

STANDARDS AND ETHICS COMMITTEE

Venue: Town Hall, The Crofts,
Moorgate Street,
Rotherham. S60 2TH

Date: Thursday 15 September
2022

Time: 2.00 p.m.

A G E N D A

1. Apologies for Absence

To receive the apologies of any Member who is unable to attend today's meeting.

2. Declarations of Interest

To receive declarations of interest from Members in respect of items listed on the agenda.

3. Exclusion of Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Agenda Items 8 and 9 are all exempt from the press and public.

4. Minutes of the previous meeting held on 16th June, 2022 (Pages 3 - 10)

To consider and approve the minutes of the previous meeting held on 16th June, 2022 as a true and correct record of the proceedings.

5. Gifts and Hospitality (Pages 11 - 51)

To consider a possible amendment to the Code of Conduct in respect of the requirement to register Gifts and Hospitality, following the recommendations from the Committee on Standards in Public Life report into Local Government Ethical Standards.

6. Proposed Amendments to the Whistleblowing Policy (Pages 53 - 67)

To consider amendments to the Whistleblowing Policy.

7. Re-Appointment of Independent Persons (Pages 69 - 71)

To consider the re-appointment of the current Independent Persons until the end of the 2023/24 Municipal Year.

8. A Review of Concerns Raised Pursuant to the Whistleblowing Policy (Pages 73 - 78)

To give consideration to a report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

9. Review of Complaints (Pages 79 - 84)


To give consideration to a report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

10. Urgent Business

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

11. Date and Time of Next Meeting

The next meeting of the Standards and Ethics Committee will take place on Thursday, 17th November, 2022, commencing at 2.00 p.m. at the Town Hall.

A handwritten signature in black ink, appearing to read 'S. Kemp'.

S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE
Thursday 16 June 2022

Present:- Councillor McNeely (in the Chair); Councillors Bacon, Griffin, Hughes, Tarmey, Yasseen and Parish Councillor Buckley and also Mrs. A. Bingham, Mr. P. Edler, Mrs. M. Evers and Mrs. K. Penney (Independent Co-optees).

Mr. P. Beavers, Independent Person, was also present at the invitation of the Chair.

Apologies for absence were received from Councillor Z. Collingham, Mrs. M. Carroll and Mr. R. Swann (Parish Representative) and Mr. D. Roper-Newman (Independent Person).

1. DECLARATIONS OF INTEREST

Parish Councillor Buckley declared a personal interest in Minute No. 6 (Consideration of Complaints) on the grounds of knowing about one of the complaints submitted.

Councillor Yasseen declared a personal interest in Minute No. 6 (Consideration of Complaints) on the grounds of knowing about one of the complaints submitted.

2. EXCLUSION OF PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for (Minute Nos. 5 and 6 (Whistleblowing and Complaints)) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 10TH MARCH, 2022

Consideration was given to the minutes of the previous meeting held on 10th March, 2022.

The Chair sought an assurance that the definition list for any acronyms be included in future reports.

Resolved:- That the minutes of the previous meeting held on 10th March, 2022 be approved as a true and correct record of the proceedings.

4. COMMITTEE ON STANDARDS IN PUBLIC LIFE - REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS - GOVERNMENT RESPONSE

Consideration was given to the report presented by the Service Manager which detailed how during 2018, the Committee on Standards in Public Life undertook a review of Local Government ethical standards.

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This Committee contributed to the consultation which was undertaken in respect of the review. The Committee on Standards in Public Life report was published in January 2019 and reported to this Committee in March 2019 subsequently in terms of implementation of recommendations.

Many of the recommendations within the Committee on Standards in Public Life review in relation to the sanctions available to local authorities for breaches of the Code of Conduct required amendments to legislation and as such were directed to the Government. The Government's response to the report had now been published.

The Committee went on to consider the Government response and each recommendation in turn and whether any amendments to the adopted model Code of Conduct should be recommended to Council; or if there were any further comments on the Government's position. The full response was included as an appendix to the report.

The Committee made the following comments in turn:-

Recommendation 1 - The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

- Complete and adopted.

No further action required.

Recommendation 2 - The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

- Sensitivity given to any disclosures if concerns were provided in advance of any elections.
- Candidates could opt to be excluded from the edited version of the Register of Electors.

No further action required.

Recommendation 3 - Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

- The difficulty in separating personal and official capacities for those democratically elected.

- The risks on social media of bringing the office of Councillor into disrepute.
- The wording in the model Code of Conduct was very clear.
- The risk to Elected Members and the potential for being placed in unreasonable situations.
- To strengthen the protection of Councillors.
- Appropriate and inappropriate use of social media.
- Infringement of an Elected Member's right to free speech.

To continue to monitor.

Recommendation 4 - Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

- Welcome the opportunity to keep under review.
- Benefits of social media.
- Ensure appropriate training provided.

No further action required.

Recommendation 5 - The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

- Welcome the decision to keep under review.
- Timely reminders to Elected Members.
- Look to how the register of interests can be better enabled.

To continue to monitor.

Recommendation 6 - Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

- Uplifting of the amount from £25.00 to £50.00 for the registration of gifts and hospitality.
- Welcome the potential to include a cumulative annual amount.

To be kept under review and for further information to be sought from other Local Authorities.

Recommendation 7 - Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their

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code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter”.

- Welcome this matter being under review given there are no immediate plans to repeal Section 31 of the Localism Act 2011.
- Potential to extend to close family members and not just a spouse.

No further action required.

Recommendation 8 - The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

- Independent Persons who demonstrate the capability, judgement and integrity required should continue to undertake the role.
- No limitations on the appointment.

No further action required.

Recommendation 9 - The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

- This depends on circumstances of the complaint or breach.

No further action required.

Recommendation 10 - A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.

Recommendation 12 - Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation 13 - Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation 14 - The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.

Recommendation 16 - Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

- There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct.
- Local Authorities were not without sanctions under the current regime.
- All councillors are ultimately held to account via the ballot box.
- The Government conducted a period of consultation with sector representative bodies and all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

To be kept under review.

Recommendation 11 - Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

- Provide legal indemnity for Independent Person as local authority best practice and not required through secondary legislation.

No further action required.

Recommendation 15 - The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

- No requirement to prescribe to local authorities.
- Reported by way of Complaints Annual Report.

No further action required.

Recommendation 17 - The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

- This is lawful as long as a Councillor is not prevented from discharging their duty.
- To be considered further.

No further action required.

Recommendation 18 - The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

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- The criminal offence of a non-disclosure of pecuniary interest was a necessary and proportionate safeguard and deterrent against corruption.

No further action required.

Recommendation 20 - Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

- Consistency within principal authority areas.
- A parish council may want to add to the code of their principal authority to reflect local circumstances.

No further action required.

Recommendation 21 - Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

- Investigations and recommendations passed back to a Parish Council should be adopted. There is no legal requirement to do so.

Further comment to be made that Parish Councils should abide by recommendations made by the principal authority.

Recommendation 22 - The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

- Note the Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

No further action required.

Recommendation 23 - The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

- Best practice adopted.

No further action required.

Recommendation 24 - Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.

- Welcomes Government recognition that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

No further action required.

Resolved:- (1) That the report be received and the contents noted.

(2) That the comments above be fed back into the Review of Local Government Ethical Standards

(3) That no recommended amendments to the Council's Code of Conduct be noted.

5. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Service Manager which provided an overview of the Whistleblowing cases which have been received over the past year.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

Resolved:- That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

6. REVIEW OF COMPLAINTS

Consideration was given to the report presented by the Service Manager, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one.

Reference was made to each related case and recommended outcomes/actions identified were highlighted.

Resolved:- That the report be received and the contents noted.

7. URGENT BUSINESS

The Chair advised that there were no urgent items of business requiring the Committee's consideration.

8. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee be held on Thursday, 15th September, 2022, commencing at 2.00 p.m.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 15 September 2022

Report Title

Gifts and Hospitality

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

A report setting out a possible amendment to the Code of Conduct in respect of the requirement to register Gifts and Hospitality, following the recommendations from the Committee on Standards in Public Life report into Local Government Ethical Standards.

Recommendations

1. That the Committee considers an amendment to the Members Code of Conduct in respect of the registration of Gifts and Hospitality in respect of cumulative gifts from a single source over a stated period.
2. That if an amendment to the Code of Conduct is considered appropriate that the wording at paragraph 1.8 or an amended version be adopted.

List of Appendices Included

Appendix 1 - Gifts and Hospitality - Declaration Form for Elected Members

Appendix 2 - Gifts and Hospitality - Process for Elected Members

Appendix 3 - Elected Member Induction Handbook

Background Papers

Report of the Committee on Standards in Public Life Local Government Ethical Standards - A Review by the Committee on Standards in Public Life

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Gifts and Hospitality

1. Background

- 1.1 As previously considered by this Committee, the Committee on Standards in Public life made the following recommendation in relation to Gifts and Hospitality in its report into Local Government Ethical Standards.

Recommendation 6 - Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

- 1.2 As reported at the last meeting of this Committee is the Government's response to this recommendation was as follows

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

- 1.3 Again as members will recall that the last meeting of this Committee this issue was discussed, and it was felt appropriate for officers to review other authorities Codes of Conduct, as to the approach which had been taken in respect of this issue. This has now been done and this report sets out the different approaches which have been taken.
- 1.4 The Council has adopted the LGA Model Code of Conduct which in respect of Gifts and hospitality states as follows:

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from

persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept

- 1.5 Some authorities such as Sheffield City Council have amended the Model Code of Conduct to include reference to “cumulative” gifts from the same source. As such the relevant part of the Sheffield City Council reads as follows:

Sheffield CC

10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10, or accumulatively in excess of £10 from the same source over the four-year term of office which you have been offered as a Member from any person or body other than the Authority within 28 days of receipt.

- 1.6 Some other authorities such as Doncaster MBC and Leeds CC have adopted the LGA Model Code of Conduct, but have not made any changes in respect of a number of gifts from the same source. Other authorities such as Barnsley MBC have not adopted the LGA Model Code of Conduct, and the Barnsley Code of Conduct does not include reference to cumulative gifts from the same source.
- 1.7 It is therefore a matter for the Committee to consider whether to include reference to the requirement to disclose a number of different gifts from the same source which over a certain period exceed the stated amount. As above Sheffield CC adopt that period as the four-year term of office, and the Committee will need to consider whether that is felt appropriate, or some other period should be adopted.
- 1.8 If the Committee is minded to make such an amendment, then the suggested amended paragraph of the Code of Conduct would be worded as follows:

10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £xx, or accumulatively in excess of £xx from the same source over the four-year term of office which you have been offered as a Member from any person or body other than the Authority within 28 days of receipt.

- 1.9 In respect of the more general requirements relating to gifts and hospitality, for information and assurance to the Committee, the form by which Members

register their gifts and hospitality is attached at Appendix 1. This form is submitted to the Council by the relevant member and the way that this form is then processed by the Council in terms of publication on the Council's website, is set out at Appendix 2.

- 1.10 Further, the Guidance provided to Members at induction is set out in the Members Induction Handbook which is at Appendix 3 (p.23). The complete Elected Member Induction Handbook has been included at Appendix 3 as it contains further information relating to Standards and Ethics, which some Members of the Committee may not have seen previously and may find useful. Further, periodic reminders in respect of the requirement to register Gifts and Hospitality are provided in the Members newsletter.

2. Key Issues

- 2.1 The key issues are set out above.

3. Options considered and recommended proposal

- 3.1 The recommended proposals are set out above.

4. Consultation on proposal

- 4.1 The requirements in respect of gifts and hospitality in Codes of Conduct from other authorities have been considered in relation to this issue.

5. Timetable and Accountability for Implementing this Decision

Any proposed amendment to the Code of Conduct would be considered by full Council at its next meeting.

6. Financial and Procurement Advice and Implications

- 6.1 None

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. The issues considered within this report contribute to that duty.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

- 11.1 The CSPL review and consequential amendments to the Code of Conduct are relevant to Parish and Town Council members, as many Town and Parish Council have adopted the Council's Code of Conduct.

12. Risks and Mitigation

None

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Stuart Fletcher, Service Manager (Commercial and Property)
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This report is published on the Council's [website](#).

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**ELECTED MEMBERS' GIFT & HOSPITALITY
DECLARATION FORM**

Part 1: For completion by Elected Members

Note: This form should be completed by all Elected Members on receipt of any gift or hospitality within 7 working days.

Member's Name	
Date received	
Description	
Donor's Details	
Reason for receiving the gift / hospitality	
Approximate value	
Do you wish to keep the gift / hospitality?	
Do you wish to donate? <i>If so, attach evidence to confirm donation received by selected charity.</i>	

Please tick to indicate that you have read and understood.

<input type="checkbox"/>	I confirm that the information provided is a true and accurate record.
<input type="checkbox"/>	I confirm that evidence has been attached to confirm receipt.
<input type="checkbox"/>	I confirm by signing this document that Legal Services within the Council can use the information to complete section 10 of the Register of Member's Interest Form (for estimated values of at least £25 only).

DECLARATION

Signature:

Date:

Part 2: Details of Officer noting the declaration.

Note: To be completed by the Executive Office Manager in Democratic Services.

Name:	
Job Title:	
Date:	
Signature:	

Once completed and if applicable, this form will be submitted to the Monitoring Officer / Assistant Director for Legal Services requesting the Register of Interests Form is updated and published on the Council's ModGov webpages.

GIFTS & HOSPITALITY PROCESS FOR RECORDING FOR ELECTED MEMBERS

Step 1 – Declaration & Completion of Electronic Form

- All gifts and hospitality received by Elected Members should be declared to staff in the Member and Civic Support Unit by completing an electronic 'Gifts and Hospitality Form'.
Note: *This form should be completed within 7 working days by all Elected Members on receipt of any gift or hospitality regardless of whether under or over £25.00.*

Step 2 – Supporting Evidence

- The Elected Member will also be asked to provide any supporting evidence alongside the completed form to ensure there is a proper audit trail i.e. receipt, correspondence (email/letter from donor), photograph.
Note: *Elected Members may decide to donate their gift/hospitality and if this is the case, this will also be noted i.e. in the case of donating to the Mayor's Charity this will also be logged separately and reported to the Mayor's Charity Committee.*

Step 3 – Completion of the Council's Centralised Register

- Member and Civic Support staff will immediately complete the Council's centralised Gifts and Hospitality Register in line with what has been included on the submitted form by the Elected Member.

Step 4 – Sign off by Manager in Democratic Services

- Member and Civic Support staff will submit a copy of the form to the Executive Office Manager in Democratic Services asking to note the declaration and complete, sign and date Part 2 of the Form.

Step 5 – Submission to Assistant Director for Legal Services (Over £25.00)

- The Executive Office Manager will send this back to Member and Civic Support staff who will update the central Register, save a copy of the Gifts and Hospitality Form on file and submit a copy to the Monitoring Officer / Assistant Director for Legal Services (if over the value of £25.00) copied to the Senior Management Secretary in the service.

Step 6 – Completion of Section 10 of Register of Members' Interests Form & Publication

- The Monitoring Officer / Assistant Director for Legal Services will ensure Section 10 of the Register of Members' Interests Form (Notification of Disclosable Pecuniary Interests) for the Elected Member is updated (only if over the value of £25.00) and ensure this is published on the Council's ModGov pages.
- Member and Civic Support Staff will ensure that the signed Gifts and Hospitality Forms and all associated paperwork are saved electronically in the Member and Civic Support Office in accordance with the Council's corporate systems.

Step 7 – Publication of the Register on the Council's Website

- Member and Civic Support Staff will ensure that the Council's Register for Gifts and Hospitality for Elected Members is published on the Council's ModGov pages which can be accessed through the Council's website for openness and transparency.

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ELECTED MEMBER INDUCTION HANDBOOK 2021

Handbook aimed to assist newly elected Councillors in understanding their role and place in the Council.

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SECTION 1. INTRODUCTION AND GETTING TO KNOW THE COUNCIL

This section will help to provide Members with general information about how the Council operates and the different service areas.

1.1 Welcome from the Chief Executive

Dear Member,

Congratulations on your election to Rotherham Council.

The Council is committed to supporting its Elected Members throughout their term of office. We welcome all new and re-elected Members with a Member Induction Programme which covers the basics of what you need to get up and running. This includes briefings on how to comply with the Code of Conduct and other protocols; the major issues facing the Council; introductions to specific services and more detailed learning events.

For example, you will not be able to serve on the Planning or Licensing Committees without undergoing an introductory training course. These roles are subject to legal requirements and a lot of public scrutiny.

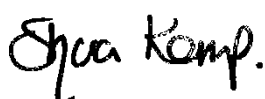
As Elected Members you have taken up the challenge to use democracy and public participation to shape your community and to provide your society with a better future.

I want your term of office to be successful and enjoyable and the Council will do everything possible to support you in your role.

As a starting point, I would ask that you read this **Member Induction Handbook** that we have put together for you which will also require you to connect to the [Council's Elected Member Portal](#) where you will be able to access a significant amount of information to enable you to fulfil your role as an Elected Member.

It will provide a useful starting point for the Member Induction Programme, which will occur over the coming weeks. After the induction, there will be a rolling Member Development Programme that will occur over the next three years.

I look forward to working with you, as do the rest of the Council's officers, and I know that together we will be able to make the Council even more successful and deliver even better services to our residents.



Sharon Kemp
Chief Executive

1.2 Our Values

The One Rotherham values set out how Council employees are expected to behave with each other, our partners, Elected Members, and customers. They seek to break down barriers, creating a one team approach which ultimately puts the customer at the heart of everything the Council does. These include:

- **Honest** – open and truthful
- **Accountable** – own decisions, do what we say and acknowledge and learn from mistakes
- **Respectful** – regard and sensitivity to the feelings, rights and views of others
- **Ambitious** – dedicated, committed and positive, embracing change and creativity
- **Proud** – take pride in the borough and the job we do.

For further details click [here](#).

1.3 Council Priorities

Council Plan 2022-25 and Year Ahead Delivery Plan

The Council Plan is the core document that underpins the Council's overall vision. The Plan sets out the headline priorities and outcomes for the coming years, along with the key performance measures that will demonstrate the delivery of the vision and ensure that this can be reported.

The plan is framed around five themes:

- Every neighbourhood thriving
- People are safe, healthy, and live well
- Every child able to fulfil their potential
- Expanding economic opportunity
- A cleaner, greener local environment.

These five themes are underpinned by a cross-cutting strand - 'One Council' - which sets out how the Council will operate to achieve the vision.



To enable the Council to work towards the Council Plan outcomes a Year Ahead Delivery Plan has also been developed, setting out the key activities to be delivered over the next year.

The measures and targets within the Council Plan, along with the Year Ahead Delivery Plan will be reviewed annually.

Further information on the Council Plan and Year Ahead Delivery Plan is available [here](#).

Other key policies, strategies, and plans

There are a range of policies, procedures and processes which collectively provide the foundation for an effective, modern Council. Some of those which are key to how the Council operates are available [here](#).

1.4 Budget

Prior to each financial year the Council is required to prepare a budget report to be presented to Cabinet and approved by Council. This report proposes the Council's budget and council tax for the coming year, based on the Council's Final Local Government Finance Settlement, budget consultation and the consideration of directorate budget proposals through the Council's formal budget process, alongside a review of the financial planning assumptions within the Medium Term Financial Strategy.

In setting the proposed budget, Cabinet will recommend to Council, any required increase in the Council's basic council tax and an adult social care precept.

This report also proposes an updated capital programme and the plans for financing that capital expenditure, either through external grants or corporate resources such as capital receipts and borrowing.

The budget report covers the following key areas:

- Available resources, as a result of the financial settlement, this is the money the Council has to support its expenditure. Such as revenue support grant, council tax and business rates.
- A reserves strategy setting out how reserves will be used and or increased during the year.
- A plan of how expenditure can be managed within the constraints presented by the availability of resources. This may require savings plans to be proposed.
- A plan of any required new directorate investments in services and how they can be supported.
- Medium Term Financial Strategy update outlining the longer-term impact of the Council's budget planning, including projections for the availability of resources and challenges presented by increased spending pressures.
- A capital programme setting out the Council's longer-term capital projects and their funding.

Once approved the Council will then deliver services within the remit and conditions set out within the budget report. The budget position is monitored closely and reported to Cabinet at regular intervals during the year via the Council's financial monitoring reports.

1.5 Key Facts & Figures

Key facts and figures about Rotherham and the Council are available [here](#).

1.6 Council Structure

The day-to-day management of the Council and its services is overseen by the Strategic Leadership Team and led by the Chief Executive, who is the Head of Paid Service and has overall responsibility for implementing the Council's policies.

The Assistant Chief Executive reports to the Chief Executive, focusing on corporate services in the Council and working with officers and Elected Members to transform the organisation. Additionally, four Strategic Directors each have responsibility for a different area of the Council known as a directorate:

- Children and Young People's Services
- Regeneration and Environment
- Adult Care, Housing and Public Health
- Finance and Customer Services

Full details of the Council's Strategic Management Structure can be found [here](#).

1.7 Guide to service areas (Directorates)

The Council has five service areas, known as directorates. A summary of each of these can be found below, as well as links to their intranet pages where further information can be found.

[Adult Care, Housing and Public Health](#) support Rotherham's residents by providing adult social care services and housing services, while also working to promote and protect the health and wellbeing of everyone in the borough.

[Assistant Chief Executive's](#) directorate provides cross-cutting support across the organisation, including policy development, performance and risk management, managing the democratic process and supporting ward Members, communicating and engaging with residents on Council activity and supporting the effective management of the Council's workforce.

[Children's and Young People's Services](#) work with Rotherham's children, young people and families. Their work includes safeguarding children and young people, offering early help and family engagement services, assisting young people with regard to education and supporting looked after children and care leavers.

[Finance and Customer Services](#) provide financial and legal support to the Council, are responsible for corporate procurement and insurance, and manage the organisation's customer, information and digital services.

[Regeneration and Environment](#) work to develop and promote Rotherham as a good place to live and work. They support the economic growth and regeneration of the borough, provide planning, regulatory and transport services, and work to ensure Rotherham is a clean and safe place for local residents.

1.8 Key Contacts / Routes

The Council's Elected Member Portal provides a route for all Elected Members to access the Council's [main people / telephone directory](#) and lead officer contact details within each Directorate / Service area within the Council.

The Council's intranet pages for each Directorate also details who is who in the Council. To find out who is who in the Council and obtain key contacts [click here](#).

Below is a useful list aimed to provide some of the key telephone numbers / routes for Elected Members in the first instance.

Emergency Contacts <i>Emergency Services are available 24 hours a day, 7 days a week. To report an emergency to the Council call the following numbers:</i>		
Emergency Council House Issues & Repairs	01709 336009	
Emergency Highways Issues	01709 336003	
Children and Young People's Services	01709 336080	
Adult Social Care (Single Point of Access)	01709 822330	
COVID		
If in a crisis due to COVID-19 and require immediate help.	01709 807319	
Other Emergency or Immediate Danger		
Immediate Danger	999	
Other Emergency <i>Most emergency reports made to the Council sit within the Housing, Social Care and Highways categories listed above. However, if a customer has an emergency outside of those categories, contacting the number opposite will allow the customer to speak to a Council officer who will offer advice and signpost the problem to the right area, generating an emergency response if required.</i>	01709 382121	
General Enquiries		
Council Switchboard - General Enquires / Customer Services	01709 382121	
Council's Elected Member E-Casework System		
Route to log all issues raised by residents through the E-Casework System. This enables Members to log into the online system via the Elected Member Portal to ensure all cases for residents are logged on a central system, flagged, tracked, monitored and resolved by officers in the Council within a timely manner providing Members with a full audit trail of all cases.		
Democratic Services (Head of Service & Management Team)		
Emma Hill	Head of Democratic Services	Emma.Hill@rotherham.gov.uk Tel: 01709 823566 (internal ext. 23566)
Vicky Hartley	Executive Office Manager	Vicky.Hartley@rotherham.gov.uk Tel: 01709 255100 (internal ext. 55100) Mobile: 0755 7312996

Lesley Hatton	Cabinet Support Manager	Lesley.Hatton@rotherham.gov.uk Tel: 01709 8222771 (internal ext. 22771)
Barbel Gale	Governance Manager	Barbel.Gale@rotherham.gov.uk Tel: 01709 807665 (internal ext. 07665)
For details of Who's Who in the Council click here .		

SECTION 2. GETTING STARTED – YOUR ROLE AS A COUNCILLOR / BEING AN EFFECTIVE COUNCILLOR

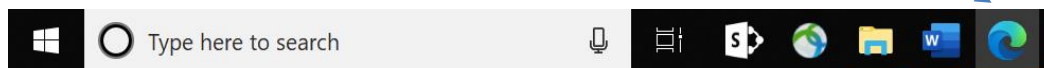
This section will help provide Elected Members with the information they need to get started and be effective.

2.1 Elected Member Portal

The Elected Member Portal is an internal Council system that holds all key information for all Elected Members in one easily accessible central location.

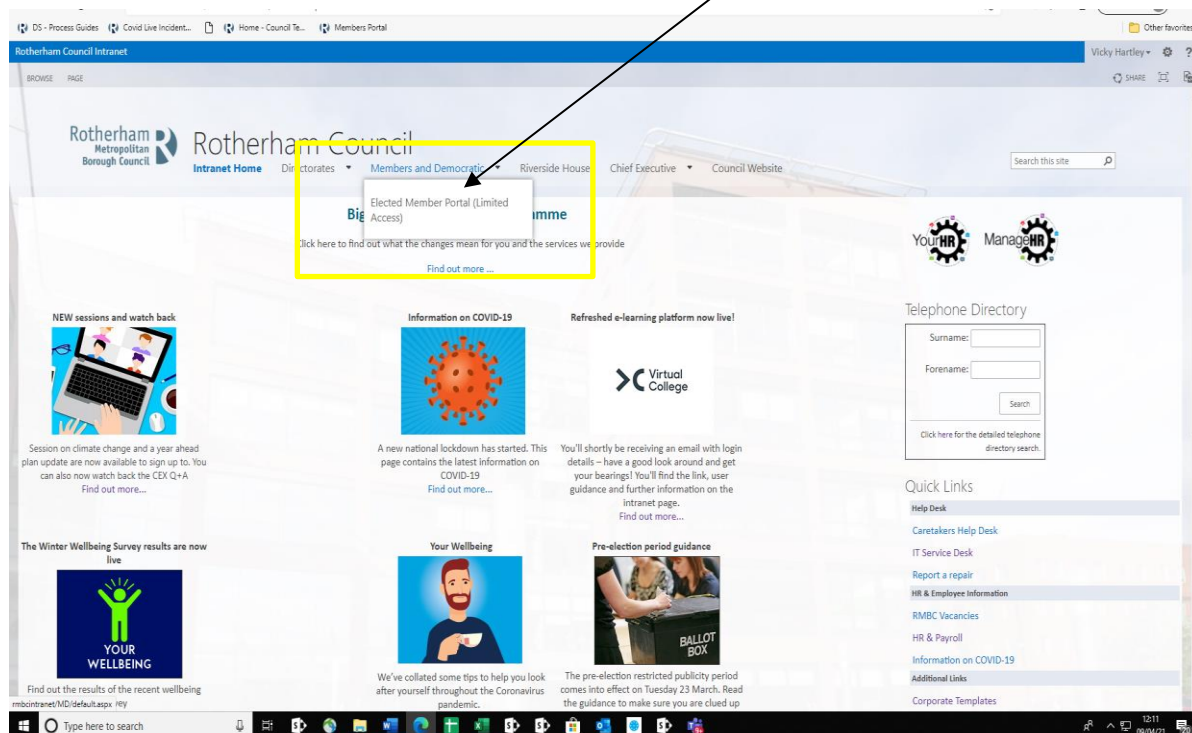
The Portal includes the Elected Member E-Casework System, guidance, handbooks, policies, protocols, processes, calendar of meetings, agendas, minutes, reports, webcasts of meetings, library of recorded Elected Member seminars and sessions, all e-bulletin communications, access to the HR Portal and Payroll self-service, IT service helpdesk and much more.

The Portal can be [located here](#) or very easily through device desktops – just select and click the Microsoft Edge icon located on the desktop (see below).

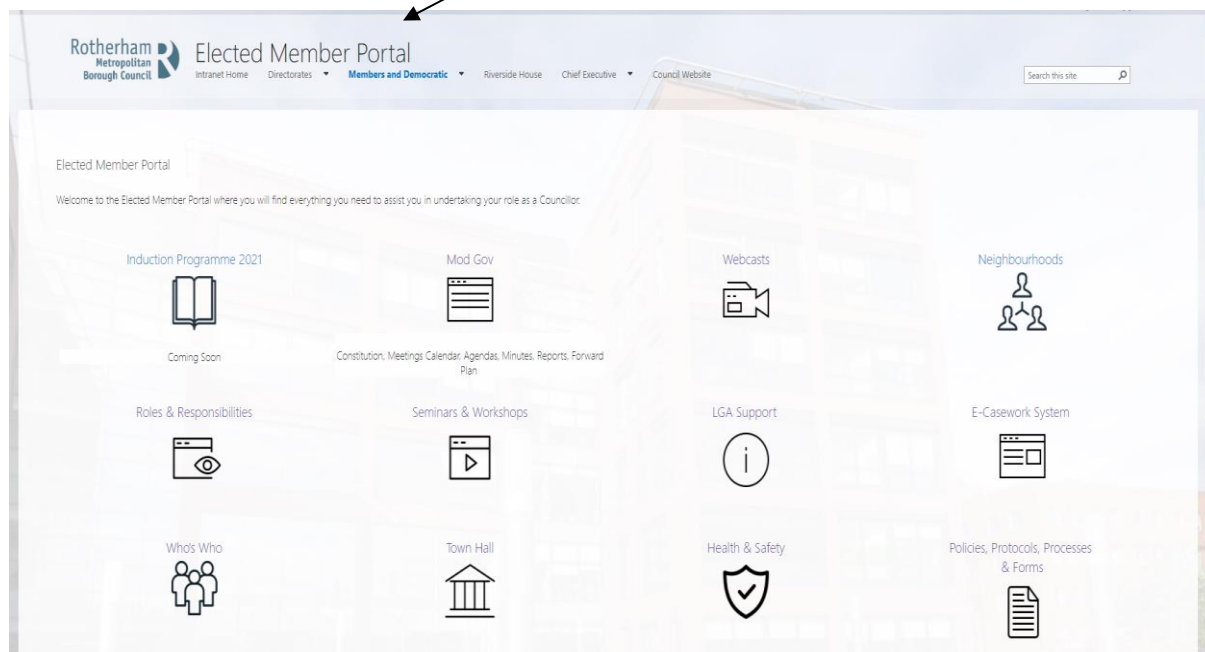


This will automatically take Elected Members to the Council's Elected Member Portal.

If for any reason this does not take you to the Portal you can access through the Council's intranet home page by selecting 'Members and Democratic **Elected Member Portal (Limited Access)**' as shown below.



Select the 'Elected Member Portal – Limited Access' which will take Elected Members straight to the **Elected Member Portal** (see below).



The Council's Member Induction Programme timetable, this handbook and associated papers for the sessions can be accessed through this Portal.

2.2 Learning & Development Protocol

Elected Members are from a range of diverse backgrounds and bring different and valuable skills to the role.

The Council's Elected Member Learning and Development Protocol details the learning provision and support that will be offered to Elected Members in their roles to develop knowledge as a result of issues such as new legislation or more local issues, whilst contributing to the delivery of the Council's priorities, objectives and ambitions.

The Elected Member Learning and Development Protocol can be [located here](#).

2.3 Allowances, Expenses & HR Self-Service System

Elected Members are entitled to receive allowances in accordance with the Council's Members' Allowances Scheme.

The amount each Elected Member receives relates to the duties they perform and can include basic allowance, special responsibility allowance, dependent care allowance and travel and subsistence.

The Council's Member Allowances Scheme (Appendix 8 of the Council's Constitution) can be [located here](#).

Creating an Account on the Council's HR System

The Council's Head of Democratic Services is responsible for ensuring all Elected Members when elected to office are set up on the Council's HR system.

All newly Elected Members are asked to complete a 'HMRC New Starter Details Form' and 'HR Bank Details Form' and submit these to membersupport@rotherham.gov.uk **by no later than Friday, 21st May**.

The Council's Member and Civic Support Unit shall be responsible for ensuring this information is submitted to the Head of Democratic Services who shall work with the Council's HR Service and Payroll Manager to ensure the HR system is updated accordingly.

YourHR Portal and Payroll Self Service

The Council operates a self-service portal known as YourHR to enable Elected Members and staff to access the system to view payslips and personal information.

Once the Head of Democratic Services has set this up for each individual Elected Member there will be a requirement for all Elected Members to access the system on a regular basis to view allowance payslips and personal information.

It is the responsibility of each individual Elected Member to ensure throughout their term of office that their personal data is updated directly onto the system.

The system can be accessed on the [YourHR Portal and Payroll Self Service pages on the Elected Member Portal](#).

Should Elected Members require further assistance, please contact Frank O'Neill, Team Leader, Firstline Team in the HR service on telephone 01709 334141 or at frank.o'Neill@rotherham.gov.uk or General Enquiries hrpgeneng@rotherham.gov.uk.

First Payment of Allowances

All newly appointed Elected Members shall receive their first payment of the basic allowance in June 2021. This will be backdated to 11th May, that being the first official day in office. Any special responsibility allowances will be paid from June and backdated where required.

2.4 IT Policy for Elected Members

The Council provides Information Technology (IT) resources to support all Elected Members in the course of their duties. The Council's IT and Digital Service plays a key role in helping to develop the capacity to enable Elected Members to execute their duties at a community and authority level to:

- Enhance communication between Elected Members and their constituents.
- Improve the flow (and timeliness) of information between Elected Members and officers.
- Enable access to a greater knowledge pool - website and Elected Member Portal.
- Provide opportunities for efficiencies by reducing the reliance on paper-based communications.

The Council's IT Policy for Elected Members located on the Elected Member Portal sets out what IT / telephony equipment, facilities and services will be provided to all Elected Members for the duration of their term of office.

The Council's IT Policy for Elected Members can be [located here](#).

2.5 Member & Civic Support Unit

The Council's Member & Civic Support Unit are responsible for providing a support service to all Elected Members and the Mayoralty of the Council.

The Team

Details of the Member and Civic Support team can be [located here](#).

Roles & Responsibilities

Details of their roles and responsibilities and the processes and protocols Member and Civic support staff follow in relation to providing support to all Elected Members and the Mayor of Rotherham can be [located here](#).

2.6 Rotherham Town Hall

Address: The Crofts, Moorgate Street, Rotherham S60 2TH

Please note the building is currently closed (at the time of writing) due to Covid19 restrictions and will reopen in line with national guidance. Elected Members will be kept informed of plans to do so.

Rotherham Town Hall is a civic building at the heart of the town centre and is used by Elected Members, employees, and the public for meetings.

It is the meeting venue for all key decision-making meetings that are taken by Elected Members.

Access (Photo Smartcard ID Badge & Security Fob)

The Council is fully committed to creating a safe and secure working environment for all its Elected Members and employees through efficient and effective identity and access procedures.

All Elected Members and employees who need access to the Town Hall are issued with a photo smartcard ID Badge which must be worn at all times.

The Town Hall can be accessed through the front main entrance doors. Once the Town Hall has reopened you will be issued with a security fob on your visit to Reception, which will allow full access to meeting rooms and facilities.

The security fob is a very small security hardware device with built in authentication used to open the internal doors in the Town Hall. The security fob must always be stored somewhere safe / securely held.

Opening Hours

The Town Hall is permanently staffed with opening hours of Monday to Thursday 8.30am to 5.30pm and Friday 8.30am – 4.30pm.

2.7 Riverside House

Address: Riverside House, Main Street, Rotherham, S60 1AE

Riverside House is located in the town centre and is the Council's main Customer Service Centre, Library, Art Gallery and Neighbourhood Hub.

The Chief Executive, Strategic Directors and their leadership teams are based here with many Council services and employees.

Access (Photo Smartcard ID Badge)

All Elected Members and employees need to have a smartcard ID-Badge to gain access through to the offices which are located over 5 floors. There are also several meetings rooms located on various floors with the majority of the larger rooms located on the 4th floor (Wing B).

Important note: Elected Members only need to use their smartcard access controlled photo ID badge to gain access to Riverside House and do not require the security fob used for the Town Hall as the access routes are slightly different.

The smartcard access-controlled photo ID system is a key element in the overall security strategy for Riverside House and must always be worn while in the building.

Elected Members will be unable to access non-public areas of the building without a smartcard ID-Badge.

For awareness and to ensure the safety of all employees there is a strict check and challenge policy in place where tailgating through security barriers has been observed.

Printing and Photocopying

The smartcard ID-Badge also enables printing and photocopying from any multi-functional device (MFD) within the Town Hall and Riverside House.

Upon first use of an MFD, the system will require log on with individual email addresses and passwords. This only needs to be done once.

All newly appointed Elected Members will be issued with a photo smartcard ID-Badge to access Riverside House.

COVID - *Until Covid-19 safety restrictions have been lifted, all guidance relating to social distancing, the wearing of face masks, hand sanitisation, one-way systems etc must be observed whilst visiting Council buildings.*

SECTION 3. GOVERNANCE AND DECISION-MAKING

Within this section Elected Members will find information about how the Council works and how decisions are made.

3.1 How the Council works

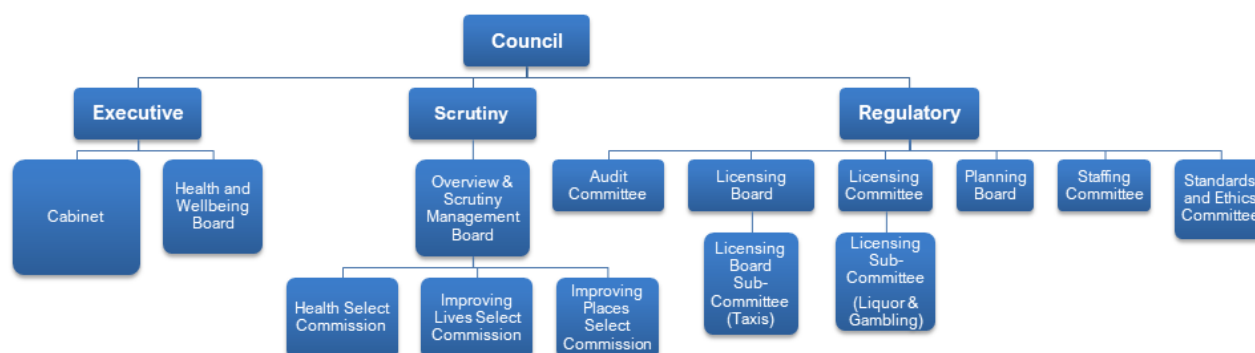
The [Council's Constitution](#) sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.

The Constitution comprises 19 articles. The articles set out the basic rules governing the manner in which the Council conducts its business. The Appendices to the Constitution contain more detailed procedures and codes of practice regulating different aspects of the Council's business.

The Executive is responsible for most day-to-day decisions, including key decisions, which are publicised in advance in so far as they can be anticipated. Executive decisions are made in accordance with the Council's overall policies and budget. Any decision that falls outside the budget or policy framework must be referred to the full Council to decide.

3.2 Decision-making structure

The diagram below shows the Council's decision-making structure including some of its main committees.



Council meetings are chaired by the Mayor and are attended by all Elected Members of the Council. The committees sitting under the Executive and Regulatory functions are decision making committees.

The Council has adopted a “strong” Leader and Cabinet form of the Executive function whereby the Executive carry out all the Council's functions that are not the responsibility of any other part of the Council, whether by law or under the Constitution.

The Cabinet consists of the Council's Leader together with no more than nine other Elected Members.

The Scrutiny function does not make direct decisions but will make recommendations to the Executive and to Council with respect to the discharge of its functions or on matters which affect the borough or the inhabitants of the borough. The Scrutiny function also assists with policy development and review.

The Council appoints the committees listed under Regulatory to discharge various other functions required, such as licensing and planning. Further information on the roles of these committees and boards is available in Appendix 9 of the [Council's Constitution](#).

Elected Members are appointed places on the specific committee in accordance with the political balance of the Council as a whole (i.e. the allocation seats on individual committees must mirror the political composition of the Council). This process is carried out by Council at its annual meeting.

In April each year, the Council's Head of Democratic Services will circulate the list of positions on outside bodies to the political groups of the Council for nominations to be submitted to the first Council meeting of the new municipal year.

3.3 Roles & responsibilities

Ward Councillors

All Elected Members have a responsibility for the residents and businesses in the ward they represent. This can include speaking as an advocate for residents at Planning Committee meetings and working to improve the lives of local individuals and communities. However, ward Members also have a responsibility to the borough and the Council as a whole, which can sometimes lead to Elected Members needing to balance competing priorities.

Cabinet Members (Portfolio Holders)

The Leader of the Council is elected by the Council to serve a four-year term. The Leader is then able to appoint up to 9 portfolio holders who take responsibility for particular areas of the Council's business.

Scrutiny Members

The Overview and Scrutiny Management Board (OSMB) is comprised of 12 Members, including:

- the Chair and Vice-Chair appointed by Council
- the Chairs and Vice Chairs of the 3 Select Commissions and
- the Chair and Vice-Chair of the Audit Committee.

The other seats will be filled according to political balance and entitlement to seats.

OSMB is complemented by 3 thematic Commissions (Health, Improving Places and Improving Lives) each comprised of:

- Up to 18 Members of the Council
- any non-voting co-optees appointed from time to time by each select commission; and
- in the case of the Improving Lives Select Commission the education representatives appointed by the Council.

The Mayor

The Mayor is a ceremonial post held by an Elected Member of the Council and is elected annually. The Mayor is the town's First citizen and has the civic responsibility of representing and promoting the borough, giving precedence only to Royalty and the Sovereign's representative (Lord Lieutenant of South Yorkshire).

As First Citizen, the Mayor acts as a focal point, particularly in times of crisis, celebration or tragedy.

The Mayor undertakes the role of chairing the Council meetings and promotes events and causes by attendance at a variety of engagements throughout the civic year including parades, receptions and general visits that raise the profile of Rotherham and its people, both in the borough and beyond.

Further details on the appointed Mayor of Rotherham can be located on the [Council's website](#).

A Civic Handbook outlining the key rules, guidance, etiquette and financial arrangements for the Mayor and Deputy Mayor of Rotherham can be located on the [Roles and Responsibilities pages on the Elected Member Portal](#).

3.4 Committee Roles

Council

The purpose of the meetings is for all Elected Members to meet to determine the Council's overall policy structure, set an annual budget, and establish the annual calendar of Council meetings. It also provides an opportunity to hold the Leader of the Council and Executive to account, by allowing Members to ask questions on areas of Cabinet Portfolio responsibility and Council Services.

The Annual Council meeting appoints the Mayor of the Borough for the forthcoming municipal year and constitutes Committees, Sub-Committees, Boards and Panels, including the membership and Chair.

Cabinet

The Cabinet is the body that takes most of the decisions relating to the running of the borough, within the policies that have been agreed by Full Council. The Cabinet is responsible for most day-to-day decisions, discharged through the executive network of the Chief Executive, Strategic Directors and other officers.

Overview and Scrutiny Management Board (and Commissions)

The Council's overview and scrutiny committees monitor the work of the Executive and enable local people to have a greater say in the Council's business by holding public inquiries into matters of local concern. The Council's Overview and Scrutiny Management Board can "call-in" certain executive decisions that have been made but not yet implemented and question the appropriateness of the decision. The Executive can also consult Overview and Scrutiny Select Commissions before making a decision or shaping policy.

Licensing Board and Panel

The Council's Licensing Board is responsible for discharging functions that are not the responsibility of the Executive. These functions are regulatory in nature, for example the licensing of operators of hackney carriages and private hire vehicles and the determination of planning applications. Liquor licensing is dealt with by a Licensing Committee comprising members of the Licensing Board. A Member cannot be on both the Licensing Board and Planning Board.

Planning Board

The Planning Board considers officer reports on planning applications and decides whether to grant permission after reading the recommendations provided by the director of borough development and listening to the views of members of the public.

A Member cannot be on both the Planning Board and Licensing Board.

Complaints Panel

The Council's Complaints Panels consider complaints from individual members of the public who are not satisfied with the standard of a Council service. Subject to any legal mechanism for challenging or appealing against a Council decision, a member of the public may complain about the particular decision in so far as it concerns or affects him or her.

Standards and Ethics Committee

The Council's Standards and Ethics Committee is responsible for ensuring high standards of conduct by councillors and co-opted members and overseeing other probity issues. (See section 4).

SECTION 4. ETHICS AND STANDARDS

Within this section Members will find information regarding the standards expected when they are acting as a representative or conducting business of the Council.

4.1 The Constitution of the Council

The Council's Constitution located on the [Council's website](#) sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution comprises 19 articles and several appendices. The articles set out the basic rules governing the way the Council conducts its business. The appendices to the Constitution contain more detailed procedures and codes of practice regulating different aspects of the Council's business.

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations.
- support the active involvement of citizens in the process of council decision-making.
- help councillors represent their constituents more effectively.
- enable decisions to be taken efficiently and effectively.
- create a powerful and effective means of holding decision-makers to public account.
- ensure that no one will review or scrutinise a decision in which they were directly involved.
- ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

4.2 Code of Conduct

Healthy System of Democratic Leadership & Accountability

Elected Members have special responsibilities to help the Council to improve, learn from the past and increase public confidence. Elected Members need to be accessible in approaches to respond to people's needs and enable communities to pull together and find local solutions.

The Council's Code of Conduct located on the [Council's website](#) sets out the standards expected of elected and co-opted borough, parish and town Councillors. It says what is required of Elected Members when they are acting as a representative or conducting the business of the Council.

This Local Code should therefore be read as supplementing the National Code which covers general behaviour around things like confidentiality, impartiality and bullying. It also details the financial and other interests that Elected Members must declare.

The Code also expects Elected Members to uphold the seven principles of public life:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

4.3 Member / Officer Protocol

All Elected Members and officers are subject to the Member-Officer Protocol. The protocol sets out detailed guidelines for the behaviour of Elected Members and officers towards one another.

The working relationship between officers and Elected Members has to be built upon mutual respect. It is also necessary that both officers and Elected Members have a clear idea of the differences between their respective roles.

4.4 Register of Interests

All Elected Members are required by law to provide a list of their disclosable pecuniary interests within 28 days of their election or appointment to the Council.

Disclosable pecuniary interests are:

- any employment, office, trade, profession or vocation
- any sponsorship of the member, including contributions towards their election expenses and payments or financial benefits from a trade union
- any contracts between the member and the authority
- any land the member has an interest in and lies within the area of the authority
- any licences the member holds to occupy land in the area
- any corporate tenancies
- certain securities they hold

Elected Members are also required to list the disclosable pecuniary interests of their spouse or civil partner, or person with whom they are living as if they were their spouse or civil partner.

These disclosable pecuniary interests are recorded in the Register of Interests which is published under each Elected Member's profile on the Council's website to ensure openness and transparency.

On election to office each Elected Member is asked to download the Council's Register of Interests Form [via the Policies, Processes and Forms pages of the Elected Member Portal](#) and ensure completion as early as possible.

Completed Register of Interests forms should be sent to the Member and Civic Support Unit at membersupport@rotherham.gov.uk by no later than **Friday, 28th May 2021** to enable review and sign off by the Council's Monitoring Officer and publication on the Council's website within the 28 day timeframe.

4.5 Gifts & Hospitality

All gifts and hospitality received by Elected Members should be declared to staff in the Council's Member and Civic Support Unit by completion of the Council's Elected Member Gifts and Hospitality Declaration Form.

Full details of the process and appropriate forms to be completed when making a declaration can be located on the [Policies, Processes and Forms section of the Elected Member Portal](#).

4.6 Political Groups

Any party with at least two councillors on the Council may form a political group.

The group with the most seats on Council will be deemed the 'majority party' and will nominate a Leader of the Council.

The group with the second largest number of seats will be deemed 'the opposition'.

Groups have an entitlement to seats on statutory and regulatory boards and committees with the number of seats based on the political proportionality of the full Council.

Non-aligned Elected Members are not entitled to seats ([under prescribed law](#)), however, Rotherham has adopted a position which does consider independent Elected Members when determining proportionality.

Independent Elected Members may choose to align to form an 'Independent Group'.

Some Elected Members do not belong to political groups and are referred to as non-aligned.

4.7 Safeguarding

Rotherham Council believes that every child, young person and adult, regardless of their background, age, culture, sexual orientation, gender identity, disability, ethnicity or religious belief, should be able to participate in a safe society without any fear, violence, abuse, bullying, discrimination or exploitation. Safeguarding is everyone's business and everyone at the Council shares a responsibility, both corporately and individually, to ensure that every person is treated with dignity and respect and protected from others who may abuse them.

All Council employees, elected members, contractors and volunteers, particularly those who come into contact with, or who share information about, children, young people or adults in the course of their work - but not exclusively so - have a duty of care to safeguard and promote the welfare of the most vulnerable people in Rotherham, young or old. Procedures and good practice will be developed within the Council to ensure that every service and employee can demonstrate that they understand their duty to safeguard and promote the welfare of children, young people and adults.

If you are worried about someone and it is an emergency call 999.

In other cases, Elected Members can contact the Council anonymously, and in confidence.

If Elected Members are concerned about the safety of a child or young person report abuse by clicking [here](#) or telephone 01709 336080.

If concerned about the safety of an adult report abuse by clicking [here](#) or telephone 01709 822330.

4.8 Equality & Diversity

The Council is committed to working on behalf of and for all of its customers, residents, partners and visitors. This includes understanding the diversity of communities and their specific needs in order to provide the most appropriate and responsive services, and ensuring all are treated fairly, with dignity and with respect.

This commitment is reinforced by the Equality Act 2010 which requires the Council to promote fairness and equality through community leadership. In particular, the Public Sector Equality Duty requires the Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people.

As publicly elected officials who represent Rotherham's population, all Elected Members are expected to act in accordance with the Council's [Equality and Diversity Policy](#) and the [Code of Conduct for Members](#). This includes a need to:

- Treat all people with dignity and respect;
- Know the local community and its different needs, and ensure Council services meet these diverse needs; and
- Engage with and listen to all sections of the community.

All Members will be able to receive training and resources on equality and diversity as part of the induction and development programme.

4.9 Prevent Duty (safeguarding vulnerable people from becoming involved in terrorism or supporting extremism)

Prevent is about safeguarding children, young people or adults by offering support at an early stage to any individual who is identified as being vulnerable to being drawn into harmful extremism or terrorism. It deals with all kinds of terrorism or groups that encourage violence to influence governments, intimidate the public and advance their cause. The internet is a powerful tool that radicalisers use to influence or recruit vulnerable individuals. They make extensive use of different online platforms, spreading hate, extremist ideology and propaganda.

The Prevent Duty is a legal duty introduced by the Counter Terrorism and Security Act 2015. The duty requires local authorities and other public bodies, such as schools, colleges, health, probation and police, to safeguard people from being drawn into terrorism. It applies to both children and adults and sits alongside other long-established duties to safeguard vulnerable people from a range of harms such as drugs, gangs, abuse and sexual exploitation.

If you are worried about someone being drawn into terrorism, contact the South Yorkshire Police Prevent Team by calling 0114 2523217 (Mon-Fri 8am to 4pm) or 101 (out of hours) or call the Anti-Terrorist Hotline (can be anonymous) on 0800 789 321.

Elected Members can also contact the Council's children's or adults safeguarding services. See section 4.7.

In an emergency where Elected Members or others' safety is at risk, call 999.

To report online material promoting terrorism or extremism, please click [here](#).

Further information regarding safeguarding people from being drawn into terrorism can be found [here](#).

The Home Office Prevent Handbook for Elected Members can be located on the [Policies, Processes and Forms section of the Elected Member Portal](#).

4.10 Corporate Parenting

Currently Rotherham has just under 600 children and young people who are 'looked after'. The Council holds and shares Parental Responsibility for all these children while they are looked after, and they are all allocated a named social worker. The whole Council has a legal and moral duty to provide the kind of support that any good parent would for their own children and as they progress into adulthood. Elected Members play a key role in fulfilling this responsibility and ensuring the standard of care and support promotes the looked after children of Rotherham children achieving their full potential.

As a Corporate Parent, each Elected Member has a responsibility to scrutinise the quality of the services they receive and ask 'would this be good enough for my child?'.

More information on Corporate Parenting, including the principles of Corporate Parenting and why the Council needs to be a proactive and challenging parent, can be found in the [Children's Services Policies, Values and Principles](#).

How can Elected Members help?

You need to make sure your council is doing its very best to help these children.

A key way to do this is to understand the role and function of the Corporate Parenting Panel, the strategic Elected Member group which provides leadership and direction to the Council and partners on their corporate parenting responsibilities. Chaired by the Cabinet Member for Children and Young People's Services, the Panel takes lead responsibility for ensuring that there is a multi-agency action plan that will address the objectives identified above. The Panel also regularly consults with the LAC Council to ensure that developments are in line with the wishes and feelings of our looked after children.

You should also find out more about the children and young people in Rotherham and what type of support they need. This includes looking at the number of local looked after children and where they are placed, the number of care leavers, and how many children and young people are from a minority background or are disabled. Additionally, you should question how well your council looks after these children, whether they are well supported by other services, what are the barriers to this and how the council is addressing these, whether there are enough resources, qualified staff and local placements, and whether care leavers have adequate accommodation.

You should undertake appropriate training that will help you understand your role as a Corporate Parent and the needs of the looked after children and young people.

Corporate Parenting is part of the Member Induction Programme and regular courses are run each year for Members. Details of these can be found in the Member Development Programme.

For more information, please contact Rebecca Wall, Head of Children in Care.

SECTION 5. WORKING WITH COMMUNITIES

Within this section Elected Members will find information regarding the neighbourhood working model and how to be effective when working with communities.

5.1 Neighbourhood Working (Thriving Neighbourhoods Strategy)

The [Rotherham Thriving Neighbourhoods Strategy](#) is integral to the way the Council works, aiming to improve outcomes by putting communities at the heart of everything the Council does. This includes a move towards 'doing with' rather than 'doing to' by working with communities on things that matter to them and listening to the views put forward by local people.

Neighbourhood working includes taking an asset-based approach by drawing on existing community strengths, producing individual ward plans which set out each ward's characteristics and priorities, and working closely with a range of partners to address local problems.

As part of this, the Council hopes to utilise the skills and expertise of local councillors who are well placed as community representatives and leaders to understand local issues and support community action. Elected Members will work with a team of dedicated Neighbourhood Coordinators whose role is to facilitate community engagement and help administer a devolved budget to fund local projects.

More information about neighbourhood working can be found on the Council's ['Your Neighbourhood'](#) page.

5.2 Representing your ward (including map and new boundary information)

A map of Rotherham's wards can be found on the Council's ['Your Neighbourhood'](#) page. Following the May 2021 elections, Rotherham has moved from 21 to 25 wards and has nine three-councillor wards and sixteen two-councillor wards.

Elected Members should aim to be familiar with their ward, its communities and key local contacts. Elected Members can find more information about their ward through the [dedicated pages for each ward](#) on the Council's website, which include a ward profile and map, the ward plan and budget summary, and the most recent ward report.

Elected Members will be supported by the [Neighbourhoods Team, including their ward's own Neighbourhood Coordinator](#), to agree a ward plan and priorities, allocate ward budgets to local projects and work with local people and organisations. Elected Members will be contacted by their Neighbourhood Coordinator shortly after being elected to arrange a local ward-based induction which will cover key ward issues, stakeholders and what it means to be a ward councillor.

5.3 Ward Budgets

Elected Members can decide how locally to spend their ward budgets. Ward budget allocations must be aligned to ward plan priorities and fund activities or services that address these, and guidance for Elected Members on how to agree and allocate use of their budgets is issued annually by the Neighbourhoods Team.

Each of the borough's 25 wards receive a devolved ward budget to support the delivery of their ward plan priorities and increase the engagement of local residents. The 2021/22 Budget approved by Council includes £7,120 Capital for wards with two Elected Members and £10,680 for wards with three Members. Capital expenditure generally relates to the acquisition or improvement of significant and relatively expensive items, including land, buildings and equipment which will be of use or benefit in providing services for more than one financial year.

Additionally, the Community Leadership Fund was established in 2003 to enable Members to address local priorities, support grassroots groups and quickly instigate changes in response to local opinion. For 2021/22, each Member will have £1,584 to spend at their discretion on local ward-based issues, plus an additional £1,000 uplift which was agreed at Council in March. Each ward's Neighbourhood Coordinator will be available to support Members in allocating this.

Elected Members will also have the opportunity to work with Ward Housing Hubs to agree the allocation of devolved Housing Revenue Account (HRA) funding. The budget is set annually and there is a 'roll forward' provision to carry forward any unused budget from year one, two and three to the following year within a four-year cycle. The total budget for the year 2021/22 is £205,900. From this, each ward receives a base budget of £4,000, with a 'top up' based upon the percentage of Council homes within each ward. More information on Ward Housing Hubs can be found [here](#).

5.4 Ward Surgeries

Most Elected Members hold regular surgeries in their wards to allow them to meet and engage with local people and learn about potential casework issues. These have previously been largely held in a face to face format, with a publicised time and place where Elected Members will be available to speak to local residents. This model requires Elected Members to book a local venue in their ward directly, with the hire costs paid by the Council. Typical venues include local community centres, parish halls, libraries and churches.

Since the onset of the pandemic, which forced normal surgeries to cease, some Elected Members have explored remote alternatives and set up virtual surgeries. These work similarly to face to face surgeries but remove the need for travel or booking a venue by allowing residents and their Elected Member to connect using video-conferencing software. A time, date and link are published on the Council's website, which once accessed by a resident will place them in a virtual waiting room until the Elected Member admits them into a private meeting.

Elected Members can choose a format for their surgeries which they best feel suits them and their communities. It may be helpful for Elected Members to discuss this with their ward colleagues.

The Member and Civic Support office (membersupport@rotherham.gov.uk) are able to help advise on available venues, provide advice on virtual surgeries and publicise surgeries on the Council's website.

More information on surgeries and potential models for these can be located on the [Policies, Processes and Forms section of the Elected Member Portal](#).

5.5 E-Casework

Casework is where a constituent raises an issue with an Elected Member where they require a response from the Council. This could be a query, complaint, request for specific action or to resolve an issue.

Elected Members are contacted by constituents through various routes - ward surgeries, email, letter, telephone, door knocking, in the street and in social settings. It is therefore important that there is a very simple and easy means of requesting action through a system to enable casework to be logged, processed and actioned by the Council with the data used to help inform service improvement.

The Council's E-Casework System

The Council has an e-casework system which is managed within the Council's Customer Experience Case Management System (CXM). In summary, the system enables Elected Members to:

- Be more responsive to constituent queries and have assurance that cases are initiated, flagged, monitored and resolved preventing duplication of time and effort spent on researching frequently asked issues / areas of concern to constituents.
- Easily submit their casework electronically via a smart online form from a laptop, tablet or mobile device.
- Select from a wide range of service categories to report issues into the system.
- Log onto the system 24/7 to track progress against issues, monitor and analyse existing and historic casework (full audit trail of activity - photos, documents, live updates, messages, notes and issued responses).
- Receive key notification timelines – confirmation of when cases are allocated and which lead officer in the Council is dealing with the case, deadline for case completion, notification of any delays and when completed and closed down.
- Receive a written response from officers within the Council's corporate response timescales.

All newly appointed Elected Members will be set up on the E-Casework System and training provided on how to use the system will be provided.

All detail on the system including how to log e-casework, the process for how casework for individual Elected Members is managed in the Council and details of how to access the system can be located on the [E-Casework System section of the Elected Member Portal](#).

5.6 Health & safety (your personal safety)

Being at the heart of the communities and staying in touch is what being an Elected Member is about. This includes helping individuals with any problems they might have, dealing with community tensions and addressing wider community issues. Often this extends beyond just the delivery of Council services. These contacts are usually rewarding and non-adversarial. However, Elected Members can find themselves in a position where they need to manage angry and frustrated residents who often contact their elected representative when they feel that they have no other avenue to pursue. Often Elected Members will deal with constituents on a face to face basis when alone.

In many cases, considering and maintaining personal safety and security is common sense. Elected Members should always assess the level of risk and what arrangements are in place for their safety.

The Members' Health and Safety Handbook is available as a guide for Elected Members. It's important you familiarise yourself with how to best prevent issues arising and know how to deal with any instances should they arise. If you ever want to discuss any aspect of your personal safety please contact the Head of Democratic Services.

The [Health and Safety Handbook can be located on the Health and Safety pages of the Elected Member Portal.](#)

5.7 Rotherham's Town, Parish & Community Councils

Local Councils are the first tier of local government and play a vital role in engaging with local people and helping to shape their communities. In Rotherham, they are generally referred to as parish, town, and community councils. They are uniquely placed to make a major contribution to neighbourhood working.

There are 31 civil parishes situated across the Rotherham borough with an established network of local councils comprising of two town councils, 25 parish councils, one community council, plus three parish meetings. The south of the borough is fully parished extending into the central and north areas. Two parish councils are isolated from the main network but are adjacent to each other at the top of the borough bordering Barnsley.

Each Local Council is a corporate body, a legal entity separate from that of its members. It is an elected body in the first tier of local government and the decisions are the responsibility of the whole body. Local councils have the legal power to take action, but they have very few duties and greater freedom to choose the communities they serve and improve the quality of life and the local environment. Furthermore, they influence other decision makers and can, in many cases, deliver services to meet local needs.

The principle consultative group between RMBC and the Town, Parish, and Community Councils is the Joint Working Group. The group was originally set up in 2006 due to recognition of the benefit to both tiers of local government including: the development of a Joint Working Agreement; improving communications and engagement; and the offer of training and development opportunities.

To view the interactive map, access information about the work of the Joint Working Group, and view the newly refreshed Joint Working Agreement please click on the link: [Parish Councils – Rotherham Metropolitan Borough Council.](#)

The parish contact list is available to view [here](#).

5.8 Partnership Working

The Rotherham Plan provides a framework for partners' collective efforts to create a borough that is better for everyone who wants to live, work, invest or visit here.

Delivery of the plan is overseen by Rotherham Together Partnership, which includes representatives from various local organisations across all sectors.

A range of thematic boards and partnerships, such as Rotherham Health and Wellbeing Board and Safer Rotherham Partnership, are central to achieving the aspirations of the Rotherham Plan. They also deliver a range of complementary activities based on their own plans and priorities, and in line with their statutory functions.

Further information regarding the Rotherham Together Partnership, theme boards and the partnership plans can be found [here](#).

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Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 15 September 2022

Report Title

Proposed Amendments to the Whistleblowing Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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01709 823523 - stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

A report setting out proposed minor amendments to the Whistleblowing Policy following a review of the Policy.

Recommendations

1. That the Committee considers and approves the proposed amendments to the Whistleblowing Policy.
2. That the Committee suggests any further amendments to the Whistleblowing Policy it considers appropriate.
3. That subject to 2) above the Committee approve the Whistleblowing Policy at Appendix 1.

List of Appendices Included

Appendix 1 - Whistleblowing Policy with proposed amendments

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Proposed Amendments to the Whistleblowing Policy

1. Background

- 1.1 As members will be aware, the oversight of the Whistleblowing Policy falls within the remit of the Standards and Ethics Committee. As part of this oversight and in accordance with good practice, the Whistleblowing Policy is kept under periodic review.
- 1.2 Following the latest review of the Whistleblowing Policy by officers, a small number of minor amendments to the Policy, are proposed below. A full copy of the Whistleblowing Policy with suggested amendments in “tracked” version is at Appendix 1.
- 1.3 The proposed amendments are “administrative” changes and are as follows:
 - i) Amendments to the name of the relevant charity for reporting of disclosures from Public Concern at Work, to Protect along with associated website changes.
 - ii) A change to the link in respect of the list of Prescribed Persons in relation to the Public Interest Disclosure Act.
- 1.4 The legislation referred to in the Policy remains in force and has not been changed and the procedure for dealing with disclosures once they have been received by the Council remains the same. The telephone numbers and other contact details available for disclosure within the Policy have been checked and are current and as such it is considered that the current Policy subject to the above amendments is appropriate and remains fit for purpose.

2. Key Issues

- 2.1 The proposed amendments to the Whistleblowing Policy are set out in Appendix 1, as referred to above.

3. Options considered and recommended proposal

- 3.1 Recommendations are set out above.

4. Consultation on Proposal

- 4.1 Relevant officers who will be undertaking roles as Whistleblowing Officers have been consulted about these amendments and the Policy in general, and are content that the Whistleblowing Policy remains fit for purposes and operates appropriately.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The changes to the Whistleblowing Policy will be implemented immediately following the Standards and Ethics Committee meeting.

6. Financial and Procurement Advice and Implications

- 6.1 Any work undertaken by Legal Services in dealing with these matters is within the budget for Legal Services.

7. Legal Advice and Implications

- 7.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangements for dealing with concerns raised through the policy.

8. Human Resources Advice and Implications

- 8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

11. Implications for Partners

- 11.1 None.

12. Risks and Mitigation

- 12.1 There is a risk that if serious misconduct is not reported pursuant to the Whistleblowing Policy, serious issues will not be appropriately investigated and addressed.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Stuart Fletcher, Deputy Monitoring Officer/Service Manager,
Legal Services
01709 823523 - stuart.fletcher@rotherham.gov.uk

This report is published on the Council's [website](#).



WHISTLEBLOWING AND SERIOUS MISCONDUCT POLICY

(Amended September 2022¹⁸)

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

WHISTLEBLOWING AND SERIOUS MISCONDUCT POLICY

1. Introduction

- 1.1 Rotherham Metropolitan Borough Council is committed to ensuring that it, and the people working for it, complies with the highest standards of openness, honesty and accountability.
- 1.2 The term whistleblowing has a specific legal definition, i.e. a disclosure or allegation of serious wrongdoing made by an employee, and a wider public definition, i.e. any disclosure or allegation of serious wrongdoing.
- 1.3 This policy document seeks to cover disclosures and allegations of serious wrongdoing made by employees, and to this end, where this policy makes reference to a whistleblower; it refers to an employee who is making a disclosure or allegation of serious wrongdoing.
- 1.4 Where a Rotherham Metropolitan Borough Council employee, a worker for a Council contractor (including seconded council employees) is aware of any serious wrongdoing, such as:-
- breach of a legal obligation;
 - any criminal activity, including incitement to commit a criminal act;
 - corruption or fraud;
 - a miscarriage of justice;
 - a danger to the health or safety of any individual or damage to the environment;
 - abuse of power or authority;
 - failure to comply with professional standards, Council policies or codes of practice/conduct.
 - Modern Slavery [including slavery, servitude, and forced or compulsory labour and human trafficking]

Committed by or related to the actions of:-

- Rotherham Metropolitan Borough Council employees;
- Borough Councillors; and/or
- Contractors, agency staff, suppliers or consultants of Rotherham Metropolitan Borough Council in the course of their work for the Council;

and reports it, the Council will investigate any such allegations and, where appropriate, take action. The Council is also committed to preventing any harassment, victimisation or unfair treatment of any person arising from their whistleblowing, and where appropriate, take disciplinary action against any member of staff responsible for such harassment, victimisation or unfair treatment against a whistleblower.

- 1.5 This policy seeks to set out how the Council will handle and respond to any such allegations, made either by Council staff or members of the public.

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1.6 This policy seeks to:-

- (a) encourage employees or their representatives to feel confident in raising concerns or allegations in the public interest about suspected serious wrongdoing in the Council and its services without fear of reprisals or victimisation even where the concern or allegations are not subsequently confirmed by the investigation;
- (b) give a clear message that allegations of serious wrongdoing or impropriety are taken seriously;
- (c) ensure that where the disclosure proves to be well founded, the individuals responsible for such serious wrongdoing will be held accountable for their actions;
- (d) set out what employees can expect by way of confidentiality and protection when making a whistleblowing disclosure; and
- (e) identify independent support for employees who wish to make a whistleblowing disclosure (see section 6).

1.7 This policy is not designed to be used:-

- (a) for raising or reconsideration of matters that come under existing internal Rotherham Metropolitan Borough Council procedures e.g. Grievance, Disciplinary, Capability, Dignity at Work or Rotherham Metropolitan Borough Council's general complaints procedure; or
- (b) for allegations that fall within the scope of specific procedures (for example child or vulnerable adult protection) which will normally be referred for consideration under the relevant procedure, unless the employee has good reason to believe that the procedure is not being followed or will not be followed effectively; or
- (c) as an appeal process from any complaint or grievance handled under any of the above procedures.

1.8 Where a complaint made under this policy falls outside the scope of the policy, e.g. where the complaint falls outside the scope of "serious wrongdoing", Rotherham Metropolitan Borough Council will advise the whistleblower of this and consult with the whistleblower in respect of taking the complaint further. Wherever possible, the Council will comply with the views of the whistleblower, but there are situations where the Council is legally required to pass on details of allegations, without the consent of the whistleblower, such as in safeguarding matters, or where the allegations relate to serious criminal activity undertaken by individuals outside the Council.

1.9 Likewise, if an allegation made under either of the other above complaints processes falls under the remit of a "serious wrongdoing", the Council will notify the whistleblower of this and investigate the allegation under this process.

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2. The Public Interest Disclosure Act 1998 (“PIDA”)

- 2.1 PIDA is designed to encourage and enable employees (which includes Agency Staff and any other individual working for the Council) to raise any concerns about any suspected serious wrongdoing, an illegal act or a dangerous situation within the organisation.
- 2.2 This is called making a “Protected Disclosure” under the Act, and when it is made in the public interest and in accordance with this policy, an employee is legally protected from harassment or victimisation as a result of the disclosure.
- 2.3 The person making the disclosure does not have to be directly or personally affected by the serious wrongdoing, but the disclosure must be made in the public interest.
- 2.4 To be protected, the disclosure must be in the public interest and raise a concern that:-
 - (a) a criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
 - (b) a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
 - (c) a miscarriage of justice has been/is likely to occur;
 - (d) the health or safety of any individual has been/is likely to be endangered;
 - (e) the environment has been/is likely to be damaged;
 - (f) public funds are being used in an unauthorised manner;
 - (g) Rotherham Metropolitan Borough Council’s Constitution (including Standing Orders, Financial Regulations etc.) has not been observed or is being breached by a Borough Councillor(s) and/or a Council Officer(s);
 - (h) sexual or physical abuse by any member of staff on service user is taking place;
 - (i) unlawful discrimination is occurring to any member of staff or service recipient in relation to the legally protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation (see guidance on Equality Act at <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>);
 - (j) any other form of improper action or conduct is taking place.
 - (k) information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

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- 2.5 PIDA will protect any employee or worker making a Protected Disclosure, irrespective of whether or not the disclosure relates to information gained in the course of their employment (e.g. a protected disclosure made by an employee acting as a service user would still fall under the PIDA protection).
- 2.6 If an Employee does not feel comfortable making a disclosure to the Council, he/she may be entitled to make a disclosure to other prescribed persons, as referred to at Paragraph 4.3 below.

3. Advice to Employees Wishing to Raise a Concern or Make a Disclosure

- 3.1 Employees who have major concerns arising from their employment may wish to seek advice from their union or the charity [Public Concern at Work Protect](http://www.pcaw.org.uk/) (0203 117 2520 - <http://www.pcaw.org.uk/>), <https://www.protect-advice.org.uk/>) to see whether the information which they wish to report would meet the definition of a 'qualifying disclosure' and whether they should be using this procedure, or some other procedure.
- 3.2 Alternatively, confidential support is also available for employees via the Human Resources Department.

4. How to Report an Actual or Suspected Serious Wrong Doing

- 4.1 A person who wishes to report any suspected serious wrongdoing ("a disclosure") to the Borough Council should contact the Borough Council either by:-
- E-mail to: whistleblowing@rotherham.gov.uk
 - Whistleblowing Hotline – 01709 822400 Where a recorded message can be left
- Post to:- Whistleblowing,
c/o the Head of Legal Services,
Rotherham Metropolitan Borough Council,
Riverside House,
Main Street,
ROTHERHAM. S60 1AE

Setting out the following information:-

- Name: (unless they wish to be anonymous)
- Contact details (unless they wish to be anonymous)
- Who has committed the alleged serious wrong doing?
- What is the nature of the alleged serious wrong doing?

Whistleblowing Officers

Alternatively a person wishing to report any suspected wrong doing may contact the any of the three Whistleblowing Officers who are:

- [Head of Legal Services](#)~~Monitoring Officer~~ - Tel: 01709 823561
- S. 151 Officer - Tel:01709 822046

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- Head of Internal Audit - Tel:01709 823282

The three Whistleblowing Officers are responsible for the oversight and operation of the Whistleblowing Policy, once a disclosure has been received by the Council.

Further, a person wishing to report any suspected wrongdoing may do so by contacting the Chief Executive as below, providing the information as set out above:

Chief Executive Telephone 01709 822770

- 4.2 Council employees are also entitled to make a Protected Disclosure through their manager, if they feel confident in approaching their manager to report a concern or allegation of serious wrongdoing that falls under this policy. The manager must follow the obligation of confidentiality, but must, as soon as possible, and no later than 2 working days after receiving the Protected Disclosure, log the disclosure in accordance with 5.7 above, and then confirm to the employee concerned, in writing or email, that this matter has been recorded.
- 4.3 In the event that an employee does not feel comfortable in making a disclosure internally to Council officers, they are entitled to also make a Protected Disclosure in a number of other different ways:-
- Local Councillors - Details of how to contact them and surgery hours are on the Council's website www.rotherham.gov.uk;
 - Grant Thornton- the Council's External Auditors. They are completely independent from the Council and can be contacted on 0113 245 5514 or by writing to them at:-
Grant Thornton
No 1, Whitehall Riverside
LEEDS.
LS1 4BN
 - Relevant professional bodies;
 - Solicitors;
 - South Yorkshire Police - Telephone: 101;
 - ~~Public Concern At Work Protect~~ - An independent authority which seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace. Contact details are on their website at ~~www.pcaw.org.uk~~ <https://www.protect-advice.org.uk>
 - By contacting the relevant prescribed person on the list at:
~~https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-personslist-v4.pdf~~ Whistleblowing: list of prescribed people and bodies - GOV.UK (www.gov.uk)

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- 4.4 Concerns about a child safeguarding issue, eg that a child may have suffered harm, neglect or abuse, can be reported to the Children's Social Care Service on 01709 336080; or in an emergency contact South Yorkshire Police direct.
- 4.5 Adult safeguarding concerns can be reported to the Adult Care Service on 01709 822330, or in an emergency contact South Yorkshire Police direct.

5. How the Council Will Respond to a Disclosure

- 5.1 The Council will acknowledge receipt of a disclosure received via the Whistleblowing reporting options set out above , whether it has been made by a member of the public and/or an employee, within 2 working days.
- 5.2 The Council will then consider and decide whether the disclosure falls under the whistleblowing criteria and decide how the disclosure will be investigated.
- 5.3 Where appropriate, the matters raised may:-
- be investigated by management, Internal Audit or by Human Resources and if necessary through the disciplinary process;
 - be referred to the Police;
 - be referred to the External Auditor;
 - be referred for independent inquiry
- 5.4 There are situations where the Council is legally required to investigate, under separate procedures, without the consent of the whistleblower, such as investigating allegations of ill-treatment or abuse of children or vulnerable adults (safeguarding). In these circumstances, the Council will, wherever possible, advise the whistleblower that the disclosure will be investigated under another process, but there may be situations where it is not appropriate to disclose the existence of these investigations.
- 5.5 When the disclosure is considered to come under the whistleblowing policy, and the Council has assigned an investigator, one of the Whistleblowing Officers will contact the whistleblower, within a 5 working days of the acknowledgment being sent, to advise them of the following:-
- (a) That the disclosure is being dealt with under the whistleblowing policy
- ~~(a)~~(b) the arrangements for confidentiality;
- ~~(b)~~(c) how the person making the disclosure will be expected to contribute to the investigation;
- ~~(c)~~(d) the outcome of any discussions which may have taken place over anonymity;
- ~~(d) an estimate of how long the investigation is likely to take;~~
- (e) the right of an employee to representation by a recognised trade union or work colleague at any meeting; and

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- (f) the right of any non-employee to seek support and representation at any meeting.

- 5.6 The Council, wherever possible, will seek to advise the whistleblower when the investigation has been concluded~~of the progress and outcome of the investigation~~. However, the Council is bound by the Data Protection Act and the Human Rights Act in respect of allegations relating to individuals, and may not be able to disclose the outcome of the investigation, or information where legal proceedings are pending.
- 5.7 The use of this whistleblowing process does not automatically amount to acceptance by the Council that the information provided is necessarily a qualifying disclosure.
- 5.8 For monitoring purposes the Council keeps a list of communications received from people using this whistleblowing process. This information is used for monitoring purposes and to detect if there are areas where there is a high incidence of alleged serious wrongdoing.

6. Confidentiality and Anonymity

- 6.1 Although the PIDA does not refer to the confidentiality of concerns raised in a qualifying disclosure, there is a widespread assumption that such a disclosure will be treated in confidence as a means of preventing victimisation. Rotherham Metropolitan Borough Council will seek to avoid disclosing information identifying any whistleblower, even if the Council considers that the disclosure, by the Whistleblower, falls outside the scope of a qualifying disclosure. However, there are situations where, due to the circumstances of the alleged serious wrongdoing, it is impossible to avoid disclosing information identifying any whistleblower. In these circumstances, Rotherham Metropolitan Borough Council will consult with the whistleblower prior to the disclosure taking place and offer support.
- 6.2 There may also be situations where the Council may be obliged to disclose information, such as where there are legal proceedings following on from the investigation of the whistleblowing investigation. This may require the disclosure of witness statements or correspondence, and there is even the possibility that the whistleblower may be expected to give evidence at any hearing. In these circumstances, the Council should discuss the implications for the whistleblower if he or she proceeds with the disclosure, and where appropriate, discuss appropriate support arrangements.
- 6.3 Rotherham Metropolitan Borough Council may also be required to disclose the identity of the whistleblower to third parties, where necessary for the purposes of undertaking investigations e.g. where the allegations relate to serious criminal offences where the Council considers that the Police should investigate.
- 6.4 Anonymous complaints will be considered but, depending on the information given and the credibility of the evidence, there may not be enough information for a proper investigation without the investigator being able to contact the whistleblower for further information and, in these circumstances, there may not be sufficient evidence to pursue an investigation. Therefore the Council would always encourage a whistleblower to provide their name in order to make an investigation easier and more effective, and enable feedback about the investigation to be

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provided. However anonymous allegations are preferred to silence about serious wrongdoing.

- 6.5 Rotherham Metropolitan Borough Council, as a public authority, is subject to the Freedom of Information Act. This means that there is a presumption that Rotherham Metropolitan Borough Council discloses any information it holds, unless that information falls under one or more exemptions and, in most cases, that the application of that exemption is in the public interest.
- 6.6 The Freedom of Information Act contains exemptions that may be applicable to permit the withholding of information identifying the whistleblower, including:-
- S40 Personal Data.
 - S41 Information which, if disclosed, would give rise to an actionable breach of confidence.
- 6.7 If Rotherham Metropolitan Borough Council receives a request for information identifying a whistleblower, it will contact the whistleblower to seek their views in respect of the disclosure or withholding of the information requested and, wherever possible, it will seek to comply with those views.
- 6.8 The Council is mindful, in reconciling the legal obligation to disclose information it holds under the Freedom of Information Act 2000, of its legal obligations under:-
- (a) The Public Interest Disclosure Act 1998 to avoid the discrimination or victimisation of employees; and
 - (b) The Health and Safety at Work etc. Act 1974, to protect the health and safety (including mental health) of employees.

7. Protecting an Employee Whistleblower

- 7.1 Employees are protected if:-
- they honestly think what they report is true;
 - they think they are telling the right person; and
 - they believe that their disclosure is in the public interest.
- 7.2 Any employee who makes a 'qualifying disclosure' which meets the definition in the Public Interest Disclosure Act is legally protected against victimisation for whistleblowing. The Borough Council has adopted this procedure in order to encourage early internal whistleblowing and demonstrate its commitment to preventing victimisation. If an employee claims that, despite that commitment, he or she has been victimised because of blowing the whistle, he or she should make a further complaint under this whistleblowing procedure directly to the one of the Whistleblowing Officers referred to above.
- 7.3 An employee has the right to complain of victimisation as a result of any whistleblowing to an employment tribunal.
- 7.4 Any employee who victimises a whistleblower could:-

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- be subject to an internal council investigation and potential disciplinary action, including potential dismissal;
- face a civil claim personally, as the affected whistleblower could be entitled to directly issue a legal claim against the culprit

8. Whistleblowing by Members of the Public

- 8.1 Unlike disclosures by employees, PIDA(Public Interest Disclosure Act 1998) does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect members of the public when they make a disclosure.
- 8.2 The Council considers that any disclosure made by members of the public in respect of serious misconduct should be handled in the same way as disclosures made by employees.
- 8.3 Once a disclosure from a member of the public has been received by the Council, it will be handled in the same way as a disclosure made by an employee under PIDA and the provisions of section 5 shall apply.

9. Recording and Monitoring Complaints

- 9.1 Rotherham Metropolitan Borough Council maintains a list of concerns raised by employees made under the Public Interest Disclosure Act. Inclusion in this list does not amount to acceptance that the communication amounts to a Protected Disclosure and any subsequent decision that the matter falls outside the Act will be added to the record on the list.
- 9.2 For the purposes of investigating whether or not there are any systemic issues that need to be addressed, and to monitor the performance of any investigation, an anonymised summary of all disclosures of serious wrongdoing, made by employees will be sent on a quarterly basis to:-
 - (a) the Director for the area to which the complaint relates; and
 - (b) the Standards [and Ethics](#) Committee of Rotherham Metropolitan Borough Council.
- 9.3 The Council will record details of all complaints made under this policy, anonymising the identity of the whistleblower and use this information for the purposes of identifying areas of concern, which may indicate further action is required, and where appropriate, share this information with other appropriate regulatory bodies.
- 9.4 Both lists are maintained in accordance with the Data Protection Act 1998.
- 9.5 A report on the number of concerns will be published annually. This report will not include any information identifying any whistleblower.

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Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 15 September 2022

Report Title

Standards and Ethics Committee - Re-appointment of Standards and Ethics Committee Independent Persons

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

This report reviews the arrangements for the Council's Independent Persons and makes recommendations to re-appoint the current Independent Persons.

Recommendations

That the Committee re-appointments the current Independent Persons until the end of the 2023/24 Municipal Year.

List of Appendices Included

N/A

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Standards and Ethics Committee - Re-appointment of Standards and Ethics Committee Independent Persons

1. Background

- 1.1 The Localism Act 2011, s28, requires an authority to appoint at least one Independent Person who has duties in relation to the handling of complaints. In particular the Localism Act requires the Independent Person's views to be sought, and taken into account, by the Council before it makes its decision on an allegation it has decided to investigate. The Council has appointed two Independent Persons, Phil Beavers and David Roper-Newman who are not members of the Committee, but attend at meetings.
- 1.2 Both Independent Persons have provided significant contribution to the Councils Standards and Ethics regime, one of them being consulted on all complaints received by the Council as well as providing contributions to policy matters and other issues at meetings.
- 1.3 Bearing in mind the valuable contribution made by the Independent Persons and taking into account the views expressed at the previous meeting by members of the Committee about the reappointment of the current Independent Persons, the Committee is asked to consider the reappointment of both Independent Persons until the end of the 2023/24 municipal year.

2. Key Issues

- 2.1 It is necessary for the Committee ensure that appropriately qualified individuals are appointed as Independent Persons.

3. Options considered and recommended proposal

- 3.1 Recommendations are set out above.

4. Consultation on proposal

- 4.1 N/A

5. Timetable and Accountability for Implementing this Decision

If the recommendation is accepted the current Independent Persons will continue in their role until the end of the 2023/24 municipal year.

6. Financial and Procurement Advice and Implications

- 6.1 The Independent Persons are paid £700 expenses per annum.

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. The appointment of at least one Independent Person by the Council contributes to that duty and as stated above is a requirement of the Localism Act.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

None

12. Risks and Mitigation

None

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

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