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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

PWYLLGOR SAFONNAU

Cynhelir Cyfarfod Pwyllgor Safonau o bell trwy Timau Microsoft ar **Dydd Mawrth, 21 Medi 2021** am **10:00**.

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.
3. Cymeradwyaeth Cofnodion 3 - 6
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 29/06/2021
4. Ailbenodiadau i'r Pwyllgor Safonau 7 - 10
5. Polisi Chwythu'r Chwiban 11 - 24
6. Materion Brys
I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Nodyn: Sylwch: Yn sgil yr angen i gadw pellter cymdeithasol, ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Yn hytrach, bydd hwn yn gyfarfod rhithwir a bydd Aelodau a Swyddogion yn mynychu o bell. Bydd y cyfarfod yn cael ei recordio i'w ddarlledu ar wefan y Cyngor cyn gynted ag sy'n ymarferol ar ôl y cyfarfod. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643147 / 643148.

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Cyfnwidi testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

Yn ddiffuant

K Watson

Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio

Dosbarthiad:

Cynghorydd G Thomas
Mr P Clarke
Cynghorydd MC Clarke

Mrs J Kiely
Mr C Jones OBE
Mr J Baker

Cynghorydd P Davies

PWYLLGOR SAFONNAU - DYDD MAWRTH, 29 MEHEFIN 2021

COFNODION CYFARFOD Y PWYLLGOR SAFONNAU A GYNHALIWIWYD O BELL TRWY
TIMAU MICROSOFT AR DYDD MAWRTH, 29 MEHEFIN 2021 AM 10:00

Presennol

Y Cynghorydd Mr C Jones OBE – Cadeirydd

G Thomas

Mr P Clarke

MC Clarke

Mr J Baker

Ymddiheuriadau am Absenoldeb

Mrs J Kiely a/ac P Davies

Swyddogion:

Mark Galvin Uwch Swyddog Gwasanaethau Democraidd - Pwyllgorau
Kelly Watson Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio
Michael Pitman Swyddog Gwasanaethau Democraidd – Pwyllgorau

86. DATGANIADAU O FUDDIANT

Dim

87. CADARNHAU COFNODION

PENDERFYNWYD: Bod cofnodion cyfarfod y Pwyllgor Safonau ar 25 Chwefror
2021 yn cael eu cymeradwyo fel cofnod gwir a chywir.

88. STRATEGAETH DYSGU A DATBLYGU AELODAU ETHOLEDIG

Yng ngoleuni'r ffaith bod y Cadeirydd yn ei chael yn anodd cysylltu â'r cyfarfod o bell, cadeiriodd Mr Jeff Baker y cyfarfod ar gyfer yr eitem ganlynol.

Cyflwynwyd adroddiad gan y Swyddog Monitro, a'i ddiben oedd i'r Pwyllgor nodi fersiwn ddrafft o'r Strategaeth Dysgu a Datblygu Aelodau Etholedig sydd ynghlwm wrth yr adroddiad yn Atodiad 1.

Cadarnhaodd fod y Strategaeth Dysgu a Datblygu Aelodau Etholedig wedi gosod y fframwaith i'r ddarpariaeth Datblygu Aelodau ar gyfer Aelodau Etholedig, o'r cyfnod ymsefydlu a thrwy gydol eu cyfnod yn y swydd hyd yn hyn. Roedd y Strategaeth yn dod tua diwedd ei hoes effeithiol, ac wrth baratoi ar gyfer Etholiadau Llywodraeth Leol 2022 a chyfnod ymsefydlu'r Aelodau newydd yn sgil hynny, cynhaliwyd adolygiad bwrdd gwaith o'r Strategaeth i sicrhau ei bod yn addas i'r diben ac fe'i diweddarwyd i adlewyrchu nifer o ffactorau sydd wedi newid ers cymeradwyo'r Strategaeth wreiddiol.

Rhannwyd y Strategaeth yn 5 cam fel y nodir ym mharagraff 4.1 o'r adroddiad.

Dylid nodi hefyd, yn y flwyddyn gyntaf ar ôl yr etholiad, fod gweithgareddau datblygu aelodau yn bennaf ar gyfer darparu gwybodaeth a datblygu prosesau y dylid eu darparu'n fewnol neu gan sefydliadau priodol fel Cymdeithas Llywodraeth Leol Cymru (CLILC). Ar ôl y flwyddyn gyntaf, bydd ffocws y ddarpariaeth datblygu aelodau yn symud at ddarpariaeth o bynciau manwl ehangach ar lefel leol, a mwy o bynciau sy'n ymwneud â materion rhanbarthol a chenedlaethol, ychwanegodd y Swyddog Monitro. Cyfeiriodd yr adroddiad hefyd at y cyfleoedd e-ddysgu i fod ar gael i'r Aelodau wrth symud ymlaen ac i dymor nesaf y swydd.

Roedd y Pwyllgor Gwasanaethau Democraidd, y corff sy'n arwain ar nifer sylweddol o fentrau datblygu aelodau, wedi penderfynu bod nodau ac amcanion hyfforddi a datblygu, yn bodloni'r disgwyliadau a'r canlyniadau a restrir ym mharagraffau 4.5 a 4.6 o'r adroddiad. Byddai adroddiad ar hyn hefyd yn cael ei gyflwyno i gyfarfod o'r Cyngor yn y dyfodol.

Byddai sesiynau Ymgeiswyr Posibl hefyd yn cael eu trefnu gan yr Awdurdod, ar gyfer unigolion a oedd â diddordeb mewn dod yn Gynghorydd yn yr etholiadau Llywodraeth Leol yn 2022.

Rhagwelwyd y byddai Pwyllgor Gwasanaethau Democraidd y Cyngor yn rhoi cyfeiriad ar gyfer y gweithgareddau Datblygu Aelodau y mae angen eu cynnal ac i sicrhau bod anghenion datblygu Aelodau Etholedig yn cael eu diwallu. Bydd y Pwyllgor hefyd yn cael y wybodaeth ddiweddaraf am y Gyllideb Datblygu Aelodau ac unrhyw werthusiad o'r Strategaeth a gynhelir, mewn cyfarfodydd yn y dyfodol.

Canmolodd yr Aelodau'r hyfforddiant diweddar ar bwnc y Cod Ymddygiad ar gyfer Aelodau a oedd ar gael i Aelodau, ac a ddarparwyd gan ddarparwr allanol.

PENDERFYNWYD:

Bod y Cyngor yn nodi fersiwn ddrafft o'r Strategaeth Dysgu a Datblygu Aelodau, sydd ynghlwm wrth yr adroddiad yn Atodiad 1.

89. **LLYFR ACHOSION YR OMBWDSMON**

Cyflwynwyd adroddiad gan y Swyddog Monitro, a roddodd grynodedd i'r Aelodau o'r achosion a gynhaliwyd gan Swyddfa'r Ombwdsmon rhwng mis Hydref a mis Rhagfyr 2020.

Esboniodd fod Llyfr Achosion yr Ombwdsmon yn cael ei gyhoeddi bob chwarter ac mae'n cynnwys crynodebau o'r holl adroddiadau a gyhoeddwyd yn ystod y chwarter, yn ogystal â detholiad o grynodeddau sy'n ymwneud â datrysiadau cyflym a setliadau gwirfoddol. Roedd y Llyfr Achosion ar gyfer Hydref – Rhagfyr 2020 ynghlwm wrth yr adroddiad yn Atodiad 1.

Dywedodd y Swyddog Monitro ei bod wedi clywed bod cyfnod swydd yr Ombwdsmon presennol yn cael ei ymestyn ymhellach. Pan gadarnheir hyn yn swyddogol, byddai'n hysbysu'r Aelodau yn unol â hynny.

PENDERFYNWYD:

Bod yr Aelodau'n nodi'r adroddiad.

90. **ADRODDIAD MONITRO – Cwynion, Rhyddid Gwybodaeth, A Diogelu Data**

Diben yr adroddiad hwn a gyflwynwyd gan y Swyddog Monitro oedd rhannu gyda'r Aelodau berfformiad y Tîm Gwybodaeth wrth brosesu Cwynion Corfforaethol, ceisiadau Rhyddid Gwybodaeth a cheisiadau eraill am wybodaeth.

Dywedodd fod y Polisi Cwynion Corfforaethol yn ei gwneud yn ofynnol i'r Tîm Gwybodaeth adrodd i'r Cabinet o leiaf bob blwyddyn ar berfformiad.

Roedd Atodiad A i'r adroddiad yn cynnwys data perfformiad mewn perthynas â'r meysydd ychwanegol a amlinellwyd yn yr adroddiad, gan fod y rhain yn rhan sylweddol o waith y tîm.

Ychwanegodd y Swyddog Monitro fod gofyniad deddfwriaethol i ymateb i geisiadau Rhyddid Gwybodaeth o fewn cyfnod o 20 diwrnod gwaith ac i geisiadau Cyrchu

Gwrthrych Data mewn 1 mis calendr. Nid oedd gan geisiadau am wybodaeth gan gyrrff cyhoeddus derfyn amser ymateb statudol, fodd bynnag, mae'r tîm yn ceisio ymateb i'r ceisiadau hyn cyn gynted ag y bo'n rhesymol ymarferol. Yn unol â'r Polisi Cwynion Corfforaethol, dylai'r Awdurdod ymateb i gŵyn ffurfiol mewn 20 diwrnod gwaith ar ôl ei dderbyn.

Dywedodd wrth yr Aelodau fod y Tîm Gwybodaeth yn cynnwys dau weithiwr, fodd bynnag, oherwydd y nifer cynyddol o gwynion, ymholiadau/ceisiadau Rhyddid Gwybodaeth a Diogelu Data, bydd y tîm yn cael ei ymestyn yn fuan drwy recriwtio gweithiwr arall, oherwydd y cynnydd hwn mewn gwaith, a oedd bron wedi dyblu.

Darparodd Atodiad A adroddiad monitro ar gyfer y cyfnod rhwng 1 Ionawr a 31 Rhagfyr 2020. Mae hyn yn cynnwys data ar nifer y cwynion, ceisiadau Rhyddid Gwybodaeth, ceisiadau Cyrchu Gwrthrych Data a cheisiadau am Wybodaeth a brosesir gan y tîm yn ystod y cyfnod hwn.

Dywedodd y Swyddog Monitro fod cwynion a dderbyniwyd wedi'u dadansoddi yn adran 2.2 o'r adroddiad. Roedd hyn yn adlewyrchu bod 51 o gwynion wedi'u derbyn, ac roedd 48 ohonynt wedi'u cydnabod o fewn y cyfnod rhagnodedig ar gyfer gwneud hynny, gyda dim ond 3 yn disgyn y tu allan i'r ffenestr hon.

Yn adran 3.6 o'r adroddiad, cafodd y Cwynion a dderbyniwyd eu dadansoddi fesul Adran, gyda'r meysydd Tai, Cludiant i'r Ysgol a Phriffyrdd yn derbyn y nifer mwyaf o gwynion.

Dangosodd Adran 3.7 fod Cwynion o'r fath wedi'u dadansoddi fesul Ward ac roedd hyn yn adlewyrchu lledaeniad eithaf cyfartal. Y Gyfarwyddiaeth Addysg a Chymorth i Deuluoedd oedd wedi derbyn y nifer mwyaf o gwynion ac yna Cymunedau. Roedd gweddill y Cwynion a dderbyniwyd ar gyfer meysydd gwasanaeth eraill yn llawer is, ond disgwyliad hyn o ystyried bod yr uchod yn Gyfarwyddiaethau sy'n wynebu'r cyhoedd.

Yn 2020 derbyniodd y Cyngor 877 o geisiadau Rhyddid Gwybodaeth a dim ond dwy gŵyn a dderbyniwyd i'r ymatebion i'r rhain gan yr Awdurdod. Bu 95 o geisiadau Cyrchu Gwrthrych Data, ychwanegodd.

PENDERFYNWYD:

Bod y Pwyllgor yn nodi'r Adroddiad Monitro sydd ynghlwm wrth yr adroddiad eglurhaol yn Atodiad A.

91. **ADRODDIAD BLYNYDDOL**

Cyflwynwyd adroddiad gan y Swyddog Monitro, a oedd yn nodi gwaith y Pwyllgor ar gyfer y cyfnod rhwng Mai 2020 a Mai 2021.

Esboniodd y byddai'r adroddiad hwn hefyd yn cael ei gyflwyno i gyfarfod o'r Cyngor yn y dyfodol.

Er gwybodaeth gefndirol, mae Deddf Llywodraeth Leol 2000 yn ei gwneud yn ofynnol i'r Cyngor sefydlu Pwyllgor Safonau i hyrwyddo a chynnal safonau ymddygiad a gonestrwydd uchel ymhlith Cynghorwyr y Fwrdeistref Sirol.

Roedd adrannau nesaf yr adroddiad yn manylu ar gyfansoddiad presennol y Pwyllgor, telerau swydd ei Aelodau unigol, rôl a chylch gwaith y Pwyllgor, nifer y cyfarfodydd a gynhaliwyd yn ystod 2020/2021, manylion y gwaith yr oedd wedi'i ystyried yn ystod y

PWYLLGOR SAFONNAU - DYDD MAWRTH, 29 MEHEFIN 2021

cyfnod hwn, cyfleoedd hyfforddi a datblygu ac enghreifftiau o waith y bydd y Pwyllgor yn cael cyfle i edrych arnynt wrth symud ymlaen.

Ymhelaethodd y Swyddog Monitro ar bob un o'r meysydd hyn, er budd yr Aelodau.

Cadarnhaodd hefyd y byddai cyfnod swydd rhai o'r Aelodau yn dod i ben ar adegau penodol yn y dyfodol ac y cysylltir â'r Aelodau hyn ynglŷn â'r mater hwn, er mwyn canfod a oedd ganddynt ddiddordeb mewn cael eu hystyried am gyfnod pellach yn y swydd.

Atgoffwyd yr Aelodau gan yr Uwch Swyddog Gwasanaethau Democrataidd – Pwyllgorau o ddyddiadau dau gyfarfod nesaf y Pwyllgor Safonau yn 2021, fel y gallent eu nodi yn eu dyddiaduron.

PENDERFYNWYD:

Bod y Pwyllgor wedi nodi'r adroddiad ac wedi nodi ymhellach y caiff ei gyflwyno i gyfarfod o'r Cyngor ym mis Gorffennaf 2021.

92. EITEMAU BRYD

Dim.

Daeth y cyfarfod i ben am 10:45

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

23 SEPTEMBER 2021

REPORT OF THE MONITORING OFFICER

REAPPOINTMENTS TO THE STANDARDS COMMITTEE

1. Purpose of report

- 1.1 The purpose of this report is to note the extension of the term of office of two Independent Members of the Standards Committee.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 In accordance with the Standards Committee (Wales) Regulations 2001 the Standards Committee shall consist of not less than five, nor more than nine, members at least two of which shall be County Borough Councillors. The Committee currently comprises seven members namely:

- Mr Clifford Jones (OBE) Chair, Independent Member
- Mrs Judith Kiely, Independent Member
- Mr Phillip Clarke, Independent Member
- Mr Jeff Baker, Independent Member
- Cllr Mike Clarke, County Borough Councillor
- Cllr Paul Davies, County Borough Councillor
- Cllr Gavin Thomas, Town and Community Councillor

4. Current situation/proposal

- 4.1 The term of office for two Independent Members runs out in October 2021. The Members are eligible to be reappointed for a further term. Thereafter they must stand down as they cannot serve more than two terms of office under the Regulations. In addition, the Regulations specify that the second term of office can be a maximum of four years. The Members have made a beneficial contribution to the governance of the Council and are in agreement to standing for a further term.
- 4.2 On 15th September 2021 Council approved the reappointment of Mrs Judith Kiely and Mr Clifford Jones OBE for a further term of four years.

5. Effect upon policy framework and procedure rules

- 5.1 This is a matter for determination by Council and is within the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

8.1 Financial implications

- 8.1 There are no financial implications arising from this report.

9. Recommendation

- 9.1 To note the reappointment of Mrs Judith Kiely and Mr Clifford Jones OBE to the Committee for a further term.

K Watson
Chief Officer – HR, Legal & Regulatory Services and Monitoring Officer
September 2021

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Group Manager - Legal and Democratic Services

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Background documents: None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

23 SEPTEMBER 2021

REPORT OF THE MONITORING OFFICER

WHISTLEBLOWING POLICY

1. Purpose of report

- 1.1 The purpose of this report is to enable the Standards Committee to review the operation of the Council's Whistleblowing Policy.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

- 2.2 The Whistleblowing Policy directly contributes to maintaining the probity of the Council and its ability to process the Corporate Plan and all Corporate Priorities.

3. Background

- 3.1 Whistleblowing is a report from an employee, member or other person about suspected wrongdoing within the organisation. The Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they have made a protected disclosure.

- 3.2 Members are aware that the Council has a Whistleblowing Policy (attached as **Appendix 1**), which is designed to encourage and reassure employees who genuinely and reasonably believe that there are concerns, which they should disclose by enabling them to do so within a framework, which ensures they are protected from reprisals or victimisation.

- 3.3 The monitoring and operation of the policy is one of the functions delegated to the Standards Committee. The policy has been reviewed to ensure that it remains fit for purpose and it is concluded that the existing version is satisfactory and up to date with current legislation and best practice. No amendment is therefore proposed at this stage.
- 3.4 The Committee is asked to note that the policy is published on the Council's website and all new employees are informed about it as part of their induction process. Another Bridgenders message is proposed for this year to keep the profile of the policy high.

4. Current situation / proposal

- 4.1 Since 2018, three concerns under the policy have been lodged with the Monitoring Officer:
- Concerns about asbestos management, lack of documents, health and safety risks due to inadequate surveys and assessments. A full survey was commissioned and remedial work was undertaken;
 - Allegations of purchasing cards being used fraudulently in the Flying Start Team. A full investigation was launched by the Council and the matter reported to the police. The employee resigned and was later prosecuted by the police. The total loss to the Council was £11,573 and the employee agreed to repay the debt in full. The ex-employee was given a 12 month prison sentence, suspended for 12 months, and ordered to complete 125 hours of unpaid work, plus 10 sessions of rehabilitation activity;
 - Concerns about staffing levels and wellbeing in the Social Services and Wellbeing Directorate. Investigations have concluded and while there were some areas of improvement identified there was no evidence to substantiate the complaint. An action plan has been developed to progress the areas for improvement.
- 4.2 The Monitoring Officer will continue to submit reports to the Committee on the operation of the policy.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 The Policy contributes to the maintenance of probity in the Authority.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for information only and is retrospective in nature it is

considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications

8.1 None.

9. Recommendation

9.1 Members are recommended to note the report.

**Kelly Watson,
Chief Officer – Legal, HR and Regulatory Services
September 2021**

**Contact Officer: Kelly Watson
Chief Officer – Legal, HR and Regulatory Services**

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Background Documents: None

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BRIDGEND COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL PEN-Y-BONT AR OGWR

WHISTLEBLOWING POLICY

WHISTLEBLOWING POLICY

1. What is this about?

- 1.1 As an employee of the Council, or someone working under a contract with the Council, you may be the first to identify concerns about malpractice within the Council. However, you may be reluctant to voice your concerns because of fears about possible repercussions, or a feeling of disloyalty to your colleagues. You may consider it easier to ignore your concerns rather than report what may just be your suspicions.
- 1.2 This policy is intended to encourage and enable you to raise serious concerns within the Council with confidence, rather than overlooking those concerns or taking them outside.
- 1.3 Whistleblowing is where an employee has a concern about danger or illegality that has a public interest aspect to it: usually because it threatens others (e.g customers, shareholders, public). A grievance on the other hand is, by contrast, a dispute about your own employment position and has not additional public interest dimension. Where the two are entangled, the Monitoring Officer will consider the facts, assess the risks and decide how best to deal with the issue in hand. There is a Grievance Policy in place to enable you to lodge a grievance or for matters that fall outside this policy. It is very important that this policy is not used to raise individual grievances.

2. What legal protection do you have?

- 2.1 The Public Interest Disclosure Act 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, provided that you reasonably believe that the disclosure you make to the Council, either as your employer or (in the case of a contractor disclosing information) as the organisation that has legal responsibility for that matter is in the public interest.

3. What does the Council think about malpractice in the workplace?

- 3.1 The Council is committed to the highest possible standards of openness, probity and accountability. If you have serious concerns about any aspect of the Council's work then you are encouraged to come forward and voice those concerns i.e 'blow the whistle'.
- 3.2 The Council recognises that your decision to report your concerns can be a difficult one to make, not least because of the fear of reprisal from those

responsible for the malpractice. However, if you raise your concerns in the public interest you, you will be doing your duty to the Council, your colleagues and those to whom the Council provides a service.

- 3.3 The Council will not tolerate your harassment or victimisation and will take action to protect you, including disciplinary action if necessary, however, the Council's protection does not extend to halting redundancy or disciplinary procedures to which you are already subject.

4. Who can blow the whistle?

- 4.1 All employees of the Council (including schools staff) can raise their concerns under this policy, as well as contractors working for the Council (e.g. agency staff, builders etc.) and the voluntary sector. This policy also applies to suppliers of goods and services under a contract to the Council and voluntary workers working with the Council. This policy is not available for use by members of the public who should instead use the Corporate Complaint's Policy.

5. Who and what can I blow the whistle about?

- 5.1 You can raise your serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. Your concerns may relate to something which is happening, has already happened or is likely to happen in the future. For example, your concerns may be about something that:

- is potentially unlawful, fraudulent or corrupt;
- might contravene the Council's Standing Orders, financial procedures, policies, codes of conduct or other legal obligations;
- could amount to improper conduct by an officer or a member;
- might fall below established standards of practice;
- constitutes sexual, physical or emotional abuse;
- potentially endangers the health and safety of an individual;
- is causing, or is likely to cause, damage to the environment;
- might involve a miscarriage of justice;
- is an attempt to cover up any of the above.

6. How do I raise my concerns?

- 6.1 You should normally raise your concerns with your immediate line manager or the next level of management. (Manager Arrangements for whistleblowing concerns are set out in Appendix 1 of the policy). However, you may feel that your concerns are so serious or sensitive that you should raise them with a Chief Officer, for example a Corporate Director, the Chief Executive, the Chief Finance Officer, the Monitoring Officer, or the Chief Internal Auditor. You may invite your trade union or professional association representative to raise your concerns on your behalf if you wish.
- 6.2 If any information raises concerns about harm or potential harm to either children or vulnerable adults, these concerns should be reported immediately to Children's Services or the Protection of Vulnerable Adults (POVA) Team as the case may be, or out of hours to the Emergency Duty Team.
- 6.3 Unsupported anonymous complaints and allegations will have to be treated with caution. It is better to raise your concerns in writing but you may equally express your concerns verbally and have their detail recorded for you. Whilst you will not be expected to prove the truth of any allegations you make, you will need to demonstrate sufficient grounds for your concerns.
- 6.4 You can raise concerns safely using this policy and your concerns will be taken seriously. Whilst you have the right to raise concerns externally if you feel that to be appropriate, you are encouraged to raise them with the Council so that you have legal protection.

Public Concern at Work offers a free, confidential advice line which can give you access to advice on how to raise a concern safely and effectively. Examples of prescribed people and bodies you can report malpractice to, other than the Council are listed on the.gov.uk website and include:

- The Auditor General for Wales – for the proper conduct of public businesses, value for money, fraud and corruption in public bodies in Wales
- Care Council for Wales – relating to the registration of social care workers in Wales
- ESTYN – inspecting the quality and standards in education and training providers in Wales
- Children's Commissioner for Wales – matters relating to the rights, welfare and interests of children in Wales

7. Is my identity kept confidential?

- 7.1 You are encouraged to put your name to your allegation whenever possible however the Council will do its best to protect your identity if you so wish. You must, however, appreciate that the investigation process may unavoidably reveal your identity, additionally, you may be required to provide a formal statement as evidence. If you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you.
- 7.2 The Council would prefer you to express any concerns anonymously, if necessary, rather than remain silent about wrongdoing.
- 7.3 The Council as a data controller is fully committed to ensuring the safe and appropriate use of personal information in line with the principles of the Data Protection Act. If you have any concerns regarding the processing of your personal data you should seek advice from the Council's Information Team, if necessary.

8. What happens if my concerns prove to be unfounded?

- 8.1 If you raise your concerns in the public interest, but they are proved to be unfounded, no action will be taken against you. The Council will, however, not tolerate any malicious or vexatious allegations and will take appropriate disciplinary action against you if necessary.
- 8.2 If you are not an employee of the Council but have a contractual, voluntary, funding or other such relationship with the Council and make a malicious or vexatious allegation, your ongoing relationship with the Council is likely to be affected.

9. What happens when concerns are raised?

- 9.1 The action taken by the Council will depend on the nature of the concerns raised. They may:
- be investigated internally by management, internal audit;
 - be referred to the Police;
 - form the subject of an independent inquiry.
- 9.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be

resolved by agreed action without the need for investigation. All allegations of a serious nature will be reported immediately to the Monitoring Officer.

9.3 Within ten working days, the officer with whom your concerns are raised (the Contact Officer) will write to you:

- acknowledging that your concerns have been received;
- indicating how it is proposed to deal with your concerns;
- telling you whether any initial enquiries have been made;
- telling you whether further investigations will take place, and if not, why not.

9.4 The Contact Officer will provide you with as much feedback as possible, however, there may be circumstances where information will not be shared with you in order to comply with a duty of confidence or in compliance with statutory duties.

9.5 The amount and frequency of contact between yourself, the Contact Officer and / or those officers tasked with investigating your concerns will depend upon the nature of the concerns raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from yourself.

9.6 When any meetings are arranged between yourself, the Contact Officer and / or those officers tasked with investigating your concerns, you will have the right, if you so wish, to be accompanied by a representative of your trade union / professional association or a friend who is not involved in the area of work to which your concerns relate. Steps will be taken to minimise any difficulties which you may experience as a result of raising concerns, for example, if you are required to give evidence in criminal or disciplinary proceedings, you will be advised about the procedure.

9.7 The Council understands that you will need to be assured that your concerns have been dealt with properly and therefore, subject to legal constraints, the Contact Officer will inform you of the outcome of any investigation within 10 days of its conclusion.

10. What should you do if you are unhappy with the Council's response to your concerns?

10.1 The Council hopes that you will be satisfied with the way that your concerns are dealt with but in the event that you are not so satisfied then you are welcome to contact (assuming that he has not previously been

involved in dealing with your concern) the Monitoring Officer. Alternatively, the following possible contact points are suggested:

- Public Concern at Work
- relevant professional bodies or regulatory organisations;
- trade union;
- South Wales Police,
- Public Services Ombudsman for Wales

All full list of prescribed people and bodies you can report malpractice to other than your employer can be found via the gov.uk website.

10.2 If you do take your concerns outside of the Council, you will need to ensure that you do not breach a duty of confidentiality.

11. Who is responsible for maintaining this policy?

11.1 The Monitoring Officer, in liaison with the Chief Executive, has overall responsibility for the maintenance and operation of this policy, and any concerns relating to the policy or its operation should in the first instance be addressed to him.

11.2 The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality).

11.3 The Monitoring Officer will monitor the application of this policy and has discretion to review it at any time. Additionally, the Standards Committee will periodically monitor the operation of this policy.

11.4 Each Directorate will provide quarterly reports to the Monitoring Officer in relation to any concerns raised and dealt with in accordance with this policy, in order to facilitate the roles of both the Monitoring Officer and the Standards Committee as set out above.

12. When does this policy not apply?

12.1 Grievances – if you are an employee there are existing procedures in place to enable you to lodge a grievance relating to your own employment. You should always refer to the Council's Grievance Policy before this Whistleblowing Policy.

12.2 Elected Members Code of Conduct – Concerns relating to the conduct of Elected Members should be raised with the Public Services Ombudsman for Wales.

12.3 Complaints – complaints from members of the public about Council services should be addressed via the Corporate Complaints Policy.

- 12.4 Other organisations – in cases where the Council contracts with a private organisation, it may be appropriate to notify the relevant Corporate Director for that service area. Consideration should also be given to notifying the appropriate regulatory organisation.

Guidance for Managers

- As a Manager, you should be familiar with the Council's Grievance Policy and Whistleblowing Policy so that you are well equipped to deal with allegations if they arise.
- The Whistleblowing Policy provides a confidential reporting procedure to enable employees and others to raise issues of concern in confidence and to ensure that the matter will be taken seriously and fully investigated. A whistleblower should be viewed as a witness putting the Council on notice rather than as a complainant.
- Managers should listen carefully and be responsive to employees' concerns whether raised formally under the policy or not and should treat the information confidentially and sensitively. The employee should be assured that they will not suffer because of concerns raised in the public interest and that the matter will be properly addressed.
- The employee is entitled to bring along a recognised Trade Union representative or work colleague for support.
- The first issue for Managers to consider is whether the concern should be treated under the Whistleblowing Policy or some other procedure. Managers can seek further advice from the Monitoring Officer on how to handle individual cases.
- Managers should then assess how serious and urgent the risk is and establish:
 - The background details and nature of the concern;
 - Whether the information is first hand or hearsay;
 - Details of the job and responsibilities of individuals involved;
 - Reasons why the employee is raising the concern now;
 - Action (if any) taken to date before the concern was raised;
- If the issue is sensitive, the number of people involved in addressing the whistleblowing concern should be kept to a minimum.
- All allegations of a serious nature must be reported immediately to the Monitoring Officer.

- Cases of known or suspected fraud can be reported to Human Resources and the Chief Internal Auditor.
- If any information raises concerns about harm or potential harm to either children or vulnerable adults, these concerns should be reported immediately to Children's Services or the Protection of Vulnerable Adults (POVA) Team as the case may be, or out of hours to the Emergency Duty Team. You should not assume that the whistleblower or someone else will report it.
- Managers should always deal with the concern in a timely manner bearing in mind the 10 day deadline set in the policy to respond to the whistleblower. Delays may result in evidence being destroyed and can also suggest a lack of concern about the matter and can increase the stress and anxiety of everyone involved.
- It is important to the integrity of the Council that concerns should be investigated thoroughly and efficiently in order to remedy the situation. In doing this the Council will ensure that such wrongdoing is prevented in future.
- Managers must notify the Monitoring Officer within a timely manner of all concerns raised under this policy and the outcomes. If you decide that no further action is necessary you should still record your decision and inform the Monitoring Officer of the concern raised and the reasons why you consider no further action is required.