

## **STANDARDS AND ETHICS COMMITTEE**

**Date and Time:-** Thursday 16 January 2025 at 2.00 p.m.

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

**Membership:-** Councillors Monk (Chair), Clarke (Vice-Chair), Beck, T. Collingham, Hall, Hughes, Jackson, Keenan, Mr. A. Buckley and Mrs. M. Carroll.

**Independent Co-optees:-** Mrs. A. Bingham, Mr. P. Edler and Mrs. K. Penney.

**Independent Persons:-** Mr. P. Beavers and Mr. D. Roper-Newman.

The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

### **AGENDA**

#### **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.

Under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for Agenda Items 6 and 7 (Consideration of Whistleblowing Policy and Complaints) on the grounds that their appendices involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

**4. Minutes of the previous meeting held on 12th September, 2024 (Pages 5 - 8)**

To consider and approve the minutes of the previous meeting held on 12<sup>th</sup> September, 2024 as a true and correct record of the proceedings and signed by the Chair.

**5. Consideration of Granting of a Dispensation relating to Housing Matters (Pages 9 - 12)**

To consider the granting of dispensations to enable Members of the Council who have Council tenancies to participate and vote on Council business related to Housing.

**6. Proposed Amendments to the Whistleblowing Policy (Pages 13 - 27)**

To consider and agree proposed minor amendments to the Whistleblowing Policy following a review.

**7. A Review of Concerns Raised Pursuant to the Whistleblowing Policy (Pages 29 - 35)**

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

**8. Review of Complaints (Pages 37 - 43)**

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.


**9. Consultation on Strengthening the Standards and Conduct Framework for Local Authorities in England (Pages 45 - 78)**

To consider and contribute to the Government Consultation on strengthening the Standards and Conduct Framework for Local Authorities in England.

**10. Urgent Business**

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

**The next meeting of the Standards and Ethics Committee will  
be held on Thursday 13 March 2025  
commencing at 2.00 p.m. in Rotherham Town Hall.**



SHARON KEMP OBE,  
Chief Executive.

**STANDARDS AND ETHICS COMMITTEE**  
**12th September, 2024**

Present:- Councillor Monk (in the Chair); Councillors Clarke, Beck, T. Collingham, Hall, Hughes and Keenan and also Mrs. A. Bingham, Mrs. K. Penney and Mr. P. Edler (Independent Members).

Also in attendance was Mr. P. Beavers, Independent Person.

Apologies for absence were received from Councillors Mr. A. Buckley, Parish Council Representative and Mr. D. Roper-Newman, Independent Person .

**7. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**8. 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. 11 and 12 (Whistleblowing Policy and Complaints) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

**9. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH JUNE, 2024**

**Resolved:-** That the minutes of the previous meeting held on 13<sup>th</sup> June, 2024 be approved as a true and correct record of the proceedings and signed by the Chair.

**10. THE CIVILITY AND RESPECT PLEDGE**

Consideration was given to an update on the progress of the Civility and Respect Pledge that had previously been recommended for adoption by Town and Parish Councils.

The Civility and Respect Pledge had been introduced because there was no place for bullying, harassment and intimidation within the Town and Parish Council sector. The pledge would enable Town and Parish Councils to demonstrate that they were committed to standing up to poor behaviour and to drive through positive changes which supported civil and respectful conduct.

The Deputy Monitoring Officer shared with the Committee a presentation involving Michaela Moss, Project Officer, and Carina Helm, County Officer. The presentation drew particular attention to:-

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- The Project Group.
- Mission and Objectives.
- Four Key Areas of Focus.
- Civility Continuation Model.
- Civility and Respect Pledge.
- Bespoke Training on Offer and the Key Areas.
- E-Learning Modules Available.
- On Demand H.R. Podcasts.
- Recruitment Guides.
- Governance Support.
- Other Working Taking Place.

As a further update the Deputy Monitoring Officer confirmed she had written to all Town and Parish Councils recommending they sign up. It was noted the majority of complaints received by the Monitoring Officer were in relation to the behaviour of Town and Parish Councillors.

The Deputy Monitoring Officer also pointed out that further work had also taken place around the wider environment of councillors alongside the LGA. Detailed guidance was available on the LGA website.

The Committee welcomed the opportunity for this pledge believing good governance is fundamental to ensuring an effective and well-functioning democracy at all levels.

The Committee were interested to learn how the pledge had been received across the Borough and were advised that about half of the Town and Parish Councils had signed up.

The Deputy Monitoring Officer agreed to update the Committee every six months on progress of the pledge and how effective the take-up offer for training had been received.

Whilst nationally it was noted there had been some changes in behaviour, until the sanctions were strengthened the changes would still need to be monitored.

Those members of the Committee who were also involved with Parish Councils found the package of support through the pledge to be excellent and a well detailed resource for Parishes to run a transparent and stable council. However, it was still disappointing that the sign up to the pledge was still voluntary which meant some Parish Councillors did not engage if they did not attend.

The Deputy Monitoring Officer also pointed out the pledge also provided some excellent resources for Clerks to enable them to provide advice and strengthen the process.

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The Deputy Monitoring Officer also provided for the new members to the Committee a synopsis of the complaints process through to an investigating sub-committee hearing.

The Committee were unified in their duty to promote good behaviour and drive through positive changes that supported civil and respectful conduct. They wished to see all Town and Parish Councils sign up to the pledge and indeed directed the Monitoring Officer/Deputy Monitoring Officer to again make contact in writing and attend the next Parish Council Liaison Meeting.

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

(2) That the Monitoring Officer/Deputy Monitoring Officer write to all Town and Parish Councils encouraging them to sign up to the pledge (if they have not already done so).

(3) That the Deputy Monitoring Officer attend the next Parish Council Liaison Meeting.

(4) That a further update be provided back to the Committee in six months' time on sign up progress of the pledge.

**11. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY**

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, 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.

The information shared covered a two year period and provided an assurance that there was no particular patterns or trends.

The Monitoring Officer outlined the role of this Committee in overseeing the Whistleblowing Policy which was reviewed every two years. To date there was no recommended changes to the current policy.

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

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**12. REVIEW OF COMPLAINT**

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress for 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.

Discussion ensued on the process for complaints and the merits and reasons for anonymising the detail as part of the appendix shared. The Committee were, however, interested to learn if there were certain patterns amongst some Parish Councils and the process undertaken when an anonymous complaint was received.

Rotherham's number of complaints was pleasingly low compared to some other Local Authorities, which was indicative that the level of behaviour had improved. However, the pros and cons of social media were recognised.

The Monitoring Officer provided the Committee with some assurance that the complaints process was managed effectively within his own team and each and every complaint was considered. From those received there were no suggestions of personal safety issues.

Examples of non-engagement with the Code of Conduct and details of the Livingstone Case 2006 were shared and discussed.

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

**13. URGENT BUSINESS**

There were no urgent items of business requiring the Committee's consideration.

**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee - 16 January 2025

**Report Title**

Standards and Ethics Committee – Consideration of Granting of a Dispensation re Housing Matters

**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)**Stuart Fletcher, Service Manager (Commercial and Property)  
01709 823523 stuart.fletcher@rotherham.gov.uk**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report is in relation to the Standards Committee considering the granting of dispensations to enable members of the Council who have Council tenancies to participate and vote on Council business related to Housing.

**Recommendations**

That the Committee:

1. Resolves that it is appropriate for any Members of the Council who are tenants of Rotherham Borough Council to be granted a dispensation pursuant to section 33(2) (e) of the Localism Act to allow them to participate and to vote on matters in relation to housing (provided that those functions do not relate particularly to the tenancy or lease of the Council Member concerned). Such requests should be submitted in writing to the Monitoring Officer

**List of Appendices Included**

None

**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 - Consideration of Granting of a Dispensation re Housing Matters**

**1. Background**

1.1 The Localism Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced “Disclosable Pecuniary Interests” and new rules on the grant of dispensations to allow Council Members to take part in decisions or vote on matters in which they have a Disclosable Pecuniary interest (“DPI”).

1.2 Where a Member has a DPI, they cannot speak and/or vote on a matter in which they have such an interest, unless they have obtained a dispensation in accordance with the requirements of section 33 of the Localism Act.

1.3 The grounds for the grant of a dispensation under section 33(2) of the Localism Act are, if, after having regard to all relevant circumstances, the Council considers that:

- (a) Without the dispensation the number of Members prohibited from participating in or voting on any particular business would be so great a proportion of the body transacting the business as to impede the transaction of that business.
- (b) Without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- (c) The grant of the dispensation would be in the interests of the inhabitants of Rotherham.
- (d) Without the dispensation every Member of the Executive would have a DPI prohibiting them from participating/voting in any particular business to be transacted by the Executive.
- (e) It is otherwise appropriate to grant the dispensation.

1.2 Bearing in mind the number of Members who are tenants it is likely that paragraph (b) above would apply in relation to the transaction of some Council business and therefore the granting of a dispensation in the circumstances set out within the report would be appropriate.

1.3 In order to obtain a dispensation on any of the five grounds set out under section 33 of the Localism Act, a Member must make a written request to



the Council's Monitoring Officer. Any grant of a dispensation must specify how long it lasts for, up to a maximum period of four years.

- 1.4 For the sake of completeness, prior to the Introduction of the Localism Act 2011 the national model Code of Conduct for Members specifically stated that Members would not have a prejudicial interest in certain circumstances that potentially affected the majority or a large number of Members. These general exemptions included an interest in any business of the Council which related to housing, where the Member was a tenant of Rotherham Borough Council (provided that, those functions did not relate particularly to the Member's own tenancy or lease)

## **2. Key Issues**

- 2.1 The Committee is asked to consider whether it would be appropriate to grant a dispensation to any Members who are Tenants of the Council and who submit a written request for the grant of a dispensation pursuant to section 33(2) (e) of the Localism Act, to allow them to participate and to vote on matters in relation to housing (provided that those functions do not relate particularly to the tenancy or lease of the Council Member concerned).

## **3. Options considered and recommended proposal**

- 3.1 The options for the Committee are to either grant or refuse to grant the dispensation and the recommendation is set out above.

## **4. Consultation on proposal**

- 4.1 None

## **5. Timetable and Accountability for Implementing this Decision**

The dispensation would be available to members immediately following the granting of such by the Committee.

## **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 granting of Dispensations is delegated to the Standards and Ethics Committee within the Council's Constitution and specifically within the Standards and Ethics Terms of Reference.

## **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

*Report Author:* Stuart Fletcher, Service Manager (Commercial and Property)  
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Public Report  
Standards and Ethics Committee

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**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee – 16 January 2025

**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)**

Bal Nahal, Deputy Monitoring Officer/Service Manager, Legal Services  
01709 823523 - [stuart.fletcher@rotherham.gov.uk](mailto: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 name of the Head of Audit to Louise Ivens.
  - ii) An additional name added as a Whistleblowing Officer as Assistant Director for HR Lynsey Linton.
- 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

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# **WHISTLEBLOWING AND SERIOUS MISCONDUCT POLICY**

(Amended ~~September~~ November 2024)

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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 and to this end, where this policy makes reference to a Whistleblower; it refers to individual 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 and Procurement Procedure Rules, 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 Trade Union or the charity Protect (0203 117 2520 - <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](mailto:whistleblowing@rotherham.gov.uk)
- Whistleblowing Hotline – 01709 822400 Where a recorded message can be left

Post to:- Whistleblowing,  
c/o 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 - [bal.nahal@rotherham.gov.uk](mailto:bal.nahal@rotherham.gov.uk) - Tel: 01709 823661

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- S. 151 Officer – [judith.badger@rotherham.gov.uk](mailto:judith.badger@rotherham.gov.uk) - Tel:01709 822046
- Head of Internal Audit – [david.websterLouise.Ivens@rotherham.gov.uk](mailto:david.websterLouise.Ivens@rotherham.gov.uk) - Tel:01709 823282

Field Code Changed

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 – [sharon.kemp@rotherham.gov.uk](mailto:sharon.kemp@rotherham.gov.uk) – Tel:  
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 5.1 below, and then confirm to the employee concerned, in writing or by 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](http://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;
  - 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 <https://www.protect-advice.org.uk>
  - By contacting the relevant prescribed person on the list at:  
[Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](http://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 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
  - (b) the arrangements for confidentiality;
  - (c) how the person making the disclosure will be expected to contribute to the investigation;
  - (d) the outcome of any discussions which may have taken place over anonymity;
  - (e) the right of an employee to representation by a recognised trade union or work colleague at any meeting; and
  - (f) the right of any non-employee to seek support and representation

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at any meeting.

- 5.6 The Council, wherever possible, will seek to advise the Whistleblower when the investigation has been concluded. 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 provided. However anonymous allegations are preferred to silence about serious wrongdoing.

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- 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:-
- be subject to an internal Council investigation and potential disciplinary action, including potential dismissal;



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- 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 (unless the complaint is in relation to the Director); 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

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**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee – 16 January 2025

**Report Title**

A Review of Concerns Raised Pursuant 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)**

Stuart Fletcher, Deputy Monitoring Officer/Service Manager, Legal Services  
01709 823523 - [stuart.fletcher@rotherham.gov.uk](mailto:stuart.fletcher@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

A report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

**Recommendations**

1. That the Committee notes the Whistleblowing concerns raised over the previous two year and the actions taken to address these matters.

**List of Appendices Included**

Appendix 1 - Schedule of Whistleblowing Concerns

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to an individual).

Page 1 of 3

## **A Review of Concerns Raised Pursuant to the Whistleblowing Policy**

### **1. Background**

- 1.1 This report provides an overview of the Whistleblowing cases which have been received over the past two years.
- 1.2 A description of the concerns received over the past two years, along with the relevant action to address these matters is at Appendix 1. This is appropriately anonymised in order not to identify the Whistleblower, pursuant to the policy in respect of confidentiality.

### **2. Key Issues**

- 2.1 Matters reported are described within Appendix 1. It is important for there to be oversight of matters being reported pursuant to the Whistleblowing Policy.

### **3. Options considered and recommended proposal**

- 3.1 Recommendations have been referred to above.

### **4. Consultation on Proposal**

- 4.1 N/A

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 N/A

### **6. Financial and Procurement Advice and Implications**

- 6.1 Any work undertaken by Legal Services in dealing with this matter 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,  
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of the Local Government Act 1972.

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**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee - 16 January 2025

**Report Title**

Standards and Ethics Committee - Consideration of Complaints

**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)**

Stuart Fletcher, Service Manager (Commercial and Property)

01709 823523

stuart.fletcher@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

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.

**Recommendations**

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

**List of Appendices Included**

Appendix 1 Schedule of Complaints and actions taken

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to an individual).

## **Standards and Ethics Committee - Consideration of Complaints**

### **1. Background**

- 1.1 A Schedule of complaints received and actions taken in respect of those complaints is at Appendix 1.
- 1.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

### **2. Key Issues**

- 2.1 The nature of each complaint is set out in the Schedule at Appendix 1. Any common themes arising from the Committee's overview of complaints should be identified. Further the members of the Committee may make suggestions in relation to means of addressing common issues which arise in the complaints.

### **3. Options considered and recommended proposal**

- 3.1 Options for dealing with the complaints are set out in the Complaints Procedure and the action taken in respect of each complaint is set out in the Schedule.

### **4. Consultation on proposal**

- 4.1 One of the Standards and Ethics Committee Independent Persons is consulted in respect of each complaint.

### **5. Timetable and Accountability for Implementing this Decision**

N/A

### **6. Financial and Procurement Advice and Implications**

- 6.1 The officer time in dealing with these complaints is met within existing Legal Services resources.

### **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. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

### **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

*Report Author:* Stuart Fletcher, Service Manager (Commercial and Property)  
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**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee - 16 January 2025

**Report Title**

Standards and Ethics Committee - Consultation on strengthening the standards and conduct framework for local authorities in England

**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)**

Stuart Fletcher, Service Manager (Commercial and Property)

01709 823523

stuart.fletcher@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

A report requesting that the Standards and Ethics Committee contribute its views to the Government Consultation on strengthening the standards and conduct framework for local authorities in England.

**Recommendations**

1. That the Committee considers the Government consultation in respect of strengthening the standards and conduct framework for local authorities and that members provide their views on the issues raised in order to allow the Monitoring Officer to submit a consultation response on behalf of the Committee.

**List of Appendices Included**

Appendix 1 Consultation on strengthening the standards and conduct framework for local authorities in England.

**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 - Consultation on strengthening the standards and conduct framework for local authorities in England**

**1. Background**

- 1.1 The Government recently opened a consultation entitled "Strengthening the standards and conduct framework for local authorities in England". The purpose of this consultation is stated as follows:

*This consultation seeks views on introducing a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension.*

- 1.2 Longer serving members of the Standards committee may recall providing their views to a similar consultation undertaken by the Committee on Standards in Public Life, in 2018. The CSPL published its report in 2019 making several recommendations amongst them being that the power to suspend Councillors in relation to serious breaches of the Code of Conduct should be made available to local authorities. The previous Government responded to this report in 2022 and while agreeing with some of the recommendations, did not feel it appropriate to strengthen the arrangements and sanctions available, in particular relation to the suspension of Councillors.

- 1.3 The new government puts forward a different approach within the Ministerial foreword to the Consultation whereby it is stated:

*The government is determined to fix the foundations of local government so councils can sustainably provide decent public services and shape local places, and so elected representatives can be fully accountable to the public they serve. Doing so is critical to national renewal, our missions, and our plans to push power out of Westminster and into the hands of local people with skin in the game. At the core of this agenda is a plan to make local government across England fit, legal, and decent – so that councils have the backing from central government to deliver the high standards and strong financial management that they strive for, without needless micromanagement of day-to-day local decision-making. This plan includes:*

- *fixing our broken audit system*
- *improving oversight and accountability*
- *giving councils genuine freedoms to work for, and deliver in the best interests of, their communities*
- *improving the standards and conduct regime*



- 1.4 As such the purpose of the consultation is as follows:

*this consultation seeks your views on a range of proposals to give local leaders the tools they need to establish and maintain a strong and ethical public service and democratic culture, and the people they serve the confidence that local democracy works for them*

- 1.5 Further the consultation states in relation Standards and Conduct framework and sanction arrangements;

*The government considers that the current local authority standards and conduct regime is in certain key aspects ineffectual, inconsistently applied, and lacking in adequate powers to effectively sanction members found in serious breach of their codes of conduct.*

- 1.6 Members are therefore requested to consider the consultation document which is available at [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#), with a copy at Appendix 1. Members are further requested to provide their views at the forthcoming Standards and Ethics Committee meeting, in order to allow Monitoring Officer to submit a consultation response on behalf of the Standards and Ethics Committee. Individual members are of course still at liberty to submit consultation response of their own.

## **2. Key Issues**

- 2.1 The Standards and Ethics Committee is asked to provide its views in relation to matters raised within the government consultation.
- 2.2 The issues raised relate to ways of strengthening the standards and conduct framework, which may include a mandatory minimum prescribed code of conduct, the necessity for an authority to have a Standards Committee, publication of investigation outcomes and the empowerment of individuals affected by Councillor conduct to come forward.
- 2.3 Further matters relate to the possible introduction of the power of suspension along with any associated safeguards necessary. The length of any possible suspension is considered within the consultation, along with withholding allowances, premises and facilities bans, interim suspension, disqualification for multiple breaches and gross misconduct and whether any appeals process is necessary.

## **3. Options considered and recommended proposal**

- 3.1 The recommended proposal is that the Committee considers the consultation and submits a response to Government. The only other option is that the Committee does not submit a consultation response, however this is not recommended as it is considered that the Committee's views on the matters being considered is of relevance, and would be beneficial for the Government to take into account when considering further legislation and measures in this area.

**4. Consultation on proposal**

4.1 N/A

**5. Timetable and Accountability for Implementing this Decision**

The consultation started on 18 December 2024 runs for 10 weeks. The response on behalf of the Standards and Ethics Committee will be submitted within this timescale.

**6. Financial and Procurement Advice and Implications**

6.1 The officer time in dealing with this issue is met within existing Legal Services resources.

**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. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct. This consultation is considering possible measures which would strengthen these arrangements and the possible sanctions available to the local authority.

**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

*Report Author:*

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Ministry of Housing,  
Communities &  
Local Government

Open consultation

# Strengthening the standards and conduct framework for local authorities in England

Published 18 December 2024

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**Applies to England**

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7. Public Sector Equality Duty

Annex A: Personal data



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# 1. Scope of this consultation

## Topic of this consultation

This consultation seeks views on introducing a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension.

## Scope of this consultation

The Ministry of Housing, Communities and Local Government (MHCLG) is consulting on introducing strengthened sanctions for local authority code of conduct breaches in England.

This includes all 'relevant authorities' as defined by Section 27(6) of the Localism Act 2011, which includes:

- a county council
- a unitary authority
- London borough councils
- a district council
- the Greater London Authority
- the London Fire and Emergency Planning Authority
- the Common Council of the City of London in its capacity as a local authority or police authority
- the Council of the Isles of Scilly
- parish councils
- a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009
- a combined authority established under section 103 of that Act,
- a combined county authority established under section 9(1) of the Levelling Up and Regeneration Act 2023
- the Broads Authority

- a National Park authority in England established under section 63 of the Environment Act 1995

It does not cover:

- police and crime commissioners
- internal drainage boards
- any other local authority not otherwise defined as a 'relevant authority' above

All references to 'members' refer to elected members, mayors, co-opted and appointed members of each of the 'relevant authorities' defined above.

## **Geographical scope**

The questions in this consultation paper apply to all relevant local authorities in England as defined above.

They generally do not apply to authorities in Wales, Scotland or Northern Ireland, except in relation to Police and Crime Panels in Wales.

## **Impact assessment**

We will produce a full Public Sector Equality Duty (PSED) assessment, and all necessary impact assessments, as the policy proposals develop further following this consultation.

## **Basic information**

This is an open consultation. We particularly seek the views of individual members of the public; prospective and current elected members/representatives; all relevant local authorities defined above; and those bodies that represent the interests of local authority members/representatives at all levels.

## **Body responsible for the consultation**

The Local Government Capacity and Improvement Division of the Ministry of Housing, Communities and Local Government is responsible for



conducting this consultation.

### **Duration**

This consultation will last for 10 weeks from 18 December 2024.

### **Enquiries**

For any enquiries about the consultation please contact:

[LGstandardsreform@communities.gov.uk](mailto:LGstandardsreform@communities.gov.uk)

### **How to respond**

You can only respond to this call for evidence through our online consultation platform, [Citizen Space \(https://consult.communities.gov.uk/local-government-standards-and-conduct/strengthening-the-standards-and-conduct-framework\)](https://consult.communities.gov.uk/local-government-standards-and-conduct/strengthening-the-standards-and-conduct-framework).

## **2. Ministerial foreword**

The government is determined to fix the foundations of local government so councils can sustainably provide decent public services and shape local places, and so elected representatives can be fully accountable to the public they serve. Doing so is critical to national renewal, our missions, and our plans to push power out of Westminster and into the hands of local people with skin in the game.

At the core of this agenda is a plan to make local government across England fit, legal, and decent – so that councils have the backing from central government to deliver the high standards and strong financial management that they strive for, without needless micromanagement of day-to-day local decision-making. This plan includes:

- fixing our broken audit system
- improving oversight and accountability
- giving councils genuine freedoms to work for, and deliver in the best interests of, their communities
- improving the standards and conduct regime

This consultation is focused on the proposed reforms to the standards and conduct regime that will contribute to making sure England is covered by effective local and strategic authorities that are well-governed, with high standards met and maintained.

It is an honour and a privilege to be elected as a member and with it comes an individual and collective responsibility to consistently demonstrate and promote the highest standards of conduct and public service.

Members take decisions affecting critical local services such as social care, education, housing, planning, licensing, and waste collection. With greater devolution, local authorities will increasingly be taking decisions to shape local transport, skills, employment support, and growth. Decisions that are the responsibility of members impact virtually every citizen's life at some level, and the electorate has a right to expect that it can trust its local elected members to uphold the highest ethical standards and act in the best interests of the communities they serve.

I strongly believe that the vast majority of local elected members maintain high standards of conduct and that they are driven by duty and service. I believe that people stand for elected office in their local communities with the best intentions to act in the interests of those communities, bringing an energy and commitment to working collaboratively, creatively, and respectfully.

Members, officers, reporters and members of public are entitled to support and participate in the local democratic process in the confidence that high standards are maintained. This government wants to celebrate the positive power of public service and, in doing so, we want to give individual authorities appropriate and proportionate means to deal with misconduct effectively and decisively when it does occur. We also want to ensure that anyone can rightly feel confident about raising an issue under the code of conduct whether it impacts them personally and/or is a code conduct breach that brings the reputation of the council into disrepute.

With approximately 120,000 councillors in England across all types and tiers of local government, we know there are rare instances of misconduct.

Robust political debate is part of our democratic system, but we know from local councils that there are examples of bullying, harassment or other misconduct, when from even a very small minority of members can have a seriously destabilising effect, potentially bringing a council into disrepute and distracting from the critical business of delivering for residents.

This government is committed to working with local and regional government to establish partnerships built on mutual respect, genuine collaboration and meaningful engagement. Our ambition is to create a rigorous standards and conduct framework that will actively contribute to ensuring that local government throughout the country is fit, legal, and decent. With this in mind, this consultation seeks your views on a range of proposals to give local leaders the tools they need to establish and maintain a strong and ethical public service and democratic culture, and the people they serve the confidence that local democracy works for them.

Jim McMahon OBE MP  
Minister of State for Local Government and English Devolution

### 3. Background: Standards and Conduct framework and sanctions arrangements

The [Localism Act 2011](#)

(<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>)<sup>[footnote 1]</sup>

established the current standards and conduct framework for local authorities.

The current regime requires every local authority to adopt a code of conduct, the contents of which must as a minimum be consistent with the 7 [‘Nolan’ principles of standards in public life](#)

(<https://www.gov.uk/government/publications/the-7-principles-of-public-life>)

(selflessness, integrity, objectivity, accountability, openness, honesty and leadership), and set out rules on requiring members to register and disclose pecuniary and non-pecuniary interests. Beyond these requirements, it is for individual councils to set their own local code. The Local Government Association (LGA) published an [updated model code of conduct and guidance](#) (<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>) in 2021, which councils can choose whether to adopt or not.

Every authority must also have in place arrangements under which it can investigate allegations of breaches of its code of conduct and must consult at least one independent person before coming to decisions. These decisions are normally taken in one of two ways depending on an authority’s specific arrangements. The decision can be made by full council following advice from their standards committee (or equivalent).

Alternatively, the decision can be made by the standards committee if they have been given the power to do so. Although a standards committee may contain unelected independent members and co-opted members, only principal councils’ elected members may vote in a decision-making standards committee.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct. Sanctions for member code of conduct breaches are currently limited to less robust measures than suspension, such as barring members from Cabinet, Committee, or representative roles, a requirement to issue an apology or undergo code of conduct training, or public criticism. Local authorities are also unable to withhold allowances from members who commit serious breaches of their code of conduct, and there is no explicit provision in

legislation for councils to impose premises bans or facilities withdrawals where they consider that it might be beneficial to do so.

The government considers that the current local authority standards and conduct regime is in certain key aspects ineffectual, inconsistently applied, and lacking in adequate powers to effectively sanction members found in serious breach of their codes of conduct.

## 4. Who we would like to hear from

Responses are invited from local authority elected members and officers from all types and tiers of authorities, and local authority sector representative organisations. We are also particularly keen to hear from those members of the public who have point of view based on their interest in accessing local democracy in their area or standing as a candidate for local government at any tier to represent their local community at some future point.

Please be assured that all responses to this consultation are anonymous, and no information will be disclosed in any future published response to the consultation, or reporting of the consultation results, that will compromise that anonymity.

### Question 1

Please tick all that apply - are you responding to this consultation as:

a) an elected member – if so please indicate which local authority type(s) you serve on

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

b) a council officer – if so please indicate which local authority type

- Town or Parish Council
- District or Borough Council

- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

c) a council body – if so please indicate which local authority type

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

d) a member of the public

e) a local government sector body – please state

## **5. Strengthening the Standards and Conduct framework**

### **a) Mandatory minimum prescribed code of conduct**

The government proposes to legislate for the introduction of a mandatory minimum code of conduct which would seek to ensure a higher minimum standard of consistency in setting out the behaviours expected of elected members. The government will likely set out the mandatory code in regulations to allow flexibility to review and amend in future, this will also provide the opportunity for further consultation on the detail.

Codes of conduct play an important role in prescribing and maintaining high standards of public service, integrity, transparency, and accountability. At their best, they establish clear guidelines for behaviour and expectations that members always act ethically in the public's best interest. Currently,

there is significant variation between adopted codes, ranging from those who choose to adopt the LGA's full model code to those who simply conform with the minimum requirement of restating the Nolan principles.

A prescribed model code which covers important issues such as discrimination, bullying, and harassment, social media use, public conduct when claiming to represent the council, and use of authority resources could help to uphold consistently high standards of public service in councils across the country and convey the privileged position of public office. It could also provide clarity for the public on the consistent baseline of ethical behaviour they have a right to expect.

We would be interested in understanding whether councils consider there should be flexibility to add to the prescribed code to reflect individual authorities' circumstances. They would not be able to amend the mandatory provisions.

### **Question 2**

Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?

- Yes
- No
- If no, why not? [Free text box]

### **Question 3**

If yes, do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?

- Yes – it is important that local authorities have flexibility to add to a prescribed code
- No – a prescribed code should be uniform across the country
- Unsure

### **Question 4**

Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?

- Yes
- No
- Unsure

## b) Standards Committees

Currently, there is no requirement for local authorities to constitute a formal standards committee. The only legal requirement is for local authorities to have in place 'arrangements' to investigate and make decisions on allegations of misconduct.

The government believes that all principal authorities should be required to convene a standards committee. Formal standards committees would support consistency in the handling of misconduct allegations, applying the same standards and procedures to all cases and providing a formal route to swiftly identify and address vexatious complainants. Furthermore, having a formal standards committee in place could support the development of expertise in handling allegations of misconduct, leading to more informed decision-making. Removing the scope for less formal and more ad hoc arrangements would also enhance transparency and demonstrate to the public that standards and conduct issues will always be dealt with in a structured and consistent way.

This section of the consultation seeks views on two specific proposals to enhance the fairness and objectivity of the standards committee process. Firstly, it considers whether standards committee membership would be required to include at least one Independent Person, as well as (where applicable [\[footnote 2\]](#)) at least one co-opted member from a parish or town council. Secondly, it seeks views on whether standards committees should be chaired by the Independent Person.

### Question 5

Does your local authority currently maintain a standards committee?

- Yes
- No
- Any further comments [free text box]

### Question 6

Should all principal authorities be required to form a standards committee?

- Yes
- No
- Any further comments [free text box]

### Question 7

In most principal authorities, code of conduct complaints are typically submitted in the first instance to the local authority Monitoring Officer to

triage, before referring a case for full investigation. Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?

- Yes, decisions should only be heard by standards committees
- No, local authorities should have discretion to allow decisions to be taken by full council
- Unsure

### **Question 8**

Do you agree that the Independent Person and co-opted members should be given voting rights?

- Yes – this is important for ensuring objectivity
- No – only elected members of the council in question should have voting rights
- Unsure

### **Question 9**

Should standards committees be chaired by the Independent Person?

- Yes
- No
- Unsure

### **Question 10**

If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.

[Free text box]

## **c) Publishing investigation outcomes**

To enhance transparency, local authorities should, subject to data protection obligations, be required to publish a summary of code of conduct allegations, and any investigations and decisions. This will be accompanied with strong mechanisms to protect victims' identity to ensure complainants are not dissuaded from coming forward for fear of being identified,



There may be a range of views on this, as publishing the outcome of an investigation that proves there is no case to answer could still be considered damaging to the reputation of the individuals concerned, or it could be considered as helpful in exposing instances of petty and vexatious complaints.

**Question 11**

Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?

- Yes - the public should have full access to all allegations and investigation outcomes
- No - only cases in which a member is found guilty of wrongdoing should be published
- Other views – text box

**d) Requiring the completion of investigations if a member stands down**

In circumstances where a member stands down during a live code of conduct investigation, councils should be required to conclude that investigation and publish the findings. The government is proposing this measure to ensure that, whilst the member in question will no longer be in office and therefore subject to any council sanction, for the purposes of accountability and transparency there will still be full record of any code of conduct breaches during their term of office.

**Question 12**

Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?

- Yes
- No
- Unsure

## e) Empowering individuals affected by councillor misconduct to come forward

The government appreciates that it can often be difficult for those who experience misconduct on the part of elected members, such as bullying and harassment, to feel that it is safe and worthwhile to come forward and raise their concerns. If individuals believe there is a likelihood that their complaint will not be addressed or handled appropriately, the risk is that victims will not feel empowered to come forward, meaning misconduct continues without action. We recognise that standing up to instances of misconduct takes an emotional toll, particularly in unacceptable situations where the complaints processes are protracted and do not result in meaningful action. We are committed to ensuring that those affected by misconduct are supported in the right way and feel empowered to come forward. This section seeks feedback from local authorities with experience of overseeing council complaints procedures, or sector bodies and individuals with views on how this might be carried out most effectively. We are also keen to hear from those who work, or have worked, in local government, and who have either witnessed, or been the victim of, member misconduct.

### Question 13

If responding as a local authority, what is the average number of complaints against elected members that you receive over a 12-month period?

[Number box]

### Question 13a

For the above, where possible, please provide a breakdown for complaints made by officers, other elected members, the public, or any other source:

- Complaints made by officers [Number box]
- Complaints made by other elected members [Number box]
- Complaints made by the public [Number box]
- Complaints made by any other source [Number box]

### Question 14

If you currently work, or have worked, within a local authority, have you ever been the victim of (or witnessed) an instance of misconduct by an elected member and felt that you could not come forward? Please give reasons if you feel comfortable doing so.

- Yes

- No
- [Free text box]

### **Question 15**

If you are an elected member, have you ever been subject to a code of conduct complaint? If so, did you feel you received appropriate support to engage with the investigation?

- Yes
- No
- [Free text box]

### **Question 16**

If you did come forward as a victim or witness, what support did you receive, and from whom? Is there additional support you would have liked to receive?

[Free text box]

### **Question 17**

In your view, what measures would help to ensure that people who are victims of, or witness, serious councillor misconduct feel comfortable coming forward and raising a complaint?

[Free text box]

## **6. Introducing the power of suspension with related safeguards**

The government believes that local authorities should have the power to suspend councillors for serious code of conduct breaches for a maximum of 6 months, with the option to withhold allowances and institute premises and facilities bans where deemed appropriate. This section of the consultation explores these proposed provisions in greater detail.

While the law disqualifies certain people from being, or standing for election as, a councillor (e.g. on the grounds of bankruptcy, or receipt of a custodial sentence of 3 months or more, or it subject to the notification requirements of the Sexual Offences Act 2003 - meaning on the sex offenders register) councillors cannot currently be suspended or disqualified for breaching their code of conduct.

Feedback from the local government sector in the years since the removal of the power to suspend councillors has indicated that the current lack of meaningful sanctions means local authorities have no effective way of dealing with more serious examples of member misconduct.

The most severe sanctions currently used, such as formally censuring members, removing them from committees or representative roles, and requiring them to undergo training, may prove ineffective in the cases of more serious and disruptive misconduct. This may particularly be the case when it comes to tackling repeat offenders.

The government recognises that it is only a small minority of members who behave badly, but the misconduct of this small minority can have a disproportionately negative impact on the smooth running of councils. We also appreciate the frustration members of the public and councillors can feel both in the inability to deal decisively with cases of misconduct, and the fact that offending members can continue to draw allowances.

### **Question 18**

Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?

- Yes – authorities should be given the power to suspend members
- No – authorities should not be given the power to suspend members
- Unsure

### **Question 19**

Do you think that it is appropriate for a standards committee to have the power to suspend members, or should this be the role of an independent body?

- Yes - the decision to suspend for serious code of conduct breaches should be for the standards committee
- No - a decision to suspend should be referred to an independent body
- Unsure
- [Free text box]

### **Question 20**

Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?

- Yes – councils should be required to ensure that constituents have an alternative point of contact during a councillor's suspension

- No – it should be for individual councils to determine their own arrangements for managing constituents' representation during a period of councillor suspension
- Unsure

## a) The length of suspension

The Committee on Standards in Public Life recommended in their 2019 Local Government Ethical Standards<sup>[footnote 3](#)</sup> (CSPL) report that the maximum length of suspension, without allowances, should be 6 months and the government agrees with this approach. The intent of this proposal would be that non-attendance at council meetings during a period of suspension would be disregarded for the purposes of section 85 of the Local Government Act 1972, which states that a councillor ceases to be a member of the local authority if they fail to attend council meetings for 6 consecutive months.

The government believes that suspension for the full 6 months should be reserved for only the most serious breaches of the code of conduct, and considers that there should be no minimum length of suspension to facilitate the proportionate application of this strengthened sanction.

### Question 21

If the government reintroduced the power of suspension do you think there should be a maximum length of suspension?

- Yes – the government should set a maximum length of suspension of 6 months
- Yes – however the government should set a different maximum length (in months) [Number box]
- No – I do not think the government should set a maximum length of suspension
- Unsure

### Question 22

If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?

- Infrequently – likely to be applied only to the most egregious code of conduct breaches
- Frequently – likely to be applied in most cases, with some exceptions for less serious breaches

- Almost always – likely to be the default length of suspension for code of conduct breaches
- Unsure

## **b) Withholding allowances and premises and facilities bans**

Giving councils the discretion to withhold allowances from members who have been suspended for serious code of conduct breaches in cases where they feel it is appropriate to do so could act as a further deterrent against unethical behaviour. Holding councillors financially accountable during suspensions also reflects a commitment to ethical governance, the highest standards of public service, and value for money for local residents.

Granting local authorities the power in legislation to ban suspended councillors from local authority premises and from using council equipment and facilities could be beneficial in cases of behavioural or financial misconduct, ensuring that suspended councillors do not misuse resources or continue egregious behaviour. Additionally, it would demonstrate that allegations of serious misconduct are handled appropriately, preserving trust in public service and responsible stewardship of public assets.

These measures may not always be appropriate and should not be tied to the sanction of suspension by default. The government also recognises that there may be instances in which one or both of these sanctions is appropriate but suspension is not. It is therefore proposed that both the power to withhold allowances and premises and facilities bans represent standalone sanctions in their own right.

### **Question 23**

Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?

- Yes – councils should have the option to withhold allowances from suspended councillors
- No – suspended councillors should continue to receive allowances
- Unsure

### **Question 24**

Do you think it should be put beyond doubt that local authorities have the power to ban suspended councillors from council premises and to

withdraw the use of council facilities in cases where they deem it appropriate?

- Yes – premises and facilities bans are an important tool in tackling serious conduct issues
- No – suspended councillors should still be able to use council premises and facilities
- Unsure

### **Question 25**

Do you agree that the power to withhold members' allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?

- Yes
- No
- Unsure

## **c) Interim suspension**

Some investigations into serious code of conduct breaches may be complex and take time to conclude, and there may be circumstances when the misconduct that has led to the allegation is subsequently referred to the police to investigate. In such cases, the government proposes that there should be an additional power to impose interim suspensions whilst and until a serious or complex case under investigation is resolved.

A member subject to an interim suspension would not be permitted to participate in any council business or meetings, with an option to include a premises and facilities ban.

We consider that members should continue to receive allowances whilst on interim suspension and until an investigation proves beyond doubt that a serious code of conduct breach has occurred or a criminal investigation concludes. The decision to impose an interim suspension would not represent a pre-judgement of the validity of an allegation.

We suggest that:

- Interim suspensions should initially be for up to a maximum of 3 months. After the expiry of an initial interim suspension period, the relevant council's standards committee should review the case to decide whether it is in the public interest to extend.

- As appropriate, the period of time spent on interim suspension may be deducted from the period of suspension a standards committee imposes.

### **Question 26**

Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?

- Yes, powers to suspend on an interim basis would be necessary
- No, interim suspension would not be necessary
- Any further comments [free text box]

### **Question 27**

Do you agree that local authorities should have the power to impose premises and facilities bans on councillors who are suspended on an interim basis?

- Yes - the option to institute premises and facilities bans whilst serious misconduct cases are investigated is important
- No - members whose investigations are ongoing should retain access to council premises and facilities
- Unsure

### **Question 28**

Do you think councils should be able to impose an interim suspension for any period of time they deem fit?

- Yes
- No
- Any further comments [free text box]

### **Question 29**

Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then subject to review?

- Yes
- No
- Any further comments [free text box]

### **Question 30**

If following a 3-month review of an interim suspension, a standards committee decided to extend, do you think there should be safeguards



to ensure a period of interim extension is not allowed to run on unchecked?

- Yes – there should be safeguards
- No – councils will know the details of individual cases and should be trusted to act responsibly

### **Question 30a**

If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?

[Free text box]

## **d) Disqualification for multiple breaches and gross misconduct**

When councillors repeatedly breach codes of conduct, it undermines the integrity of the council and erodes public confidence. To curb the risk of repeat offending and continued misconduct once councillors return from a suspension, the government considers that it may be beneficial to introduce disqualification for a period of 5 years for those members for whom the sanction of suspension is invoked on more than one occasion within a 5-year period.

This measure underlines the government's view that the sanction of suspension should only be used in the most serious code of conduct breaches, because in effect a decision to suspend more than once in a 5-year period would be a decision to disqualify an elected member. However, we consider this measure would enable councils to signal in the strongest terms that repeated instances of misconduct will not be tolerated and would act as a strong deterrent against the worst kind of behaviours becoming embedded.

Currently a person is disqualified if they have been convicted of any offence and have received a sentence of imprisonment (suspended or not) for a period of 3 months or more (without the option of a fine) in the 5-year period before the relevant election. Disqualification also covers sexual offences, even if they do not result in a custodial or suspended sentence.

### **Question 31**

Do you think councillors should be disqualified if subject to suspension more than once?

- Yes – twice within a 5-year period should result in disqualification for 5 years
- Yes – but for a different length of time and/or within a different timeframe (in years) [Number boxes]
- No - the power to suspend members whenever they breach codes of conduct is sufficient
- Any other comments [free text box]

### Question 32

Is there a case for immediate disqualification for gross misconduct, for example in instances of theft or physical violence impacting the safety of other members and/or officers, provided there has been an investigation of the incident and the member has had a chance to respond before a decision is made?

- Yes
- No
- Unsure
- [Free text box]

## e) Appeals

The government proposes that:

- A right of appeal be introduced for any member subject to a decision to suspend them.
- Members should only be able to appeal any given decision to suspend them once.
- An appeal should be invoked within 5 working days of the notification of suspension; and
- Following receipt of a request for appeal, arrangements should be made to conduct the appeal hearing within 28 working days.

The government believes that were the sanction of suspension to be introduced (and potentially disqualification if a decision to suspend occurs a second time within a 5-year period) it would be essential for such a punitive measure to be underpinned by a fair appeals process.

A right of appeal would allow members to challenge decisions that they believe are unjust or disproportionate and provides a safeguard to ensure that the sanction of suspension is applied fairly and consistently.

We consider that it would be appropriate to either create a national body, or to vest the appeals function in an existing appropriate national body, and views on the merits of that are sought at questions 38 and 39 below. Firstly, the following questions test opinion on the principle of providing a mechanism for appeal.

**Question 33**

Should members have the right to appeal a decision to suspend them?

- Yes - it is right that any member issued with a sanction of suspension can appeal the decision
- No – a council's decision following consideration of an investigation should be final
- Unsure

**Question 34**

Should suspended members have to make their appeal within a set timeframe?

- Yes – within 5 days of the decision is appropriate to ensure an efficient process
- Yes – but within a different length of time (in days) [Number box]
- No – there should be no time limit for appealing a decision

The government is also keen to explore if a right of appeal should be provided, either in relation to whether a complaint proceeds to full investigation and consideration by the standards committee, or where a claimant is dissatisfied with the determination of the standards committee.

**Question 35**

Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?

- Yes
- No
- Unsure

**Question 36**

Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?

- Yes
- No

- Unsure

### Question 37

If you answered yes to either of the previous two questions, please use the free text box below to share views on what you think is the most suitable route of appeal for either or both situations.

[Free text box]

## f) Potential for a national appeals body

There is a need to consider whether appeals panels should be in-house within local authorities, or whether it is right that this responsibility sits with an independent national body. Whereas an in-house appeals process would potentially enable quicker resolutions by virtue of a smaller caseload, empowering a national body to oversee appeals from suspended members and complainants could reinforce transparency and impartiality and help to ensure consistency of decision-making throughout England, setting precedents for the types of cases that are heard.

### Question 38

Do you think there is a need for an external national body to hear appeals?

- Yes – an external appeals body would help to uphold impartiality
- No – appeals cases should be heard by an internal panel
- Any further comments [free text box]

### Question 39

If you think there is a need for an external national appeals body, do you think it should:

- Be limited to hearing elected member appeals
- Be limited to hearing claimant appeals
- Both of the above should be in scope
- Please explain your answer [free text box]

## 7. Public Sector Equality Duty

### Question 40

In your view, would the proposed reforms to the local government standards and conduct framework particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit individuals with protected characteristics
- it would disadvantage individuals with protected characteristics
- neither

Please use the text box below to make any further comment on this question.

[Free text box]

## Annex A: Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018. Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

### 1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

### 2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

### **3. Our legal basis for processing your personal data**

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

### **4. With whom we will be sharing your personal data**

We use a third-party platform, Citizen Space, to collect consultation responses. In the first instance, your personal data will be stored on their secure UK-based servers.

### **5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for 2 years from the closure of the consultation.

### **6. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a) to see what data we have about you
- b) to ask us to stop using your data, but keep it on record
- c) to ask to have all or some of your data deleted or corrected
- d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with

the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113.

## 7. Your personal data will not be sent overseas

## 8. Your personal data will not be used for any automated decision making

## 9. Your personal data will be stored on a secure government IT system

Your data will be transferred to our secure government IT system as soon as possible after the consultation has closed, and it will be stored there for the standard 2 years of retention before it is deleted.

- 
1. [Localism Act 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk)  
(<https://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7>)
  2. Only around 36% of the population of England is covered by a parish or town council.
  3. [Local government ethical standards: report - GOV.UK \(www.gov.uk\)](https://www.gov.uk)  
(<https://www.gov.uk/government/publications/local-government-ethical-standards-report>)

