

AWDURDOD TÂN AC ACHUB GOGLEDD CYMRU



NORTH WALES FIRE AND RESCUE AUTHORITY

A meeting of the STANDARDS COMMITTEE will be held FRIDAY 28 FEBRUARY 2020 at the Fire and Rescue Headquarters, St Asaph at 2pm.

Yours faithfully

Colin Everett
Clerk

AGENDA

- 1. Apologies**
- 2. Declaration of Interests**
- 3. Notice of Urgent Matters**
Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B (4) of the Local Government Act, 1972.
- 4. Minutes of the meeting held on 29 November 2019**
- 5. Matters arising**
- 6. Terms of Reference**
- 7. Registering Interests**
- 8. Independent Standards Forum for North and Mid Wales**
- 9. Standards Committee's Annual Report: draft for consideration**
- 10. Review of Whistleblowing Policy**
- 11. Urgent Matters**
To consider any items which the Chair has decided are urgent (pursuant to Section 100B (4) of the Local Government Act, 1972) and of which substance has been declared under item 3 above.

PART II

It is recommended pursuant to Section 100A (4) of the Local Government Act, 1972 that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that there would be disclosed to them exempt information as defined in Paragraph(s) 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972.

None

Minutes of the Standards Committee meeting held on 29 November 2019 at Fire and Rescue Headquarters, St Asaph Business Park

Present

Julia Hughes (Chair)
Sally Ellis
Gill Murgatroyd
Gareth Pritchard
Cllr Dylan Rees, Anglesey County Council
Cllr Owen Thomas, Flintshire County Council

Gareth Owens, Deputy Clerk
Matt Georgiou, Flintshire County Council
Alwen Davies, Member Liaison Officer

Apologies

Antony P Young

The Chair welcomed the new members to the meeting and asked everyone to introduce themselves.

1 DECLARATIONS OF INTERESTS

1.1 None.

2 NOTICE OF URGENT MATTERS

2.1 None.

3 MINUTES OF THE LAST MEETING

3.1 The minutes of the meeting held on 7 February 2019 were approved as a correct record.

4 MATTERS ARISING

4.1 There were no matters arising.

5 ROLE AND FUNCTION OF THE STANDARDS COMMITTEE

5.1 The report was presented in order for members:

- to review the terms of reference for the Standards Committee;
- to review how the Committee should fulfil those functions; and
- examine the support and development Members require in their role.

- 5.2 Members were content with the revised terms of reference and following a discussion about support and development members required, it was agreed that the Deputy Clerk deliver training on the following areas at the next meeting:
- dispensations
 - the Committee's responsibility on the Service stage 3 complaints
 - increased understanding of the six protocols that the Committee has reviewed over the past year.

- 5.3 Members also requested that the whistleblowing policy be included on the next agenda for it to be reviewed in terms of the Authority's involvement.

- 5.4 **RESOLVED to**
- (i) recommend the revised terms of reference for the Standards Committee to the Authority with the minor updating amendments as shown in the report presented;**
 - (ii) have training on the three matters noted above at the next meeting.**

6 ATTENDANCE AT MEETINGS

- 6.1 The report was presented for members to consider and address poor attendance at meetings by some councillors.

- 6.2 It was noted that Members of the Authority are expected to attend between 7 and 10 meetings a year depending upon the committees they attend. Levels of attendance by members vary from 0% to 100% of the meetings to which they are invited. Failure to attend meetings represents a significant issue for the Authority as it reduces its capacity and creates gaps in Members' understanding that can take time to overcome. It was also noted that the so-called "6 month rule" used in councils does not apply at the Fire and Rescue Authority and so different methods of encouraging attendance are required.

- 6.3 **RESOLVED to agree**
- (i) that a letter be sent to those with over 50% attendance in 2019/20 thanking them for their attendance;**
 - (ii) that a letter from the Standards Committee be sent to Members of the Fire and Rescue Authority with an attendance rate of maximum 50% asking them to improve their attendance; and a copy of the letter to be sent to the Group Leader and Leader of the Council;**
 - (iii) that the letter in (ii) is also copied to the Chief Executive with a covering letter explaining the rationale;**
 - (iv) if attendance rate does not improve by April, it was agreed to delegate authority to the Deputy Clerk to arrange for the Fire and Rescue Authority to contact the relevant constituent council asking for a replacement representative.**

7 STANDARDS FORUM FOR NORTH AND MID WALES

- 7.1 The report was presented to share the minutes from the last meeting of the Standards Forum for North and Mid Wales and to nominate delegates to attend its next meeting.
- 7.2 It was noted that the authorities in North and Mid Wales have established a forum for the independent members of their Standards Committees. The forum provides an opportunity for members to share experiences and good practice. Julia Hughes commented that she had attended the last meeting and found it useful.
- 7.3 At the Forum, the Committee on Standards in Public Life (formerly “the Nolan Committee”) published a report in January 2019 on Local Government Ethical Standards. Set out below are the recommendations and good practice suggestions that are potentially relevant to the Fire and Rescue Authority. It was noted that although the Authority cannot change legislation it could nevertheless adopt the recommendations voluntarily where they are not already in effect.

Recommendation	Members’ Comments
R6 Code to require registration of gifts / hospitality over £50 or over £100 pa from a single source	Agreed to recommend that the single source be included in the policy; however, the Authority’s minimum amount to register is currently £25 – Deputy Clerk to collate feedback on the amount from other authorities and report back at the next meeting.
R15 LAs required annually to publish complaints data and outcomes (<i>we do this already</i>)	This is already in place within the Fire and Rescue Authority.
R23 LAs required to ensure whistleblowing policy and website specifies named contact for external auditor	Members were minded to agree with this recommendation but that it be done simultaneously with reviewing the policy.
BP3 LAs to review code annually (<i>we do this on a rolling 5 yearly basis</i>)	This is already in place within the Fire and Rescue Authority, but Members felt it should be reviewed every 3 years .
BP4 Code readily accessible in prominent position on LA website (<i>we do this already</i>)	This is already in place within the Fire and Rescue Authority.

BP5 LAs to update registers of gifts and hospitality quarterly and make accessible	Register of Gifts and Hospitality should be available on the website as a matter of good practice. Send an annual reminder to all Members to remind them to declare any gifts/hospitality received.
BP10 LA websites to have clear complaints guidance and information (<i>we do this already</i>)	This is already in place within the Fire and Rescue Authority.
BP15 Senior officers to meet regularly with group leaders or whips regarding standards.	Suggested that the Chair of Standards Committee could meet with the Chair and Deputy Chair of the Authority, Chief Fire Officer and the Deputy Clerk to discuss the annual report prior to its submission to the full Authority meeting in March of every year.

7.4 **RESOLVED**

- (i) to note the minutes of the forum meeting on 24th June 2019;**
- (ii) to note members' comments noted above in relation to the recommendations made by the Committee on Standards in Public Life;**
- (iii) that the Deputy Clerk inform members of the date of the next Forum meeting and for members to decide who attends based on availability.**

8 JOINT STANDARDS COMMITTEE(S) IN NORTH WALES

- 8.1 The report was presented for members to consider the issues and options associated with adopting one or more joint Standards Committees across North Wales.
- 8.2 It was noted that at present there are eight Standards Committees across the authorities in North Wales. There are an increasing number of members who serve on more than one authority which can help to reduce the cost of development/training (or maximize the benefit from it). However, it is legislatively possible to have a joint committee that serves two or more authorities. The report contained an analysis of the issues and options for one or more such joint committees.
- 8.3 Members discussed the possibility of joining a national park authority standards committee or linking in with the Clerk's constituent council.
- 8.4 **RESOLVED to postpone discussion on this matter until further information is known about the Welsh Government's plans for the reform of governance within FRAs. In the meantime, members asked the Deputy Clerk to make enquiries with the national park authorities to see if there is any merit or interest in pursuing the concept of a shared Standards Committee.**

- 9 PUBLIC SERVICES OMBUDSMAN FOR WALES CASEBOOK
- 9.1 The report was presented to share the two most recent ethical casebooks published by the Public Services Ombudsman for Wales (PSOW).
- 9.2 The Public Services Ombudsman for Wales (PSOW) considers complaints that Members of local authorities in Wales have broken the Code of Conduct (the Code).
- 9.3 The latest editions published highlight that 17 complaints were investigated by the PSOW during April to September 2019, of which 8 investigations led to findings of no evidence of breach, 5 led to findings of no action necessary, 3 led to referrals to the relevant Standards Committees and 1 led to a referral to the APW.
- 9.4 **RESOLVED to note the findings of those complaints that were investigated by the PSOW during April to September 2019, as summarised in issues 21 and 22 of the Code of Conduct Casebooks.**

Terms of reference for Standards Committee of North Wales Fire and Rescue Authority

Remit

The North Wales Fire and Rescue Authority (the Authority) has a Standards Committee to oversee, maintain and strengthen high standards of conduct by its members..

The Standards Committee has a range of functions relating to the Members' Code of Conduct. Unless business dictates otherwise, the Committee will meet at least twice per year.

Composition

The Standards Committee will be composed of two Authority Members and four independent people who are not Members or Officers of the Authority, one of whom will chair the committee. Representation on this committee is not required to bear the same proportionality as the political composition of the whole Authority (Section 53(10) Local Government Act 2000).

Term of office

Independent Members' term of office is for a period of not less than four years nor more than six years. and they are eligible for re-appointment for a second period of up to four years.

For the Authority members of standards committees, their term of office is four years or the period until that member's appointment as a member of that authority ceases, whichever is the shorter. Such a member shall cease to be a member of that standards committee if that member ceases to be a member of the relevant authority concerned.

Chair and Deputy Chair

The roles of Chair and Deputy Chair must be undertaken by the Independent Members. Appointments will be made in the first meeting of every financial year. The period of election for the Chair and Vice Chair should be the shorter of either their remaining tenure or 4- 6 years.

Role and function

- 1 To promote and maintain high standards of conduct by the members of the authority.
- 2 To assist members of the authority to observe the authority's code of conduct.
- 3 To advise the authority on revision of the code of conduct.
- 4 To monitor the operation of the authority's adopted code of conduct.
- 5 To train authority members and advise on conduct matters generally.
- 6 Where statute so permits, to arrange dispensation to speak and/or vote where a member has an interest.
- 7 To receive and implement advice from the Public Services Ombudsman for Wales and or recommendations from any adjudication panel or case tribunal.
- 8 Where statute permits, to receive reports and complaints in relation to members, to conduct or oversee appropriate investigations and to make appropriate recommendations to the authority.
- 9 To receive reports from the Public Services Ombudsman for Wales in relation to allegations of maladministration or allegations of breach of code of conduct and make appropriate recommendations.
- 10 To exercise such powers or duties as may be given or imposed on standards committees from time to time by legislation.

Powers delegated to the Committee

- 11 To determine Stage 3 Service complaints in accordance with the Authority's Complaints Procedure.
- 12 Delegated powers in relation to any matter within the terms of reference of the committee except where this involves expenditure for which there is no approved budget.

Quorum

The quorum shall be at least:

- (i) three members are present, including the chair; and
- (ii) half the members present (including the chair) are independent members.

Voting

Decisions of the Committee shall be decided by a majority of votes cast by the members present at the meeting. In the case of an equality of votes the person presiding at the meetings shall have a second casting vote.

Frequency of meetings

Unless business dictates otherwise, the Committee will meet at least twice per year. The meeting will be attended by the Monitoring Officer or nominated representative.

Minutes of meetings

Minutes of all meetings will be recorded and signed by the Chair. All decisions will be recorded, including the reason for such decisions and any declarations of interest made.

Reporting

The Committee will prepare an annual report to be presented to the North Wales Fire and Rescue Authority.

Revision of these terms of reference

These terms of reference will be reviewed on an annual basis

(As provided by the Standards Committee (Wales) Regulations 2001; and The Standards Committees (Wales) (Amendment) Regulations 2006).

Report to	Standards Committee
Date	28 February 2020
Lead Officer	Colin Everett, Clerk to the Authority
Contact Officer	Gareth Owens, Deputy Clerk 01745 535286
Subject	Registering Interests



PURPOSE OF REPORT

- 1 The report is to review the way in which members fulfil two important duties:
 - (i) registering interests as required by the Members' code of conduct;
 - (ii) disclosing related party transactions as required for auditing the accounts.

EXECUTIVE SUMMARY

- 2 Once every Authority term members must complete a register of interests disclosing statutorily prescribed information. The information to be disclosed in the register includes the details of any contract between the member and the Authority. They must update the register within 28 days of any changes in the information, though it is good practice to review the information annually.
- 3 Once a year as part of the process for preparing and auditing annual accounts all members and senior officers must complete a related party transactions notification in which they declare whether they or a family member has any contractual links with the Authority.

RECOMMENDATION

- 4 Members are asked to recommend to the Authority that:
 - (i) it combines the form for the members' register of interest with the form for related party transactions;
 - (ii) the combined form be completed by members every 12 months.

BACKGROUND


- 5 Section 81 the Local Government Act 2000 requires that the monitoring officer of a relevant authority must establish a register of interests for members. That register must be publicly available for inspection and must also be published online. Welsh Ministers are able to specify what just be included within the register. The form must be publicly available at the offices of the authority at all reasonable hours and must also be made available on line.

- 6 The members' register of interest must be completed at least once each authority term and must be updated within 28 days of any changes to the information within it. It is considered good practice to review the entries on a regular basis. The Committee on Standards in Public Life recommended that forms be reviewed quarterly in its recent report on the ethical regime in England. Given the nature of the information to be recorded an annual review should be sufficient.
- 7 The Code of Accounting Practice requires that all councillors (and senior officers) complete a declaration as part of the accounts process called a related party transaction declaration. The related party transaction declaration must be completed annually in time for the audit and inspection of the final accounts. The information disclosed is included within the annual accounts.

INFORMATION

- 8 One of the matters to be disclosed as part of the register is

"any contract for goods, services or works made between your authority and [the member] or a firm in which [the member is] a partner, a company of which [the member is] a remunerated director, or a body of the description specified in sub-paragraph (iv) above [i.e. a company with land or doing business in the area where the member holds 1/100th of the share capital or shares worth more than £25,000]"
- 9 The related party transaction declaration requires members to disclose:
 - a) all transactions with the Authority (apart from Payroll)
 - b) all transactions between the Authority and any members of the councillor's close family or household
 - c) all transactions between the Authority and any partnerships, companies, trusts or other entities in which the councillor, or a member of their close family or household, has a controlling interest
- 10 Clearly the two documents require very similar information to be disclosed. It might be argued that the annual register has a slightly higher profile and is more easily accessible to the public than the disclosures made as part of the annual accounts but that information is made publicly available over the website at present. So it is suggested that the requirements be combined into a single form that should be completed each year.

Report to	Standards Committee	
Date	28 February 2020	
Lead Officer	Colin Everett, Clerk to the Authority	
Contact Officer	Gareth Owens, Deputy Clerk 01745 535286	
Subject	Independent Standards Forum for North and Mid Wales	

PURPOSE OF REPORT

- 1 To suggest items for the forthcoming meeting of the Independent Standards Forum for North and Mid Wales

EXECUTIVE SUMMARY

- 2 The Independent Standards Forum for North and Mid Wales ("the forum") periodically brings together the chairs and vice chairs of Standards Committees so that they can share good practice and discuss issues of common concern. The next meeting is planned to take place in Powys in March or April and the administrator has requested items for the agenda.

RECOMMENDATIONS

- 3 Members are asked to suggest items for the agenda of the next meeting of the Forum

BACKGROUND

- 4 The Independent Standards Forum for North and Mid Wales was established as a support mechanism for independent members on Standards Committees who must perforce operate without the support of a political group or party. It meets periodically and is attended by the Chair and/or Vice Chair of each Standards Committee. Each constituent council takes it in turn to host the forum.
- 5 Powys County Council is due to host the next meeting of the Forum and has sent the following communication

"Dear Monitoring Officer,

As you will recall at the meeting of the above in June, it was suggested that Powys County Council should host the next meeting of the above. After discussion with our Monitoring Officer, Clive Pinney, the Standards Committee considered this at its meeting in October. At this meeting it

was agreed that due to budget constraints the meeting would be held in the Council office in Welshpool. The Forum meeting will start at 9.30 a.m. and finish at 1.00 p.m. with only refreshments being provided for the meeting.

On reviewing the minutes of the last two Forum meetings, I note that in June 2018 it was:

RESOLVED to ask everyone to consult with their Standards Committees regarding potential items for the next meeting and feedback any suggestions, through the Monitoring Officer, to the next host authority.

So the purpose of emailing you is twofold. I would be grateful if you could:

- i) consult with your Standards Committee regarding potential items for the next meeting and feedback any suggestions to Carol Johnson, Democratic Services Officer. Carol will then collate these and liaise with Clive and
- ii) advise us on your preference for the timing of the next meeting. Do you want this to take place in March or April?

I would be grateful if you could respond by 28 January, 2020".

- 6 Clearly, the deadline did not fit with the scheduled date for this Committee but as yet we have heard nothing from Powys and so assume there is still time to submit items for the agenda.
- 7 One council has commented on the difficulty of travelling to Welshpool by 9.30 and has asked for a start time of 10.30. Another council has suggested agenda items on
 - a. feedback on progress with the proposals for joint Standards Committees;
 - b. an update on the changes in the powers of the PSOW following the recent legislation.
- 8 The Committee is therefore asked to suggest items for the agenda.

Report to	Standards Committee
Date	28 February 2020
Lead Officer	Colin Everett, Clerk to the Authority
Contact Officer	Gareth Owens, Deputy Clerk 01745 535286
Subject	The Standards Committee's Draft Annual Report to the FRA



PURPOSE OF REPORT

- 1 To present for approval a draft Standards Committee Annual Report to the Fire and Rescue Authority. Fire and Rescue Authority Members will also be requested to approve the Committee's revised terms of reference.

EXECUTIVE SUMMARY

- 2 As a matter of good corporate governance the Standards Committee provides the Authority with an annual report on its activities during each financial year.
- 3 Consequently the Committee's fifteenth annual report is attached for Members' consideration.

RECOMMENDATION

- 4 That Members approve the Standards Committee's draft annual report 2019/20 for presentation to the Fire and Rescue Authority at its March 2020 meeting, subject to no further action being undertaken by the Standards Committee before the end of March 2020.

ANNUAL REPORT OF THE STANDARDS COMMITTEE OF NORTH WALES FIRE AND RESCUE AUTHORITY 2019/20

Background

This is the Standards Committee's fifteenth annual report to the Fire and Rescue Authority and spans the period from April 2019 to March 2020. Legislation requires that Standards Committees meet at least annually.

The Terms of Reference of the Standards Committee provide a remit to promote and maintain high standards of conduct by Members of the Authority and to oversee the whistle-blowing policy for complaints against Members of the Authority. Also, where statute permits, to receive reports and complaints about Members and to conduct or oversee investigations and make recommendations to the Authority.

Membership

The Committee advertised a vacancy for an Independent Member and, following interview, there were 2 high quality applicants. Although the Committee only required one new member at the time, A P Young's second term of office ends in March 2020 and therefore he will not be eligible for re-appointment. It was felt prudent to add a temporary additional Independent Member position to the committee in order to secure the services of both applicants. Therefore two new independent members, Gill Murgatroyd and Gareth Pritchard, joined the Standards Committee in September 2019 for a period of four years.

The Standards Committee currently has the following membership:

Independent Members

Antony P Young 01/04/16 - 31/03/20

Sally Ellis 01/01/18 – 31/12/2021

Julia Hughes 01/01/18 – 31/12/2021

Gill Murgatroyd 01/09/19 – 31/08/23

Gareth Pritchard 01/09/19 – 31/08/23

Fire and Rescue Authority Members

Councillor Dylan Rees (19/06/18 onwards)

Councillor Owen Thomas (19/06/18 onwards)

The Committee will revert to its previous size on the retirement of Mr Young.

Attendance and Issues

The Standards Committee met twice during the year.

A meeting was held on 29 November 2019. Julia Hughes undertook the role of Chair and Sally Ellis, Gill Murgatroyd, Gareth Pritchard, Cllr Dylan Rees and Cllr Owen Thomas were also in attendance.

At the meeting, members discussed the role of the Committee and requested training on certain topics to be provided at the following meeting. Having reviewed the minor amendments made to the terms of reference, it was agreed to recommend these to the NWFRA and they are appended to this report for information.

The Committee reviewed FRA members' attendance at meetings. It was highlighted that failure to attend meetings represents a significant issue for the Authority as it reduces its capacity and creates gaps in Members' understanding that can take time to overcome. In order to move forward with this issue, members asked that the Deputy Clerk send letters of appreciation to members with over 50% attendance rate and that letters outlining the importance of attending meetings be sent to those FRA members who have 50% and under attendance rate. These letters will be copied to the Group Leader and Chief Executive of each council.

A report was presented for members to consider the issues and options associated with adopting one or more joint standards committees across North Wales; currently there are eight Standards Committees across the authorities in North Wales. An increasing number of the independent members serve on more than one authority and contributes towards reducing the cost of development/training (or maximise the benefit from it). However, it is legislatively possible to have a joint committee that serves two or more authorities. The report contained an analysis of the issues and options for one or more such joint committees. It was agreed to defer discussion on this matter until further information is known about Welsh Government's plans for the reform of governance within FRAs.

The Committee met again on 28 February 2020. At this meeting, Members considered

Complaints against Members of the Fire and Rescue Authority

There were no complaints about FRA Members during this period.

Financial Implications

The budget for the Standards Committee is managed through a single budget heading for all Authority costs. Since 2012, independent members of the Standards Committee are entitled to claim remuneration based on meetings and events attended. For attending meetings in this financial year, a total of £671.80 has been claimed.

Conclusion

The Standards Committee recommends that the North Wales Fire and Rescue Authority notes its annual report 2019/20.

Report to	Standards Committee
Date	28 February 2020
Lead Officer	Colin Everett, Clerk to the Authority
Contact Officer	Gareth Owens, Deputy Clerk 01745 535286
Subject	Review of Whistleblowing Policy



PURPOSE OF REPORT

1. To review the whistleblowing policy and to recommend that oversight of the document sit with the Audit Committee.

EXECUTIVE SUMMARY

2. The Committee is required "to oversee the whistleblowing regime". The current policy is attached. It has been recently reviewed but a number of changes to its wording are proposed.
3. Oversight of the regime should also include reports on such matters as steps taken to raise awareness of the policy, its use and whether any whistleblowing disclosures are made. Such oversight most commonly sits with Audit Committees in other authorities because of the stronger links that exist with financial probity rather than the members' code of conduct. The Whistleblowing Policy was audited/reviewed by Conwy Internal Audit Service in April 2018 and a follow up report issued in March 2019.

RECOMMENDATIONS

4. Members are asked to recommend that:
 - (i) the Authority approves the proposed changes to the policy;
 - (ii) the Audit Committee should in future have oversight of the whistleblowing regime.

BACKGROUND

5. As part of its terms of reference (reviewed at the last meeting) members will recall that the Committee has "oversight of the whistleblowing regime". That role should encompass reviewing the wording of the policy itself and also the operation of the policy in practice.

6. The policy attached at appendix 1 was audited/reviewed by Conwy Internal Audit Service in April 2018 and a follow up report issued in March 2019. Its wording has been kept up to date but some changes are still required to comply with recommended best practice. Whilst it says that agency workers and contractors are encouraged to do so, this is the only reference to them. Suggested amendments in tracked changes have been made as noted below to:
 - a. allow the range of people within scope of the policy to be flexibly extended over time; and
 - b. word the policy so that everyone who is in scope has a clear route to raise their concerns.
7. The policy is currently brought to the attention of employees via the Intranet and the HR Department. Training has been provided to all staff when the policy was introduced and reminders of its existence are included periodically in the staff weekly bulletins. The recently updated policy is included in inductions for all staff, contractors and suppliers. The Service also implemented a dedicated and confidential phone line and email address.
8. During the course of the year there have been no disclosures made under the policy. There are many informal mechanisms for raising concerns (via line managers, or union representatives). In addition, the Service has many policies and procedures to ensure that its activities are carried out lawfully and with probity. Therefore it would not be unusual to find that there are no formal disclosures.
9. It is uncommon (though not unheard of) for a Standards Committee to be responsible for the whistleblowing regime. Most often the responsibility tends to sit with Audit Committees. Across the North Wales councils only one council does so and of the 3 fire and rescue authorities again only one other does so. There is, of course, already an independent route for raising any concerns about a member's behaviour via the Public Services Ombudsman, and the Monitoring Officer is also a well-recognised, impartial route for seeking help. Furthermore, there are stronger links with financial probity, risk and potential fraud than there are with the members' code of conduct. Therefore it is recommended that in future oversight of the whistleblowing regime should sit with the Audit Committee.



PROCEDURE

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) AND BRIBERY

HUMAN RESOURCES DEPARTMENT

1 PURPOSE

Background

1.1 As a public service organisation, the Fire Authority will use public funds prudently and apply the highest standards of conduct throughout the organisation. This procedure encourages all employee workers to help maintain these standards, by enabling employee workers to draw attention to any concerns which they may have. Public disclosure may well be justified at some point, but this should not happen before the Service has had the opportunity to investigate the concern. Premature or unnecessary publicity may impede proper investigations.

1.2 The Public Interest Disclosure Act 1998, as amended, provides protection for employee workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by ~~an employee~~ "a worker" who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the ~~employee worker~~ to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The ~~employee worker~~ has no responsibility for investigating the matter - it is the Service's responsibility to ensure that an investigation takes place.

1.3 ~~An employee~~ A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

Bribery Act 2010

1.4 NWFRS will not tolerate any form of bribery by, or of, its ~~employee~~workers, agents or consultants or any person or body acting on its behalf. The Service is committed to implementing effective measures to prevent, monitor and eliminate bribery.

1.5 For the purposes of the Bribery Act 2010, bribery is defined as the giving or taking of a reward for acting dishonestly and/or in breach of the law.

Principles

1.6 All ~~employees~~workers should be aware of the importance of preventing and eliminating wrongdoing at work. ~~Employees~~Workers should be watchful for illegal or unethical conduct and report anything of that nature ~~that of which~~ they become aware ~~of~~.

1.7 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the ~~employee~~worker who raised the issue.

1.8 If misconduct is discovered as a result of any investigation under this procedure the Service's disciplinary procedure will be instigated in accordance with the NWFRS Discipline Handbook, in addition to any appropriate external measures.

1.9 No ~~employee~~worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion ~~/or~~ training of or contracts with the ~~employee~~worker will not be prejudiced because they have raised a legitimate concern.

1.10 Victimisation of or causing/applying any detriment to an ~~employee~~ worker for raising a qualified disclosure will be a disciplinary offence. NWFRS will consider terminating any contract with the Service of any organisation that victimises or causes/applies any detriment to a worker who has raised a legitimate concern.

1.11 This policy is not intended to cover concerns or issues that fall within the scope of other procedures, e.g. the grievance procedure.

1.12 Maliciously making a false allegation is a disciplinary offence.

1.13 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, ~~employees~~workers should not agree to remain silent. They should report the matter to a Principal Officer.

2 SCOPE

2.1 This policy applies to ~~all employees. Other individuals performing functions in relation to the Service, such as agency workers and contractors, are also encouraged to use it:~~ "workers", which includes:

- employees (whether permanent or temporary) and office holders;
- agency workers;
- people on work experience or secondment to the Service; and
- people who work for organisations contracted to provide services to the Service

2.2 It is important to the Service that any fraud, misconduct or wrongdoing by ~~employee~~workers is reported and properly dealt with. The Service therefore encourages ~~employee~~workers to raise any concerns that they may have about the conduct of others in the Service or the way in which the Service is run. This policy sets out the way in which ~~employee~~workers may raise any concerns that they have and how those concerns will be dealt with.

3 EFFECTIVE DATE

1 April 2019.

4 PARENT POLICY

The Human Resources Overarching policy.

5 PROCEDURE

How to raise a concern

5.1 When deciding who would be best to approach, the ~~employee~~worker should take into account the matter, its seriousness and its sensitivity, and who may be involved. Some examples are:-

- The line manager [i.e. for a local service delivery concern]
- The Head of the Department or another Head of Department [i.e. for a service delivery concern within the wider department]
- Internal Audit or the Head of Finance [i.e. for a concern about financial probity]
- A Principal Officer [i.e. for a concern which has Service wide implications]

- Confidential reporting to the Whistleblowing Manager [i.e. concerns about fraud, theft, damage to equipment, harassment/bullying, or concerns involving line managers]. (Please note that the Whistleblowing Manager is the Head of Human Resources and Deputy Head of Human Resources during periods of BCM).

[5.2.3](#) To raise a concern via the Whistleblowing Manager, there is a confidential Whistleblowing telephone number (01745 535298 or internally extension 55298) with a 24 hour message service. There is also a dedicated email address whistleblowing@nwales-fireservice.org.uk. If the [employee worker](#) wishes to raise their concern other than via the helpline or email address, they can do this in writing, marking the envelope "personal and confidential" and send to the Whistleblowing Manager, Ffordd Llanelwy, St Asaph Business Park, St Asaph, Denbighshire, LL17 0JJ.

[5.25.3](#) Whichever contact is chosen, it is important that the [employee worker](#) gives as much information as possible. The following information is useful:

- The [employee worker](#)'s name, job and location and if the [employee worker](#) does not wish to be contacted at work their home address and phone number.
- Why the [employee worker](#) is concerned and the background information.
- Any other procedures, which have already been used, and what happened.
- The people who are involved and where they work.
- Dates or periods of time.
- The names and jobs of any other people who will [or may] support the concern.

[5.35.4](#) The earlier a concern is raised the better. Whilst the [employee worker](#) will not be expected to prove that allegations are true, they will need to show that they have a reasonable basis for concern and that they believe it to be in the public interest to raise it.

Anonymous Allegations

[5.45.5](#) This policy encourages [employee workers](#) to put their name to their allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Service.

[5.55.6](#) In exercising this discretion, the factors to be taken into account would indicate:

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

[5.65.7](#) The Service will do its best to protect a whistleblower's identity when they raise a concern and do not want their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement may be required as part of the evidence, particularly if the police or external auditors are involved.

How the concern will be dealt with

5.75.8 The action taken by the Service will of course depend on the nature of the concern. The matters raised could:

- Be investigated internally by an officer nominated by the Service;
- Be referred to the Police;
- Be referred to the Financial Regulator;
- Form the subject of an independent enquiry.

5.85.9 Based on the nature of the concern, together with the initial evidence and discussions with a Principal Officer, a decision on the most appropriate course of action will be made. (If the concern is regarding the Chief Fire Officer the concern will be raised with the Chair of the Fire Authority). Some concerns may be resolved by agreed action, without the need for formal investigation.

5.95.10 Within 10 working days of a concern being received, the Service will contact the employee worker raising the concern to:

- Acknowledge that the concern has been received;
- Indicate how it proposes to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- Confirm if any initial enquiries have been made; and
- Indicate if further investigations will take place, and if not why not.

5.105.11 Within 10 working days of the completion of an investigation process, the Service will write to the employee worker raising the concern to:

- Confirm the outcome of the investigation;
- Indicate what further action will take place, and if not why not.

5.115.12 Following the completion of the procedure the employee worker will be asked to complete the Whistleblowing Feedback Form at Appendix 1. This will ensure the employee worker is satisfied with any investigation and the response.

5.125.13 If the employee worker has used the above procedure and is not satisfied with any action taken in relation to the concerns and feels the need to raise the matter outside the Service, further external contact points are provided below. Please note that the following list is not exhaustive and the employee worker is able to contact any organisation which they feel will be able to deal properly with the concerns.

Organisation	Contact Details
Public Services Ombudsman for Wales	0300 790 0203
Wales Audit Office	02920 320500
North Wales Police	101 or 0300 330 0101

Professional Bodies

The Chartered Institute of Public Finance and Accountancy	020 7543 5600
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Regulatory Organisations

Environment Agency	03708 506 506
Health and Safety Executive	0300 003 1747
Care and Social Services Inspectorate for Wales	0300 7900 126
Equality and Human Rights Commission	0808 800 0082
Citizens Advice Bureau	08444 772020

[5.135.14](#) For independent advice, the [employee/worker](#) may contact the independent charity Public Concern at Work on 020 7404 6609 or at www.pcaw.co.uk. Their lawyers can give free confidential advice at any stage on how to raise a concern about serious malpractice at work. The [employee/worker](#) may prefer to speak to a Trade Union representative to seek advice.

Bribery Act 2010

[5.145.15](#) Under the Bribery Act 2010 there are four possible offences:

[5.155.16](#) Bribing another person – the offering, promising or giving of a reward to induce a person to perform a relevant function or activity improperly. For this offence to be committed there needs to be evidence that the act under consideration was carried out with the purpose of inducing the person to act improperly;

[5.165.17](#) Being bribed – the accepting of, agreeing to accept or requesting of a reward in return for performing a relevant function or activity improperly. A 'relevant function or activity' includes any activity of a public nature or any activity connected to a business. 'Acting improperly' will be any breach of what a reasonable person in the UK would expect in relation to the performing of the function activity. However, note that the offences apply even if the function or activity is not taking place in the UK;

[5.175.18](#) Bribing a foreign public official – this is a specific offence of trying to influence a foreign public official with the intention of obtaining or retaining business in a situation where the public official was not permitted or required by law to be

influenced. The government guidance makes specific comment about situations when seeking tenders for publicly funded contracts, in such situations governments often permit those tendering for the contract to offer some kind of additional investment in the local economy, or to carry out some act what would be of benefit to the local community. If relevant written law permits or requires an official to be influenced by such an offence then this will fall outside of the offence. If the additional investment would amount to an advantage to the foreign public official and there is no reference in local law as to whether this is permitted, the prosecution is possible – consideration would be given to the public interest in prosecuting;

[5.185.19](#) Failure to prevent bribery – this occurs when an organisation fails to stop people who are operating on its behalf from being involved in bribery. This offence could occur as a result of the activities of a range of people working on behalf of the organisation were involved in accepting or receiving a bribe which resulted in the organisation gaining or retaining business.

[5.195.20](#) The Service has systems and procedures in place to manage and discharge its functions in an efficient and effective way. These systems incorporate internal controls to prevent and reduce the risk of fraud and corruption, including adequate separation of duties where appropriate.

[5.205.21](#) Financial Regulations require that the Chief Fire Officer ensures that controls are properly maintained, that staff ensure that working practices comply with appropriate procedures and processes and that Internal Audit regularly check the existence, appropriateness and effectiveness of the controls.

Prohibitions

[5.215.22](#) NWFRS prohibits [employee workers](#) of associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe might be cash, a gift or other inducement to, or from, any person or company, whether a public or government official, official of a state-controlled industry, political party or a private person or company, regardless of whether the [employee worker](#) or associated person is situated in the UK or overseas. The bribe might be made to ensure that a person or company improperly perform duties or functions to gain any commercial, contractual or regulatory advantage for the company in either obtaining or maintaining company business, or to gain personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

[5.225.23](#) The prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or subcontractors, agents or sub-agents, sponsors or sub-sponsors, joint-venture partners, advisors, customers, suppliers or other third parties.

[5.235.24](#) [Employee Workers](#) and associated persons are required to cooperate with the Service's risk management procedures and to report suspicions of bribery to the Head of Human Resources. While any suspicious circumstances should be reported, [employee workers](#) and associated persons are required particularly to report:

- close family, personal or business ties that a prospective agent, representative or joint-venture partner may have with government or corporate officials, directors or [employeeworkers](#);
- requests for cash payments;
- requests for unusual payment arrangements, for example via a third party;
- requests for reimbursements of unsubstantiated or unusual expenses; or;
- a lack of standard invoices and proper financial practices.

[5.245.25](#) If an [employeeworker](#) or associated person is in any doubt as to whether or not a potential act constitutes bribery, the matter should be referred to the Head of Human Resources.

6 RESPONSIBILITIES

Compliance, Monitoring and Review

6.1 All policies and procedures will be reviewed on a pre-determined basis. This will be the responsibility of the Head of the Department, and conducted after every 1, 2 or 3 years, depending on the importance of the document, from the date of issue or amendment. To ensure the continuous effectiveness of this policy and associated procedures, it is the responsibility of [employeeworkers](#) to indicate any weakness, omission or amendment that may be considered in order to improve the policy's effective use.

6.2 This Procedure will be reviewed every 3 years.

Reporting

6.3 The Head of Human Resources is responsible for reporting to the NWFRS Executive Group on issues of policy document implementation, compliance, monitoring and review.

Records Management

6.4 All records relevant to developing and approving policy documents are maintained securely. The Health, Safety and Policy Development Manager retains a master copy of all policy documents as permanent records in an accessible format for retrieval.

8 RELATED LEGISLATION AND DOCUMENTS

Related Legislation and Supporting Documents

- Bribery Act 2010
- HR-P04-2017 Grievance Policy
- NWFRA Anti-Fraud and Corruption Strategy Policy Statement
- NWFRA Contract Standing Orders
- NWFRS Discipline Handbook
- NWFRA Financial Regulations – Latest edition
- NWFRA Members' Code of Conduct
- NWFRA Members' Standards Committee Terms of Reference
- Public Interest Disclosure Act 1998.
- Protected Disclosures Act 2014
- SAPPO Section 1, Order No.9 – Data Protection Policy
- SAPPO Section 1, Order No.11 – Freedom of Information Policy
- SAPPO Section 3, Order No.13 – Communications and Information
- SAPPO Section 7, Order No.2 – Standards of Conduct Policy
- SAPPO Section 7, Order No. 13 – Complaints Procedure.
- SAPPO Section 11, Order No.15 – Sharing of Personal Information

9 DOCUMENT DETAILS

If this Procedure requires updating or editing prior to the review date please contact the Owner.

APPROVAL AND REVIEW	
Approval Authority	North Wales Fire and Rescue Service's Executive Group
Owner	The Department/Function responsible for the overall compliance, monitoring and review
Approval date	DD/MM/YYYY
Reviewed on	DD/MM/YYYY
Next review date	DD/MM/YYYY

**WHISTLEBLOWING PROCEDURE
FEEDBACK FORM**

The Service has recently concluded an investigation into your concerns raised under the Public Interest Disclosure (Whistleblowing) and Bribery Procedure. We would welcome your feedback in relation to how the matter was handled as this will assist us when dealing with future cases and when reviewing the procedure. Your reply will be treated as confidential and will be retained by the Whistleblowing Manager.

1. Who did you report your concern to?

- | | |
|--|---|
| <input type="checkbox"/> Line Manager | <input type="checkbox"/> Head of Department |
| <input type="checkbox"/> Internal Audit or Head of Finance | <input type="checkbox"/> A Principal Officer |
| <input type="checkbox"/> Whistleblowing Manager | <input type="checkbox"/> Other (please specify) |
-

2. Were you satisfied with the way in which your concern was dealt with by that person?

- | | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------|-----------------------------|

3. If no, please explain why:

4. Were you aware of the Whistleblowing Policy at the time you raised your concern?

- | | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------|-----------------------------|

5. If yes, where did you see a copy of the Whistleblowing Policy? _____

6. Were you advised of how the concern was being dealt with?

- | | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------|-----------------------------|

7. Overall, are you satisfied with the way your concern has been managed within the Whistleblowing Policy?

- | | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------|-----------------------------|

8. If no, please explain why:

Thank you for completing this questionnaire. Please return it to the Whistleblowing Manager by email to whistleblowing@nwales-fireservice.org.uk.