

Response from	Comment	Proposed amends (if required)
<b>Disabled Workers and Carer Network (DWCN)</b>	Update email address	Amended to: <a href="mailto:dwcn@medway.gov.uk">dwcn@medway.gov.uk</a>
<b>LGBTQI Staff Group</b>	Update email address	Amended to: <a href="mailto:lgbtqi.workersforum@medway.gov.uk">lgbtqi.workersforum@medway.gov.uk</a>
<b>Association of School and College Leaders (ASCL) Trade Union</b>	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]	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.
<b>ASCL</b>	Section 2.0 Paragraph 2  Vague and subjective. Please remove	To be discussed – this paragraph has been updated as per Audit Committee comments.
<b>ASCL</b>	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	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>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>
--	--	--

<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>

<p><b>Audit Committee (19 November)</b></p>	<p><b>Wording</b> – Committee Members suggested the following amendments to the draft Policy:</p> <p><b>Paragraph 2.0</b> 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.</p> <p><b>Paragraph 1.0</b> of the draft Policy, fourth paragraph replace “will be subject...” to “could be subject...”</p> <p>References to whistleblowing in the draft Policy should be removed.</p> <p><b>Paragraph 4.0</b> – reference to “employees of the Council” should also include reference to subsidiaries.</p> <p><b>Paragraph 8.0</b> – it should be made clearer as to how members of the public could raise concerns.</p>	<p>The bullet point has been amended and incorporated wording about ethics and public interest.</p> <p>Amendment has been made.</p> <p>I changed one reference to “whistleblowing” to the Speak Up policy, as it made sense to do so. As I explained in paragraph 2.0 what “whistleblowing” is I have left some other generic references.</p> <p>Amendment has been made.</p> <p>A section explaining how the public can raise concerns has been added. Two links will need to be added in the final document to the Complaints Procedure and the Response Group.</p>
---	---	---

<p><b>Employment Matters Committee (02 December)</b></p>	<ul style="list-style-type: none"><li>• <b>Concerns which could be raised under the policy</b> – some of the wording of this section was queried, including what was meant by acts that “might” occur, what a miscarriage of justice might constitute and whether the reference to seeking confidential advice to determine whether a concern would be legally protected should be strengthened.</li><li>• <b>Council owned companies</b> - It was suggested that individuals should be able to raise concerns about a Council owned company under this policy.</li></ul>	<p>The reference to “might” was to reflect situations where an intent to commit unethical or unprofessional conduct was present, but this had not yet been acted on. The reference to miscarriage of justice would be made clearer i.e. to prevent an innocent person being convicted.</p> <p>Council owned companies have a separate whistleblowing process. Section 4 of the policy referred to employees of the Council’s companies being able to raise a concern under the policy, which would be considered by the Response Group and then referred to the company to be dealt with.</p> <p>The policy has been made clearer to reflect the comments of the Committee.</p>
--	---	---

	<ul style="list-style-type: none"><li>• <b>Schools</b> – it was agreed that Section 7 of the policy should make it clear that this did not apply to Academies so as to reflect the statement in Section 4 that staff in Academies could not raise concerns under the policy.</li><li>• <b>Monitoring</b> – it was suggested that the reference to “whistleblowing” in this section be replaced with “speak up cases”.</li></ul>	<p>Section 7 has been updated to align with Section 4.</p> <p>Amendment made.</p>
--	---	---