

# **GOVERNANCE COMMITTEE SUPPLEMENTARY AGENDA**

**13 March 2013**

The following reports are attached for consideration and are submitted with the agreement of the Chairman as urgent matters pursuant to Section 100B (4) of the Local Government Act 1972

- 7 MEMBERS' QUESTIONS AT COUNCIL MEETINGS TO FOLLOW (Pages 1 - 4)**
- 12 OUTSIDE BODIES - HORNBURCH HOUSING TRUST (Pages 5 - 6)**
- 15 CONFIDENTIAL REPORTING (WHISTLE-BLOWING) TO FOLLOW (Pages 7 - 20)**

**Ian Buckmaster  
Committee Administration and  
Member Support Manager**

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## GOVERNANCE COMMITTEE

<b>Subject Heading:</b>	Revision of Procedure for Council Questions
<b>CMT Lead:</b>	Ian W. Burns
<b>Report Author and contact details:</b>	Ian W. Burns Acting Assistant Chief Executive <a href="mailto:ian.burns@havering.gov.uk">ian.burns@havering.gov.uk</a> 01708 432484
<b>Policy context:</b>	
<b>Financial summary:</b>	There are no financial implications involved in this report

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	□
Championing education and learning for all	□
Providing economic, social and cultural activity in thriving towns and villages	□
Valuing and enhancing the lives of our residents	□
Delivering high customer satisfaction and a stable council tax	□

**SUMMARY**

Following consultation with the Administration, proposals are put forward to revise the procedure for Council questions answered at each meeting, with the questions being submitted earlier than at present.

**RECOMMENDATIONS**

1. The Committee to consider this report.
2. That rule 10.2(i) of the Council Procedure Rules (Notice of Questions) is amended to read:  
  
 “they have given 11 clear days’ notice in writing to the Proper Officer signed by the Member or by the Group Leader on behalf of that Member”  
  
 and the timetable in the Appendix to the Rules be amended accordingly.

3. That rule 10.6 of the Council Procedure Rules (Time for Questions) is amended to read:

**“Number of Questions**

A maximum of 15/20 questions can be submitted for a Council meeting all of which together with any supplementary questions under rule 10.5 will receive an oral reply at the meeting. Any questions in excess of the maximum number that are submitted will be treated as a Member enquiry and receive a written response.”

4. That this Committee recommend whether the maximum number of questions is 15 or 20 or some other number.
5. That this Committee decides whether to retain the current distribution of questions rights or amend it to one of the options suggested in paragraph 8 of this report.

**REPORT DETAIL**

1. For many years now there has been part of the Council procedure for Members to have 30 minutes in which to ask questions of the administration about the business of the Council and matters affecting the borough. Members had to give notice of their main question but having received the initial answer they may then ask without notice a supplementary question. The number of questions put down for answer is now invariably over 20 and often near 30, but it is rare for more than nine or 10 questions to be answered in the 30 minute session. As well as the number of questions, the complexity means that a considerable amount of research has to be undertaken in a patently short period, questions currently having to be submitted six working days before the Council meeting.
2. The reduction in the size of the officer structure together with the number and complexity of questions is resulting in the answers being completed very close to the Council meeting and often requires cabinet members to consider the draft replies at very short notice.
3. Having consulted with the administration, it is proposed that the notice period for the deposit of questions should be extended to 11 working days before the Council meeting. This will enable answers to be prepared in a comprehensive manner, including sufficient time for Cabinet Members to include their input into the final replies.
4. There will still be the facility for the Mayor to permit the asking of an urgent question where a matter of importance has arisen after the normal closing date for questions.
5. In order that more questions can be answered orally, it is proposed to amend the time period for questions from a fixed period of 30 minutes to the time taken

to answer a fixed number of questions, the two suggested totals being either 15 questions or 20 questions. Unless the answers to questions and supplementary questions are more succinct than at present, the amount of time taken for questions will probably exceed the current 30 minutes, which will have an impact on the time available for debates on motions. The views of the committee are sought on these two possible limitations on the number of questions.

6. With there being a fixed number of questions to be answered already, there is then the matter of what should happen if more than - for example - 15 questions are submitted.
7. Currently, questions that do not receive an oral answer receive a written answer. This is appropriate when there is uncertainty about the number of questions that will receive an oral reply. If the Committee and Council decide to fix the number of questions that will receive an oral reply then there is no need to have a 'reserve' list that may or may not receive an oral response. It is suggested that once the 15/20 questions have been submitted any subsequent questions will be treated as member enquiries and receive a written response in the normal manner.
8. There are already provisions in the Council Procedure Rules to ensure a fair distribution of questions. These provisions, which appear to be well received could be retained, or if a change was desired two other possible options for sharing questions are suggested:
  - (a) That all the questions are shared out in the approximate proportions as the ration of seats held by each opposition party, e.g. with 20 questions the ratio would be Residents 11, Labour 5, IRWR 4.
  - (b) That a lower number of the questions were reserved to each opposition party with a 'first come, first served' for the remainder, e.g. Residents 7, Labour 3, IRWR 2 with 8 questions available to all (assuming a total of 20 questions).

<b>IMPLICATIONS AND RISKS</b>
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**Legal implications and risks:**

The governance of Council meetings is largely an internal matter for the Council, so there are no direct legal implications from these proposals. A longer time for questions will result in there being less time for debating motions unless a separate decision is made about lengthening the time for the meeting or revising the rules of debate.

**Financial implications and risks:**

There are no direct financial implications from these proposals. Officer time is already taken up with preparing answers to questions and member enquiries, and the proposals will mean no specific changes in staffing structures/deployment.

**Human Resources implications and risks:**

There are no direct human resource implications

**Equalities implications and risks:**

No equalities implications and risks have been identified as a result of the proposed changes to the Council Meeting procedure as there are already provisions in the Council Procedure Rules to ensure a fair distribution of questions answered at Council meetings.

**BACKGROUND PAPERS**

None



**GOVERNANCE  
COMMITTEE**

**Subject Heading:**

**APPOINTMENTS TO OTHER  
ORGANISATIONS– HORNCHURCH  
HOUSING TRUST**

**CMT Lead:**

Ian Burns  
Assistant Chief Executive  
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**Report Author and contact details:**

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**Policy context:**

The Council appoints Members and others to serve on a variety of other bodies

**Financial summary:**

There are no significant financial implications.

**The subject matter of this report deals with the following Council Objectives**

- Clean, safe and green borough
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

**SUMMARY**

**Hornchurch Housing Trust**

The Council appoints a number of nominative trustees to the Trust for four year terms of office expiring in sequence over each four year period.

The term of office for both Councillor Eric Munday and Mr Chris Oliver expired at the end of February 2013. Mr Oliver has indicated that he does not wish to be re-appointed, and it has been proposed that Councillor Ted Eden should replace him as the Council's nomination to the Trust.

Councillor Eric Munday is able, and wishes, to continue.

### **RECOMMENDATIONS**

That the Committee appoints **Councillor Eric Munday** and **Councillor Ted Eden** as Trustees for the term of office expiring in February 2017.

### **IMPLICATIONS AND RISKS**

#### **Equalities and Social Inclusion Implications and Risks**

There are no specific implications or risks. Appointments should be made with the Council's equalities policies in mind.

#### **Legal, Finance and Environmental Implications and Risks**

These appointments are administrative and have no direct legal, financial or environmental implications or risks. In some cases (but not this), membership of an organisation is dependent upon the Council paying a subscription: where relevant, the subscription will be met from within an appropriate budget provision.

### **BACKGROUND PAPERS**

Files are held by Committee Administration containing background information on the organisations to which appointments are being made.



**GOVERNANCE COMMITTEE**

**Subject Heading:**

Confidential Reporting (Whistleblowing) Policy

**Report Author and contact details:**

Vanessa Bateman – Internal Audit & Corporate Risk Manager  
ext: 3733 email: [vanessa.bateman@havering.gov.uk](mailto:vanessa.bateman@havering.gov.uk)

**Policy context:**

To update the committee on activity under the Confidential Reporting Policy.

**Financial summary:**

There is no specific financial impact to be considered from this report.

**The subject matter of this report deals with the following Council Objectives**

- Clean, safe and green borough [ ]
- Excellence in education and learning [ ]
- Opportunities for all through economic, social and cultural activity [ ]
- Value and enhance the life of every individual [ ]
- High customer satisfaction and a stable council tax [X]

**SUMMARY**

The Confidential Reporting Policy forms part of the Council's Corporate Governance Framework and has been reviewed and updated by the Officer Governance Group in 2012. Trade Unions have been given the opportunity to comment on the updated policy and a final draft version is presented to Governance Committee for approval, along with an update on activity surrounding this policy in recent years.

**RECOMMENDATIONS**

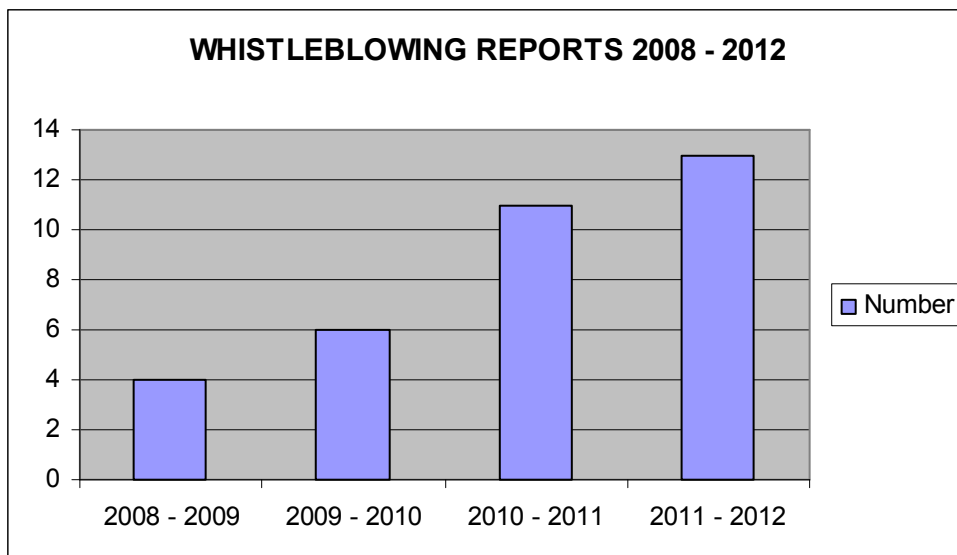
1. To note and comment on the contents of the report.
2. To approve the updated Confidential Reporting Policy.
3. To note that minor changes to the job titles within the policy may be

- required following the implementation of the Senior Management Restructure.
4. To delegate authority to make these changes to Group Director Finance & Commerce.

## REPORT DETAIL

The Confidential Reporting Policy is more commonly referred to as the 'Whistleblowing Policy' and forms part of the Council's Corporate Governance Framework.

To date in the current financial year there have been 15 whistleblowing reports. The figures for the last four financial years are included in the table below and indicate an increase year on year.



The Whistleblowing Policy has been reviewed by the Officer Governance Group in 2012. No comments were received by the Trade Unions. A draft version for approval is attached as Appendix A of this report. The changes made are noted below:

- 1) Change of ownership from Council's Monitoring Officer to Group Director Finance & Commerce as most activity under the policy is undertaken within Internal Audit and Human Resources.
- 2) Individuals covered by the policy has been extended to ensure all relevant groups are covered including volunteers.
- 3) The format of the policy has been updated to make it more reader friendly.

On approval by the Committee the updated policy will be publicised to all relevant parties and will be made available on the intranet.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None directly arising from this report, the resources required to investigate reports under this policy are available within existing budgets.

### **Legal implications and risks:**

There are no Legal implications arising from this report.

### **Human Resources implications and risks:**

There are no HR implications arising from this report, HR are involved with investigations resulting from reports particularly where an investigation triggers a disciplinary process. All action taken in response to an investigation under the Confidential Reporting Policy would be taken in accordance with the Council's Disciplinary Policy and Procedures and or the Council's Fraud Strategy.

### **Equalities implications and risks:**

There are no Equalities implications arising from this report.

## BACKGROUND PAPERS

Equalities Impact Assessment – Confidential Reporting Policy.

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# Confidential Reporting Policy 'Whistleblowing'

March 2013

Date Last Reviewed:	
Approved by:	Governance Committee
Date Approved:	
Version Number:	1.0
Review Date:	December 2015 or as required
Document Owner:	Director of Finance and Commerce
Post Holder:	Andrew Blake-Herbert
Reference No:	Governance / Whistleblowing 12/13

## Contents

Title	Page No.
Whistleblowing Policy	3
What is Whistleblowing?	3
Who is covered by the Policy?	3
What types of action are covered by the Policy?	4
What is not covered by the Policy?	4
Protecting you	5
Anonymous Allegations	5
Untrue Allegations	6
How to raise a concern	6
How we will respond	7
Further support, tools and guidance.	9

# Whistleblowing Policy

Our policy is part of the Council's Corporate Governance Framework that seeks to promote a culture of openness and a shared sense of integrity throughout the Council by inviting employees to act responsibly in order to uphold the reputation of the Council and maintain public confidence.

## What is Whistleblowing?

Whistleblowing encourages and enables people resources to raise serious concerns within the Council rather than ignoring a problem or "blowing the whistle" outside.

Individuals working for or on behalf of the Council are the first to spot anything that is seriously wrong within the organisation. However, they might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised.

That is why we have produced this Whistleblowing policy to help individuals with concerns to come forward and report them with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

We are committed to being open, honest and accountable. For this reason concerns/disclosures of malpractice and impropriety are taken very seriously.

We expect our people resources and other organisations working for or with the Council to bring to our attention any issues of concern, malpractice or other wrongdoing.

## Who is covered by this Policy?

All Employees and other workers (including those designated as casual/seasonal, temporary, agency, authorised volunteers or work experience) and those contractors working for the Council on Council premises, for example, builders or technicians. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes and sheltered accommodation.

## What types of action are covered by the Policy?

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

Misuse of Council funds;

Misuse of Council computer systems;

Bribery and corruption;

Fraud;

Improper or unauthorised use of Council money;

Clients, children or students, particularly children and adults in our care, being mistreated;

Abuse of position for any unauthorised use or for personal gain;

None adherence to a Council policy, an official code of practice or any law or regulation;

Failure to meet appropriate professional standards; and

Other instances where attempts have been made to conceal or cover up wrongdoing.

Your concern may be about members of staff, people who work directly for the Council, suppliers, or people who provide services to the public on the Council's behalf.

## What is not covered by the Policy?

You cannot use this policy to deal with serious or sensitive matters that are covered by other procedures, for example:

- Staff complaints about their employment. These complaints are dealt with through our Grievance or Bullying and Harassment Policies and Procedures;
- Customers' complaints about our services. These complaints are dealt with through our Corporate Complaints Procedure; and



- Allegations against councillors.

Also, you cannot use this policy to raise issues that have already been settled through other procedures, for example, matters previously resolved under the Council's Disciplinary Rules Procedure.

## Protecting you

If your allegation is true, you have nothing to fear. But we understand that deciding to blow the whistle is not easy.

If you raise a concern which you believe is true, we will take appropriate action under the Public Interest Disclosure Act 1998 to protect you from any harassment, victimisation or bullying.

We will protect your identity and keep your concerns confidential.

There may be occasions when you will need to provide statements of evidence in order for us to conclude the investigation. In this case we will not reveal your name or position without your permission or unless we have to do so by law, for example, if the evidence is required in Court then your anonymity may be subject to the decision of the Courts.

If you work for the Council, you should also know that any allegation you make will not influence, or be influenced by, any unrelated disciplinary action against you.

## Anonymous allegations

Because we will treat the information you provide as confidential, we encourage you to give your name when you make an allegation. Concerns raised anonymously tend to be far less effective and if, for example, we do not have enough information, we may not be able to investigate the matter at all.

If you feel that you cannot give your name, the Internal Audit and Corporate Risk Manager will decide whether or not to consider the matter. This will depend on: the seriousness of the matter; whether your concern is credible; the likelihood of confirming the allegation from credible sources; and whether we can carry out an investigation based on the information you have provided.

## Untrue Allegations

If you make an allegation which you believe is true, but it is not confirmed by our investigation, we will not take any action against you.

However, if the investigatory process finds you have made an allegation which you know is untrue, frivolous, malicious or for personal gain; we will take appropriate disciplinary or legal action against you.

## How to raise a concern

Depending on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing, you may want to discuss your concern with someone in your chain of management from your line manager to Group Director or Assistant Chief Executive. The Assistant Chief Executive Legal and Democratic is the Council's Monitoring Officer, and plays a key role in the Council's Governance arrangements as does the Group Director Finance & Commerce as the Council's s151 Officer both are therefore alternative contacts for concerns.

It is usual for Whistleblowing reports to be investigated by the Internal Audit Team therefore if you prefer you can contact the Internal Audit & Corporate Risk Manager or the Corporate Fraud manager direct, you can do so in any of the following ways:

By phoning the Whistleblowing hotline on 01708 432946. You can leave a confidential voice-mail message 24 hours a day.

By writing to the Internal Audit and Corporate Risk Manager, Room CG6, Town Hall, Main Road, Romford, Essex, RM1 3BD.

By sending an e-mail to: [tellusaboutfraud@havering.gov.uk](mailto:tellusaboutfraud@havering.gov.uk)

If you are putting your concerns in writing it is best to give as much information as possible - including any relevant names, dates, places and so on.

You should also provide:

- The reason why you are concerned about a situation
- Background information

- What you personally witnessed or extent to which you have experienced the problem
- If possible you should provide documentary evidence.
- The earlier you raise a concern, the easier it will be to take effective action.
- Although you will not have to prove beyond the shadow of a doubt that your allegation is true, you will have to show that there are reasonable reasons for your concern.
- The earlier you raise a concern, the easier it will be to take effective action.

## Help for you

You may want to discuss your concern with your trade union representatives who can give you general support and advice, or act for you if this would help. This could be useful, particularly if you wish to remain anonymous.

## How we will respond

The person with whom you raise your concerns; will acknowledge receipt of them within 5 working days and within 20 working days, will respond by writing to you:

- acknowledge that we have received your concern
- indicating the proposals to deal with the matter
- the name and details of the investigating officer for future contact
- giving an estimate of how long it will take to provide a final response;
- tell you whether further investigations will take place and if not, why not; and
- tell you what support is available to you.

It is difficult to set further timescales as they depend on the nature of the allegation and the type of investigation we need to carry out.

The way we deal with the concern will depend on what it involves. If we need to take urgent action, we will do this before carrying out any investigation.

We will first make enquiries to decide whether we should carry out an investigation and, if so, how we should go about it. Throughout all our enquiries and any investigation, our main concern will be to put the interests of the public first.

Your concern may be investigated by council management, our internal audit investigators, or we may refer it to:

- the police;
- other agencies (for example, if it involves the abuse of children or vulnerable adults it may be referred to the relevant Director of Services);
- our external auditor; or
- an independent investigator.

If your concern or allegation can be handled under any other procedure or policy, we will pass it on to the relevant person and let you know.

The amount of contact you have with the investigating officer will depend on the nature of your concern, the potential difficulties involved, and whether or not the information you have given us is sufficiently clear.

If you need to have a meeting, you can be accompanied by a friend or a representative from a trade union or professional association.

We will take steps to reduce any difficulties you may experience as a result of raising a concern. For instance, if you need to give evidence in criminal or disciplinary proceedings, we will arrange for you to get advice on the procedure.

If the investigation finds that misconduct and/or gross misconduct has occurred, disciplinary action may be initiated in accordance with the Council's Disciplinary procedures.

In all cases we will seek to apply the most appropriate sanction against employees considered to be guilty of malpractice. This includes commencing disciplinary action, which may lead to dismissal, and, in the case of unlawful wrongdoing may also involve criminal proceedings; however, the nature and outcome of any disciplinary action taken will remain confidential.

### **Who is responsible for this Whistleblowing policy?**

The Group Director Finance & Commerce is responsible for this Policy which is approved by the Council's Governance Committee. The Internal Audit and Corporate Manager will take an independent view of any concerns raised and maintains a confidential record of all concerns raised and the outcomes. Annually a report containing Whistleblowing activity is presented to the Audit Committee who have also been delegated a role regarding Corporate Governance and are responsible for approving the Council's Annual Governance Statement.

### **What if a concern involves the officer involved in the Whistleblowing procedure?**

If a concern involves the Internal Audit and Corporate Risk Manager, the matter should be referred to the Council's Monitoring Officer.

If a concern involves the Chief Executive, the matter should be referred to the Leader of the Council.

### **How you can take a matter further**

We hope you will be satisfied with any action we take. If you're not, and you want to take the matter outside the Council, you could contact:

our external auditor; contact details on the council website

the Audit Commission; email: [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)

You're local Citizens' Advice Bureau

relevant professional bodies or regulatory organisations

a relevant voluntary organisation; or

the police

### **Independent advice**

You can get independent advice or support from an organisation called Public Concern at Work. Their address is:

Public Concern at Work

3rd Floor, Bank Chambers, 6-10 Borough High Street, London, SE1 9QQ

Phone: 020 7404 6609

The latest version of the Whistleblowing Policy and all of our documents can be obtained from either contacting the Corporate Fraud Manager – or by visiting our intranet pages: <https://intranet.havering.gov.uk/index.aspx?articleid=11676>

If you have any comments or feedback to do with this document, we would like to hear from you, so please get in touch and email us at the following address:

[Vanessa.bateman@havering.gov.uk](mailto:Vanessa.bateman@havering.gov.uk)

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