

# **Standards Committee**

**27 January 2025 at 18:00**

**Conference room 2 at the Council House, Lichfield Street, Walsall**

Public access to meeting via: [www.walsallcouncilwebcasts.com](http://www.walsallcouncilwebcasts.com)

Membership:

Councillor R. Martin (Chair)  
Councillor R. Burley (Vice-Chair)  
Councillor A. Andrew  
Councillor H. Bashir  
Councillor M. Follows  
Councillor I. Hussain  
Councillor R. Larden  
Councillor R. K. Mehmi  
Councillor S. Samra  
Councillor K. Sears

**Independent Members** Mr A. Green  
Ms D. Mardner  
Mr C. Magness

Quorum: Four Members

Democratic Services, The Council House, Walsall, WS1 1TW  
Contact name: Luke Cook Telephone: 01922 650959 Email: [luke.cook@walsall.gov.uk](mailto:luke.cook@walsall.gov.uk)  
[Walsall Council Website](http://www.walsall.gov.uk)

**If you are disabled and require help to and from the meeting room,  
please contact the person above**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012  
Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
  - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
  - (a) Constitutes a trades secret;
  - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
  - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

## Part 1 – Public Session

1. Apologies
2. Substitutions  
To receive notice of any substitutions for a Member of the Committee for the duration of the meeting.
3. Minutes  
To approve and sign the minutes of the meeting held on 30 September 2024.  
*(Enclosed - Page 5 to 10)*
4. Declarations of Interest
5. Local Government (Access to Information) Act, 1985 (as amended):  
To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
6. Member DBS Check Update  
Update on the current uptake of criminal record checks by elected members.  
*(Enclosed – Page 11 to 13)*
7. Standards Committee Working Group Update  
  
*(Enclosed - Page 14 to 17)*
8. Whistleblowing Policy Update  
  
*(Enclosed - Page 18 to 26)*
9. Government Consultation in relation to strengthening the standards and conduct framework for Local Authorities in England  
  
*(To Follow)*
10. Date of next meeting  
The date of the next meeting will be 22 April 2025.

# **Minutes of the Standards Committee held in Conference Room 2, Walsall Council House**

**Monday 30 September 2024 at 6.00pm**

## **Committee Members present:**

Councillor R. Martin (Chair)  
Councillor R. Burley (Vice Chair)  
Councillor M.A. Bird (Substitution)  
Councillor H. Bashir  
Councillor I. Hussain  
Councillor R. K. Mehmi  
Councillor K. Sears

## **Independent Persons:**

D. Mardner  
A. Green

## **Officers Present:**

T. Cox – Director of Governance  
H. Dudson – Assurance Manager  
L. Cook – Democratic Services Officer  
J. Thompson – Democratic Services Officer

### **38. Apologies**

Apologies were received from Councillors Andrew, Larden, and Samra.

### **39. Substitutions**

Councillor Bird substituted for Councillor Andrew.

Formal conformation was received that Councillor Follows had replaced Councillor Rasab as a Member of the Standards Committee for the remainder of the Municipal Year 2024/25.

### **40. Declarations of Interest**

There were no declarations of interest.

### **41. Local Government (Access to Information) Act 1985 (as amended)**

There were no items to be considered in private session.

42. **Minutes**

A copy of the Minutes of the meeting held on the 15 July, 2024 was submitted [annexed].

**Resolved**

**That the minutes of the meetings held 15 July, 2024, copies having being circulated in advance, be approved as the correct record.**

43. **Local Government and Social Care Ombudsman Annual Report**

The Assurance Manager presented a report regarding the information received from the Local Government and Social Care Ombudsman (LGSCO) in relation to the number and range of complaints that were referred to the Council during the financial year 2023/24.

[see annexed]

It was highlighted that there had been a small reduction in complaints relating to Walsall Council when compared with previous years. However, there had been an increase in the percentage of complaints upheld by the LGSCO, which mirrored a national trend. The Assurance Manager advised that the figures detailed in the report regarding the number of complaints received and determined would not match, as some complaints were determined in a different financial year to when it was received.

The Assurance Manager further advised that new to the 2023/24 report were figures for uphold rates per 100,000 residents.

Members considered the report, which was followed by a period of questioning. Questions included the reasons for a delay in responding to the LGSCO regarding the high number of Special Educational Needs and Disabilities (SEND) and Education, Health and Care (EHC) complaints and whether this was due to staff working from home and communication issues. The Assurance Manager advised that there had been a change in the deadline to provide information to the LGSCO. The delay was due to limited resource and not related to working offsite. However, this was being reviewed to ensure that checks were being made.

Members sought clarification on how complaints from the LGSCO were handled independently of the service areas and what action the LGSCO could take. The Assurance Manager explained that link officers work separately to Directorates ensuring that they remain independent in the complaints process. The LGSCO could make recommendations such as payments to complainants, guidance on best practice. In addition, the LGSCO have the power to request information and issue public interest reports.

Members deliberated as to whether Standards Committee was the most appropriate forum to receive the annual report suggesting that the Cabinet or Audit Committee could be suitable. The Director of Governance advised that the matter required further investigation and would be considered as part of the wider Governance report to Annual Council.

Discussion ensued as to whether it be useful for the Committee to receive information from the LGSCO regarding complaints of a specific nature such as culture and behaviour, should the annual report be considered by an alternate committee. The Director of Governance advised that it may be appropriate for the Committee to consider segments of the LGSCO report, where there had been a failure to follow the Nolan principles in public life.

### **Resolved**

**That:**

- 1. The report be noted.**
- 2. The Director of Governance considers which committee should receive the Local Government and Social Care Ombudsman Annual Report in future, as part of the wider Governance report to Annual Council.**

#### **44. Member DBS Check Update**

The Director of Governance presented an update report on the status of criminal record check update by Members.

[see annexed].

An update regarding the published report was provided. Members were advised that 53 Members had a valid basic or enhanced criminal record check with 7 Members without a valid check.

In responding to a question, the Director of Governance advised the Committee that criminal record checks were carried out every 4 years. Members were asked to confirm, by way of an annual declaration, whether there had been any changes to their criminal record since their last check. The Director of Governance advised that he endeavoured to increase the completion rate of the annual declaration forms by Members, as it was highlighted that the number was low.

### **Resolved**

**That:**

- 1. The information available on DBS checks for Members contained within the report be noted; and**

## **2. The Committee receives a further update on the uptake of voluntary DBS checks by elected Members in January, 2025.**

### **45. Declarations of Interest**

The Director of Governance presented a report in relation to Disclosable Pecuniary Interests, Other Registerable Interests and non-registerable interests.

[see annexed]

He highlighted the statutory requirement to maintain a register of Member's and Co-opted Member's interests.

In presenting the report, he emphasised the importance of re-establishing the Working Group to continue the work in regard to non-registerable interests and specific training to all Members in respect of declaring interests. This was particularly important as failure to register or disclose a disclosable pecuniary interest could result in a criminal conviction. Further, it was important to assure residents that Members make decisions in an open and transparent manner.

A Member asked for clarification on competitive interests where Members sat on decision-making Committees and were considering licensing matters of businesses that were in competition with their own interests. The Director of Governance advised that Members who had a direct interest in a decision would be classed as a Disclosable Pecuniary Interest. However, individual cases must be determined on the relevant facts. This was an area that could be focussed on when training Members.

A Member expressed that in their view, Members involved in decisions on Licensing matters, should not be connected to the Licensing trade or industry, as a competitive interest. The Director of Governance advised that external legal advice had been confirmed that there was no law to prevent it. However, this was something for the Working Group to explore further.

The Director of Governance advised that regular reminders were sent to Members regarding interests and training and support was available. He advised that if Members were uncertain regarding declaration of interests at meetings, they should leave the meeting, contact him directly or speak with Democratic Services for guidance.

### **Resolved**

#### **That:**

- 1. The report be noted; and**
- 2. The Committee re-establish the Working Group to review disclosable and non-disclosable interests to consist of Councillors Bashir, Burley, Follows, Martin, Mehmi, and Independent Persons Ms D. Mardner and Mr A. Green.**



#### 46. **Conduct of Councillors in Meetings**

The Director of Governance presented a report in relation the conduct of Councillors in meetings [see annexed].

In presenting the report, the Director of Governance explained the standards expected by members noting that there were various rules within the Council's constitution for addressing behaviour that falls below that expected. He referred to the draft informal protocol appended within the report and advised that he would discuss this with Group Leaders, to ascertain whether they would wish to raise this within their respective groups.

A Member referred to a previous speech they had made at a meeting of Council. Whilst some Members subsequently reported finding the comments offensive, the statements made in their opinion, were true. The member added that complaints in relation to other matters had been examined by an external solicitor, to ensure impartiality.

A Member queried if an informal protocol should apply to other forms of communication such as email. The Director of Governance advised that Members should maintain high standards of conduct in debate and outside of Council meetings. Members discussed a recent email that was circulated to Members, The Director of Governance reminded them that this was being dealt with accordingly by the authority.

The Director of Governance asked Members to consider if an informal protocol would reinforce or distract from the Councillor Code of Conduct or could other solutions be applied such as training sessions. Mr Green added that points raised within the informal protocol were already referenced in the Councillor Code of Conduct, and alluded that it may undermine the Councillor Code of Conduct.

Members expressed an interest in sanctions such as suspending or disqualifying Members who failed to comply with the Councillor Code of Conduct. The Director of Governance stated that a change in primary legislation would be required for such sanctions as the Council had no power of suspension of Members for failures to comply with the Code. He noted that the Committee on Standards in Public Life had previously included such powers in a recommendation to the Government. There were common law sanctions that could be applied such as requesting a Member apologise in writing or at a meeting, restrictions on resources and technology such as IT and to prevent a Member from entering a building.

Mr Green advised the Committee that there were very few complaints about officer and Member conduct in relation to the Code of Conduct, which was testament that the Code of Conduct worked.

#### **Resolved**

**That:**

1. The report be noted; and
2. The Committee requested the Monitoring Officer to discuss the issue of a voluntary protocol in relation to Councillor behaviour in meetings with the Group Leaders and would report back on these discussions at a future meeting of the Committee.

47. **Date of next meeting**

The next meeting of the Committee is scheduled for 27 January, 2025.

There being no further business, the meeting terminated at 7.31 p.m.

Signed:

Date:

## **Standards Committee Meeting 27 January 2025**

### **Member Criminal Record Checks**

#### **1. Aim**

- 1.1 To provide an updated position on the uptake of criminal record checks for elected members since its last discussion at Standards Committee on 30 September 2024.

#### **2. Summary**

- 2.1 At the time of writing 55 Members had a valid basic or enhanced criminal record check and the remaining 5 Members had been contacted by Democratic Services to advise what steps they would need to take to complete their check.
- 2.2 Due to changes in committee memberships 9 of the above-mentioned Members holding a valid criminal record check have been requested to complete a new enhanced check to adhere to the process agreed by Council.

#### **3. Recommendations**

That:

- 3.1 the information available on DBS checks for Members be noted; and
- 3.2 the Committee receives a further update on the uptake of voluntary DBS checks by elected Members at their meeting in April.

#### **4. Report Detail - Know**

- 4.1 As part of a desire to maintain transparency and high standards of behaviour Council agreed at its meeting on 25<sup>th</sup> May 2016 to ask all Members to undergo criminal record checks at least every 4 years and to make an annual declaration to the Monitoring Officer on any changes to their criminal record. This decision was made following a recommendation of the Standards Committee which had investigated methods to improve accountability and protection of Members because of concerns that arose out of multiple national abuse enquiries.
- 4.2 Dependant on their committee membership Members are asked to either complete a basic disclosure or an enhanced DBS (Disclosure and Barring Service) check. It was originally agreed by Council that members of a committee or panel or portfolio holders that manage issues relating to children

should have further accountability and protection through the enhanced process.

- 4.3 On 18<sup>th</sup> September 2023 Council approved the recommendation made by Standards Committee that members of the Health and Wellbeing Board, the Social Care and Health Overview and Scrutiny Committee and Portfolio Holders managing issues relating to adults should all undertake an enhanced adult DBS check. It has also been agreed that the Cabinet will all undertake enhanced DBS checks covering both children's and adult's barred lists.
- 4.4 The criminal record check process consists of completing an online form and providing 3 forms of identification from a list of acceptable ID which is circulated to all Members by email when requesting that they complete the check. The identification is to be scanned or brought into the Democratic Services Team to be scanned and verified. If it is not provided within 6 months of the online form being completed the form expires and a new form will have to be completed.
- 4.5 Members are required to complete a DBS check every four years. As of 13 September 2024 there are 55 Members who have a valid basic or enhanced criminal record check which has been registered by the Monitoring Officer.
- 4.6 There are a further 5 Members who do not have a valid DBS check or their DBS check on record has expired. All of these Members have been contacted by Democratic Services and support has been offered to assist them to complete the process.
- 4.7 Despite them holding a valid basic DBS check there are 9 Councillors who have also been invited to complete a new enhanced check due to changes in their committee memberships now requiring them to undertake a higher level of check to adhere with the above-mentioned process agreed by Council.
- 4.8 This gives a total of 14 Members who are currently being supported through the process of applying for and receiving their new DBS check.
- 4.9 Members are also asked to confirm, in the form of an annual declaration, if there have been any changes to their criminal record since their last check was conducted. Since this paperwork was distributed on 10 June 2024 Democratic Services have received declarations from 11 Members.
- 4.10 Members are requested on a six-monthly basis to take any required action in relation to their criminal record check. The last such emails were sent out on 7 January 2025.
- 4.11 If Members require any further assistance with the process Democratic Services Officers can respond to any queries by phone or email or schedule an appointment to complete the online form with the Member.

- 4.12 Once the criminal record check has been successfully completed the certificate is sent to the Member at their home address. This process can take up to 15 working days.

## **5. Financial information**

- 5.1 A single basic disclosure check costs £24.47 and an enhanced disclosure check costs £40.22.

## **6. Legal implications**

- 6.1 The Council is not legally required to undertake criminal record checks of all Members but as stated above doing so provides Members with further accountability and protection whilst also maintaining transparency and high standards of behaviour. It has also been identified as best practice in a recent independent review of the Disclosure and Barring Service commissioned by the Home Office.

## **7. Decide**

- 7.1 The committee is asked to review the information available and is invited to comment upon any improvements that could be made to assist Members in completing the process.

## **8. Respond**

- 8.1. The Monitoring Officer and Democratic Services team will continue to request Members complete any required actions in relation to their criminal record checks on a six-monthly basis. The Monitoring Officer will register all criminal record checks received.

## **9. Review**

- 9.1 It is recommended that the committee continues to monitor the status of Members' criminal record checks.

### **Author:**

**Luke Cook**

Democratic Services Officer

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**Standards Committee Meeting 27 January 2025**

**Standards Committee Working Group Update**

**1. Purpose of report**

- 1.1 To provide an update on the work of the Standards Committee Working Group.

**2. Recommendations**

- 2.1 That the revised Standards Committee Working Group Initiation Document be approved.

**3. Background**

- 3.1 At its meeting on 30 September, 2024, the Standards Committee agreed to re-establish the Working Group to review disclosable and non-disclosable interests.
- 3.2 The Working Group met on 15 January, 2025 to discuss and agree the Initiation Document (appendix 1) which contains information on the objectives, scope, timescales and other factors relating to the formation of the Working Group.
- 3.5 Committee is asked to review, comment on and approve the Initiation Document.

**Author:**

**Luke Cook**

Democratic Services Officer

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Walsall Council Standards Committee Working Group  
Initiation Document

<b>Work Group Name:</b>	Standards Committee Working Group
<b>Committee:</b>	Standards Committee
<b>Municipal Year:</b>	2024/25
<b>Chair:</b>	A. Green
<b>Vice Chair:</b>	Councillor R. Martin
<b>Lead Officer:</b>	Tony Cox
<b>Support Officer:</b>	Luke Cook/Neil Picken
<b>Membership:</b>	Councillors R. Martin, R. Burley, H. Bashir, M. Follows, and R.K. Mehmi
<b>Co-opted Members:</b>	Ms D. Mardner and Mr A. Green

<b>1.</b>	<b>Context</b>
	On 30 September 2024, the Standards Committee agreed to re-establish a Working Group to look at the issue of disclosable and non-disclosable interests and receive a report back from this Working Group once it has concluded its work.
<b>2.</b>	<b>Objectives</b>
	<p style="color: red;">What do you want it to achieve? It is important to have clearly defined outcomes at the start to give the working group direction and ensure it adds value.</p> <p>To review the Council’s existing guidance and process for the registration and disclosure of interests. The working group would like to achieve: -</p> <ul style="list-style-type: none"> <li>• Clarity regarding the register, disclosure and monitoring of interests, including sensitive interests for Members and clearer guidance in relation to non-registerable interests.</li> <li>• An update of guidance for members of the public on the ‘how to complain about a member’ webpage with ‘myth busting’ examples and case studies.</li> <li>• To produce an action plan for how a training programme will be applied and provided to Members.</li> <li>• To produce a visual framework of definitions.</li> </ul>
<b>3.</b>	<b>Scope</b>
	<p style="color: red;">What should be included and excluded?</p> <ol style="list-style-type: none"> <li>a) Committee on Standards in public life.</li> <li>b) Clarification on potential conflicts of interest such as trade matters when dealing with licensing.</li> <li>c) Guidance on Planning matters and disclosing interests.</li> <li>d) Improving guidance and definitions of ‘Other Registerable Interests and ‘Non-Registerable Interests’.</li> </ol>

Walsall Council Standards Committee Working Group  
Initiation Document

<b>4. Equalities Implications</b>											
	<p>The public sector equality duty in Section 149 of the Equality Act requires public bodies to take active steps to eliminate discrimination and to do positive things to promote equality.</p> <p>The working group will consider the equality impact of their recommendations.</p>										
<b>5. Who else will you want to take part?</b>											
	<p style="color: red;">Think about who else, other than lead officers and members, it would be useful to include either as part of the working group or to bring information at specific points. For example- partners, stakeholders, other authorities.</p> <p>This is an internal review with officers, elected Members, and Independent Members.</p>										
<b>6. Timescales &amp; Reporting Schedule</b>											
	<p>The following dates are based upon the need for the working group to be completed in the same Municipal Year:</p> <p>Initial meeting to be held during January 2025, second meeting in February 2025, and final report to Standards Committee on 22 April 2025.</p>										
<b>7. Risk factors</b>											
	<p style="color: red;">Are there any obstacles that can be predicted? For example, is it dependent on other organisations outside your control and duty to cooperate? Identifying these factors early and how they will be mitigated should help minimise their impact.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Risk</th> <th style="text-align: left;">Likelihood</th> <th style="text-align: left;">Mitigation</th> </tr> </thead> <tbody> <tr> <td>Final report not completed within the Municipal Year.</td> <td>Low</td> <td>Clerk to work with Director of Governance to ensure adherence to schedule.</td> </tr> <tr> <td>Labour Government have indicated that they will consult on the reform of Local Government Standards Framework (including a proposal to allow for the suspension of Members).</td> <td>Low</td> <td>Monitoring the national landscape with timely reporting to the Working Group where necessary and if this includes registration of interests.</td> </tr> </tbody> </table>		Risk	Likelihood	Mitigation	Final report not completed within the Municipal Year.	Low	Clerk to work with Director of Governance to ensure adherence to schedule.	Labour Government have indicated that they will consult on the reform of Local Government Standards Framework (including a proposal to allow for the suspension of Members).	Low	Monitoring the national landscape with timely reporting to the Working Group where necessary and if this includes registration of interests.
Risk	Likelihood	Mitigation									
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Walsall Council Standards Committee Working Group  
Initiation Document

Date Agreed:	15.01.25	Date Updated:	16.01.2025
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**Timetable:**

<b>Date</b>	<b>Activity</b>
15 January 2025	To approve the initiation document and undertake review of existing guidance.
TBC February 2025	Update on national landscape and further review of guidance and Q&As.
22 April 2025	Final report to Standards Committee.

## **Standards Committee Meeting – 27 January 2025**

### **Whistleblowing Policy Update**

#### **1. Aim**

- 1.1 To ensure that the Council has a robust Whistleblowing Policy that follows best practice and is clear and transparent for all potential users.
- 1.2 To ensure that there are appropriate operational procedures in place to support the reporting of concerns and that they are effectively managed.

#### **2. Summary**

This report is to present to Standards Committee the proposed refreshed Whistleblowing Policy and internal procedure along with the consideration of future reporting arrangements.

#### **3. Recommendations**

- 3.1 Standards Committee are recommended to approve the refreshed Whistleblowing Policy and arrangements for monitoring activity moving forward.

#### **4. Report Detail – Know**

- 4.1 This report provides Standards Committee with an opportunity to review and comment on the revised Whistleblowing Policy and associated proposed procedure for managing any concerns raised (please see appendices).
- 4.2 The Whistleblowing Policy is part of the Council's Governance Framework. Primarily it is for concerns where the public interest is at risk and the provision of a process for individuals to raise such concerns illustrates the Council's commitment to maintaining the highest standards of openness, honesty and accountability and to providing opportunities for everyone to fulfil their potential in an environment that is reflective of the Seven Principles of Public Life.
- 4.3 In April 2024, during consideration of Strategic Risk 12, Audit Committee requested the Director of Governance consider and review where responsibility for the Whistleblowing Policy sits. As part of this review, it was recognised that the Policy did not follow current best practice. The refreshed Policy is now presented to Standards Committee for approval (See appendix 1).
- 4.4 The Policy has been streamlined to align with current best practice as defined by Protect (whistleblowing charity) and aims to make how to raise a concern clearer. It is supported by a clear procedural note that explains what happens when a concern is raised and how activity relating to this policy will be monitored.

4.5 The refreshed policy and accompanying procedure note will support the Council compiling with the new statutory guidance for the new corporate crime of 'failing to prevent fraud' in relation to the requirements for organisations to have appropriate whistleblowing arrangements in place. This is a new offence, created by the Economic Crime and Corporate Transparency Act 2023 and comes into effect on 1 September 2025.

## **5. Financial information**

5.1 To ensure the Council continues to follow best practice in the management of whistleblowing, membership of [Protect](#) has been recommended and agreed. There is an annual cost of £2,500 and membership is initially for a minimum of 3 years. There are no additional financial implications.

## **6. Legal implications**

6.1 Although there are no direct legal implications relating to this report, the provision of effective confidential reporting (whistleblowing) arrangements is a key part of the Council's internal controls, supporting the council to embed a culture of openness, honesty and transparency to ensure it operates within legal requirements at all times.

## **7. Decide**

7.1 The committee should consider the robustness of the refreshed policy and accompanying procedure in providing efficient and effective whistleblowing (confidential reporting) arrangements and the proposed future monitoring and reporting arrangements.

## **8. Respond**

8.1 Once approved the policy will be made available via both the intranet and internet and will be supported by a communications campaign to promote awareness and understanding of the policy and the responsibilities managers have to support employees.

## **9. Review**

9.1 Activity to promote the refreshed policy and to monitor activity in relation to concerns that are raised will be reported quarterly to the Monitoring Officer and annually to Standards Committee.

### **Background Papers:**

None

### **Report Author:**

Helen Dudson

Assurance Manager

☎ 653732

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# Whistleblowing Policy (confidential reporting)

Version Control			
Owner	Assurance	Status	
Version	7.0	Approved on	
Effective from	January 2025	Last updated	October 2024

## Contents

Section	Title	Page
1.0	Purpose and Introduction	
2.0	Our assurances to you	
3.0	Raising a concern internally	
4.0	How we will handle the matter	
5.0	External contacts	
6.0	Monitoring and oversight	
7.0	Data protection	

## 1.0 Purpose and Introduction

- 1.1 This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, customers, service users, contractors, staff or the Council itself. The policy seeks to ensure the highest standards of openness, honesty and accountability, enabling everyone to report appropriate concerns if they feel other reporting channels are not available.
- 1.2 It is not uncommon for anyone to have concerns from time to time regarding what is happening in their workplace. Usually, these concerns can be easily resolved through established reporting lines and relationships. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect you, those you work with or provide services to, or the Council itself, it can be difficult to know what to do.
- 1.3 If you have serious concerns, you may be worried about raising them. You may feel it is none of your business, or that it is only a suspicion, and you have no evidence. You may also feel that raising the matter would be disloyal to colleagues or the Council. You may decide to say something but are concerned that you may speak to the wrong person or raise the issue in the wrong way and be worried about consequences. This may lead you to believe it is best to keep it to yourself.
- 1.4 The Council is committed to providing opportunities for everyone to fulfil their potential in an environment that is reflective of the Seven Principles of Public Life. This policy supports individuals to embed these principles, encouraging people to be selfless, act with integrity, be objective and accountable. It encourages openness and honesty, requiring everyone to recognise their role as leaders in how they behave and treat others. This policy provides reassurance that it is safe and acceptable to speak up, to raise concerns at an early stage and in the right way.
- 1.5 This policy applies to everyone that works for the Council, whether that be full-time or part-time, directly or via an agency or as a volunteer. It is also for elected members, partners, contractors and service users (including their friends and families. If you have a whistleblowing concern, please let us know.
- 1.6 Some concerns may be covered by other policies. For example, if you wish to complain about your employment, one of the HR policies (Dignity at Work, Grievance etc.) may be the appropriate route.
- 1.7 Whilst this policy is also for partners and contractors, employees of those organisations should follow their whistleblowing policy unless for some reason you do not feel able to do so – in which case use this policy.
- 1.8 Service users, or their family and friends, who have a concern regarding an individual's treatment, or the quality of care being received consider reporting a safeguarding concern or raising a statutory social care complaint.

- Statutory social care complaints can be made by emailing [customercaresocialcareteam@walsall.gov.uk](mailto:customercaresocialcareteam@walsall.gov.uk)
- Information regarding safeguarding please visit [Walsall Safeguarding Partnership](#)

**Remember: If in doubt - raise it!**

## 2.0 Our assurances to you

### Your safety

- 2.1 Walsall Council is committed to this policy and to supporting those raising concerns as much as possible. If you believe you are raising a genuine concern, it does not matter if, upon investigation you are mistaken. However, these assurances do not extend to someone who maliciously raises a matter they know is untrue.
- 2.2 There is no risk of losing your job or suffering any form of reprisal for anyone raising a genuine concern under this policy. The Council does not tolerate the harassment or victimisation of anyone raising a genuine concern under this policy and consider the victimisation of anyone who has raised a concern as a disciplinary matter.

### Your confidence

- 2.3 These assurances aim to encourage all to raise concerns openly. It is recognised there may be circumstances where some prefer to come forward confidentially at first. If this is the case, please ensure this is very clear from the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. It is important to recognise that there may be occasions when we are unable to resolve a concern without revealing your identity (e.g. where your personal evidence is essential). Where this is the case, we will discuss it with you and decide how the matter can best proceed.
- 2.4 Please remember if you do raise a concern anonymously it will be more difficult for the matter to be fully investigated, and we may not be in a position to protect your position or give you feedback.
- 2.6 If you are unsure about raising a concern, independent advice is available from [Protect](#). Alternatively, you can also seek advice from your Union representative.

## 3.0 Raising a concern internally

- 3.1 As stated above, firm evidence of malpractice is not required before a concern can be raised. However, we do ask that you explain as fully as possible the information or circumstances that have led to your concern to enable it to be considered and investigated.

## Step One

3.2 It is hoped that where appropriate, for example if your concern is about malpractice, you will feel able to raise it firstly with your manager or team leader. This can be done verbally or in writing. If you choose to raise a concern in person, you can bring someone with you for support you, if you wish to.

## Step Two

3.3 If you feel unable to raise the matter with your manager, for whatever reason, you can raise the matter with the Head of Internal Audit by emailing [internalauditservice@walsall.gov.uk](mailto:internalauditservice@walsall.gov.uk).

3.4 Please remember if you want to raise the matter confidentially, say so from the outset so that appropriate arrangements can be made. Meetings in person can be arranged and you may bring someone with you for support if you wish.

## Step Three

3.5 If you feel that the matter is so serious that you cannot report locally, or if you have followed the reporting routes outlined above and still have concerns you can contact Protect. This is an independent charity that focusses on ensuring safe whistleblowing. Protect can be contacted by calling 020 3117 2520 or by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). Their advisers can talk you through your options and help you raise a concern about malpractice at work.

3.6 You can also contact your Union representative or professional body (where applicable) for advice.

## 4.0 How we handle the matter

4.1 Your concern will be acknowledged within five working days of it being received. It will be reviewed and assessed so a decision can be made regarding what action may be appropriate. Possible actions include an informal review, an internal inquiry or a more formal investigation. You will be informed regarding who will be handling the matter, how you can contact them and what further assistance may be required. If requested, we will write to you, summarising your concern, outlining how we propose to handle it and expected timetable for feedback. If you have concerns that we have misunderstood the concern or there is any information missing, please let us know.

4.2 When raising a concern, it is helpful to know how you think the matter may best be resolved. Please be clear from the outset if you have any personal interest in the matter. Following the initial review, if we think your concern falls more properly within a different policy or procedure, we will let you know and signpost you appropriately.

4.3 We will always endeavour to provide feedback on the outcome of any investigation. However, we may not always be able to tell you about the precise actions taken where this would infringe a duty of confidence we owe to another person.



4.4 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

4.5 At any stage of this process, if you experience reprisal, harassment or victimisation for raising a genuine concern please contact the Head of Internal Audit by emailing [internalauditservice@walsall.gov.uk](mailto:internalauditservice@walsall.gov.uk), for further advice.

## 5.0 External contacts

5.1 It is hoped that this policy gives you the reassurance you need to raise your concern internally. It is important that concerns are reported rather than ignored and it is recognised you may feel it is helpful to report a concern with an outside body such as the appropriate regulator or Police. The independent charity Protect or your union representative will be able to advise you on these options if you wish.

5.2 If matters are taken outside of the council, you should ensure that this does not result in the disclosure of confidential information. If you need help, please seek advice, in confidence, from the Council's Data Protection Manager by emailing [paul.withers@walsall.gov.uk](mailto:paul.withers@walsall.gov.uk)

## 6.0 How we handle the matter

6.1 The Assurance Team is responsible for this policy and for monitoring the daily operation of the policy. It will be reviewed every three years.

6.2 A register of all concerns raised will be maintained. Any council officer that receives an allegation under this policy must ensure it is reported to the Head of Internal Audit within two working days by emailing [internalauditservice@walsall.gov.uk](mailto:internalauditservice@walsall.gov.uk), to ensure appropriate action and oversight.

6.3 The Council's Standards Committee provides independent oversight of the operation of this policy and holds the Monitoring Officer to account for its delivery.

6.4 If you have any comments or questions, please contact Helen Dudson, Assurance Manager ([helen.dudson@walsall.gov.uk](mailto:helen.dudson@walsall.gov.uk)).

## 7.0 Data protection

7.1 A confidential record of all concerns raised will be maintained securely and in accordance with relevant data protection legislation.

## Whistleblowing Policy – procedural note

1. The revised Whistleblowing Policy (confidential reporting) has been streamlined to align with current best practice, making reporting clearer and the policy more accessible.
2. This note is to provide an explanation of what operational action will be taken at each step in the process.

### **Actioning whistleblowing concerns received**

3. All concerns received under this policy will be added to the Whistleblowing Register. This shall be maintained by the Assurance Team and overseen by the Monitoring Officer.
4. If concerns relate to a Senior Officer (Director, Executive Director, Chief Executive) the Monitoring Officer shall be informed and advise on how the matter should proceed.
5. The Monitoring Officer will be informed of all concerns made and investigated under this policy.
6. If a concern relates to the Monitoring Officer, the Chief Executive shall be informed and advised on how the matter should proceed.

### **Monitoring and reporting on whistleblowing reports received**

7. Monitoring and reporting activity demonstrates transparency and serves to increase awareness and the policy and how concerns can be raised.
8. The Assurance Team will provide the Monitoring Officer with quarterly reports summarising the number of whistleblowing concerns received, the number of concerns redirected to appropriate processes or procedures, the number of concerns investigated, and the outcomes of any investigations completed. Reports will be anonymised so they can be shared with Statutory Officer Group and others as appropriate.
9. The Council's Standards Committee shall receive an annual report regarding the Whistleblowing Policy. This report shall be based on the quarterly reports to the Monitoring Officer and include summarised activity to increase awareness across the Council regarding the policy.

