

# Employment Matters Committee – Supplementary agenda no 1

**A meeting of the Employment Matters Committee will be held on:**

**Date:** 2 December 2020

**Time:** 7.00pm

**Venue:** Virtual Meeting

## Items

- 6 Staff Survey on Working Arrangements (Pages 3 - 6)**

Attached is the discussion on this report that took place at Business Support O&S Committee on 29 November.

- 8 Speak up Policy (Whistleblowing) (Pages 7 - 24)**

Attached are:

- a) Consultation responses.
- b) Discussion on the proposed policy that took place at Audit Committee on 19 November.
- c) Revised version of the proposed policy following Audit Committee.

- 9 Workplace Domestic Abuse Policy Update (Pages 25 - 28)**

Attached are the consultation responses.

For further information please contact Michael Turner, Democratic Services Officer on Telephone: 01634 332817 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

**Date: 1 December 2020**

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## **BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE**

**26 NOVEMBER 2020**

### **STAFF SURVEY ON WORKING ARRANGEMENTS**

**Extract from the record of the meeting:**

**Discussion:**

The Committee received a report and presentation on the results of a survey on the working arrangements experienced by Council staff during the pandemic. The survey had aimed to test how the Council responded to the needs of the workforce during the pandemic and to explore the opportunity for a different way of working going forward.

The survey had focused on work life balance, wellbeing, mental health, productivity, flexibility, support and equipment for people working at home. Over 1000 people had responded to the survey which revealed high satisfaction rates with the flexible working arrangements being made by the Council. Eight dedicated workstreams had been created to build on the achievements so far, using the data from the survey.

During the discussion, Members raised a number of issues and the officer response was as follows:

- **Difficulties in taking annual leave:**  
The Council managed, measured, and encouraged the taking of annual leave to aid wellbeing. Managers were prompted to address issues where compliance systems identified that leave was not being taken. Staff redeployment had been used to reduce the pressure on areas of high business demand to enable people to take their leave entitlement. Annual leave could be taken in hours as well as whole or half days.
- **Ongoing training for apprentices during the pandemic:**  
Apprentices continued to receive the support they needed. The Council's apprenticeship academy brought together all apprentices to ensure that there was a cohort of learning across the peer group. There was an expectation that all apprentices, and anyone new to their role, would still need to come into the office to have formal recognition into the role and to find out about the organisation. The induction process had been reviewed to take the distant

workforce into account. As Gun Wharf was a Covid secure building, it allowed up to 25% of the workforce in the office where their attendance was required.

- **Cyber Security risk issues associated with working from home:**  
The Council had a duty of care to staff working from home. Checks would be made to ensure cyber security was listed within the risks and priorities of the eight workstreams. Cyber security was captured within the Council Plan.
- **Measuring productivity and helping people to be more productive:**  
The way in which productivity was measured was changing. Given the current increased on-line activity rather than face to face discussions between colleagues, HR and ICT were working on the use of Microsoft Analytics to identify the different forms of interaction. This would help identify how people were spending their time and their productivity.
- Officers agreed to consider what more can be done to help people to be more productive. There was a lot of pressure on the workforce and people needed to feel valued to help them to be more productive.
- **Flexibility to improve a work/life balance for the 25% who are currently not satisfied:**  
The Council recognised that workloads had been an issue throughout the pandemic as people had to adapt quickly to working differently. More work needed to be done in this area. Medway Makers were active in some directorates and were working with teams to understand what more needed to be done. In addition, the Mental Health and Wellbeing Champions were a strong network that linked into the community and provided a good source of information.
- **Staff who are unable to work from home:**  
Rather than referring to working from home, the Council was seeking to introduce smarter working which referred to a more blended, agile approach which enabled people to work from a range of locations. The vision was for the main estates such as Gun Wharf to be used as collaboration spaces to enable people to come together for time with their line manager and social interaction.
- **Line management of staff working remotely:**  
The Council recognised the difficulty in managing people remotely. No-one was expected to be a permanent home worker and the expectation was that all staff would be visible as part of a team and use of collaboration space would be key to enable this.
- **The continuance of communication:**  
During the pandemic policies had been enhanced or relaxed as appropriate. Policy variations or advice on new guidance were communicated through HR hot topics that were communicated quickly to all staff. In Touch presentations

were a more interactive means of communication on issues such as mental health and well-being.

- **Availability of IT equipment to part-time staff:**

Laptops were available to those members of staff working remotely who needed them to perform their role effectively, irrespective of the hours they worked.

- **Home working protocols:**

A working group had been set up to consider a new home working protocol which would be much more detailed than the current version. It would include the protocols that were already in place for staff to work safely, including lone worker risk assessments and buddying arrangements. The Jabber telephone system enabled the user to use their office number through their private phone.

**Decision:**

The Committee noted and commented on the survey findings.

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Response from	Comment	Proposed amends (if required)
<p><b>Disabled Workers and Carer Network (DWCN)</b></p>	<p>Update email address</p>	<p>Amended to:  <a href="mailto:dwcn@medway.gov.uk">dwcn@medway.gov.uk</a></p>
<p><b>LGBTQI Staff Group</b></p>	<p>Update email address</p>	<p>Amended to:  <a href="mailto:lgbtqi.workersforum@medway.gov.uk">lgbtqi.workersforum@medway.gov.uk</a></p>
<p><b>Association of School and College Leaders (ASCL) Trade Union</b></p>	<p>Cover sheet to be reviewed:-                      Please add further information re name of Council/School, version/review etc                      Consulted on with recognised trade unions [date]                      Adopted by Council/School following consultation process on [date]</p>	<p>All policies are published on the intranet with corporate branding.                       Any change would require new template cover sheet for policies and would need to agree that this would be used for all future policies also.</p>
<p><b>ASCL</b></p>	<p>Section 2.0 Paragraph 2                       Vague and subjective. Please remove</p>	<p>To be discussed – this paragraph has been updated as per Audit Committee comments.</p>
<p><b>ASCL</b></p>	<p>Section 2.0 Paragraph 3                       The complaint must be a 'qualifying disclosure'. This is any disclosure of information which 'in the reasonable belief of the employee/worker' making the disclosure tends to show that one</p>	<p>Elements of this comment are covered in paragraph 2                       (i.e. <i>The policy not only covers acts that have occurred but also potentially unethical or unprofessional conduct that might occur</i>)</p>

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	<p>or more of the following has occurred, is occurring, or is likely to occur:</p>	<p>Policy is aiming to move away from language that may prevent someone from speaking up which is why wording such as 'must be a 'qualifying disclosure' have been omitted. The policy signposts to seek advice on concerns and if the policy is followed the disclosure would be a qualifying disclosure.</p>
<p><b>ASCL</b></p>	<p>Re 6.0 How to raise a concern</p> <p>There is no legal requirement that the disclosure must be made in a certain way to a specific person within the organisation.</p> <p>Would move section 9 here to give option of external contact information.</p>	<p>Policy is in line with ACAS guidance, academic good practice and has been benchmarked with several other public sector orgs. The policy does not state that an individual must raise a concern in a certain way but provides information on all disclosure channels available.</p> <p>Section 9 is on the following page – we could group section 6 to 9 together under one section (but keep as individual areas within the section for clarity) as all relate to raising concerns.</p>
<p><b>ASCL</b></p>	<p>Section 6.2 re investigation.</p> <p>Needs some more detail regarding the investigation – i.e. that an appropriate</p>	<p>Would add wording to 12.0 Speak Up Procedure rather than here.</p>



	<p>and suitably trained investigating officer will be appointed.</p> <p>That investigations will be carried out without unreasonable delay and that if the investigation is protracted because the situation is quite complex that the employee will be kept informed of progress.</p>	<p>Proposed wording which could be inserted as section 12.2:</p> <p><i>An appropriate officer will be appointed to investigate your concern, you will be informed who has been assigned and the next steps that will be taken.</i></p> <p><i>Investigations will be carried out without unreasonable delay. If the investigation is extensive because the situation is complex you will be regularly informed of the progress.</i></p> <p><i>Throughout the process, the investigating officer will demonstrate their commitment to equal opportunities and carry out fair investigations taking account of the council's Fair Access and Inclusion Policy (add link).</i></p>
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<p style="text-align: center;"><b>ASCL</b></p>	<p>Section 10.0</p> <p>This would need to be intentional/wilful. Add <b>will be investigated and any appropriate disciplinary action may be taken, in accordance with the disciplinary procedure</b></p>	<p>Proposed amended wording for section 10.0</p> <p><i>Raising a concern with malicious intent, for personal gain, or for the gain of others will be investigated and appropriate disciplinary action may be taken in accordance with the council's disciplinary policy.</i></p>
<p style="text-align: center;"><b>ASCL</b></p>	<p>Section 12.1 – re confidential meeting</p> <p>Please provide 10 working days' notice to help facilitate TU representation or colleague accompaniment to ensure that the employee can access any support that they need</p>	<p>Proposed wording to insert at the end of 12.1 which aligns with the disciplinary policy.</p> <p><i>'You have the right to be accompanied with a trade union representative or workplace colleague at any meeting regarding your concern. You will normally be given no less than 10 working days notice in writing of the meeting, unless all parties are in agreement to hold the meeting at an earlier date'</i></p>

## AUDIT COMMITTEE

19 NOVEMBER 2020

### SPEAK UP POLICY (WHISTLEBLOWING) – RECORD OF DISCUSSION

#### Discussion:

This report provided details of the draft “Speak Up” policy as a new whistleblowing policy for Members’ consideration, prior to consideration by the Employment Matters Committee on 2 December 2020 and Full Council on 21 January 2021.

The Chief Legal Officer informed the Committee that the draft Policy had been developed taking into account work that he had been undertaking as part of his MBA studies, as well as work with the HR team. The draft Policy reflected the findings set out in the review, as set out in Appendix 1 to the report and aimed to provide a Policy which would be easier to read and understand setting out the Policy and the process to be followed by anyone wishing to raise concerns. He also advised the Committee that it was proposed that concerns would initially be considered by the Chief Legal Officer, Chief Finance Officer and the Head of HR, the aim of which was to provide an assurance from the outset that any concerns would be treated seriously.

Members then raised a number of questions and comments which included:

**Number of concerns raised under the current Policy** – the Chief Legal Officer advised the Committee of the number of concerns raised in the last few years, including three in the last year.

**Terminology** – it was commented that the draft Policy represented a much clearer approach, in particular, the new name of the draft Policy. In response to a question about whether the draft Policy reflected the Council being at the forefront of new ways of thinking on this issue, the Chief Legal Officer stated that the Council was forward thinking and that the academic work that he had undertaken had resulted in the term Speak Up Policy being used to improve accessibility to the Policy.

**Use of electronic links** – it was commented that providing weblinks within the draft Policy ensured the document was user friendly.

**Current version of the Policy** – in response to a question about multiple versions of the current Policy being available online, the Chief Legal Officer confirmed that he had contacted the Digital Team following the last Committee meeting for investigation and that he would follow up on this matter.

**Relationship between the draft Policy and the Council’s complaints and compliments process** – in response to a question, the Chief Legal Officer confirmed that the draft Policy would allow members of the public to raise serious concerns which would not be covered by the complaints and compliments process.

**The likely impact of the Policy** – in response to a question as to whether the introduction of this Policy may result in increasing the number of concerns being raised, the Chief Legal Officer stated that whilst he did not know what the number may be, the intention was to make the Policy more understandable and ensure that the Council did not miss any concerns being made. He advised that it may take a couple of years to start to see the effect of the Policy. He hoped that the launch of the Policy may also help raise awareness, which in turn, may lead to an increase in the number of concerns being made.

**Wording** – Committee Members suggested the following amendments to the draft Policy:

Paragraph 2.0 of the draft Policy - replace 5<sup>th</sup> bullet point “Company” with “Council”. It was also suggested whether matters relating to ethics and the public interest could be included in this section.

Paragraph 1.0 of the draft Policy, fourth paragraph replace “will be subject...” to “could be subject...”

References to whistleblowing in the draft Policy should be removed.

Paragraph 4.0 – reference to “employees of the Council” should also include reference to subsidiaries.

Paragraph 8.0 – it should be made clearer as to how members of the public could raise concerns.

The Chief Legal Officer thanked Committee Members for their comments and he confirmed that he would give consideration to updating the draft Policy as necessary. He undertook to include references to ethics and the public interest within the body of the draft Policy, details of which would be provided outside the meeting.

**Decision:**

The Committee agreed to forward its comments on the draft Policy as set out above to the Employment Matters Committee.

(Updated following Audit Committee)



# Medway Council

## Draft Speak Up Policy

Issued: October 2020

Review Date: TBC

Lead Officer: Sam Beck-Farley, Head of Human Resources



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## 1.0 Introduction

Medway Council is committed to tackling unlawful acts such as fraud, bribery, corruption, unethical conduct, and malpractice regardless of who commits them, or where in the council they are committed. If you become aware that any of these acts are happening, (have happened or are likely to happen) then you can raise your concerns under this policy.

This is one way that the council can ensure that its ethical standards are, at a minimum, in line with the Nolan principles of public life (Appendix A) which are the basis of the standards expected of public office holders.

Raising a concern under this policy may feel difficult to do but don't be put off. Speaking up about a concern you have is important to ensure we keep improving our services for the residents of Medway and the working environment for our staff.

The council will make sure that anyone who uses this policy to raise a concern, which they reasonably believe to be true, will be protected from any form of detriment, harassment, or victimisation as far as the law allows. Anyone in the organisation who victimises/harasses someone who raises a concern, sometimes called a "whistleblower", could be subject to disciplinary action which may ultimately lead to dismissal.

Anyone who believes they have been victimised because they have raised a concern should report this to the [Response Group](#).

This policy sets out what concerns can be raised and the procedure the council will follow.

## 2.0 What concerns can be raised under the Speak Up policy?

Speaking up about a concern or "whistleblowing" happens when someone, sometimes a [worker](#), provides certain types of information which has come to their attention, usually to the employer or a regulator, to raise a concern about danger or illegality that affects others. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party.

This could relate to a concern of unethical or unprofessional conduct within the council including malpractice and abuse [or some policy or action which is contrary to the public interest](#). [Unethical conduct could include where an employee is under pressure to do something which a reasonable person might consider improper](#). The policy not only covers acts that have occurred but also potentially unethical or unprofessional conduct that might occur.

There is protection in whistleblowing law, when the person making the disclosure does so in the reasonable belief that their concern relates to one or more of the following six situations:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the [Council/company](#) is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing.

It is recommended that confidential advice is sought from the [Response Group](#), [HR advice](#), your [trade union](#) or the charity [Protect](#) (formerly Public Concern at Work) in order to establish whether your concern is one where you would be legally protected from detriment, or whether your concern should be dealt with under another policy of the council, such as the [grievance procedure](#).

Concerns relating to the way you are being treated at work (bullying, harassment, discrimination) do not fall under [this Speak Up policy](#) [whistleblowing](#) and should be dealt with under the relevant policy.

### **3.0 What is the detail of protection for people who raise concerns?**

The Public Interest Disclosure Act 1998, as amended by The Enterprise and Regulatory Reform Act 2013 (ERRA), will protect 'workers' who disclose information in the correct manner from dismissal or being treated badly. Workers include individuals who are:

- employees employed under a contract of employment
- employed under any other contract, under which they personally perform any work or services
- agency workers; or those
- undertaking work experience as part of a training course.

Under ERRA, to qualify for protection for disclosure you must:

- believe that the disclosure is made in the public interest and have reasonable grounds for believing that the information disclosed indicates the existence of one of the six concerns listed [above](#).

Please be aware that if, when disclosing a concern, you commit a criminal offence you may lose your rights to protection from detriment.

### **4.0 Who can concerns be raised about?**

You can raise a concern about the practice of anyone who undertakes work for, or on behalf of the council - this includes:

- employees of the council [or the council's companies \(MCG, MDC, or Medway Norse\)](#)
- contractors
- councillors
- volunteers
- school based staff (however not those in Academies).

### **5.0 Confidentiality**

The council will aim to protect the confidentiality of anyone wishing to raise a concern. However, there may be occasions where confidentiality cannot be protected, for example where the disclosure leads to legal proceedings.

If there is any possibility that your confidentiality cannot be protected, you will be told why and offered advice and support.



If your disclosure relates to a child at risk or abuse of a vulnerable adult, then the council is required to investigate this under separate procedures. Although the aim will always be to retain anonymity these cases will take priority over any request made for anonymity. If you have provided your contact details the council will advise you of the action being taken.

## **6.0 How to raise a concern**

Any concerns should normally be raised with your line manager. You can do this verbally, by telephone, by email or in writing. They should be able to advise you whether further action is needed, what that action will be, such as referral to the Response Group and a likely timescale. However, this may not always be possible, for example because of who is involved. In this case you may wish to contact your Assistant Director or Director of your service, or the Assistant Director or Director of the service to which your concerns relate (if different).

Your concerns should be able to be resolved by contacting the above persons. In cases which require further escalation, or you deem it not appropriate to raise the concern with above persons, you may wish to refer your concern directly to the council's [Response Group](#) which is a multi-disciplinary team of senior officers. They have received specialist training and will follow the procedure below to investigate concerns raised.

Under no circumstances should you investigate a concern yourself or raise/highlight concerns via social media. This avoids any risk of prejudicing any investigation (including a criminal investigation) if it is warranted.

### **6.1 Points to consider when making a disclosure**

For an issue to be investigated effectively you should try to:

- Be clear about what the concern is and to what it relates.
- Be as clear as possible about who might be involved, when and where actions may have taken place. Try and record the facts, for example record the dates and times in a diary. This way you can be clear about what has been heard/seen and where/when.
- Make sure you ask for your concerns to be dealt with under this procedure.

Individuals are not expected to prove allegations beyond reasonable doubt, but any allegations must be based on the belief that there are valid concerns to be raised.

If, at any stage, you are asked or wish to meet with someone addressing the concerns you have raised you have the option to be accompanied by a workplace colleague or trade union representative.

### **6.2 Anonymously raised concerns**

Anonymous disclosures will be investigated on their merit in the same way as ones received with contact details. However, an investigation may be restricted if further information is required. As such, the council would encourage some method of contact to assist in the investigation.

## 7.0 Schools

Whilst schools are not required in statute to have a written whistleblowing policy, they are required to comply with the Public Interest Disclosure Act 1998, as amended by The Enterprise and Regulatory Reform Act 2013 (ERRA). There is also a requirement in [Section 29\(1\) of the Education Act 2002](#), for all maintained schools and maintained nursery schools to have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

School based workers - in a school you would normally raise a concern with your direct Line Manager. If this is inappropriate, then the Headteacher or Chair of Governors should be contacted.

Volunteer staff who have concerns about a school should complain through the school's complaints procedure.

In relation to maintained and voluntary controlled schools - workers in schools who have good reason to consider that it would be inappropriate to raise their concerns directly with the Headteacher or Chair of Governors may complain direct to Medway Council in relation to whistleblowing matters. In these instances, the complaint should be sent to the Service Director for Children and Adults who may refer the matter to the Response Group if considered appropriate to.

The Secretary of State for Education is the prescribed person for matters relating to education. For whistleblowers in education who do not want to raise matters direct with their employer referrals can be made at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

## 8.0 Members of the public

Any concerns raised by members of the public will be handled and investigated in the same way as those made by those classed as workers.

Members of the public can raise concerns [through the Council's formal Complaints Procedure \[add link\] and they will then be transferred to the Response Group \[add link\] for consideration in the same way as workers.](#)

## 9.0 External contacts

The aim of this policy is to provide an internal process for reporting relevant concerns in the workplace.

The law recognises that in some circumstances it may be appropriate to report your concern to certain prescribed people and bodies. It is recommended that you seek advice before reporting a concern to anyone external. If you tell a prescribed person or body, it must be one that you reasonably believe deals with the issue you are raising. A list of prescribed people and bodies can be found at the link below:

To raise your concern externally it still must be a qualifying disclosure which meets the criteria for protection as outlined [above](#). This means that you must have a reasonable belief that the information disclosed is substantially true, the disclosure is being made in the public interest and the matter falls within the remit of the prescribed person or body.

If you tell a prescribed person or body, it must be one that deals with the issue you are raising, for example a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.

Any individual who is considering raising concerns with any of the above named bodies may contact the charity [Protect](#), who provide confidential advice, free of charge, to anyone concerned about malpractice, risk or wrongdoing at work.

If employees take the matter outside of the council, they should ensure confidential information, or information which is legally protected, is not disclosed.

## 9.1 Contacting the media

Anyone considering contacting the media are strongly advised to seek guidance and to discuss the matter where possible directly with their line manager or the Response Group. Please be aware that contacting the media before allowing the concerns to be investigated could result in prejudicing any investigation.

If you decide to proceed with contacting the media, you must inform the Chief Executive of the action you have taken, or are proposing to take, and the Chief Executive will brief political Group Leaders on the matter.

Disclosures to the media can be made under the law, and will be protected when the following circumstances are met:

- The disclosure is made in the belief that it is in the public interest.
- The worker reasonably believes the information and any allegations are substantially true.
- The worker does not act for personal gain.

Additionally, one or more of the following conditions must be met:

- They reasonably believe that they would be subject to a detriment if the disclosure was made to the employer or prescribed person.
- In the absence of an appropriate prescribed person, they reasonably believe a disclosure to the employer would result in the destruction or concealment of information about the wrongdoing.
- They have previously disclosed substantially the same information to their employer or prescribed person.
- It must be reasonable to make the disclosure.

Please be aware that any contact with the media, where these conditions have not been met, may result in disciplinary action under the council's disciplinary policy.

### **10.0 Misuse of the Speak Up policy**

Raising a concern with malicious intent, for personal gain, or for the gain of others may lead to disciplinary action under the council's disciplinary policy.

### **11.0 Monitoring**

An annual report detailing policy usage shall be provided to the Audit Committee and the Employment Matters Committee. This report will not identify anyone but is intended to monitor the operation of the Speak Up policy and procedures and highlight any issues/patterns.

All whistleblowing cases related to fraud and financial irregularity will be raised with the Head of Audit and Counter Fraud for assessment.

### **11.0 Communicating the Speak Up policy**

The Head of Communications will ensure that the Speak Up policy is appropriately publicised both within and outside the council.

## **12.0 Speak Up Procedure**

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If you have raised your concern with your Line Manager, Assistant Director or Director and it has been concluded to your satisfaction, that is usually an end to the process.

If that is not the case or you have referred it to the Response Group, the following procedure will be followed.

The Response Group will be made up of the Head of Human Resources, the Chief Finance Officer and the Chief Legal Officer who can be contacted through either the [HR Advice](#) portal on Service Desk or by contacting HR Advice on 01634 334 499. Quorum of the Response Group for any initial meeting will be two. Each senior officer in the Response Group can deputise their role. If this happens you will be informed who the deputy is.

### **12.1 After raising a concern to the Response Group**

You will:

- Receive an acknowledgement of your concerns within five working days of raising an issue.

The Response Group will arrange to speak to you within one working week of receiving your concern to decide whether your concern should be dealt with under this, or another Council policy, and how to progress your concern. This may mean undertaking an investigation to check and establish the facts relating to the concern.

Within two working weeks from receipt of your concern you will:

- have a confidential meeting to further discuss your concerns; or
- have received, in writing, an outline of how your concerns will be dealt with.

### **12.2 The outcome of your concern**

You will be kept informed of the actions being taken and the outcome of any investigations. The legal requirements the council has regarding the storing and sharing of information, such as the General Data Protection Regulation (2018), may limit what can be shared with you.

In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However, the reasons for this will be explained.

### **12.3 What happens if there is a financial aspect to your concern**

If there is a financial aspect to a concern, then the Audit and Counter Fraud Team will be contacted. All whistleblowing cases related to fraud and financial irregularity will be subject to initial enquiries by the Head of Audit and Counter Fraud to assess suspicions raised, and if the concerns are substantiated a full investigation will be undertaken.

The Chief Finance Officer will be informed of all fraudulent matters and will decide on the appropriate action following the results of the investigation.

#### **12.4 Taking your concern further**

If, after making the disclosure you still have concerns, or feel that the issues have not been fully or appropriately addressed, you can contact the Chief Executive, or have them contacted on your behalf, to discuss your concern in confidence.

The Chief Executive will consult with all members of the Response Group to review the facts of the disclosure and the action that has been taken to date to investigate the concerns. Following the review, the Chief Executive may ask for further investigation if it is felt this is required, for example if there is new relevant information. In addition, if deemed appropriate, an external party may be appointed to carry out an independent review.

The matter should not be referred outside the council without first ensuring that all other possible avenues have been exhausted.

DRAFT

# Appendix A: The Nolan Principles

([source from GOV.UK](#))

## 1. The Seven Principles of Public Life

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

### 1.1 Selflessness

Holders of public office should act solely in terms of the public interest.

### 1.2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### 1.3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### 1.4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### 1.5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### 1.6 Honesty

Holders of public office should be truthful.

### 1.7 Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B: Additional sources of information

### Whistleblowing Charity

[Protect](#) (formerly Public Concern At Work)

Telephone: 020 3117 2520 or email [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)).

### Trade Unions

- Contact details for the trade unions are available on [Medspace](#) or by contacting HR advice on 01634 334 499 for those who may not have access to the intranet.

### Employee Forums

Black, Asian & Minority Ethnic (BAME) Forum: [BAMEcommittee@medway2.onmicrosoft.com](mailto:BAMEcommittee@medway2.onmicrosoft.com)

Disabled Workers Forum (DWF): [dwf@medway.gov.uk](mailto:dwf@medway.gov.uk)

Lesbian, Gay, Bisexual, Trans and Questioning (LGBTQ) Forum:  
[lgbtqi.workersforum@medway.gov.uk](mailto:lgbtqi.workersforum@medway.gov.uk)

Gender Forum: [bsd\\_gender\\_forum@medway.gov.uk](mailto:bsd_gender_forum@medway.gov.uk)

### Other contacts: Regulatory and professional bodies

- Health & Safety Executive, [www.hse.gov.uk](http://www.hse.gov.uk) Telephone: 0845 345 0055
- Care Quality Commission, [www.cqc.org.uk](http://www.cqc.org.uk) Telephone: 03000 616 161
- Health Professions Council (HPC), [www.hpc-uk.org](http://www.hpc-uk.org) Telephone: 0800 328 4218
- General Social Care Council, [www.gsccl.org.uk](http://www.gsccl.org.uk) Telephone: 01788 532 405
- Nursing and Midwifery Council (NMC), [www.nmc-uk.org](http://www.nmc-uk.org) Telephone: 0207 333 9333
- General Medical Council (GMC), [www.gmc-uk.org](http://www.gmc-uk.org) Telephone: 0161 923 6602
- Local Government Ombudsman, [www.lgo.org.uk](http://www.lgo.org.uk) Telephone: 0300 061 0614
- Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) Telephone: 0303 123 1113
- Equality and Human Rights Commission, [www.equalityhumanrights.com](http://www.equalityhumanrights.com) Telephone: 0845 604 6610
- Ofsted, [www.ofsted.gov.uk](http://www.ofsted.gov.uk) Telephone: 0300 123 4666
- Institution of Civil Engineers, [www.ice.org.uk/homepage/index.asp](http://www.ice.org.uk/homepage/index.asp) Telephone: 020 7222 7722



Response from	Comment	Proposed amends (if required)
<p><b>Disabled Workers and Carer Network (DWCN)</b></p>	<p>People with disabilities are more likely to suffer from domestic violence (this was mentioned at the Unison conference). They often do not know who to turn to and may need additional support i.e. signers, anxiety, accessible place of safety etc.</p> <p>Email contact address out of date. (Previously known as Disabled Workers Forum)</p>	<p>Comment noted</p> <p>Amended to: <a href="mailto:dwcn@medway.gov.uk">dwcn@medway.gov.uk</a></p>
<p><b>LGBTQI Staff Group</b></p>	<p>Update email address</p>	<p>Amended to: <a href="mailto:lgbtqi.workersforum@medway.gov.uk">lgbtqi.workersforum@medway.gov.uk</a></p>
<p><b>Association of School and College Leaders (ASCL) Trade Union</b></p>	<p>Cover sheet to be reviewed:- Please add further information re name of Council/School, version/review etc Consulted on with recognised trade unions [date] Adopted by Council/School following consultation process on [date]</p>	<p>All policies are published on the intranet and have corporate branding. Any change would require new template cover sheet.</p>

<p><b>ASCL</b></p>	<p>Section 1.4 Add the word '<i>may</i>' when referring to reducing an employee's ability as not a certainty</p>	<p>Agree.</p>
<p><b>ASCL</b></p>	<p>Section 1.5  Would like the removal of this paragraph as the policy should be supportive to the employee not highlight the negative impact it may have on the employer.</p>	<p>Recommend no change as important to stress negative impact as this emphasises the cost of doing nothing as an employer.</p>
<p><b>ASCL</b></p>	<p>Section 1.6 If facts and figures are to be quoted these should e up to date</p>	<p>Some statistics appear out of date but are nationally accredited. As new statistics become available these could be added to ensure the policy is up to date and relevant.</p>
<p><b>ASCL</b></p>	<p>Section 2.0 Please also add here that an equality impact assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice</p>	<p>Agree. Diversity Impact Assessment completed and included at Appendix 2</p>

<p><b>ASCL</b></p>	<p>Section 5.1                      Bullet                      Reference to the words “remain productive”                      As previous comment, the focus should be the employee not the employer</p>	<p>Comment noted – no change to policy wording recommended</p>
<p><b>ASCL</b></p>	<p>Section 7.1                      Bullet 5 regarding training                       How quickly do you intend to roll this out and what is the timeframe for ensuring all line managers have undergone this? Also, what arrangements will there be for ongoing training/awareness?</p>	<p>ASCL to be advised that workshops via TEAMS commenced in October 2019 and will continue throughout this financial year. Each year the Council reviews its training priorities however domestic abuse training is mandatory and there are currently no plans to discontinue the training.</p>
<p><b>ASCL</b></p>	<p>SECTION 9.3 &amp; 11.2                       9.3 states to contact the Duty Officer whilst 11.2 to contact LADO. Please clarify procedure</p>	<p>Note comment – Procedure is laid out in 11.2</p>
<p><b>ASCL</b></p>	<p>Section 12</p>	

	<p>resulting in criminal offences - are <i>not</i> grounds for dismissal unless they affect employees' ability to do their job. They must amount to 'some other substantial reason' justifying dismissal.</p>	<p>Note – however the disciplinary policy clearly states that the Council will treat any criminal convictions related to domestic abuse as misconduct/gross misconduct and employees and under the disciplinary policy any investigation may ultimately lead to dismissal.</p>
<p><b>ASCL</b></p>	<p>General Comments:</p> <p>Ensure gender neutrality in wording throughout</p> <p>Refer and sign post to other policies such as whistle blowing (section 9.3) and flexible working policy (section 10)</p>	<p>Agreed and amendments will be made</p>