

**To the Chair and Members of the
AUDIT COMMITTEE**

ANNUAL REPORT OF MONITORING OFFICER

EXECUTIVE SUMMARY

1. This paper sets out the Monitoring Officer's (MO's) Annual Report on matters relating to ethical governance, including details of any complaint handling activity carried out in consultation with the Independent Person in relation to allegations of Member misconduct and details of disclosures made by members of staff under the Council's Whistleblowing Policy during the last 12 months.

RECOMMENDATIONS

2. It is recommended that the Committee:-
 - (i) notes the MO's annual report on complaint handling activity for the period 1st April 2016 to 31st March 2017;
 - (ii) notes the whistleblowing returns for 2016/17.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. Having robust ethical governance policies and procedures in place helps to maintain openness, transparency and probity in the way that the Council conducts its business. This in turn should help increase public confidence in local governance through maintaining high standards of conduct by Members.

BACKGROUND

4. In accordance with adopted practice, this Committee receives a report by the MO on an annual basis, which summarises complaint handling and ethical governance activities during the previous 12 months.

Complaint Handling Activity – 1st April 2016 to 31st March 2017

5. The Monitoring Officer works closely with the Council's designated Independent Person (IP), Philip Beavers on matters of Member Behaviour and Complaints. At its Annual Meeting on 19th May 2017, the Full Council re-appointed Mr Beavers as the IP for a further 4 year period to 31st May 2021 and approved the payment of an annual allowance of £1000 to the IP for undertaking his role. The Council also formally ratified the principle that Doncaster and the other South Yorkshire Councils are able to borrow each other's IPs in the event that their own IP is unable to act through reasons of conflict or other unavailability.

Borough Councillors

6. Over the last 12 months, ten formal complaints against Borough Councillors have been received by the MO. Very few complaints received were the subject of further enquiries. The majority of complaints received were not considered to be breaches of the Council's Code of Conduct.

Parish Councillors

7. The Monitoring Officer has received nine formal complaints against Parish Councillors during the period 1st April 2016 to 31st March 2017.
8. Of the nine complaints received against Parish Councillors, seven of these related to Parish Councillors from the same Parish Council. This particular Parish Council was highlighted in last year's report as being the subject of a number of complaints which were symptomatic of wider on-going tensions and conflicts between Parish Councillors at the Parish Council in question. This led to a visit being made by the MO and the IP in October 2015 to observe a meeting of the Parish Council and afterwards, to meet in private with the Parish Councillors and the Clerk to discuss the difficulties and act in a mediation capacity. Since that time, problems have persisted, in light of which the MO and IP are planning to make a second visit to that Parish Council in the coming months in a further attempt to mediate and remind members of their obligations under the Code of Conduct.
9. A detailed summary of all complaints dealt with by the MO in consultation with the IP during the 2016/17 Municipal Year is set out in **Appendix A** to this report.

General

10. Parish Councillor activity on Social Media (particularly Facebook) continues to attract interest and generate informal complaint activity.
11. The MO and his staff continue to provide appropriate training and informal advice to DMBC members, Parish Councils and Clerks in order to improve governance generally. Most recently, a dedicated training session on the Member Code of Conduct was provided for Members as part of the Member Induction Programme following the local elections in May 2017.

Whistleblowing Returns for 2017/18

12. The MO has overall responsibility for the maintenance and operation of the Whistleblowing Policy, which includes keeping a record of all whistleblowing cases and presenting a summary of these to the Audit Committee on an annual basis.
13. The Whistleblowing report was revised in July 2015 and the key updates were:
 - The Policy applies to members of the public, stakeholders, and contractors as well as employees.
 - Whistle blowers are asked to report their concerns to specific senior officers rather than to their managers. This ensured that senior management were aware of any matters and that the correct processes were followed and reported to the Monitoring Officer for the annual report;
 - The Policy gives clearer guidance as to what was considered to be the sort of matter that amounted to whistleblowing allegations;

- A factsheet and flow diagram had been drafted to assist people understand the policy.

14. We have had 3 whistleblowing matters during 2016/17 and their details are below.
15. In summary, of the 2 whistleblowing matters investigated, recommendations were made in both. No serious breaches were found as a result of any of the whistleblowing complaints.

Date	Name of officer reported to	Brief Summary of Matter	Outcome
August 2016	Scott Fawcus	Health and safety issues at Doncaster markets	Matter investigated by Legal Services and recommendations made to Markets - already considered as part of audit and health and safety review.
September 2016	Jo Miller/Scott Fawcus	Complaint over safeguarding process concerning employee.	Matter investigated by Legal Services and recommendations made to the service area and HR on processes.
October 2016	From Damian Allen to Scott Fawcus	School matter – in accordance with the whistleblowing policy and in discussion with Asst Director of HR decision was that matters should be considered if appropriate following outcome of ongoing HR investigation/possible disciplinary process as complainant was subject to this.	Matter followed through HR process not whistleblowing.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

16. Not applicable – this report is primarily for noting.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

- 17.

Outcomes	Implications
We will provide strong leadership and governance, working in partnership.	<p>The work of the Audit Committee in monitoring the Council's ethical governance activities helps to:</p> <ul style="list-style-type: none"> • ensure that Council arrangements are open, accountable and ethically

	<p>strong;</p> <ul style="list-style-type: none">• promote high standards of conduct;• build a 'bond of trust' between the Council and its communities.
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RISKS AND ASSUMPTIONS

18. There are no identified risks associated with this report.

LEGAL IMPLICATIONS

19. Section 27(1) of the Localism Act 2011 places a duty on relevant authorities to promote and maintain high standards of conduct by Members and Co-opted Members of the authority.

20. Section 28 of the Localism Act 2011 requires Principal Authorities to have in place arrangements for investigating allegations of Member misconduct and taking decisions on those allegations. It also requires Councils to appoint at least one Independent Person who is to be consulted as part of the complaint handling process. The Council has in place arrangements for discharging these arrangements.

FINANCIAL IMPLICATIONS

21. There are no specific financial implications arising from this report.

EQUALITY IMPLICATIONS

22. There are no specific equalities implications associated with this report.

BACKGROUND PAPERS

Complaints Files.

Whistleblowing Policy.

REPORT AUTHOR & CONTRIBUTORS

Helen Potts, Principal Legal Officer

01302 734631

helen.potts@doncaster.gov.uk

Jonathan Goodrum, Senior Governance Officer

01302 736709

jonathan.goodrum@doncaster.gov.uk

Scott Fawcus
Monitoring Officer