to be covered this would be for 1.5 hours. The aim of this session would be to introduce members of the Committee to each other.
- **February 2009 (Date to be agreed)** – A full day session to provide detailed training on dealing with complaints and would cover the assessment process, local hearings and reviews. This training would be vital for the Committee to fulfil its role. A proposed draft programme was included within the report to the Committee.

It was noted that there was a place available for a member of the Committee to attend the Standards Board Annual Conference and that Councillor Goddard had agreed to attend.

RESOLVED

That the proposed Training Programme and dates for the two events be endorsed.

15 CODE OF CORPORATE GOVERNANCE

The Committee was requested to note the work that the Governance and Constitution Committee was undertaking to develop a Code of Corporate Governance and to consider the elements of the Code which were most relevant to the Standards Committee and its functions, so that views could be fed back to the Governance and Constitution Committee.

Whilst a Code of Corporate Governance was not strictly a legal requirement, having one in place which met Audit Commission requirements was considered best practice, as the Annual Governance Statement was required by the Accounts and Audit Regulations and a Code of Corporate Governance simplified the production of the Annual Governance Statement, as all the expected core principles in the CIPFA/SOLACE framework should be present in the local Code. Therefore, evidencing compliance with the local Code would also provide significant evidence to support the Annual Governance Statement.

Members of the Committee requested that a further detailed report be submitted to the next meeting, to assist them in their consideration of this matter.

RESOLVED

That a further report be submitted to the next meeting of the Committee.

16 STANDARDS BOARD FOR ENGLAND - BULLETIN 40

Consideration was given to the latest bulletin published by the Standards Board for England.

RESOLVED

That the bulletin be noted.

17 COMMITTEE WORK PROGRAMME

Consideration was given to the draft Work Programme.

RESOLVED

That the following changes be made to the Work Programme:-

November

Next meeting – Tuesday 25 November, 10am

Items :-

Recruitment of Parish Representatives

Consider the website presence

Reports on Parish Representative nominations, feedback on Conference

Review Councillor Code of Conduct Induction Sessions

Feedback from Standards Board Annual Conference

Whistleblowing Policy

January

Committee meeting to take place on Tuesday 13 January, with induction at 10am, followed by the meeting at 11am.

The meeting commenced at 10.00 am and concluded at 10.40 am

Councillor Mrs L Smetham (Chairman)

CHESHIRE EAST

Standards Committee

Date of meeting: 25 November 2008
Report of: Governance Group
Title: Recruitment Process for Parish Council Standards Committee members

1.0 Purpose of Report

- 1.1 To update the Committee on the ongoing recruitment process for Parish Council representatives and make a recommendation on appointments.

2.0 Decision Required

- 2.1 To note progress on the selection procedure for Parish Council Members of the Standards Committee of Cheshire East Shadow Council and to recommend to full Council on 9 December that the applicants set out in 5.4 of this report be appointed to the three Parish Council Member places.

3.0 Information

- 3.1 Cheshire East Shadow Council set the composition of the Standards Committee as being 5 Independent members, 3 Parish Council members and 8 Cheshire East members forming a membership of 16 in total. The Committee and any sub-committees which are established will need be chaired by an Independent member.
- 3.2 The recruitment process for Independent and Parish Council members was considered by the Committee on 8 July 2008. It was resolved that:
1. Approval be given to recruiting Independent Members from the existing pool of Borough and County Council independent members;
 2. The job description and person specification for independent members be approved;
 3. Councillors John Hammond, Mike Parsons and Lesley Smetham be appointed to a panel of members of the Committee to interview and recommend the appointment of Independent Members to the Committee;
 4. The Cheshire Association of Local Councils be approached to conduct a nomination process for the recruitment of Parish Council representatives with one nomination coming from each of the three districts;
 5. The job description and person specification for the Parish Council representatives be approved subject to the wording being brought into line with that for the Independent Members.

4.0 Recruitment of Independent Members

- 4.1 Following a meeting of the Panel on 15 August, and the subsequent recommendation of Standards Committee on 7 October, full Council made appointments to the five Independent members positions on 20 October and this is the first meeting at which the independent members will be in attendance. The independent member recruitment process is therefore complete for the time being.

5.0 Recruitment of Parish Members

- 5.1 The Committee needs to recruit 3 Parish Councillors to act as members of the Committee. Parish representatives must be present whenever the Committee meets to discuss Parish issues.
- 5.2 The Committee agreed that the Cheshire Association of Local Councils (ChALC) would be approached to assist in the recruitment process.
- 5.3 As part of a joint process with Cheshire West and Chester Council, an approach was made to the Cheshire Association which had agreed to assist in the recruitment process. The agreed job description and person specification together with some background to new authority was forwarded to the Association to enable it to carry out the required process and nominate three recommended Parish representatives. The Cheshire Association sent the pack to all Parish Council clerks with a request that it be forwarded to all councillors for them to be able to make a personal decision on whether or not to apply.
- 5.4 Following the consultation, ChALC received 5 applications. As this exceeded the three places available, a panel comprised of the executive representatives from the Cheshire East area was convened to put forward three names. Criteria included degree of activity and the amount of knowledge candidates possessed about parish council matters. Through this process, the recommended candidates are:

Councillor Teresa Maureen Eatough - Weston and Basford Parish Council

Councillor Kenneth John Edwards - Bollington Town Council

Councillor Patricia Margaret Barnett – Twemlow Parish Council

- 5.5 Cllr Eatough is an existing member of Crewe & Nantwich Borough Council's Standards Committee, Cllr Edwards is a member of Macclesfield Borough Council's Standards Committee and Cllr Barnett is a member of Congleton Borough Council's Standards Committee.
- 5.6 In the event of there being any reason why any candidate was unable to take on the role, ChALC would retain the names of the two remaining candidates as reserves.

6.0 Financial Implications for Transition Costs

- 6.1 The costs of recruitment will be met from within existing resources.

7.0 Future Implication 2009/10 and beyond

- 7.1 Future recruitment costs (including any external adverts) will only be incurred in 2011.

8.0 Legal Implications

- 8.1 The Council is required to have at least 25% membership of this Committee who are Independents and also have Parish Council representation on its Standards Committee.

9.0 Risk Assessment

- 9.1 The recruitment of Independent and Parish representatives fulfils the legal requirements placed on the Shadow Council, and so manages the risk of failing to meet its legal obligations.

10.0 Overview of Day One, Year One and Term One Issues

- 10.1 The Committee needs to be able to deal with complaints about Cheshire East Councillors during 2008/2009. The earlier the necessary Independent and Parish member appointments can be made, the sooner the Committee can be ready to deal with complaints. It needs to be able to deal with complaints against Parish Councillors from 1 April 2009. Recruitment to the vacant positions will mean there is proper preparation for all Day One, Year One and Term one Issues.

For further information:

Officer: Julie Openshaw Interim Monitoring Officer

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Background Documents:

N/a

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CHESHIRE EAST

Standards Committee

Date of meeting: 25 November 2008
Report of: Deputy Interim Monitoring Officer
Title: Code of Conduct Training for new Cheshire East Members

1.0 Purpose of Report

- 1.1 To inform the Committee of the outcome of and feedback from the recent training of new members on the Code of Conduct.

2.0 Decision Required

- 2.1 To note the Code of Conduct training of 8 new Members on 27th October 2008 and that 4 new Members still require training
- 2.2 To confirm that Code of Conduct training should be given to new Members as a matter of priority following their election
- 2.3 To confirm that new members should be given individual guidance on the completion of their initial Registration of Interests form
- 2.4 To support the supply to new members of a specimen Registration of Interests form showing some typical entries

3.0 Introduction

Code of Conduct training is an essential part of the overall training need for all members. A short training session on the Code of Conduct was included in the initial induction day attended by most Cheshire East members on 7th May 2008.

Code Training is especially important for new members. Cheshire East Council has 12 “new” members ie members who are not currently elected members of one of the constituent authorities. A training seminar was conducted for them on 27th October 2008 by Mr Peter Sutton, Deputy Interim Monitoring Officer of Cheshire East Council. The seminar was attended by 8 Members which means that there are still 4 new Members remaining to be trained.

The training appeared to be well received and appreciated by the members and feedback from them is set out below. A particular point of concern is that following the seminar 6 out of the 8 Members realised that their Registration of Interests forms were inaccurate and took the opportunity to immediately amend their forms.

4.0 Feedback from Members

Feedback from members was as follows:

- Appreciation of the importance of the Code, especially in respect of Registration and Declaration of Interests
- Appreciation of the seriousness of the consequences of breaches of the Code

- Concern that full Code training had not taken place much sooner after their election
- Concern that they had not been given more individual guidance in completing the Registration of Interests forms
- Some members had not appreciated that their own home needed to be registered
- Some members had not appreciated that membership of a political party and payment of election expenses needed to be registered

This feedback is reflected in the recommendations made.

5.0 Financial Implications for Transition Costs

5.1 None – the training was provided from within existing resources.

6.0 Future Implication 2009/10 and beyond

6.1 This will depend on future training programmes and whether they are delivered in-house or externally.

7.0 Legal Implications

7.1 Members are at risk of personal action if they fail to adhere to the Code.

7.2 Breaches of the Code may contribute to the likelihood of legal challenges to Council decisions.

8.0 Risk Assessment

8.1 Effective training of Members on the Code is believed to drastically reduce the risk of breaches of the Code occurring, which should result in fewer referrals to the Standards Committee and reduced likelihood of legal challenges to Council decisions.

9.0 Overview of Day One, Year One and Term One Issues

9.1 The need for training of members on the Code will be a constant one.

For further information:

Officer: Peter Sutton, Deputy Interim Monitoring Officer

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Email: peter.sutton@congleton.gov.uk

Background Documents:

N/a

CHESHIRE EAST

STANDARDS COMMITTEE

Date of meeting: 25 November 2008
Report of: Interim Monitoring Officer
Title: Whistleblowing Protocol

1.0 Purpose of Report

- 1.1 To inform the Committee of the Council's progress in respect of the adoption of a Whistleblowing Protocol.

2.0 Decision Required

- 2.1 That the report be noted.

3.0 Financial Implications for Transition Costs

- 3.1 There are no financial implications for transition costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no financial implications 2009/10 and beyond

5.0 Legal Implications

- 5.1 The legal implications of the Protocol are built into the draft Protocol itself.
- 5.2 It is proposed that the Protocol should be contained in the new unitary Council's Constitution.

6.0 Risk Assessment

- 6.1 The adoption of a Whistleblowing Policy is an important element of the emerging unitary Council's approach to Corporate Governance. Such a Policy can be said to minimise risk to the authority in ensuring that the highest standards of openness, probity and accountability are embedded into the Council's work.

7.0 Information

- 7.1 This report appends a report previously presented to the Council's Governance and Constitution Committee. The Committee endorsed the Protocol and it is intended that this should be embodied within the Council's Constitution.
- 7.2 Whilst the Governance and Constitution Committee "owns" the Council's Whistleblowing Protocol, the Standards Committee is responsible for promoting high standards of ethical behaviour within the organisation. It is therefore appropriate for the Standards Committee to be informed of the development of the Protocol.

8.0 Background

- 8.1 One indicator of local authority good governance is that the authority in question has a Whistleblowing Policy or Protocol. The document "Delivering Good Governance in Local Government: Guidance Note for English Authorities" cites such a Policy or Protocol as a source document or good practice which may be used to demonstrate compliance with the requirement that: the authority "has arrangements in place for whistle-blowing to which staff and all those contracting with the authority have access".
- 8.2 The Accounts and Audit Regulations 2003 require that an annual governance statement be produced by local authorities. A Whistleblowing Policy/Protocol is envisaged as being a "proper practice" for local authority good governance and for meeting the requirements of the Regulations.
- 8.3 The purpose of the Protocol is to provide for circumstances in which an employee, Member or contractor, supplier to or consultant witnesses practices that seem suspicious. It seeks to address situations in which those individuals may be deterred from expressing their concerns because they may fear harassment or victimisation.
- 8.4 The Protocol sets out a process by which the individual can report their concerns internally and how the Council will then respond.
- 8.5 Members are referred to the draft Protocol contained in the Appendix to this report.

For further information:

Officer: Brian Reed

Tel No: 01244 972205

Email: brian.reed@cheshire.gov.uk

Background Documents:

- Cheshire Local Authority Constitutions
- DETR Modular Constitution
- Delivering Good Governance in Local Government: Framework

Documents are available for inspection at:

Cheshire East Shadow Council Support Office
Congleton Borough Council
Westfields
Middlewich Road
Sandbach

CHESHIRE EAST

GOVERNANCE AND CONSTITUTION COMMITTEE

Date of meeting: 6 October 2008
Report of: Interim Monitoring Officer
Title: Whistleblowing Protocol

1.0 Purpose of Report

- 1.1 To seek the approval of the Committee in respect of the new unitary Council's Whistleblowing Protocol.

2.0 Decision Required

- 2.1 To endorse the proposed Whistleblowing Protocol

3.0 Financial Implications for Transition Costs

- 3.1 There are no financial implications for Transition Costs

4.0 Financial Implications 2009/10 and beyond

- 4.1 No financial implications 2009/10 and beyond arise over and above those which would apply to any local authority.

5.0 Legal Implications

- 5.1 The legal implications of the Protocol are built into the draft Protocol itself.
- 5.2 It is proposed that the Protocol should be contained in the new unitary Council's Constitution and, therefore the Committee will need to make a recommendation to the Shadow Council to that effect.

6.0 Risk Assessment

- 6.1 The adoption of a Whistleblowing Policy is an important element of the emerging unitary Council's approach to Corporate Governance. Such a Policy can be said to minimise risk to the authority in ensuring that the highest standards of openness, probity and accountability are embedded into the Council's work.

9.0 Information

- 9.1 One indicator of local authority good governance is that the authority in question has a Whistleblowing Policy or Protocol. The document "Delivering

Good Governance in Local Government: Guidance Note for English Authorities” cites such a Policy of Protocol as a source document or good practice which may be used to demonstrate compliance with the requirement that: the authority “has arrangements in place for whistle-blowing to which staff and all those contracting with the authority have access”.

- 9.2 The Accounts and Audit Regulations 2003 require that an annual governance statement be produced by local authorities. A Whistleblowing Policy/Protocol is envisaged as being a “proper practice” for local authority good governance and for meeting the requirements of the Regulations.
- 9.3 The purpose of the Protocol is to provide for circumstances in which an employee, Member or contractor, supplier to or consultant witnesses practices that seem suspicious. It seeks to address situations in which those individuals may be deterred from expressing their concerns because they may fear harassment or victimisation.
- 9.4 The Protocol sets out a process by which the individual can report their concerns internally and how the Council will then respond.
- 9.5 Members are referred to the draft Protocol contained in the Appendix to this report.

10.0 Conclusion

- 10.1 The Committee is asked to endorse the proposed Protocol and to note that, in view of its implications for staff, that there will need to be consultations with unions before the contents of the draft can be finalised.

For further information:

Officer: Brian Reed

Tel No: 01244 972205

Email: brian.reed@cheshire.gov.uk

Background Documents:

- Cheshire Local Authority Constitutions
- DETR Modular Constitution
- Delivering Good Governance in Local Government: Framework

Documents are available for inspection at:

Cheshire East Shadow Council Support Office
Congleton Borough Council
Westfields
Middlewich Road, Sandbach

[CHESHIRE EAST][CHESHIRE WEST] COUNCIL

WHISTLE BLOWING PROTOCOL

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1.0 INTRODUCTION

- 1.1.1 As an employee, Member or contractor, supplier to or consultant with, the Council you may, from time to time, witness practices that seem suspicious. However, you may be deterred from expressing your concerns because you fear harassment or victimisation. You may feel that it may be easier to ignore the concern rather than to report your suspicions.
- 1.1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so, without the fear of victimisation, subsequent discrimination or disadvantage.
- 1.1.3 These procedures are intended to encourage and enable you to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. Premature or unnecessary publicity may damage the Council's reputation, impede proper investigations, or hurt individuals unnecessarily.
- 1.1.4 A Member shall not disclose confidential information, using the public interest exemption in the Council's Member Code of Conduct without first considering using the procedure in this Whistle Blowing Protocol to raise concerns about an issue, unless it is necessary for the disclosure to be made to the Police or a Regulatory Body.

2.0 PURPOSE & SCOPE

- 2.1.1 These procedures have been introduced to provide employees, Members and contractors, suppliers or consultants with a secure basis for reporting suspicions of impropriety, in the knowledge that the matter will be treated confidentially.
- 2.1.2 This policy covers the reporting of a malpractice, the information that will need to be recorded and the steps that need to be followed to ensure that you do not suffer any recriminations or victimisation.
- 2.1.3 These procedures are intended to supplement, rather than replace, existing Council policies and procedures (for example the Council's grievance procedures and the policies dealing with harassment) whereby employees of the Council may already raise complaints or matters of genuine concern with the Council. They are therefore designed to provide for those instances where the person reporting the matter feels that, for any reason, they cannot make use of other procedures.

2.1.4 This policy has been designed to take into account Human Rights considerations.

2.2 CONTRACTORS, SUPPLIERS AND CONSULTANTS

2.2.1 In your dealings with the Council you will often work very closely with Council employees and Councillors. You will also operate under the Council's procedures and policies. The Council is fully aware that if you notice anything suspicious, or come across malpractice, you may be concerned about your relationship or future relationship with the Council if you raise this. As with employees and Councillors, the Council wants to encourage you to voice any concerns you may have, secure in the knowledge that the matter will be taken seriously and investigated, and that you and your organisation will not suffer any disadvantage.

3.0 LEGISLATION

3.1.1 The Public Interest Disclosure Act 1998 has been introduced to protect employees who expose serious wrongdoing in the workplace. It applies where a malpractice is disclosed involving:-

- a crime or breach of regulatory, administrative and common law;
- a miscarriage of justice;
- danger to health and safety;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption; and
- sexual, physical or financial abuse of clients

3.1.2 The Act protects you from victimisation where you reasonably believe the information, and are acting in good faith.

3.1.3 A disclosure is protected if you have an honest and reasonable suspicion that a malpractice has occurred, is occurring or is likely to occur. As an employee you can raise the matter with your line manager who will refer it to one of the named below, or if you prefer direct to:-

- Head of Paid Service;
- Monitoring Officer;
- [Relevant Director];
- [Audit Manager].

3.1.4 Councillors can report suspicions to:-

- Head of Paid Service
- Monitoring Officer
- [Relevant Director];
- [Audit Manager]

A confidential record will be maintained by the [Audit Manager] of all concerns raised (except if the complaint is against the [Audit Manager's] Team).

- 3.1.5 It is important to note that in response to concerns raised with any of the above, they will initially act independently of each other when making investigations, except for the Audit Manager who may be asked to carry out the investigation.

4.0 SAFEGUARDS

4.1 HARASSMENT OR VICTIMISATION

- 4.1.1 The Council is committed to good practice and high standards, and wants to be supportive of employees.
- 4.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. It will not tolerate any harassment or victimisation and will protect you if you raised a concern in good faith.
- 4.1.3 If you happen to be already involved in any disciplinary or redundancy procedures these will be kept separate from the investigation of your complaint.

4.2 CONFIDENTIALITY

- 4.2.1 The Council will protect the confidentiality of all matters raised by concerned employees and Councillors.
- 4.2.2 If there is any breach of confidentiality by any of the four named officers in paragraph 3.1.3, the employee raising the concern can take the appropriate action under the grievance procedures.

4.2.3 ANONYMOUS ALLEGATIONS

- 4.3.1 This policy encourages you to put your name to your allegation whenever possible.
- 4.3.2 This is because concerns expressed anonymously are much less powerful than those raised by an identified individual. Anonymous allegations will, however, be considered at the discretion of the Council.
- 4.3.3 In exercising this discretion the factors to be taken into account would include:-

- the seriousness of the issues raised;
- the credibility of the concern; and

- the likelihood of confirming the allegation from attributable sources.

4.4 UNTRUE ALLEGATIONS

- 4.4.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, as an employee you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. In the case of Members, the Standards Committee will consider the matter and make recommendations to the Council.

5.0 PROCEDURES

5.1 RAISING A CONCERN

- 5.1.1 You can raise your concern orally, (i.e. face to face or over the phone) or in writing. If you write, mark the envelope 'personal, private and confidential' and if the concern is of a serious nature, hand deliver the envelope to the person you wish to report the matter to.
- 5.1.2 Whichever way you choose, please give as much information as you can. Remember also to give your name, job and say if you do not want to be contacted at work (if so, give your home address and phone number).
- 5.1.3 You should include the following:-
- background information;
 - information as to why you are concerned;
 - details of any other procedures which you have already used, and what happened;
 - the names of the employee/Members involved and where they work (if applicable);
 - dates or periods of time relating to the matter;
 - the names and jobs of any other employees/Members who may support your concern.
- 5.1.4 The earlier you express your concern, the easier it will be to take action.
- 5.1.5 Although you will not be expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for the concern.
- 5.1.6 You may find it easier to raise the matter jointly if there is another employee/Member who has the same concern, and will support your allegation.

- 5.1.7 You would be advised to invite your trade union representative, or another person, to be present during any meetings or interviews in connection with the concern raised. In this case you can remain anonymous when the concern is first raised, but you may have to be involved personally if the matter goes further.

5.2 HOW THE COUNCIL WILL RESPOND

- 5.2.1 One of those named in paragraphs 3.1.3 will firstly decide whether to carry out an investigation and determine which Council procedure it is appropriate to use.

- 5.2.2 If it is decided that the matter should be taken further under Whistleblowing procedures, the concern raised will be:-

- investigated by the Monitoring Officer, Management or [Internal Audit];
- referred to the police;
- referred to the external auditor;
- considered to become the subject of an independent inquiry;
- considered under the Council's Member Code of Conduct.

You may be interviewed by the person investigating the matter.

- 5.2.3 In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.

What You Will be Told

- 5.2.4 The person to whom you have raised your concern will contact you in writing within 10 working days detailing the following:

- acknowledging that the concern has been received;
- indicating how the Council intends to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- detailing any initial enquiries that have been made; and
- informing you whether further investigations will take place (and if not, why not).

- 5.2.5 The amount of contact you have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and the availability of information. Wherever possible, you will be told the final outcome of any investigation.

- 5.2.6 The Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For example, if required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.

5.3 THE RESPONSIBLE OFFICER

- 5.3.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

5.4 IF YOU ARE NOT SATISFIED WITH THE COUNCIL'S RESPONSE

- 5.4.1 This procedure is meant to give everyone an effective way to raise a concern within the Council (and if possible resolve it internally). However, if you are still unhappy after using the procedure (and getting a final written response) you are entitled to consider taking your concern elsewhere. If you do this, these are some of the contacts that are available:

- the Council's external auditors [insert link/contact details]
- UNISON Whistle blowing Hotline – 0800 597 9750
- Audit Commission Anti Fraud and Corruption Unit – 020 7630 1019
- The independent charity Public Concern at Work – 020 7404 6609
- a Citizens Advice Bureau
- the Standards Board for England – 0845 0788181
- a relevant professional or regulatory body
- a relevant voluntary organisation
- the police

CHESHIRE EAST

Standards Committee

Date of meeting: 25 November 2008
Report of: Governance Group
Title: Standards Committee website presence

1.0 Purpose of Report

- 1.1 To seek the Committee's views on the website presence of the Standards Committee.

2.0 Decision Required

- 2.1 To decide on whether the Standards Committee wish to include the following information on the Cheshire East website:

- 2.1.1 Names of independent and parish members;
- 2.1.2 Details about independent and parish member recruitment and the role they play on the Committee;
- 2.1.3 The Committee's Terms of Reference;
- 2.1.4 A Frequently Asked Questions section giving details about what the Committee does and the powers it has;
- 2.1.5 Information on how complaints against members can be made (including a complainant form and guidance);
- 2.1.6 Information on who the Monitoring Officer for the Authority is and the played within the Council;
- 2.1.7 A guide to the Code of Conduct;
- 2.1.8 Information on the Standards Board for England;
- 2.1.9 Useful links to external sources that relate to the Standards Committee.

- 2.2 To authorise the Interim Monitoring Officer to organise the relevant web pages and inclusion on the Cheshire East Website.

3.0 Information

- 3.1 With the growing use of the internet the Council's website will be a valuable way of communicating with the public. Therefore, it is recommended that the Standards Committee have a clear and identifiable presence on it. Promotion of the Standards Committee's presence and role was a particular message arising out of the recent Standards Board annual conference.
- 3.2 This report is aimed at helping members decide the level of presence the Committee should have.
- 3.3 The Website currently holds a limited amount of information on the committee.
- 3.4 The recruitment process for Independent and Parish members of the Committee is currently nearing its conclusion and once membership is complete, it is recommended that members' names appear on the Website. This will enable the public to fully

understand how the Committee is constituted. It will also show to members of the public that the Committee includes people from all walks of life and not just Councillors.

- 3.5 The Committee may also want to include information on how independent and parish members are selected and the role they play on the Committee.
- 3.6 The Committee may wish to include a Frequently Asked Questions section detailing what the Committee does and what powers it has.

4.0 Complaints

- 4.1 The Committee is currently responsible for dealing with complaints received against members of the Shadow Authority. From 1 April 2009 it will also become responsible for complaints relating to members all Parish Councils in the Cheshire East area.
- 4.2 Currently complaints can be made to Cheshire East in writing addressed to the Chairman of the Standards Committee, care of the Interim Monitoring Officer.
- 4.3 The Committee may wish to consider including a complaint form on the Website. The complaint form may be accompanied by guidance on its completion and guidance on the complaints procedure generally.
- 4.4 Including this will allow members of the public to find complaint information easily and help show that Cheshire West and Chester is a transparent authority and willing to hold its members to account.
- 4.5 If the Committee wish to include such information on the Website, a report with draft documents will be brought to the Committee at a later date.

5.0 Other possibilities

- 5.1 The Committee may also wish to include the following information on the Website:
 - 5.1.1 Information on who the Monitoring Officer for the Authority is and the role they play within the Council
 - 5.1.2 A guide to the Code of Conduct. This would be particularly useful if the Committee decide to include information on complaints
 - 5.1.3 Information on the Standards Board for England. This could include links to the Standards Board for England's website.
 - 5.1.4 Useful links to external sources that relate to the Standards Committee: for example, links to the Council's constitution and links to relevant legislation and guidance.

6.0 Other Authorities

- 6.1 Most, if not all, authorities in England include information relating to their Standards Committee on their website. However, the amount of information included varies greatly between authorities.
- 6.2 Some authorities include the minimum information possible. For example, the website may contain details of where complaints can be sent and a small amount of information on what the Standards Committee does.
- 6.3 Other authorities include all the information outlined in this report.

- 6.4 The Standards Board for England has produced no guidance on this area, but has stressed the importance of raising the profiles and understanding of the work of Standards Committees. It is a matter for the individual authority to decide how it approaches the issue of website presence but clearly this is a valuable way of spreading information about their work.

7.0 Legal Implications

- 7.1 There is no legislation or guidance that specifically covers what a Standards Committee should place on its website but the need to address this is explained elsewhere in this report.

8.0 Risk Assessment

- 9.1 Promoting the work of the Standards Committee and public understanding of it helps mitigate against the risk of public misunderstanding of standards, governance and ethics issues within the Council and may help to improve public perception and appreciation of the arrangements for proper conduct within the Council.

10.0 Overview of Day One, Year One and Term One Issues

- 10.1 Promoting the work of the Standards Committee will assist the Shadow Council in ensuring proper preparation for all Day One, Year One and Term one Issues.

For further information:

Officer: Julie Openshaw Interim Monitoring Officer

Tel. No: 01625 504250

Email: j.openshaw@macclesfield.gov.uk

Background Documents:

N/a

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CHESHIRE EAST

Standards Committee

Date of meeting: 25 November 2008
Report of: Governance Group
Title: Feedback from the Seventh Annual Standards Board Conference: "Delivering the Goods – Local Standards in Action"

1.0 Purpose of Report

- 1.1 To receive updates and note feedback from the Standards Board Annual Conference held in Birmingham on 13 and 14 October 2008.

2.0 Decision Required

- 2.1 To note the report.

3.0 Information

- 3.1 The 2008 annual conference was attended by the Interim Monitoring Officer (Monitoring Officer for Macclesfield Borough Council), and Councillor John Goddard who is a member both of Macclesfield's Standards Committee and this committee.
- 3.2 The conference was extremely well attended by officers and members across the country who are connected with standards issues, including monitoring officers, elected committee members, independent members, parish members, chief executives and council leaders.
- 3.3 The conference was addressed by both the Chairman and the Chief Executive of the Standards Board for England, other Standards Board representatives, the Chairman of the Committee on Standards in Public Life, the Managing Director of Ipsos Mori, a Government representative and a representative of the Audit Commission.
- 3.4 Between the main plenary sessions, there were a variety of different sessions which attendees were able to choose from. Some of these were designed to be more of interest for specific groups, with others of more general relevance, although all were open to all categories of attendees. They included areas such as delivering local assessment and investigations, alternative action, setting standards for joint working, consistency in managing standards, the Code of Conduct, mediation, planning ahead, and the parish perspective. A number of optional fringe events were included in the programme.

- 3.5 One of the key messages emanating from the conference was the need for Standards Committees to seek to raise the profile of their work, both within their organisations and in the public arena. The committee may wish to consider how this may be taken forward; a separate report on website presence for the committee is included on this agenda.

4.0 Financial Implications for Transition Costs

- 4.1 ??.

5.0 Future Implication 2009/10 and beyond

- 5.1 ??.

6.0 Legal Implications

- 6.1 No specific implications.

7.0 Risk Assessment

- 7.1 Not applicable.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 Feedback from the Standards Board conference allows the committee to be aware of current key issues, to prepare for Day One, Year One and Term one Issues.

For further information:

Officer: Julie Openshaw Interim Monitoring Officer
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Email: j.openshaw@macclesfield.gov.uk

Background Documents:

N/a

CHESHIRE EAST STANDARDS COMMITTEE**25 November 2008****DRAFT WORK PROGRAMME**

Month	Item
October	Second Committee meeting – 7 October <ul style="list-style-type: none"> • Reports on recruitment of independent members, code of corporate governance, and training • Recruitment of Parish Representatives ongoing • Standards Board for England Conference • Council to consider appointment of independent members – 20 October
November	Third Committee meeting – 25 November <ul style="list-style-type: none"> • Consider the website presence • Reports on Parish Representative nominations • Review Councillor Code of Conduct Induction Sessions • Feedback from Standards Board Annual Conference • Whistleblowing Policy
December	<ul style="list-style-type: none"> • Council to consider appointment of Parish representatives – 9 December
January	Committee meeting to take place on Tuesday 13 January, <ul style="list-style-type: none"> • Induction for Independent members and Parish representatives to take place at 10am, followed by meeting at 11am. • Items :- • Report on appointment of Chairman and Vice-chairman of Sub-Committees • DVD screening • Annual Report • Notify Parish Council's about the changes from 1/4/09
February	<ul style="list-style-type: none"> • Parish Pilot complete – review the outcomes • Training – Date to be arranged - Full day - Assessments, Reviews and Local Hearings
March	Fifth Committee meeting – 10 March 2009 <ul style="list-style-type: none"> • Finalise Annual Report 08/09 • Finalise Work Programme 09/10 • Relationship with Parish Councils

10 November 2008

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