

## **STANDARDS AND ETHICS COMMITTEE**

**Date and Time:-** Thursday 12 March 2026 at 2.00 p.m.

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

**Membership:-** Councillors Clarke (Chair), Lelliott (Vice-Chair), Beck, T. Collingham, Hall, Harper, Keenan and Monk.

**Parish Council Representatives:-** Mr. A. Griffin and Mr. M. Senior.

**Independent Members:-** Mrs. A. Bingham 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 9 and 10 (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 15th January, 2026 (Pages 3 - 6)**

To consider and approve the minutes of the previous meeting held on 15<sup>th</sup> January, 2026 as a true and correct record of the proceedings and signed by the Chair.

**5. Standards and Ethics Committee - Work Plan (Pages 7 - 12)**

To receive and approve the draft Work programme for the Standards and Ethics Committee for the period January to November, 2026.

**6. Standards and Ethics Committee - Annual Report (Pages 13 - 16)**

To consider and note the work undertaken by the Standards and Ethics Committee in 2025.

**7. Debate not Hate Working Group - Update**

To receive a verbal update following the latest Working Group meeting for the Debate Not Hate Campaign.

**8. Proposed Amendments to the Whistleblowing Policy (Pages 17 - 31)**

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

**9. A Review of Concerns Raised Pursuant to the Whistleblowing Policy (Pages 33 - 41)**

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

**10. Review of Complaints (Pages 43 - 49)**

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.

## 11. 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 Date Not Specified  
commencing at Time Not Specified  
in Rotherham Town Hall.**



JOHN EDWARDS,  
Chief Executive.

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**STANDARDS AND ETHICS COMMITTEE****15th January, 2026**

Present:- Councillor Clarke (in the Chair); Councillors T. Collingham, Hall, Harper and Monk, Parish Councillors T. Griffin and M. Senior and Mr. P. Beevers (Independent Person) and Mrs. A. Bingham (Independent Person).

Apologies for absence were received from Councillors Beck, Keenan and Lelliott, Mrs. K. Penney (Independent Person) and Mr. D. Roper-Newman (Independent Person).

**20. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**21. 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. 27 and 28 (Whistleblowing and Complaints) on the grounds that the appendices to those reports involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

**22. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH SEPTEMBER, 2025**

**Resolved:-** That the minutes of the previous meeting held on 11<sup>th</sup> September 2025 were approved as a true and correct record of the proceedings.

**23. STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND - CONSULTATION RESULTS AND GOVERNMENT RESPONSE**

The Deputy Monitoring Officer presented a report outlining the Government's consultation (December 2024–February 2025) on strengthening the standards and conduct framework for local authorities, together with the published Government response.

The report highlighted that the Government intended to introduce a series of legislative changes aimed at improving consistency and transparency across all local authority tiers. These measures included the introduction of a mandatory national Code of Conduct for all local authorities, the requirement for principal authorities to establish formal Standards Committees, and the provision of support to complainants and Councillors involved in standards investigations.

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The Government also proposed a statutory right of review for complainants and subject members, new powers for councils to suspend Elected Members for up to 6 months for serious misconduct, and the creation of a national appeals function to operate following completion of local review processes.

The Committee made several observations and noted that whilst standards cases had been relatively infrequent in recent years, changes to the Code and process could initially lead to an increase in case numbers. Concerns were expressed about the potential impact on resources, particularly given the introduction of additional appeal rights.

The Committee also emphasised the importance of timely decision-making, noting that delays in concluding cases or determining appeals could undermine confidence in the Standards framework. Given the far-reaching nature of the proposed sanctions and the significance of the decisions to be taken, the Committee also expressed the view that the chairing of Standards hearings should be undertaken independently.

The Committee expressed broad support for the proposals and agreed to receive further updates as the legislation progressed.

**Resolved:** That the content of the report be noted, and that further updates be submitted to the Standards and Ethics Committee as the legislation progresses.

**24. DEBATE NOT HATE WORKING GROUP - VERBAL UPDATE**

The Deputy Monitoring Officer reported that the Working Group had held its initial meeting in November 2025, at which the arrangements and overall action plan were agreed.

The Working Group would provide an open forum for discussion and idea-sharing to support both Borough and Parish Councillors to operate safely within an increasingly challenging political environment. It was noted that the Group would work through each of the 5 sections of the LGA *Debate Not Hate* toolkit, with the intention of focusing on one section at each meeting.

Two positive and productive meetings had been held to date, during which an excellent programme of work had been developed. At the second meeting, the Group had considered the theme of creating supportive environments and discussed the arrangements currently in place. It had been acknowledged that a significant amount of supportive practice was already established.

A list of suggested measures for the Council to implement, covering both immediate improvements and longer-term actions, would be brought forward for consideration at the next meeting of the Working Group. The next meeting would also include a focus on safety and risk assessments.

**Resolved:-** That the update be received and noted.

**25. REVIEW OF THE SUB-COMMITTEE HEARING PROCEDURE**

The Deputy Monitoring Officer presented the procedural report, which formed part of the Committee's agreed work programme. It was noted that forthcoming changes in national standards legislation were expected, and therefore a full review of the entire complaints process would not be appropriate at this stage. Instead, a light-touch review of the existing Sub-Committee Hearing Procedure had been undertaken.

Members were advised that the current procedure was in accordance with the principles of natural justice and the Subject Member's rights under Article 6 of the Human Rights Act 1998, and aligned with the Local Government Association's guidance on complaint handling. The Monitoring Officer was satisfied that the procedure remained fit for purpose and did not consider that any amendments were required unless Members wished to propose changes.

During discussion, the Chair queried whether the process clarified the position regarding right of appeal. It was confirmed that there was no right of appeal under the current arrangements, and that the procedure could highlight that the Sub-Committee hearing represents the final stage of the Council's process.

**Resolved:-** That the Sub-Committee Hearing Procedure be approved, subject to the inclusion of wording which clarifies that the Sub-Committee hearing is the final stage of the Council's process.

**26. APPOINTMENT OF INDEPENDENT MEMBER**

Consideration was given to a report presented by the Deputy Monitoring Officer recommending the appointment of an Independent Member following a recruitment and interview process.

Following 2 resignations last year, a recruitment exercise was undertaken, resulting in one application. The candidate, Ruby Wright, was interviewed by the Deputy Monitoring Officers and considered suitable for the role.

The Committee also noted that Peter Edler, a long-serving Independent Member, had stepped down due to health reasons. With 2 Independent Member vacancies remaining, the Committee agreed to undertake a further recruitment exercise to fill these positions.

**Resolved:-** (1) That Council confirm the appointment of Ruby Wright as a co-opted Independent Member of the Standards and Ethics Committee until the Annual General Meeting of the Council in 2029.

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(2) That formal thanks be recorded to the outgoing Independent Member, Peter Edler, for his service and contribution to the Committee.

**27. 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. Members were advised that there were no identifiable trends to highlight.

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

**28. REVIEW OF COMPLAINTS**

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

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

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

**29. URGENT BUSINESS**

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

**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee - 12 March 2026

**Report Title**

Standards and Ethics Committee – Work Plan

**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

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

A report setting out a draft Work programme for the Standards and Ethics Committee for the period Jan 2026 to Nov 2026.

**Recommendations**

That the Committee:

- i) Consider and comment on the draft Work Plan
- ii) Adopt a finalised Work plan for the period Jan 2026 to Nov 2026

**List of Appendices Included**

Appendix 1 - Draft Work plan

**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 – Work Plan**

### **1. Background**

- 1.1 A draft Work Plan for the period Jan 2026 to Nov 2026 is attached at Appendix 1.
- 1.2 Adoption of a Work Plan will ensure that the Standards and Ethics Committee is able to focus on a range of issues throughout the year and provide transparency in relation to the work of the Committee.
- 1.3 As such members are requested to consider the draft Work Plan, suggest any amendments, make any proposals as to any of other issues which would be beneficial for the Standards and Ethics Committee to consider, and thereafter adopt a finalised Work Plan.

### **2. Key Issues**

- 2.1 The key issues are set out above

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

- 3.1 Recommendations are set out above.

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

- 4.1 N/A

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

- 5.1 The draft Work Plan covers the period Jan 2026 to Nov 2026

### **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 ethical standards. The work of the Standards and Ethics Committee as set out in the draft Work Plan contributes to this.

### **8. Human Resources Advice and Implications**

None

### **9. Implications for Children and Young People and Vulnerable Adults**

None

### **10. Equalities and Human Rights Advice and Implications**

None

**11. Implications for Partners**

None

**12. Risks and Mitigation**

None

**13. Accountable Officer(s)**

Bal Nahal, Head of Legal Services

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**Draft Standards and Ethics Committee Work Programme 2026**

<b>Report Title/Subject</b>	<b>Date of Meeting/Agreed Schedule</b>
Update - Strengthening the Standards Regime	January 2026
Review of the Sub-Committee Hearing Process	January 2026
Appt of Independent Member	January 2026
Whistleblowing Policy - Review	March 2026
Work Plan	March 2026
Annual Report	March 2026
Update – Debate not Hate Working Group	March 2026
Declarations of Interest - Parish Councillors	June 2026
Civility and Respect Pledge - Advice to Parish Councils	June 2026 - Then Every 6 Months
Review of the Code of Conduct	June 2026
Update - Strengthening the Standards Regime	Sept 2026
Report of the Debate not Hate Working Group	Sept 2026
Declarations of Interest - Borough Councillors	Sept 2026

Review of the Sub-Committee - Hearing Processes	Nov 2026
Review of Training and Guidance re Code of Conduct issues	Nov 2026

At each meeting there will be the regular Consideration of Complaints report received pursuant to the Standards and Ethics Complaints procedure, as well as the regular reports regarding Concerns raised pursuant to the Whistleblowing Procedure.

Further the above Work Plan is flexible to allow for other matters to be included on the agenda as they arise such as issues arising out of the Strengthening the Standards Regime consultation and Govt Response, the outcomes of any Sub-Committee hearings as well as other matters of relevance to the Committee.

**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee – 12 March 2026

**Report Title**

Standards and Ethics Committee – Annual Report

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

No

**Strategic Director Approving Submission of the Report**

N/A

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

A report setting out the work undertaken by the Standards and Ethics Committee in 2025.

**Recommendations**

That the Committee notes the work undertaken by the Standards and Ethics Committee in 2025.

**List of Appendices Included**

N/A

**Background Papers**

None

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

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Standards and Ethics Committee – Annual Report**

### **1. Background**

- 1.1 This report summarises the work undertaken by the Standards Committee during 2025.

### **2. Key Issues**

- 2.1 In January 2025 the Committee received a report about a consultation which had recently opened in relation to the Government possibly strengthening the standards regime. The Committee answered the questions within the Consultation document and provided their views in relation to the issues raised within the consultation. The Monitoring Officer subsequently submitted those views as part of the Government consultation
- 2.2 Also in January 2025 the Committee considered a report relating to dispensations to those members who are tenants of the Council in order that they may vote on Council business concerning housing matters.
- 2.3 The Committee also considered ongoing and resolved complaints pursuant to the Standards and Ethics Committee Complaints Procedure, and concerns raised pursuant to the Whistleblowing Policy. These items were considered at each of the Standards and Ethics Committee meetings set out below, as standard agenda items. Further, information as to all of the complaints received through the year, and the concerns brought pursuant to the Whistleblowing Policy are set out within the respective reports, brought to this meeting.
- 2.4 In March 2025 the Committee received a report relating to the membership of the Committee and resolved for a ballot to be undertaken by the Yorkshire Local Council Association in relation to Parish Council members of the Committee, as well as advertising for Independent Members for the Committee.
- 2.5 Also in March 2025 the Committee received a report setting out a Work Plan for the Committee for the forthcoming year.
- 2.6 Also in March 2025, the Committee was provided with training in relation to Sub-Committee Hearings and their related principles and procedures.
- 2.7 In June 2025 an update as to the ballot for Parish Council members other Committee and the recruitment process for Independent Members was provided.
- 2.8 Further a review of the Council's Code of Conduct was undertaken. The Council adopted the LGA Model Code of Conduct in May 2021, and the Committee resolved that the Code of Conduct was still appropriate and fit for purpose.
- 2.8 Also in June 2025 an update was provided to the Committee about the Civility and Respect Pledge and its adoption by Parish Councils within the Borough.

Feedback was provided to the Committee from the Parish Network Group as to their thoughts about the Pledge and ways in which it had been helpful to Parish Councils, and reasons as to why some Parish Councils had not adopted it.

- 2.10 Also in June 2025 the Committee received a report relating to the LGA's Civility in Public Life campaign and the resources available within that around standards and conduct, social media guidance and conflict resolution and handling abuse. The availability of those resources was subsequently reiterated to Parish Councils by means of a letter from the Chair of the Committee.
- 2.11 In September 2025 the Committee received a report regarding the appointment of Parish Council members to the Committee following the outcome of the ballot by YLCA.
- 2.12 The Committee was also provided with information as to Members Registers of Interests following an exercise in relation to the publication of both Borough Council at Parish Council members Registers of Interests. Following this a reminder was sent to all Parish Councils as to the importance of ensuring that member's Registers of Interests were kept up-to-date and published.
- 2.13 Also in September 2025 the Committee received a report relating to the LGA Debate not Hate campaign and resolved to establish a Working Group to consider the LGA toolkit and self-assessment in relation to this campaign.
- 2.14 In November 2025 the first meeting of the Debate not Hate Working Group took place at which the requirements of the self-assessment were considered and arrangements were made as to how this would be best achieved, along with a timeline for completing the assessment and reporting back to the Committee.

**3. Options considered and recommended proposal**

3.1 N/A

**4. Consultation on proposal**

4.1 N/A

**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 the matters set out above 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 matters referred to above set out how the Committee fulfils that duty.

**8. Human Resources Advice and Implications**

None

**9. Implications for Children and Young People and Vulnerable Adults**

None

**10. Equalities and Human Rights Advice and Implications**

None

**11. Implications for Partners**

None

**12. Risks and Mitigation**

None

**13. Accountable Officer(s)**

Bal Nahal, Head of Legal Services

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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 – 12 March 2026

**Report Title**

Proposed Amendments to the Whistleblowing Policy

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

No

**Strategic Director Approving Submission of the Report**

N/A

**Report Author(s)**

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**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 Chief Executive to John Edwards.
  - ii) Amended link to the Equality Act 2010 guidance.
- 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 ~~November 2022~~ [March 2026](#))

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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> Equality Act 2010 | EHRC
  - (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 – [louise.ivals@rotherham.gov.uk](mailto:louise.ivals@rotherham.gov.uk) - Tel:01709 823282
- Service Director of Human Resources – [lynsey.linton@rotherham.gov.uk](mailto:lynsey.linton@rotherham.gov.uk) - 01709 914290

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.kempjohn.edwards@rotherham.gov.uk](mailto:sharon.kempjohn.edwards@rotherham.gov.uk) –  
Tel: 01709 822770

Field Code Changed

- 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](#)

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[www.gov.uk](http://www.gov.uk)

- 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;

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- (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 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

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and more effective and enable feedback about the investigation to be provided. However anonymous allegations are preferred to silence about serious wrongdoing.

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

## **7. Protecting an Employee Whistleblower**

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

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

## **8. Whistleblowing by Members of the Public**

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

## **9. Recording and Monitoring Complaints**

- 9.1 Rotherham Metropolitan Borough Council maintains a list of concerns raised by employees made under the Public Interest Disclosure Act. Inclusion in this list does not amount to acceptance that the communication amounts to a Protected Disclosure and any subsequent decision that the matter falls outside the Act will be added to the record on the list.
- 9.2 For the purposes of investigating whether or not there are any systemic issues that need to be addressed, and to monitor the performance of any investigation, an anonymised summary of all disclosures of serious wrongdoing, made by employees will be sent on a quarterly basis to:-
- (a) the Director for the area to which the complaint relates (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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of the Local Government Act 1972.

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