

| Response from | Comment | Proposed amends (if required) |
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| <p>Disabled Workers and Carer Network (DWCN)</p> | <p>Update email address</p> | <p>Amended to: dwcn@medway.gov.uk</p> |
| <p>LGBTQI Staff Group</p> | <p>Update email address</p> | <p>Amended to: lgbtqi.workersforum@medway.gov.uk</p> |
| <p>Association of School and College Leaders (ASCL) Trade Union</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>ASCL</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>ASCL</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>ASCL</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>ASCL</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> |

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| | <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>ASCL</p> | <p>Section 10.0</p> <p>This would need to be intentional/wilful. Add will be investigated and any appropriate disciplinary action may be taken, in accordance with the disciplinary procedure</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>ASCL</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 5th 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.