

**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 Persons 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 2015 to 31st March 2016;
  - (ii) notes the whistleblowing returns for 2015/16.

**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 2015 to 31st March 2016**

5. The Monitoring Officer works closely with the Council's designated Independent Person (IP), Philip Beavers on matters of Member Behaviour and Complaints. Informal arrangements have been made with both Sheffield and Barnsley Councils to make available the services of their IP in the event that Doncaster's IP is unavailable through reasons of conflict or other reasons.  
Borough Councillors
6. Over the last 12 months, two formal complaints against Borough Councillors have been received by the MO.

7. The first complaint was jointly made by two members of the public who expressed concerns over the behaviour of a Ward Councillor who had “come across as very aggressive, dismissive and arrogant” at a Parish Council meeting. Having sought the views of the IP and consulted with the Clerk to the Parish Council, the MO decided that the alleged behaviour was not sufficiently serious to warrant further investigation or action.
8. The second complaint was submitted by a representative of a third party Company, raising concerns over the alleged behaviour of a Ward Councillor towards some of the Company’s staff. Having consulted with the complainant and the IP, the MO decided that the appropriate course of action in this instance would be to bring the matter to the attention of the Councillor concerned, discuss the concerns raised and remind the Councillor of their obligations under the Member Code of Conduct.

#### Parish Councillors

10. The Monitoring Officer has received 5 formal complaints against Parish Councillors during the period 1st April 2015 to 31st March 2016.
11. The first complaint was submitted by a member of the public alleging that a Parish Councillor had posted offensive comments on social media. After consultation with the IP, the MO acknowledged that the Member’s comments had been posted in a private capacity and not as a Parish Councillor. Nevertheless, the MO felt it appropriate to write to the Member reminding him of the expectations and obligations that are attached to a prominent member of the community and asking him to be more measured and circumspect in future.
12. The second complaint was submitted jointly by 2 members of staff employed by a Parish Council, alleging that they were being spied on and victimised by a Parish Councillor. After consulting with the IP, the MO took the view that this essentially amounted to an internal staffing matter, and he therefore referred the case to the Parish Clerk suggesting that the Clerk, as the employees’ line manager, should seek to resolve the matter informally through conciliation.
13. The third complaint was from a Parish Councillor raising concerns over the behaviour of a Ward Councillor and fellow Parish Councillor at a Parish Council meeting which he alleged was ‘nothing short of bullying and a direct undermining of the Clerk’s authority’. Having sought the views of the IP, the MO dismissed this complaint on the grounds that it was a minor matter that did not warrant further investigation.
14. Two further complaints were received against a Parish Councillor alleging that he had breached a Parish Council’s code of conduct by:
  1. failing to behave in such a way that a reasonable person would regard as respectful.
  2. acting in a way which a reasonable person would regard as bullying or intimidatory.
  3. failing to use the resources of the Council in accordance with its requirements.
15. Having consulted the Council’s IP, Philip Beavers, on the complaint, the MO concluded that this was a matter which warranted further investigation and

possible referral to the Audit Committee's Hearings Sub-Committee. Helen Potts, Principal Legal Officer was instructed by the MO to investigate the matter and following her report the matter was taken to the Hearing Sub-Committee of Audit Committee on 14th June 2016. The outcome of this meeting will be reported to this Committee by the MO.

16. Of the five complaints against Parish Councillors outlined above, 3 were in relation to one particular Parish Councillor. In considering these cases, it became apparent to the MO that these complaints 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.

### **General**

17. Parish Councillor activity on Social Media (particularly Facebook) continues to attract interest and generate informal complaint activity
18. 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.
19. Following the retirement of Roger Harvey, the previous Monitoring Officer, the Council appointed Scott Fawcus who took up the role of Monitoring Officer on 1<sup>st</sup> March 2016

### **Whistleblowing Returns for 2015-/16**

20. 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.
21. The Whistleblowing report was revised in July 2015, this revision having been presented to Audit Committee on 16<sup>th</sup> July 2015. The key changes 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;
22. We have had 8 whistleblowing matters during 2015/16 and their details are below. One matter falls within 2014/15 but was not formally recorded at the point that the statistics were collated last year.
23. In summary, of the 8 whistleblowing matters investigated, recommendations (some minor) were introduced as a result of 5 of the investigations. No serious breaches were found as a result of any the whistleblowing complaints.

Number	Date of whistleblowing	Name of Officer	Brief Description of matter	Date completed
1.	9.3.15	Jo Miller ( Helen Potts and Caroline Barkley investigating)	Complaint over processes within an education team.	Report sent out to directors in October 2015 and whistle-blower informed out outcome. Some action points recommended.
2.	7.7.15	Roger Harvey ( Helen Potts investigating)	Complaint over safeguarding concerns at Day Care Centre	Report completed in January 2016 and response sent to whistle-blower and report with recommendations send to Head Of Service with action points.
3.	18.8.15	Roger Harvey ( Helen Potts investigating)	Complaint concerning planning enforcement move to enforcement team.	Report sent in December 2015 . Complainant notified of outcome. Actions point were suggested that are being implemented.
4.	21.7.15	Colin Earl (Audit investigating)	Governance/financial concerns ( confidential whistleblower)	Audit investigated and recommendations made to amend policies.
5.	September 2015	Jo Miller(Dave Wilkinson investigating)	Anonymous complaint re staffing in regeneration and environment	Responded with outcome on 1.10.15 and MO responded in April 2016. Matter investigated and no misfeasance found.
6.		Colin Earl ( Audit investigating)	Anon complaint re misuse of grant funds	No issues of concern found- investigated by internal audit
7.	March 2016	Colin Earl ( Audit investigating)	Concerns re unfair competition re contract award.	Audit investigated – no untoward practise but improvements in procedures recommended.
8.	June 2015	Colin Earl ( Audit	Fraudulent alteration of	Staff involved left

		Investigating)	formal documentation	employment
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## OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

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

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

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	Outcomes	Implications
	We will provide strong leadership and governance, working in partnership.	The work of the Audit Committee in monitoring the Council's ethical governance activities helps to: <ul style="list-style-type: none"> <li>ensure that Council arrangements are open, accountable and ethically strong;</li> <li>promote high standards of conduct;</li> </ul> build a 'bond of trust' between the Council and its communities.
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## RISKS AND ASSUMPTIONS

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

## LEGAL IMPLICATIONS

27. 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.

28. 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**

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

## **EQUALITY IMPLICATIONS**

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

## **BACKGROUND PAPERS**

Complaints Files.

Whistleblowing Policy.

## **REPORT AUTHOR & CONTRIBUTORS**

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