

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee:	Council	Date:	21 December 2017
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 8.40 pm
Members Present:	Councillors D Stallan (Chairman), R Bassett (Vice-Chairman), N Avey, R Baldwin, A Beales, A Boyce, H Brady, W Breare-Hall, R Brookes, R Butler, G Chambers, K Chana, D Dorrell, A Grigg, L Hughes, R Jennings, J Jennings, H Kane, S Kane, H Kauffman, P Keska, J Lea, A Lion, L Mead, A Mitchell, G Mohindra, R Morgan, S Murray, S Neville, A Patel, J Philip, C P Pond, C C Pond, B Rolfe, M Sartin, G Shiell, P Stalker, B Surtees, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley		
Apologies:	Councillors N Bedford, R Gadsby, L Girling, S Heap, J Knapman, M McEwen, C Roberts, D Roberts, B Sandler, S Stavrou and D Sunger		
Officers Present:	G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), A Hall (Director of Communities), S Hill (Assistant Director (Governance)), S Kits (Social Media and Customer Services Officer), R Perrin (Democratic Services Officer) and J Leither (Democratic Services Officer)		

70. WEBCASTING INTRODUCTION

The Assistant Director, Governance reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

71. DECLARATIONS OF INTEREST

There were no declarations of interest by members of the Council under this item.

72. ANNOUNCEMENTS

(a) Green Apple Award for Environmental Achievement

The Chairman advised that the Green Apple Environment Award was awarded to organisations that had shown effective use of environmental efficiency. The Council had won the silver award for the various building works implemented to save energy and carbon, as well as the solar panel array on the Civic roof to generate electricity.

The Chairman presented the Green Apple Environment Award to the Technology and Support Services Portfolio Holder, Councillor A Lion.

(b) Announcements by the Chairman of Council

(i) Chairman's Events

The Chairman informed members that he had attended many events across the District including Christmas parties held in Buckhurst Hill and North Weald. He

thanked members for attending Remembrance Services' around the District in November, whilst he had attended the services in Epping and North Weald where he had met veterans from Norway. The Chairman informed members that spaces were still available for his Chairman's quiz.

Furthermore, the Chairman thanked all members that had contributed to the Christmas donations request for the Woman's Refuge in Epping Forest, as he had been able to purchase gifts for all the children and women and set up an emergency fund for future years.

(ii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to the Sheltered Housing Accommodation at Pelly Court, Epping.

73. PUBLIC QUESTIONS (IF ANY)

The Council noted that there were no public questions submitted for consideration at the meeting.

74. QUESTIONS BY MEMBERS UNDER NOTICE

The Council noted that there were no members questions submitted for consideration at the meeting.

75. REMUNERATION PANEL - ANNUAL REPORT

The Chairman of the Remuneration Panel, S Lye presented a report following the annual review of the Members' Allowance Scheme which including the following aspects:

- (a) Basic Allowance;
- (b) Special Responsibility Allowances;
- (c) Chairman and Vice-Chairman of Council;
- (d) Independent Members; and
- (e) Revised Scheme and Guidance.

The Leader indicated that Council would not support the increase in Special Responsibility Allowance's for 2018/19 and the report with that amendment was **ADOPTED**

RESOLVED:

Members' Allowances Scheme

Basic Allowance

- (1) That no change be made to the level of Basic Allowance of £4,300.00 per member per annum, currently included in the Council's Members' Allowances Scheme for the 2018/19 municipal year;

Special Responsibility Allowance

(2) That no change be made to the application or implementation of the Special Responsibility Allowances currently included in the Members' Allowances Scheme for the 2018/19 municipal year;

(3) That no change be made to the implementation level of Special Responsibility Allowance applied to the responsibilities identified in the Members' Allowances Scheme;

Chairman and Vice-Chairman of Council

(4) That from the 2018/19 municipal year, the annual total Special Responsibility Allowance for the positions of the Chairman and Vice-Chairman of the Council be £10,750.00, to be applied as follows:

- Chairman of the Council - £8,600.00 per annum (80%); and
- Vice-Chairman of the Council - £2,150.00 per annum (20%).

(5) That the application of Special Responsibility Allowance for the Chairman and Vice-Chairman of the Council be included within the Members' Allowances Scheme from the 2018/19 municipal year;

Independent Members

(6) That the level of the annual allowance applied to the position of independent members of the Standards Committee, be increased to £500.00 per annum from the commencement of the 2018/19 municipal year;

Revised Scheme and Guidance

(1) That, subject to the above recommendations and other administrative matters set out in the report, the Members' Allowances Scheme and Guidance for 2018/19 attached as Appendix 1, be adopted and implemented with effect from 25 May 2018; and

(2) That the Statement of Implementation of the Special Responsibility Allowances set out in the Members' Allowances Scheme, attached as Appendix 2 be agreed.

76. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

(a) The Leader of Council

The Leader advised following previous weeks Extraordinary Council meeting regarding the publication of the submission version of the Epping Forest District Local Plan, members had put forward their concerns and opinions, contributing to an important act of local democracy which was discussed in an open and transparent manner. There had been 150 residents attend, 580 website views on the evening and 280 website views subsequently. The representation period was now open until 5 pm on Monday 29 January 2018, with versions of the document being available online, in libraries, Town and Parish Councils and leisure centres.

Councillor C Whitbread advised he had also attended the Youth Conference, which had discussed issues effecting young people across the district. On the 8 December he had met with the Epping Forest District's Members of Parliament, The Right Honourable Eleanor Laing MP and Alex Burghart MP regarding the Local Plan and

would be meeting with Robert Halfon MP in the New Year. He had also attended the Chairman's Carol service at St John's Church in Epping.

(b) Finance Portfolio Holder

Councillor G Mohindra advised that the Council, as part of the Greater Essex group had not been successful in securing the Business Rate pilot scheme, although they may apply again in future.

(c) Safer, Cleaner and Transport Portfolio Holder

Councillor S Kane advised that the North Essex Parking Partnership had changed the process for parking scheme nominations. Schemes would now be considered in October of each year.

(d) Technology and Support Services Portfolio Holder

Councillor A Lion advised that the Council had been successful in being awarded a partnership with the Design in the Public Sector Programme, to consider the public health challenges and reduce the number of hospital emission for the over 75 population in the district.

(e) Planning and Governance Portfolio Holder

Councillor J Philip advised that the Council's response to the Boundary Commission for England on new Parliamentary Constituency Boundaries was not objecting to North Weald becoming part of Harlow Constituency but affirming the importance of North Weald's connection to the Epping Forest District.

77. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Parking Enforcement in the Council's Ongar Car Park

Councillor P Keska asked the Safer, Cleaner and Transport Portfolio Holder whether he was aware of a volunteer in Ongar, who had been given a parking ticket for using one of the dedicated library spaces on a Sunday when the library was closed.

Councillor S Kane advised that he had not been aware and would investigate, although he advised that an enforcement officer had followed the correct policy, which ensured that users were correctly parking.

(b) Epping Forest Retail Park

Councillor S Murray asked that the Assets and Economic Development Portfolio Holder whether there were any future plans at the Epping Forest Retail Park to;

(i) reconsider the crossing arrangements for pedestrians at the Langston Road and Chigwell Lane Junction;

(ii) for an impact assessment on other Council owned retail areas within the immediate area, in particular the Broadway; and

(iii) have a bus service into the Retail Park.

Councillor A Grigg advised that following Councillor S Murray previous question at Council in November, she had visited the Retail Park to examine the car park usage

and pedestrian crossings. She confirmed that it appeared commuters had been using the car park, although this had been rectified. She had observed that the traffic light sequences used to cross the Langston Road and Chigwell Lane junction required careful observation and these concerns had been raised with Essex County Council (ECC) Highways. Although ECC had confirmed that the lights had passed the Safety Audit, she thought that this situation could be improved. She suggested that the safe crossing point for pedestrians to access the Retail Park was the Puffin Crossing by Debden Tube Station. Regarding the bus service, she informed members that this would not be viable because of the space required for buses, potential loss of parking spaces and the additional costs involved now that the Retail Park had been built. Lastly, she advised that there were no plans for an impact assessment, but she would look into this and respond via the Members Bulletin.

(c) Online Catalogue for the Epping Forest Museum

Councillor C C Pond asked the Leisure and Community Services Portfolio Holder whether she would convene a meeting between Local Historical Society and the Museum, to compile an online catalogue of documents and artefacts that the Epping Forest Museum held.

Councillor H Kane advised that she thought that this was a good idea and would speak to officers.

(d) Buckhurst Hill Conservation Area

Councillor G Chambers asked the Safer, Cleaner and Transport Portfolio Holder whether the proposed Conservation Area for Buckhurst Hill would progress in 2018.

Councillor S Kane advised that it most probably would.

(e) Gazetteer System - Street Naming and Numbering

Councillor J H Whitehouse asked the Technology and Supports Services Portfolio Holder whether Parish and Town Councils could be consulted to enable commemorative names associated with the area to be used for the naming of roads or developments in the district.

Councillor A Lion advised that it was something he would consider and put forward to officers, although the team was only responsible for the information already received and not the designation.

(f) Boundary Commission Review

Councillor B Surtees asked the Planning and Governance Portfolio Holder whether he agreed with the importance of the Local Government boundaries remaining, especially with regards to Ongar and North Weald.

Councillor J Philip advised that when the Parliamentary Boundary review was discussed at the Governance Select Committee, it was very clear that the local communities within the district wanted to remain unchanged and they had expressed the view that any Parliamentary changes should not affect the Local Government Boundaries.

(g) Cottis Lane Car Park, Epping

Councillor J M Whitehouse asked the Safer, Cleaner and Greener Portfolio Holder whether he had any future plans to look into the length of the car parking tariff's in Cottis Lane, Epping especially on Market days when it was at full capacity. He also raised concerns on the pay by phone system, which seemed to allow parking beyond the theoretical maximum period.

Councillor S Kane advised that he had attended a recent meeting with Epping Town Council to look at parking situation, especially on market days. He would also investigate the pay by phone concerns.

(h) Volunteers within the District

Councillor S Murray asked the Leader of Council, whether he agreed with him that the Council should pass on it's appreciation to the community and voluntary organisations that help the residents of Epping Forest District.

Councillor C Whitbread agreed that the community and voluntary organisations had done a great deal for the Council and its residents in the past year. The Council thanked all the community and voluntary organisations that helped.

78. MOTIONS

The Chairman reported that there were no motions to be considered at this meeting.

79. CAPITAL REVIEW 2017-22

Mover: Councillor G Mohindra, Finance Portfolio Holder

Councillor G Mohindra submitted a report seeking Capital supplementary funding for the Epping Forest Shopping Park, the surrender of the Glyn Hopkins Ltd lease in Waltham Abbey and the installation of CCTV systems in Council-owned car parks.

Report as first moved ADOPTED

RESOLVED:

- (1) That a Capital supplementary estimate in the sum of £741,000 for the Epping Forest Shopping Park development be approved;
- (2) That a Capital supplementary estimate in the sum of £52,000 for the surrender of a lease by Glyn Hopkins Ltd in Waltham Abbey be approved; and
- (3) That a Capital supplementary estimate in the sum of £20,000 for the installation of CCTV systems in Council-owned car parks be approved.

80. LOCAL COUNCIL TAX SUPPORT SCHEME 2018/19

Mover: Councillor G Mohindra, Finance Portfolio Holder

Councillor G Mohindra submitted a report regarding the Local Council Tax Support Scheme for 2018/19.

Report as first moved ADOPTED

RESOLVED:

That the revised Local Council Tax Support Scheme 2018/19 be approved.

81. CORPORATE PLAN 2018-23

Mover: Councillor C Whitbread, the Leader of Council

Councillor C Whitbread submitted a report regarding the Corporate Plan 2018-23 and the Corporate Specification for 2018/19.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the Corporate Specification for 2018/19 be adopted;
- (2) That the Corporate Plan 2018 – 23 be adopted; and
- (3) That the Leader of Council, in consultation with the Chief Executive, be authorised to agree any further changes to the Corporate Plan 2018 – 23 and Corporate Specification 2018/19.

82. ADDITIONAL POLICING / UNIFORMED SERVICES

Mover: Councillor S Kane, Safer, Cleaner & Transport Portfolio Holder

Councillor S Kane submitted a report seeking a supplementary estimate for the appointment of Parkguard Security Company, to provide regular uniformed patrols in the District for a short term period between 2 January and 31 March 2018.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That a District Development Fund supplementary sum of £25,000 for Parkguard Security Company to provide regular uniformed patrols in the district until 31 March 2018 be approved.

83. WHISTLEBLOWING POLICY & PROCEDURE.

The Director of Governance, C O'Boyle presented a report on behalf of the Chairman of the Audit and Governance Committee regarding the revised and updated Whistleblowing Policy and Procedure.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the revised Whistleblowing Policy and Procedure, attached at Appendix 1 to the minutes be approved.

84. OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Overview and Scrutiny Committee, M Sartin advised that Transport for London (TfL) officers would be attending the next meeting on the 9 January 2018, to discuss the buses services provided in the south of the district and all members were welcome to attend.

85. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The Chairman informed members that there were no reports to be considered on the business of joint arrangements and external organisations.

86. SENIOR MANAGEMENT SELECTION AND APPEAL PANELS

The Head of Paid Services, G Chipp presented a report on the establishment of a Senior Management Selection Panel and Senior Management Appeals Panel following the Cabinet decision on 7 December 2017, to create a Common Operating Model and restructure of the Council's chief officer positions. The Council's Constitution set out the Officer Employment Procedure Rules for these matters and required the Council to make appointments of both panels. The Council also noted a change to the Officer Employment Procedure Rules reported by the Chief Executive.

RESOLVED:**Senior Management Selection Panel**

(1) That Councillors C Whitbread, A Grigg, G Mohindra, M Sartin, C P Pond, B Jennings and B Surtees be appointed on the Senior Management Selection Panel;

(2) That the selected members undertake prior Recruitment and Selection training as required by Part 4 of the Constitution;

(3) That Councillor C Whitbread be appointed Chairman and Councillor M Sartin be appointed Vice Chairman of the Senior Management Selection Panel;

(4) That the Selection Panel's Terms of Reference/Delegations be agreed as follows:

"In accordance with the Officer Employment Procedure Rules set out in Part 4 of the Council's Constitution:

(i) To undertake the recruitment and selection of Chief Executive and Chief Officer positions as necessary;

(ii) To appoint to the proposed Chief Officer positions subject to the Objection Procedure.

(iii) To recommend the appointment (if necessary) of the Chief Executive to the Council subject to the Objection Procedure.

(iv) To undertake the functions of the redundancy panel procedure including:

- Ensuring that those affected are informed and consulted

- Considering proposals to make any Chief Officer post holders redundant
 - Taking into account consideration of alternative proposals from those affected by such proposals
 - Whether alternative positions may be available; and
- (v) Consequent on (iv) above, notifying the Executive and making recommendations to Council accordingly; and
- (vi) To make recommendations to the Council on designations of the statutory officers positions and their deputies as necessary.”

Senior Management Appeals Panel

- (5) That Councillors S Stavrou, G Chambers, H Kane, J Philip, J Jennings, C C Pond and J M Whitehouse be appointed on the Appeals Panel;
- (6) That the selected members to undertake prior Appeals training;
- (7) That Councillor J Philip be appointed Chairman and Councillor S Stavrou be appointed Vice Chairman of the Senior Management Appeals Panel;
- (8) That the Appeals Panel’s Terms of Reference/Delegations be as follows:
- “In accordance with the Officer Employment Procedure Rules set out in Part 4 of the Council’s Constitution:
- (i) Hear and adjudicate appeals made by Chief Officers on any determination of redundancy made by the Selection Panel and recommend to Council on the dismissal (or otherwise) of those Officers”
- (9) That for the purposes of these Panels, the Chief Executive be the ‘Proper Officer’ as defined in the Officer Employment Procedure Rules or, subject to (3)(i) above, another officer nominated by him; and
- (10) That the monitoring officer amend the current Officer Employment Rule 12.1 so that the last sentence reads “ Redundancy and/or Early Retirement payments shall apply in full to Chief Officers.”

CHAIRMAN

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MEMBERS' ALLOWANCES SCHEME

EPHING FOREST DISTRICT COUNCIL - REMUNERATION AND EXPENSES SCHEME

The Epping Forest District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1990 and the Local Authorities (Members' Allowances) (England) Regulations 2001, hereby makes the following scheme:

1. Scheme

- 1.1 This scheme may be cited as the Epping Forest District Council Members' Allowance Scheme and shall have effect for the period from 25 May 2018 to 26 May 2019.

2. Definition

- 2.1 In this scheme:

"business mileage" means mileage incurred for journeys by Councillors between their homes and business venues or between the Civic Offices, Epping and business venues;

"Councillor" means a member of the Epping Forest District Council who is a Councillor;

"home to office mileage" means mileage incurred for journey by Councillors between their homes and the Civic Offices in Epping;

"independent person" means (a) a member of the Standards Committee who is not an elected councillor or (b) a co-opted member of an Overview and Scrutiny Committee or the Audit and Governance Committee who is not an elected councillor; and

"year" means the period ending with 26 May 2019.

3. Basic Allowance

- 3.1 Subject to Paragraph 7, £4,300 shall be paid to each Councillor. Payments are subject to deductions for tax and national insurance dependant on the circumstances of individual councillors.

4. Special Responsibility Allowances

- 4.1 For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the allowances specified in Schedule 1 to this scheme. Special responsibility allowances shall be calculated as multipliers of the Basic Allowance. There is no restriction on the number of separate SRA's which are payable to an individual member.
- 4.2 Subject to Paragraph 7, the amount of each allowance shall be the amount specified against that special responsibility in Schedule 1 for the year.
- 4.3 The Council has decided not to implement payment of the full Special Responsibility Allowance amounts and to restrict these to a percentage of each allowance as set out in an annual statement of implementation.

5. Travelling and Subsistence (including Cycle Allowance)

- 5.1 These expenses may be claimed by members of the Council in connection with the carrying out of approved duties specified in Schedules 2, 3 and 4 of this scheme.
- 5.2 Payments may be claimed up to the maximum casual user rate set for officers of the Council as adjusted annually by the National Joint Council for Local Government Services (travel expenses) and the East of England Regional Assembly (subsistence expenses).
- 5.3 Payment of home to office car mileage will be subject to deduction of tax and national insurance contributions, dependant on the circumstances of individual councillors. Business mileage incurred by councillors will not be subject to such deductions if the mileage rate claimed does not exceed 45 pence per mile.
- 5.4 Claims for the payment of business and/or home to office mileage may be made by members that have been driven to the approved duty giving rise to the claim, other than by way of taxi or other form of public transport, subject to the Council's usual checks and controls and the provision of appropriate VAT receipts.

6. Child Care and Dependant Carers' Allowances

- 6.1 The maximum rate for this allowance shall be set at a rate equivalent to the current National Living Wage.
- 6.2 A member of the Council or an independent person shall be eligible to claim up to four hours of the allowance for the performance of approved duties under this scheme and for the purpose of contributing to the cost of providing personal care to immediate dependants who are in need of care and supervision.
- 6.3 The rate applicable shall be subject to automatic increases on an annual basis in line with uprating of the National Living Wage.
- 6.4 The allowance is not payable in respect of carers who are members of the member's immediate and close family i.e. parents, children, spouses, co-habitees or members of the same household as the member.
- 6.5 All claims shall be subject to Audit checks and no claim in excess of the maximum level will be payable, whatever the circumstances.

7. Renunciation

- 7.1 A councillor or independent person may by notice in writing given to the Director of Governance, elect to forego any part of his/her entitlement to an allowance under this scheme.

8. Part-year Entitlements

- 8.1 The provisions of this paragraph shall have the effect of regulating the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- 8.2 If an amendment to this scheme changes and the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:
- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
 - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the end of the year; and
 - (c) the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
- 8.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- 8.4 Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the period mentioned in such-paragraph (2)(a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole of the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.
- 8.5 Where a councillor has during part of, but not throughout a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole of the same proportion as the number of days during which he/she has such special responsibilities, bears to the number of days in that year.
- 8.6 Where this scheme is amended as mentioned in sub-paragraph (2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

9. Claims and Payments

- 9.1 Payments shall be made in respect of basic and special responsibility allowances, subject to subparagraph (2), in instalments of one quarter of the amount specified in this scheme.
- 9.2 Where a payment of one-quarter of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which by virtue of paragraph 8(1), he or she is

entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

- 9.3 Claims must be made within a period of one year of the duty being carried out. Payments after that period will only be made in exceptional circumstances.

10. Uprating for Inflation

- 10.1 There will be no inflationary adjustment to the allowances set out in this scheme, except those relating to travel and subsistence.

11. Co-optees' Allowance

- 11.1 Co-optees' allowance will be payable to independent persons as set out in Schedule 5 to this scheme.

12. Withholding/Recovery of Payments

- 12.1 Where any councillor or independent member has already received a payment in respect of any period during which they have been:

- (a) ceased to be a member of the Authority; or
- (b) not entitled in any other way to receive the allowance in respect of that period, the Council may require that such part of the allowance as relates to the period in question shall be repaid to the Authority.

13. Pensionable Status

- 13.1 Remuneration payable to councillors of Epping Forest District Council under this scheme shall only be entitled to pensionable status in accordance with a scheme made under Section 7 of the Superannuation Act 1972, if the member opted in to the Essex Superannuation Scheme before 1 April 2014.
- 13.2 For the purposes of a Paragraph 13.1 above basic allowance and special responsibility allowance will be treated as amounts in respect of which such pensions are payable in accordance with a scheme under that Act.
- 13.3 The Local Government Pension Scheme (LGPS) (Transitional Provisions, Savings and Amendment) Regulations 2014 removed access to the LGPS for Councillors from 1 April 2014, with the exception of those who were members of the Scheme on 31 March 2014, who retain access to the LGPS up to the end of their current term of office only (or to age 75 if earlier).

14. Further Guidance

- 14.1 Further guidance on this scheme can be found in Appendix 1.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES

1. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances.

DUTY	ANNUAL TOTAL AMOUNT OF SRA
Chairman of the Council	£10,750.00
Vice-Chairman of the Council	
Leader of the Council	£10,750.00
Cabinet Members	£6,450.00 (each)
Chairman of the District Development Management Committee	£3,225.00
Chairmen of the Area Plans Sub-Committees	£3,225.00 (each)
Chairman of the Overview and Scrutiny Committee	£4,300.00
Chairman of the Licensing Committee	£500.00
Chairmen of the Licensing Sub-Committees	£2,225.00 (allocated according to the number of meetings chaired each year)
Chairman of the Staff Appeals Panel	£110.00 per meeting held each year
Chairman of the Audit and Governance Committee	£2,150.00
Chairmen of the Overview and Scrutiny Select Committees	£2,150.00 (each)
Chairman of the Standards Committee	£110.00 per meeting held each year
Chairman of the Constitution Working Group	£500.00

SCHEDULE 2

APPROVED DUTIES

1. The following are specified as an approved duty for the purpose of the payment of travelling and subsistence expenses, attendance at any of the following:
 - (a) a meeting of the authority, the Cabinet, a Cabinet Committee, the Overview and Scrutiny Committee and its Panels, the Standards Committee and its Sub-Committees, or as a member of any other Committee or sub-committee, panel, working group, special committee or board of the authority;
 - (b) any other meeting held by the Authority provided that:
 - where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
 - if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - (c) duties relating to the supervision of tender opening as required by the Council's Standing Orders;
 - (d) attendance as representative of the Council at any approved conference or meeting of the outside organisations set out in Schedules 3 and 4;
 - (e) attendance at any meeting or other official function at the request of the Chief Executive, Deputy Chief Executive or a Service Director including meetings between group representatives for a particular Committee and officers;
 - (f) any other duty approved by the Council or the Cabinet or any other committee, sub-committee, special committee or Board or Panel or any duty of a class so approved, for the purpose of, or in connection with, the discharge of functions or the body, or of any of its committees or sub-committees;
 - (g) attendance by a councillor at a meeting of which he or she is not a member for the purpose of explaining a motion referred from the Council;
 - (h) attendance as a councillor at the invitation of the Local Government Commissioner for Administration for the purpose of investigating a complaint against this Council of maladministration;
 - (i) attendance as an appointed representative of Epping Forest District Council at any meeting of Essex County Council or any of its committees or sub-committees for the purpose of formal consultations on any matter affecting the powers or duties of this Council or the district or any part thereof;
 - (j) attendance on behalf of the Council or the Cabinet or as a Chairman on behalf of a Committee at an official function;
 - (k) attendance at seminars and training courses arranged by the authority;
 - (l) consultation meetings arranged by the authority where the member's attendance is required or where the business directly affects the member's ward;

- (m) site visits arranged by Area Plans Sub-Committees or the District Development Management Committee;
 - (n) informal site visits by individual councillors in respect of their duties as members of an Area Plans Sub-Committee;
 - (o) attendance at a meeting concerning joint working or partnership arrangements to represent the Council's interests; and
 - (p) attendance at any civic event to which the Chairman or Vice-Chairman is attending in that capacity (or representative) for which Council funded transport is not provided.
2. There is specified as an approved duty for the purpose of paying travelling and subsistence expenses attendance at any of the outside organisations shown in Schedule 4.
 3. Attendance by members of the Council at meetings of outside organisations not shown in Schedule 4 shall NOT qualify for payment of travelling and subsistence expenses.

SCHEDULE 3

CONFERENCE AND MEETINGS

Conference and meetings organised by any person or body who is not doing so by way of trade nor whose objects are wholly or partly political, attendance at which is authorised by or on behalf of the authority and which does not involve an absence overnight from the councillors normal place of residence.	Appropriate subsistence and travelling expenses (second class return rail fare or car mileage at the appropriate rates whichever is the less if travel outside the Epping Forest District is required).
Conferences and meetings organised by any person or body who is not doing so by way of trade, nor whose objects are wholly or partly political, attendance at which is authorised by or on behalf of the authority and which involves an absence from the councillor's normal place of residence of one or more nights.	Appropriate subsistence and travelling expenses (second class return rail fare or car mileage at the appropriate rate whichever is the less if travelling outside the Epping Forest District is required).

SCHEDULE 4

OUTSIDE ORGANISATIONS

Attendance as appointed representative of the Council on any outside organisations, such attendances being deemed approved duty for the purpose of paying subsistence and travelling expenses.

SCHEDULE 5

CO-OPTEES' ALLOWANCE

Independent Persons affiliated to the Standards Committee	£500.00 per annum
Independent Members of the Remuneration Panel and Parish Remuneration Panel	£250.00 per annum
Co-opted members of the Audit and Governance Committee	£500.00 per annum
Co-opted independent members of an Overview and Scrutiny Committee	£500.00 per annum

MEMBER REMUNERATION SCHEME

**EPPING FOREST DISTRICT COUNCIL
GUIDANCE NOTE ON ALLOWANCES AND EXPENSES FOR MEMBERS**

1. INTRODUCTION

- 1.1 A Councillor is eligible for the payment of attendance allowances and for reimbursement of travel and subsistence expenses in respect of approved duties carried out on behalf of the Council. An approved duty is one which has been authorised by or on behalf of the Council in advance.
- 1.2 The Council has a formal scheme for allowances which is updated from time to time. A copy of the scheme is set out in the Constitution. This note is of a more informal nature and is designed to assist members in dealing with their claims and explaining the arrangements to the public.

2. BASIC ALLOWANCE

- 2.1 This is a flat rate allowance payable to all members of the Council. This annual amount is paid in quarterly instalments. Members do not have to claim this amount. The full amount of the Basic Allowance is £4,300.00 per member, per annum.
- 2.2 The Council requires each of its elected councillors to be registered as a data controller in accordance with the provisions of the Data Protection Act 1998. Although members are responsible for their individual compliance with the data protection principles of the Act, the Council coordinates the registration (and annual renewal) process on behalf of members and an amount of £35.00 is therefore withheld from the Basic Allowance each year to meet the registration fee imposed by the Information Commissioner.

3. SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 This is a special allowance payable to the Leader, Cabinet members and certain Chairmen. It is designed to reflect the additional responsibilities of these office holders. This amount is paid in quarterly instalments during the year and does not have to be claimed.
- 3.2 The Special Responsibility Allowance applicable to the chairmen of the Standards Committee and the Staff Appeals Panel is applied on a 'per-meeting' basis and is paid in a single instalment at year-end.
- 3.3 The Council has decided not to implement payment of the full Special Responsibility Allowance amounts and to restrict these to a percentage of each allowance set out in the Scheme.

4. TRAVEL EXPENSES

- 4.1 Members may re-claim reasonable travel expenses (including public transport tickets, taxi fares, parking costs where appropriate subject to submission of evidence of expenditure) in respect of approved duties as defined in the scheme (Schedule 2).

Car Travel

- 4.2 The normal rates for car travel are the same as the higher rates paid to officers classed as casual users. Claims must be fixed on the rates applicable at the time of the journey. These rates are set out on the claim form and are reviewed annually.

Shortest Distance

- 4.3 Claims for car travel should be by reference to the shortest distance from home to the Council offices or other venue for the approved duty concerned. No claim for additional expenses will be entertained unless there is a valid reason for incurring the additional mileage.

Travel Direct from Place of Employment etc

- 4.4 For claims involving direct travel from a Councillor's place of employment (or other departure point) for an approved duty, the distance claims shall be limited to the home to meeting venue element of the journey. All such claims must be endorsed "CLAIM LIMITED" on the form.

Travel outside the District – Limit on Amount Claimable

- 4.5 For journeys to approved meetings outside the District or by members resident outside the district, claims irrespective of mode of travel must not exceed the lower of:
- (a) second class return rail fare plus underground and other fares from station to destination at each end of the journey; or
 - (b) the appropriate car mileage.
- 4.6 This is subject to consideration of any special circumstances as set out in 4.7 below.

Travel over Long Distances – Special Circumstances

- 4.7 If, for any reason, a councillor undertakes travel over long distances or from outside the District, members are advised to contact the Assistant to the Chief Executive in advance for advice on what would constitute a reasonable claim in the circumstances.

Use of Public Transport within Epping Forest District

- 4.8 The rate for travel by public transport must not exceed the ordinary fare (or any available cheap fare). A member may not claim travelling expenses in respect of a single duty from more than one body. In all such claims evidence of expenditure (i.e. tickets or other receipts) MUST be provided. No claim will be allowed without such evidence.

Cycle Allowance

- 4.9 This allowance is payable at the highest of the higher casual rates paid to officers classed as casual users.

Child and Dependant Carer's Allowance

- 4.10 This allowance may be claimed at a rate equivalent to the current rate for the National Living Wage. Certain conditions are set out in the Scheme.

5. SUBSISTENCE EXPENSES

- 5.1 Subsistence expenses (covering refreshments and meals etc paid for by a member) are claimable by councillor in respect of making attendances connected with approved duties on behalf of the Council. The rates for such expenses are set out (by reference to meal time and periods of absence) on the reverse of the form which is supplied to members on a quarterly basis. These rates may not be exceeded. Periods of absence will be calculated on the basis of departure from home or place of work if it is not possible to return home in the time available.
- 5.2 All claims for subsistence must be accompanied by receipts in respect of meals etc as evidence of expenditure actually having been incurred. No claims will be allowed in the absence of such evidence.
- 5.3 Special arrangements exist in respect of subsistence expenses in respect of duties involving an absence overnight from a councillor's normal place of residence. These are outlined under Section 7 relating to conferences.
- 5.4 A Councillor may not claim subsistence expenses in respect of a single duty from more than one body.

6. CONFERENCES

- 6.1 Attendance at Conferences and payment of allowances and expenses are subject to prior approval by the Council, Cabinet, appropriate committee, Leader or Deputy Leader in all cases.
- 6.2 All conferences deemed to be approved duties shall, in accordance with statutory requirements, be relevant to the District and not wholly or partly commercial or political in their objectives.

Allowances for Attendance at Conferences (Involving an Absence from Home)

Subsistence - Nights Away from Home

- 6.3 For conferences involving one or more night's absence, claims can be made for reasonable day or overnight expenses that are necessarily and exclusively incurred in the attendance as an authorised representative of the Council at a meeting, conference or seminar that it held outside of the Epping Forest District.

Claims for Subsistence

- 6.4 These claims should cover such items as hotel bills, refreshments, meals (other than free meals which should be discounted) and similar items. No claims will be allowed unless evidence is provided of all expenditure being claimed. All relevant bills and receipts should be forwarded to the Assistant to the Chief Executive with claims.

Travel Claims

- 6.5 The guidance outlined under paragraph 4.5 will apply to all conferences.

7. TAXATION AND NATIONAL INSURANCE IMPLICATIONS

- 7.1 Details of the tax and national insurance implications of allowance payments and expenses claimed are available through Democratic Services. In such matters, members are advised to seek advice from their tax office in the event of any concerns.
- 7.2 Supplementary Note Regarding Treatment of Claims for Travel Expenses by Car for Tax and National Insurance Purposes.

(a) Travel by Car – Councillors’ Homes to Civic Offices Expenses (“Home to Office Mileage”)

- 7.3 Her Majesty’s Revenue and Customs (HMRC) deems a councillor’s workplace for the purposes of their role as an elected representative to be the Civic Offices, Epping. From April 2016, ‘Home to Office Mileage’ is no longer subject to tax and national insurance deductions, provided that the distance between a councillor’s home and the Civic Offices is no more than 20 miles.
- 7.4 If the upper rate of mileage is also claimed (any amount above 45p per mile) this part of the payment will be treated as a taxable benefit and national insurance will be deducted. A petrol/diesel VAT receipt will be required to be submitted with all claims before payment can be made, which must predate the first date of mileage on the submitted claim. The receipt must also be dated within a reasonable timeframe of the first journey for which a claim is made.

(b) Travel by Car – Councillors’ Homes to Other Venues or Civic Offices to Other Venues for the Purposes of Council Business (“Business Mileage”)

- 7.5 HMRC has determined that such travel shall not be subject to tax or national insurance deductions except where the rate of reimbursement exceeds 45 pence per mile. Travel to any meetings of the Council or its subordinate bodies which are held at a location other than the Civic Offices is deemed to be business mileage.

(c) Second Journeys

- 7.6 Second journeys will be subject to taxation and National Insurance deductions depending on whether the journey constitutes home to office or business mileage.

8. ALTERATION OF CLAIMS

- 8.1 All claim forms submitted by members are checked by Democratic Services. The Director of Governance (or the Assistant Director (Governance and Performance Management) acting on their behalf) is authorised to reduce incorrect claims in the following circumstances:
- (a) where a member does not attend at a claimed meeting;
 - (b) where a claimed meeting is not approved;
 - (c) where an incorrect amount of allowance is claimed; and
 - (d) where a correct date has not been claimed.
- 8.2 Any changes under paragraph 8.1 will be notified to members after the claim form has been processed. Any other problems with members’ claims will be referred back for the claimant and processing of the claim will not take place until the query has been clarified.

9. INTERPRETATION

- 9.1 These guidelines are subject to the overall interpretation of the Chief Executive as to what constitutes a reasonable claim in any individual circumstances.

10. DOCUMENT HISTORY

Prepared/Revised	Written by	Agreed/Authorised	Details of Change(s)
November 2015	S. Tautz (Democratic Services Manager)	Remuneration Panel (17/11/15) Council (15/12/15)	Review of Scheme for 2016/17 municipal year
October 2016	S. Tautz (Democratic Services Manager)	Remuneration Panel (28/9/16) Council (20/12/16)	Review of Scheme for 2017/18 municipal year
November 2015	S. Tautz (Democratic Services Manager)	Remuneration Panel (30/10/17) Council (21/12/17)	Review of Scheme for 2018/19 municipal year

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SCHEME OF MEMBERS' ALLOWANCES - STATEMENT CONCERNING IMPLEMENTATION 2018/19

**The following scheme has been agreed for the period
from 25 May 2018 to 26 May 2019**

**The Council decided at its meeting on 21 December 2017 to implement the amount of
Basic, Special Responsibility and Co-optees Allowances provided in the scheme as
set out below:**

BASIC ALLOWANCE	ANNUAL BASIC ALLOWANCE	IMPLEMENTATION OF BASIC ALLOWANCE
All Councillors	£4,300.00	£4,300.00 (100%)

**The amounts set out below show the amounts of Special Responsibility Allowance
(SRA) payable during the year:**

DUTY	ANNUAL SPECIAL RESPONSIBILITY ALLOWANCE	IMPLEMENTATION OF SPECIAL RESPONSIBILITY ALLOWANCE
Chairman of the Council	£10,750.00 (total)	£8,600.00 (80%)
Vice-Chairman of the Council		£2,150.00 (20%)
Leader of the Council	£10,750.00	£7,875.00 (73%)
Cabinet members	£6,450.00 (each)	£6,300.00 (98%)
Chairman of the District Development Management Committee	£3,225.00	£2,362.00 (73%)
Chairmen of the Area Plans Sub-Committees	£3,225.00	£2,362.00 (73%)
Chairman of the Overview and Scrutiny Committee	£4,300.00	£3,150.00 (73%)

Chairman of the Licensing Committee	£500.00	£500.00
Chairmen of the Licensing Sub-Committees	£2,725.00 (allocated according to the number of meetings each year)	£1,862.00 (allocated according to the number of meetings each year) (73%)
Chairman of the Staff Appeals Panel	£110.00 (per meeting)	£110.00 (per meeting)
Chairman of the Audit and Governance Committee	£2,150.00	£2,150.00
Chairmen of the Overview and Scrutiny Select Committees	£2,150.00	£2,150.00 (each)
Chairman of the Standards Committee	£110.00 (per meeting)	£110.00 (per meeting)
Chairman of the Constitution Working Group	£500.00	£500.00

The amounts payable during the year for independent and co-opted members are:

Independent Persons affiliated to the Standards Committee	£500.00
Independent Members of the Remuneration Panel and Parish Remuneration Panel	£250.00
Co-opted members of the Audit and Governance Committee	£500.00
Co-opted independent members of an Overview and Scrutiny Committee	£500.00

A copy of the full scheme is available on request from Democratic Services, Civic Offices, High Street, Epping, CM16 4BZ.

Epping Forest District Council

Whistleblowing

Policy and Procedures

(Confidential Reporting)

Version	1	Status	DRAFT
Implementation Date	November 2017	Review Date	October 2020
Revised by	Martin Crowe	Policy Lead Officer	Sarah Marsh

CONTENTS

	Page
Introduction	3
Scope	3
Aims	3
What is a whistleblower?	3
Staff responsibilities	3
Safeguarding – allegations of abuse made against staff	4
Harassment or Victimisation	4
Types of whistleblowing eligible for protection	5
Who is protected?	5
Who isn't protected?	5
Tribunals	5
Confidentiality	6
Anonymous allegations	6
Untrue allegations	6
Reviewing the Policy and Procedure	6
Other relevant information	6
Other organisation's policies and procedures	7
Whistleblowing Procedure	8
Raising a concern	8
How to raise a concern	9
How the Council will respond	9
Action to be taken	9
Acknowledging receipt	10
Timescales	10
Investigating Procedure	10
Future contact and meetings	10
Support offered during the enquiry	10
Alleged perpetrator	11
How the matter can be taken further	11
Other useful contacts	11

Introduction

Epping Forest District Council (EFDC) will not tolerate activities such as criminal activity, improper conduct, unethical behaviour, malpractice etc. or any attempt to conceal such activities in the administration of its responsibilities.

The Council believes in having an open and honest culture and is committed to the highest possible standards of probity and accountability. In line with that commitment, the Council encourages anyone with serious concerns about any aspects of the Council's work to raise those concerns.

The Council is committed to tackling the types of conduct listed above and other forms of malpractice, including abuse of vulnerable people, and treats these issues extremely seriously.

Employees and Members are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, they may feel it is easier to ignore the concern rather than report what may just be a suspicion for fear of being wrong.

The Council recognises that some concerns may be extremely sensitive and have therefore established a framework to allow concerns to be raised confidentially, and provide for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

This policy fully complies with and supports The Public Interest Disclosure Act 1998 and The Enterprise and Regulatory Reform Act 2013 (which amends The Employment Rights Act of 1996).

Scope

This policy applies to matters of suspected fraud and corruption within the Council as well as allegations of other unacceptable conduct perpetrated by staff (including contractors). It is intended to cover concerns that fall outside the scope of other procedures. For example, there are separate procedures in place to enable staff to lodge a grievance relating to their employment.

This policy also supports the Council's anti-fraud and corruption strategy and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees and Members to raise serious concerns within the Council, irrespective of seniority, rank or status, rather than overlooking a problem.

Aims

This policy aims to:

- provide ways for staff to raise concerns and receive feedback on any action taken.
- allow staff to take the matter further if they are dissatisfied with the Council's response.
- reassure staff that they will be protected from reprisals or victimisation for reporting in good faith.

What is a whistleblower?

It is an employee, a former employee or member of an organisation who reports suspected misconduct to people or entities that have the power and presumed willingness to take corrective action. Officially this is called 'making a disclosure in the public interest'.

Staff responsibilities

Staff have a duty to draw attention to bad and/or poor practice in the workplace, including practice that may be criminal, abusive and/or neglectful and unethical. Failure to report amounts to collusion with the perpetrator and abuse. Additionally, staff who work with vulnerable people have an individual responsibility to raise concerns with someone who has the authority to take action.

It may be necessary to go outside the immediate work environment or the immediate organisation, for example to Social Services or the Police.

A staff member can report things that they know or suspect aren't right, are illegal or if anyone at work is neglecting their duties. Concerns must be raised when staff reasonably believe that one or more of the following has occurred, is in the process of occurring, or is likely to occur:

- a criminal offence (including fraud, corruption, bribery, money laundering)
- a failure to comply with a statutory or legal obligation
- improper unauthorised use of public or other funds
- improper use or misappropriation of assets (for example, theft of council property)
- a miscarriage of justice
- maladministration, misconduct or malpractice
- endangering of an individual's health and safety
- staff perpetrating abuse of a vulnerable individual
- damage to the environment
- any other similar occurrences
- any instance of unethical behaviour
- deliberate concealment of any of the above

If staff are unsure whether a concern should be raised, advice can be sought from the Director of Resources (Section 151 Officer), the Director of Governance (Monitoring Officer), the Director of Communities, the Director of Neighbourhoods, or Chief Internal Auditor, (the Section 151 Officer and Monitoring Officer are statutory roles). The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

Safeguarding - allegations of abuse made against staff

All Council staff should be aware that colleagues could carry out abuse of children and vulnerable adults and that all allegations are taken seriously so that appropriate action can be taken.

In the event of a serious allegation against a member of staff regarding children or young people, the Council will follow the procedures set out in the Southend, Essex and Thurrock (SET) Child Protection document and will involve the Local Authority Designated Officer (LADO) employed by Essex County Council.

The Council will use similar procedures in order to protect vulnerable adults.

If staff feel a colleague has:

- (a) behaved in a way that has harmed a vulnerable person, or may have harmed a vulnerable person; or
- (b) possibly committed a criminal offence against, or related to, a vulnerable person; or
- (c) behaved towards a vulnerable person in a way that indicates they are unsuitable to work with them

then they *must* inform their line manager immediately and follow the relevant procedure as outlined in the Council's Safeguarding Policy and Procedures.

Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean, if they are the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of confidential reporting.

Types of whistleblowing eligible for protection

People have in the past often been deterred from whistleblowing about abuse or neglect by duties of confidentiality and/or fear of the consequences of speaking out.

The Public Interest Disclosure Act 1998 seeks to protect individuals making disclosures and expects that malpractice disclosures will generally be made in the first instance to the person's employer or another person/body who appears responsible for the malpractice.

The Act expects employers to have procedures so that staff who have justified concerns about breaches of practice or the law can pass on these concerns to be investigated. Staff are only protected by the Act if they

are acting in good faith, and reasonably believe that their allegations are true. Allegations made for financial gain are not protected, even if they are true.

It may be justified for the whistleblower to disclose to a third party in the first instance rather than the employer.

A disclosure made in accordance with the Act's expectations will mean that:

- a confidentiality clause in an employment contract cannot be used to prevent staff from disclosing relevant breaches of the law or practice. This means that confidentiality terms in employment contracts cannot be used by employers who are responsible for breaking a law or for abuse or neglect or other malpractice.
- dismissal on grounds of disclosure within the terms of the Act is automatically unfair, and can be challenged before an employment tribunal.

Someone who is treated detrimentally at work because of making a disclosure, which is protected by the Act, may be able to claim compensation at an Employment Tribunal.

The person providing the information may be reluctant to give their name or they may ask that they remain anonymous. Their wishes will be recorded and respected as part of the referral process.

Whilst respecting their right to confidentiality, they cannot however be given an absolute undertaking that they will not be identified at a later date, especially, if any legal action is indicated.

Who is protected?

The following people are protected:

- employees
- agency workers
- people that are training with the Council, but not employed
- self-employed workers engaged by the Council, if supervised or working off-site
- volunteers
- Council Members

A worker will be eligible for protection if:

- they honestly think what they're reporting is true
- they think they're telling the right person
- they believe that their disclosure is in the public interest

Workers who aren't employees cannot claim unfair dismissal because of whistleblowing, but they are protected and can claim what is known as 'detrimental treatment'.

Tribunals

Workers dismissed for whistleblowing can go to an employment tribunal. If the tribunal decides the employee has been unfairly dismissed, it may order that they are:

- reinstated (get their job back)
- paid compensation

A tribunal judge can reduce any compensation awarded by 25% if they find the person has acted dishonestly.

A whistleblower who is bullied at work will also be able to bring a claim to the employment tribunal against their employer or colleagues.

Confidentiality

The Council will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process. However, it must be appreciated that the investigation process may reveal the source of the information.

Any statement made by a whistleblower may be required as part of the evidence but could be submitted anonymously, if requested.

Anonymous Allegations

This policy encourages staff to put their name to their concerns. Anonymous allegations make it difficult to assess the veracity (truth) of the person making the allegation as well as the credibility of the facts and evidence on which the concern is based. It is worth remembering that some cases will rise and fall on the credibility of the person making the allegation. Concerns expressed anonymously are more difficult to action effectively, but they will all be considered. In such circumstances, the Council will take the following factors into account when establishing the scope and depth of the investigation:

- the seriousness of the issues raised.
- the credibility of the concern.
- the likelihood of confirming the allegation from attributable sources and information provided.

Untrue Allegations

If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. In raising a concern, you should exercise due care to ensure the accuracy of the information. If you knowingly make a malicious or vexatious allegation, or make an allegation for personal gain then further action may be taken against you (which may include disciplinary action).

Reviewing the Policy and Procedure

The Chief Executive has overall responsibility for the maintenance and operation of this policy. The Chief Internal Auditor maintains a record of concerns raised and outcomes, and will report, on an annual basis, to Members via the Audit and Governance Committee.

Other contacts with respect to this policy are the Director of Neighbourhoods, Director of Governance, Director of Resources, Director of Communities, Chief Internal Auditor, Assistant Director (Human Resources), Assistant Director (Benefits) and your trade union representative.

The Whistleblowing Policy and Procedure will be reviewed every three years, or when necessary due to changes in legislation etc., by the Chief Internal Auditor.

Other relevant information

Other relevant EFDC documents that may be read in conjunction with this Policy and Procedure:

- Anti-Fraud and Corruption Strategy (including the Fraud Response Plan and Anti Money Laundering Policy)
- Safeguarding Policy and Procedures;
- Recruitment Policy and Procedures;
- Staff Handbook - Disciplinary and Grievance Policies and Procedures;
- Staff Code of Conduct;
- Safety Policy;
- Accident and Incident Report Guidance.
- Safe Working Practice Guide – A guide to professional boundaries for Staff;
- A Guide to Risk Management for Managers and the Risk Assessment Template;
- Equality and Diversity Policy;
- Compliments and Complaints Booklet;
- Dealing with Complaints – for officers and Members
- Data Protection Policy and Procedures.
- IT Policies and Procedures regarding e-safety and appropriate use of the internet.

Other organisation's policies and procedures:

- Southend, Essex & Thurrock (SET) - Child Protection Procedures.
- Southend, Essex & Thurrock (SET) - Safeguarding Adult Guidelines.

Whistleblowing Procedure

Raising a concern

The way a worker can 'blow the whistle' on wrongdoing depends on whether they feel they can tell their employer. If staff feel they can't tell their employer, they should contact a prescribed person or body such as a trade union etc. If staff decide to blow the whistle to a prescribed person rather than the Council, they must make sure that they've chosen the correct person or body for the issue.

For example:

- HM Revenue and Customs - for taxation, business, finance or fraud.
- The National Audit Office - fraud and corruption in local government.
- The National Crime Agency - about money laundering and major financial crimes.
- The Information Commissioner - data protection and freedom of information rights and duties.
- The Health and Safety Executive - health and safety at work.
- The Pensions Regulator - about occupational and private pensions.

Staff should make disclosures to people other than their employer if:

- they reasonably believe that they will be treated detrimentally for disclosing to the employer; or
- they reasonably believe that the evidence will be destroyed or hidden if the employer is 'tipped off'; or
- the employer has been told, but has not taken appropriate action.

Raising concerns within the Council – staff should contact one of the following:

- their Line Manager
- their Service Director
- their Trade Union representative
- the Corporate Fraud Investigation Team
- the Chief Internal Auditor
- the Human Resources Department

Staff may also raise a concern or discuss the issue with:

Job Title	Name	Contact
The Chief Internal Auditor	Sarah Marsh	01992 564446
The Chief Executive	Glen Chipp	01992 564758
Deputy Chief Executive (also Director of Neighbourhoods)	Derek Macnab	01992 564050
Director of Resources (Section 151 Officer)	Bob Palmer	01992 564279
Director of Governance (Monitoring Officer)	Colleen O'Boyle	01992 564475
Director of Communities	Alan Hall	01992 564004
The External Auditor (may liaise with the Chief Internal Auditor depending on the type of concern)	Zoe Thompson BDO LLP	01473 320734
Assistant Director of Human Resources	Paula Maginnis	01992 564536
The Corporate Fraud Manager	Martin Crowe	01992 564170

Elected Members should raise concerns with:

The Chief Executive, Deputy Chief Executive, Chief Internal Auditor, Corporate Fraud Manager or Monitoring Officer.

How to raise a concern

The earlier a concern is expressed and the more details provided, the easier it will be to effectively investigate and take action. At this stage, staff are not expected to prove the allegation but will need to demonstrate that there are sufficient grounds for the concern, to enable a meaningful investigation to take place.

Staff can raise a concern in the following ways:

In Writing

- Staff can send a letter or email to one of the people or organisations mentioned on page 7.

Staff should give as much information as they can about their concern giving background information (where relevant), the reason why they're concerned and any important details such as names, dates and places etc. If any evidence is held (such as documents, photographs etc.) this should be provided also.

By Telephone

- Staff can leave a message on the 24-hour Anti – Fraud / Whistleblowing Hotline 01992 564444; or
- Speak to a member of the Internal Audit Team during office hours on 01992 564449 or a member of the Corporate Fraud Team on 01992 564170.

This service is strictly confidential and staff do not have to give their name if they do not wish to. The person receiving the concern will make notes of any conversations so that, if required, a proper investigation can be undertaken.

Through an Advocate

Staff may prefer, in order to protect themselves or maintain anonymity, invite their trade union or other representative to raise the matter on their behalf. The representative may be required to obtain additional information so that a proper investigation can be undertaken.

How the Council will respond

Action to be taken

This will depend on the nature of the concern. The process for fraud, corruption and other criminal investigations is covered in the Fraud Response Plan section of the Anti-Fraud and Corruption Strategy and the matters raised may:

- be investigated internally by Internal Audit.
- be investigated internally by the Corporate Fraud Investigation team
- be investigated internally by an investigating officer appointed by the Monitoring Officer
- be referred to the Police.
- be referred to the external auditor or Ombudsman.
- be referred to the Local Authority Designated Officer (regarding child protection cases).
- form the subject of an independent enquiry.

or any combination of the above.

If the concern is a safeguarding matter then it will be referred to the Safeguarding Lead Officer or one of the designated deputies who will follow the procedures in the Council's Safeguarding Policy and Procedures.

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 will take. Some concerns may be resolved by agreed action without the need for further investigation. Any investigations will follow the course of natural justice and in particular will adhere to Articles 6 and 8 of the Human Rights Act 1998 (right to a fair hearing and right to private family life), the Regulation of Investigatory Powers Act 2000 and other appropriate legislation such as The Police and Criminal Evidence Act 1984 and The Criminal Procedure and Investigations Act 1996 (this list is not exhaustive).

Acknowledging receipt

The person with whom the concern was initially raised will write to the staff member within three working days of the concern being received (excluding anonymous concerns) to acknowledge receipt.

Timescales

Due to the varied nature of these sorts of matters, which may involve internal investigators and /or the police, it is not possible to lay down precise timescales for such investigations in this Policy. Such matters are expected to be investigated quickly but without compromising a proper investigation. There is, therefore, a presumption that the investigation should normally be completed within forty (40) working days commencing from the decision to investigate. If it is clear that the investigation will take longer, for example if outside agencies' are involved, then this time may need to be extended

Please note that these time estimates are indicative only. The Council will respond to all concerns as quickly as possible but the Council will have to test the concerns as appropriate. It must be noted however that testing a concern is not the same as either accepting or rejecting it. The overriding principle for the Council will be the public interest. In order to be fair, initial enquiries will have to be made to decide whether an investigation is appropriate and, if so, what form it should take.

Investigating Procedure

Depending on the nature of the allegation received, it is not feasible to incorporate every stage or action in an investigation. However the following should serve as a set of minimum standards. The Monitoring Officer or his/ her nominated officer may arrange for the appointment of an investigating officer who will:

- Ensure that full details and clarifications of the concern are obtained.
- Consider the involvement of any external agencies at this stage (e.g. the Police).
- Ensure that the allegations are fully investigated with the assistance, where appropriate, of other individuals / bodies.
- Hold interviews with all relevant people as soon as possible.
- Prepare a written report containing the findings of the investigation promptly at the conclusion of the investigation.
- Keep the complainant informed of the progress of the investigations and, if appropriate, of the final outcome.
- If one or more member(s) of staff is implicated then:
 - They should be informed as soon as is practicably possible;
 - The investigator should liaise with the relevant manager(s), where appropriate;
 - The investigator must keep an open mind;
 - The investigator's report will be passed to the Monitoring Officer who will decide what further action to take; and
- The Monitoring Officer will inform any individuals under investigation and the relevant manager(s), where appropriate, as to whether or not the concern has been substantiated.

Future contact and meetings

The amount of contact between staff raising the concern and the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from staff in a discreet manner. When any meeting is arranged, staff have the right, if they wish, to be accompanied by a trade union or other representative. The meeting can be off site, if requested.

Support offered during the enquiry

The Council will take steps to minimise any difficulties staff may experience as a result of raising a concern, and will provide the appropriate level of support. For instance, if staff are required to give evidence in disciplinary or criminal proceedings, the Council will advise them about the procedure and provide reassurance where required.

With internal proceedings, staff will have the option of asking someone else to represent them.

To maintain confidence in the process, staff will be kept advised of the outcome of any investigation (subject to legal constraints).

Staff can withdraw from the process at any stage but they, or their representative, must inform the person with whom the initial concern was raised and the investigating officer. Staff will be requested to provide a reason for their withdrawal.

Alleged perpetrator

The person against whom the concern has been raised will be informed following the initial investigations if it is considered that there is an issue to be investigated further, subject to current Human Resources procedures. This person will be supported in an appropriate manner and will be informed of the progress of the investigation.

How the matter can be taken further

The Council hopes staff will be satisfied with the response to their concern. However, if staff are not satisfied they should inform their Service Director, Chief Executive or Deputy Chief Executive in the first instance.

If staff feel it is right or necessary to take the matter outside the Council, the following are possible contact points:

- the External Auditor
- relevant professional bodies or regulatory organisations
- their solicitor or other legal representative
- the Police
- their Trade Union
- their local Council Member

Other useful contacts:

Public Concern at Work – whistleblowing charity

Provides free confidential advice on how to raise a concern about malpractice at work.

Tel: 020 7404 6609 www.pcaw.co.uk

GOV.UK

More information on whistleblowing can be found on the GOV.UK website at **www.gov.uk/whistleblowing**.