

Questioner: 1	Eddy Parkinson, Leintwardine
<p>Question:</p> <p>Does the council have a formal policy with thresholds or any policy as to when the council would refer evidenced criminality by council staff to the police?</p> <p>Response from the Chairperson:</p> <p>Any criminal matters should be referred to the relevant investigating body tasked under statute. Like any other resident of Herefordshire, the Council would report such irrespective of whether it refers to an employee, councillor or resident. This does not require a policy or threshold, but the council has policies that relates to a specific crime and this provides more information. For example, the Anti-fraud, Bribery and Corruption Policy references how the council responses to these types of criminal activity.</p> <p>Supplementary:</p> <p>While the ‘anti-fraud bribery and corruption policy’ is useful can the policy work in relation to misconduct, nonfeasance, malfeasance in public office.</p> <p>For example, if a social worker fakes or exaggerates a referral, perhaps deletes documents from or unlawfully tampers with the confidential data system, perhaps commits a contempt of the family court, Or may lie in court documents, Or if social services staff unlawfully surveil the public.</p> <p>Who decides the threshold? Who is the decision maker?</p> <p>(Note:) The Deputy monitoring officer advised that the final line of the question was removed in line with the council’s constitution that a question must not identify or include named individuals in a public meeting that may contain confidential or exempt information, questions which are personal to the questioner and that questions must be of strategic nature.</p> <p>Response from the Chairperson:</p> <p>As already mentioned in the response to your first question, the council does not need a threshold or specific policy. In general terms and answering your academic question, any matter of wrongdoing by officers would be considered as a complaint and if necessary, then under the Council’s standard employment processes and policies. If there is a suggestion of a criminal wrongdoing, then, as mentioned, the council would report this to the police. This would be a decision of the relevant director who’d draw upon legal and human resources advice as necessary.</p>	

Questioner: 2

James McGeown, Weobley

Question:

I understand that Councils operate under statutory duties, for example something like, the childrens act 1989 provides the supporting framework. But it is legal precedence, established from case law that determines lawful procedure that a council must follow when implementing individual elements.

For example something like initiating and conducting a Section 47 enquiry under the childrens act 1989.

If a member of the public and service user had honestly held, and well evidenced, concerns that the council was disregarding case law and dismissing concerns when raised.

How should that person “whistleblow” and present their evidence so that it will not be instantly dismissed?

Response from the Chairperson:

The Whistleblowing Policy documents the Council’s commitment to its employees and workers under the Public Interest Disclosure Act 1998. The Policy provides employees and workers a single document that lays down their rights and protections in making disclosures in the public interest and prevents them from suffering an employment detriment. Any concerns raised by a member of the public would not be part of this policy and it is not possible that ‘whistleblowing’ can be made other than by an employee or worker under this policy.

However, if a member of the public is concerned about how the council is performing or whether it is complying with its statutory duties, then this would amount to a complaint and would be considered under either the council’s general (Corporate) complaints policy or the Children’s Representations and Complaints Policy & Procedure. The council’s external website <https://www.herefordshire.gov.uk/council/get-involved/7#formal> provides full details of the process involved and what is available to residents. Concerns about safeguarding of children should be raised to the Multi-agency Safeguarding Hub and details can be found at <https://www.herefordshiresafeguardingboards.org.uk/safeguarding-information/concerned-about-a-child>

In the hypothetical example provided in your question, then the Council's complaints team would receive the concern, and it will be considered in full. This process is managed by the complaints team who will ensure that the appropriate officers within the Council are consulted on the complaint. In the circumstances that a complaint is not upheld, then the member of the public will have the right to refer the matter to the local government ombudsman.

The role of this committee within that framework is to ensure that the process is operating appropriately and performing the functions it was designed to do. It is not possible for this committee to be involved in individual cases as responding to complaints has been delegated to the officers. If you have any specific complaint that you wish to refer to the council then please use the links above which will enable you to do so. If a member of the public does not agree with the council's decision, then they should refer the matter to the ombudsman. Details can be found at <https://www.lgo.org.uk/make-a-complaint>

Supplementary:

Thank you for the most informative answer provided. This signposts a clear course of future action.

In the hypothetical example given, would a concerned citizens group, such as 'Families' Alliance for Change (Herefordshire), FAC' be permitted to present the whistleblowing concern to the council's complaints team.

This is asked with reference: Cllr Ivan Powell's response, full meeting, 11/10/24, "We will not engage with other self-created groups".

Or would a whistleblowing concern to the council's complaints team only be accepted if it was presented by a wronged individual or family?

Response from the Chairperson:

The Council already provides support to those who need it to express their complaint including a referral to a local independent advocacy and advice service – such as Onside Advocacy or Children's Rights and Advocacy Team. These provide free and confidential advice for those who need support.

Complaints must be received from the actual customer of the council – those receiving a particular service. If a third party is complaining on behalf of someone else the council will require consent and authorisation in writing from the customer of the council first.