

DYDD LLUN, 5 GORFFENNAF 2021

AT: HOLL AELODAU'R PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU RHITH CYFARFOD O'R **PWYLLGOR SAFONAU** A GYNHELIR AM **2.00 YP, DYDD LLUN, 12FED GORFFENNAF, 2021** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

Wendy Walters

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Kevin Thomas
Ffôn (llinell uniongyrchol):	01267 224027
E-bost:	kjthomas@sirgar.gov.uk

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

PWYLLGOR SAFONAU

AELODAETH: 9 AELOD

Aelodau Annibynnol (5)

- | | | |
|----|---------------------------|-------------------------|
| 1. | Mrs Mary Dodd | Is-Cadeirydd y Pwyllgor |
| 2. | Mrs Daphne Evans | |
| 3. | Mrs Julie James | |
| 4. | Mr M. Andre Morgan | Cadeirydd y Pwyllgor |
| 5. | Mr Alun Williams | |

Aelod Pwyllgor Cymunedol (1)

1. **Cynghorydd Tref Philip Rogers**

Aelodau Etholedig y Cyngor Sir (3)

1. **Y Cynghorydd Jeanette Gilasbey**
2. **Y Cynghorydd Rob James**
3. **Y Cynghorydd Gareth Thomas**

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB.
2. DATGAN BUDDIANNAU PERSONOL.
3. LOFNODI YN GOFNOD CYWIR COFNODION CYFARFODYDD Y PWYLLGOR A GYNHALIWDYD AR 14 MEHEFIN 2021. 5 - 8
4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD P COMLEY 9 - 18
5. ADOLYGIAD O'R POLISI DATGELU CAMARFER 19 - 40
6. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972

Mae'r dudalen hon yn wag yn fwriadol

PWYLLGOR SAFONAU

14 MEHEFIN 2021

YN BRESENNOL: Y Cyngorydd M.A. Morgan (Cadeirydd)

Aelodau Annibynnol:

M. Dodd, D. Evans, J. James ac A. Williams

Aelod Cymunedol:

Y Cyngorydd Tref P. Rogers;

Y Cynghorwyr:

S.J.G. Gilasbey, R. James a G.B. Thomas.

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

L.R. Jones, Pennaeth Gweinyddiaeth a'r Gyfraith;
R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol;
M.S. Davies, Swyddog Gwasanaethau Democrataidd;
A. Eynon, Prif Gyfieithydd;
J. Owen, Swyddog Gwasanaethau Democrataidd.

Rhith-Gyfarfod: 10:00yb - 11:00yb

1. YMDDIHEURIADAU AM ABSENOLDEB.

Ni chafwyd ymddiheuriadau am absenoldeb.

2. DATGAN BUDDIANNAU PERSONOL.

Aelod	Rhif yr Eitem	Y Math o Fuddiant
Y Cyng. Rob James	4 – Cais am Olyngiad gan y Cyngorydd N. E. Holman	Mae'n adnabod yr ymgeisydd.

3. LOFNODI YN GOFNOD CYWIR COFNODION CYFARFODYDD Y PWYLLGOR A GYNHALIWDYD AR 25 MAWRTH 2021.

PENDERFYNWYD llofnodi cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 25 Mawrth, 2021 gan eu bod yn gywir.

4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD N. E. HOLMAN

[Sylwer: Gan fod y Cyngorydd Rob James wedi datgan buddiant yn yr eitem hon, cymerodd ran yn y drafodaeth ond nid oedd wedi pleidleisio].

Rhoddodd y Pwyllgor ystyriaeth i gais a gyflwynwyd gan y Cyngorydd Cymuned Nathan Edward Holman am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) fel y gallai siarad a phleidleisio mewn perthynas â materion yn ymwneud â chyllid a staff yng Nghyngor Cymuned Llan-non.

Dywedwyd bod y cais am ollyngiad wedi cael ei wneud oherwydd bod gan y Cynghorydd Jones fuddiant personol yn y mater yn rhinwedd paragraff 10(2)c - gwaith y Cyngor sy'n effeithio ar eich llesiant neu eich sefyllfa ariannol, neu lesiant, sefyllfa ariannol neu fuddiannau eraill rhywun sy'n byw gyda chi, neu rywun y mae gennych gysylltiad personol agos ag ef.

Roedd buddiant y Cynghorydd Holman hefyd yn rhagfarnol, oherwydd byddai aelod o'r cyhoedd, o wybod yr holl ffeithiau, yn ei ystyried yn rhesymol fod y buddiant hwnnw mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y Cynghorydd ynghylch budd y cyhoedd. Gan hynny, roedd y Cynghorydd Holman wedi gofyn am ollyngiad o dan Reoliadau 2 (d) a (f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001.

Yn dilyn trafodaeth:-

PENDERFYNWYD bod y cais a gyflwynwyd gan y Cynghorydd Nathan Edward Holman am ollyngiad i siarad a phleidleisio yng nghyfarfodydd Cyngor Cymuned Llan-non mewn perthynas â materion sy'n ymwneud â Chyngor Cymuned Llan-non yn cael ei wrthod.

5. ADOLYGIAD O'R POLISI DATGELU CAMARFER

Dywedodd Rheolwr y Gwasanaethau Cyfreithiol nad oedd y Polisi Datgelu Camarfer a oedd ynghlwm wrth yr adroddiad yn dangos y newidiadau a oedd wedi'u gwneud i'r polisi, ac felly, argymhellwyd y byddai'r eitem hon yn cael ei gohirio tan y cyfarfod nesaf er mwyn i'r Pwyllgor ystyried y newidiadau.

PENDERFYNWYD YN UNFRYDOL ohirio ystyried y Polisi Datgelu Camarfer tan gyfarfod nesaf y Pwyllgor Safonau.

6. DEDDF LLYWODRAETH LEOL AC ETHOLIADAU (CYMRU) 2021

Rhoddodd y Pwyllgor ystyriaeth i'r newidiadau deddfwriaethol o fewn Deddf Etholiadau a Llywodraeth Leol (Cymru) 2021 a sut y maent yn effeithio ar waith y pwyllgor.

Roedd y Ddeddf yn cynnwys sawl darpariaeth a fyddai'n effeithio ar waith y pwyllgor yn uniongyrchol fel a ganlyn:-

- Gosod dyletswydd ar arweinwyr grwpiau gwleidyddol i gymryd camau rhesymol i hyrwyddo a chynnal ymddygiad o safon uchel ymhlith aelodau eu grŵp.
- Gosod dyletswydd ar arweinwyr grwpiau gwleidyddol i gydweithredu â'r Pwyllgor Safonau wrth roi swyddogaethau'r pwyllgor hwnnw ar waith.
- Newid swyddogaethau'r Pwyllgor Safonau i gynnwys monitro cydymffurfiaeth arweinwyr grŵp â'r dyletswyddau uchod a rhoi cyngor a hyfforddiant iddynt mewn perthynas â'r dyletswyddau hynny.
- Cyflwyno gofynion statudol ar Bwyllgorau Safonau i lunio adroddiad blynyddol cyn gynted â phosibl ar ôl diwedd y flwyddyn ariannol, a rhagnodi bod cynnwys penodol yn cael ei gynnwys yn yr adroddiadau hynny, sef:

- (a) Crynodeb o'r hyn sydd wedi cael ei wneud o ran cyflawni'r swyddogaethau y cyfeirir atynt uchod.
 - (b) Crynodeb o unrhyw adroddiadau neu argymhellion a gafwyd.
 - (c) Crynodeb o unrhyw gamau gweithredu a gymerwyd yn dilyn rhoi ystyriaeth i unrhyw adroddiadau neu argymhellion a gafwyd.
 - (d) Asesiad i ba raddau mae arweinwyr grwpiau gwleidyddol wedi cydymffurfio â'u dyletswyddau o dan y Ddeddf.
- Gosod dyletswydd ar Gynghorau Tref a Chymuned i ddatblygu a chyflwyno cynlluniau hyfforddiant ar gyfer eu haelodau a'u staff.

PENDERFYNWYD YN UNFRYDOL nodi'r newidiadau deddfwriaethol sy'n cael eu gwneud gan y Ddeddf a sut y maent yn effeithio ar waith y pwyllgor.

7. DATA CÔD YMDDYGIAD

Rhoddodd y Pwyllgor ystyriaeth i adroddiad a oedd yn rhoi gwybodaeth mewn perthynas â'r cynnydd a wnaed hyd yma o ran cael data gan Gynghorau Tref a Chymuned.

Rhoddwyd gwybod mai dim ond traean o'r Cynghorau oedd wedi ymateb i'r e-bost yn gofyn am wybodaeth am ddata yn ymwneud â chydymffurfiaeth gan y Cynghorau Tref a Chymuned. Rhoddwyd gwybod i'r Pwyllgor y byddai swyddogion yn anfon e-bost arall at y Cynghorau hynny sydd heb ymateb hyd yma ac y byddant yn adrodd yn ôl yng nghyfarfod nesaf y pwyllgor.

PENDERFYNWYD YN UNFRYDOL nodi'r cynnydd a wnaed hyd yma o ran cael data gan Gynghorau Tref a Chymuned.

8. HYFFORDDIANT YNGHYLCH Y CÔD YMDDYGIAD AR GYFER CYNGHORWYR TREF A CHYMUNED

Rhoddodd y Pwyllgor ystyriaeth i adroddiad a oedd yn gofyn am benderfyniad ynghylch pa ddull a ddefnyddir i roi hyfforddiant i Gynghorau Tref a Chymuned a pha mor aml y byddai'n cael ei gynnal.

Penderfynodd y Pwyllgor, yn ei gyfarfod ym mis Mawrth, 2021 gynnig hyfforddiant côd ymddygiad pellach i Gynghorwyr Tref a Chymuned ar ffurf dau ddigwyddiad ar-lein yn ystod yr haf.

Rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybod fod llythyrau wedi cael eu hanfon at yr holl Gynghorau Tref a Chymuned yn rhoi gwybod iddynt am yr hyfforddiant ac yn gofyn am eu barn. O'r cynghorau a ymatebodd, roedd gan y rhan fwyaf ohonynt ddi-ddordeb mewn mynd i ddigwyddiadau o'r fath. Fodd bynnag, mynegodd nifer bach ohonynt bryder na fyddai rhai o'u haelodau yn gallu mynd i'r digwyddiad oherwydd diffyg offer addas neu ddiffyg hyder o ran eu defnyddio.

Nododd y Pwyllgor fod sawl cyngor wedi dangos diddordeb mewn rhannu'r sesiynau yn rhai gyda'r nos ac yn ystod y dydd er mwyn darparu ar gyfer patrymau gweithio eu haelodau.

Yng ngoleuni'r ymatebion, cynigiwyd felly bod 2 sesiwn ar-lein yn cael eu cynnal ym mis Gorffennaf, un yn ystod y prynhawn ac un gyda'r nos.

Y gobaith oedd recordio'r hyfforddiant a darparu dolen i Aelodau'r Cyngor na fyddent yn gallu mynd i'r dyddiadau hyfforddiant arfaethedig.

PENDERFYNWYD YN UNFRYDOL gynnal dau sesiwn ar-lein ym mis Gorffennaf 2021, un yn y prynhawn ac un gyda'r nos.

9. COFLYFR CÔD YMDDYGIAD OMBWDSMON

Ystyriodd y Pwyllgor y rhifyn diweddaraf o 'Goflyfr Côt Ymddygiad' Ombwdsmon Gwasanaethau Cyhoeddus Cymru, a oedd yn berthnasol i 2020.

Rhoddodd y coflyfr grynodedb o 9 achos lle ni chanfuwyd unrhyw dystiolaeth o dorri amodau. Nododd y Pwyllgor fod un o'r achosion hyn yn ymwneud ag aelod o Gyngor Sir Caerfyrddin a bod achos arall yn ymwneud ag aelod o Gyngor Tref Pen-bre a Phorth Tywyn.

PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.

10. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972

Nid oedd dim materion brys i'w trafod.

CADEIRYDD

DYDDIAD

PWYLLGOR SAFONAU
12/07/21

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD P COMLEY

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried a phenderfynu ar y cais**

Y Rhesymau:

Mae gan y pwyllgor rôl statudol i ystyried a phenderfynu ar geisiadau o'r fath.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol - Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N DAL Y PORTFFOLIO:-
Y Cyngorydd Emlyn Dole – Arweinydd y Cyngor**

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Ree-Jones

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr y Gwasanaethau
Cyfreithiol

Cyfeiriadau e-bost:

rjedgeco@sirgar.gov.uk 01267
224018

STANDARDS COMMITTEE
12/07/21

APPLICATION FOR DISPENSATION BY CLLR P COMLEY

An application for dispensation has been received from Councillor Peter Comley of Betws Community Council to speak and vote in respect of matters relating to the payment of rent by Betws RFC to Betws Community Council.

Cllr. Comley has a personal and prejudicial interest in such matters as he is the secretary, treasurer and licensee for Betws RFC and a member of the club committee.

Cllr Comely seeks dispensation to speak and make written representations. He does not seek dispensation to vote.

Cllr Comley asks that the dispensation be granted on the grounds set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 that

1. His participation is justified by his particular role and expertise and (Regulation 2(f))
2. The business relates to the finances and property of a voluntary organisation of whose management committee he is a member and he has no other interest. (Regulation 2(h))

If the committee is minded to grant a dispensation it has discretion as to duration

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed *Linda Rees-Jones* Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed *Linda Rees-Jones* Head of Administration and Law

1. Scrutiny Committee – N/A

2. Local Member(s) - N/A

3. Community / Town Council – N/A

4. Relevant Partners - N/A

5. Staff Side Representatives and other Organisations - N/A

**EXECUTIVE BOARD PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

NO

N/A

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services File	DPSC-191	County Hall, Carmarthen

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached
Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Peter Comley

Name of your Council: Betws Community Council

Your address and postcode: 24 Heol Y Felin, Betws, SA18 2HL

Contact telephone number(s): 01269 596508

Email address: peter.comley52@gmail.com

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Payment of Rent by Betws RFC to Betws Community Council this has been a bone of contention between both parties for many years with frequent non-payment.

This matter needs to be resolved to the benefit of both parties with the forthcoming meetings within the Community Council meeting/s format and a separate meeting/s with both sides discussing with the intention of drawing a line and making a fresh start and move forward for the benefit of the community.

What is your interest in the above matter?

Under 10 (2) (a)

- A contract made between the Council and you
- Any land, lease or license in which you have an interest
- A public body or other association in which you have membership or hold a position of general control or management.

I am the Secretary, Treasurer and Licensee for Betws RFC and a member of the committee.

When will the above matter be considered?

This will be discussed in several meetings in the coming months with the Community Council and separate meetings with the Community Council and RFC committee.

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

Please find below in italics a recent letter which I sent to Betws Community Council regarding the longstanding issues between Betws RFC and Betws Community Council. The Clerk is in the process of compiling the facts and supporting documentation regarding the issues and will present once collated to the Members of the Community Council in a separate meeting. The Councillors will no doubt have questions that will come from reading the report and documents.

A solicitor's advice may well be sought for some aspects of the issues as a significant amount of money has been spent when the lease was drawn up and signed in April 2012 and with the ongoing issues since which include non-payment of rent. The First issues becoming apparent in a meeting of the Community Council on 20th February 2013, a letter dated 14th March 2014 sent by the Clerk regarding rent arrears, no rent indexation was implemented by the Community Council in 2017 with the next review being 2022, the rent had been agreed via both parties using a jointly appointed surveyor in 2012. Further rent arrears occurred in 2017 and were not paid up until October and November 2019 after letters being sent by Betws Community Council solicitors.

Betws RFC have not paid the rent which is due in advance each March (£500) and September (£500) since March 2020 due to the Coronavirus Pandemic.

The Councillors and the Committee are now in a position where they are prepared to come to an agreement and draw a line in order to make a fresh start for the benefit of the local community with options needing to be debated by both parties.

A lot of time and money has been wasted on both sides that could be put to better use.

From: [Peter Comley](#)

Sent: 07 April 2021 12:32

To: [Betws Community Council](#)

Subject: Re: RFC on meeting agenda

To : The Chairperson, Clerk and Committee Members of Betws Community Council

Ref : Various issues at ClwbRygbi Betws RFC Ltd

I write on behalf of the Committee and Directors of the above club to raise some issues and hopefully suggest some ways forward in the Community in Betws.

Firstly I would raise the issue of the car park rent currently set at £ 980.00 per year, as some of you may have seen the car park has had to undergo major work far and beyond the contract repair and maintenance remit.

The report we had done stated that the structure of the car park was beyond a repair, and that it needed excavation of nearly 100 tons of material and replacing of the under surface and the final finish in tarmac was going to cost nearly £10,000 on the basis of this, we decided to use concrete.

The total cost of the excavation and the replacement surface has cost the club just over £5000, this was achieved by doing most of the excavation and replacement surface ourselves.

We were forced into doing this work as our insurers would no longer cover for any damage to vehicles or for any personal injury and by our commitment to maintaining the car park as per the Council contract, this at a very precarious time financially for the Club due to the Covid situation and not having traded

Tudalen 15

We feel that the work carried out is above and beyond repair and maintenance and has increased the holding value of the council's asset, and there is further work on other parts of the car park still to be done with manholes which have raised due to amount of water passing through and lifting the surrounding tarmac.

This car park was partly laid before the new club was built so parts of it are 25 years plus old, it is with this in mind that we are asking the council for financial assistance with this, as the contract has not been in force for that period of time.

We are the siting of the only Defibrillator in the village and raised the money by donations from the local businesses including the Community Council and the Turbines sited on Betws Mountain, we supply the electricity and maintain it by regularly checking it is charged, and working we are also responsible for replacing the packs used to revive someone and up until now have paid for these ourselves, but as its now 2 years old all packs have to be replaced at a cost of £80.00 under normal circumstances we would pay, but with no trade and income at its lowest ever we have to seek help in maintaining this important asset for the village and as it is a much needed Community facility we ask for financial help with this .

We are aware the Council has limited funds but feel that the club supplies a venue for 14 local organisations to meet and bottle banks and now the Polling Station. and it is with this in mind that we feel the Car park rent should be waived for a considerable amount of time to compensate the Club and invest in the Club as a village asset as well as offering any financial help it can.

Further to this we have decided to cancel our Catering side of the business due to the sheer lack of profit from this venture. and to make use of the upstairs hall which is a large hall licensed to hold 200 people by offering it for use as a Community Centre for the use of the local population, for any use suitable to the venue .

We already hold childrens parties, Weddings, Birthday parties etc and would offer this to local residents at a discounted rate { cleaning costs } and if the organisation was a charity or raising funds for the local community FOC.

The hall could have a real purpose in the village if advertised and promoted properly, and would avoid any costs to the setting up and running as its already there ready for use, we would need to meet we believe when the Covid restrictions allow in a face to face meeting to make certain decisions, We hope that when it has been discussed at that time that the Council would support this idea.

Yours sincerely

Peter Comley

Secretary

Clwb Rygbi Betws RFC Ltd

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed: P. Comley

Date: 15 / 06 / 2021

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;

Tudalen 17

- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

	Council business which relates to the well-being, financial position or other interests of a person with whom you live or have a close personal association	10(2)(c)
	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	10(2)(a)
	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time (County Council only)	13

(2) The Standards Committee (Grant of Dispensations)(Wales) Regulations 2001 (as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (b) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;

Y PWYLLGOR SAFONAU
12/07/2021

ADOLYGIAD O'R POLISI DATGELU CAMARFER		
<p>Yr argymhellion / penderfyniadau allweddol sydd eu hangen: Nodi a chymeradwyo'r newidiadau i'r Polisi.</p>		
<p>Y Rhesymau: Mae swyddogion wedi adolygu'r polisi ac wedi penderfynu gwneud rhai newidiadau bach i wella prosesau ac adlewyrchu profiad ymarferol diweddar.</p>		
Angen ymgynghori â'r Pwyllgor Craffu perthnasol Amh.		
Angen i'r Bwrdd Gweithredol wneud penderfyniad Amh.		
Angen penderfyniad gan y Cyngor Amh.		
<p>YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cynghorydd Emlyn Dole - Arweinydd</p>		
<p>Y Gyfarwyddiaeth:</p> <p>Enw Pennaeth y Gwasanaeth:</p> <p>Linda Rees-Jones</p> <p>Awdur yr Adroddiad:</p> <p>Robert Edgecombe</p>	<p>Swyddi:</p> <p>Pennaeth Gweinyddiaeth a'r Gyfraith</p> <p>Rheolwr y Gwasanaethau Cyfreithiol</p>	<p>Ffôn:</p> <p>Cyfeiriadau E-bost:</p> <p>rjedgeco@sirgar.gov.uk</p> <p>01267 224018</p>

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
12/07/2021**

REVIEW OF WHISTLEBLOWING POLICY

Council officers have recently reviewed the Whistleblowing Policy and made slight changes aimed at improving processes and reflecting recent experiences.

A copy of the draft revised policy is attached showing the changes

These are as follows

- A new paragraph 20 dealing with whistleblowing complaints by employees of the Council's Local Authority Trading Companies. *(NB. If approved, this will cause subsequent paragraphs to be renumbered accordingly)*
- A change to the flowchart in Appendix A to provide that the feedback form is sent to whistleblowers by the Contact Officer instead of the Monitoring Officer
- A change to the Feedback form inserting email contact details for where it should be sent.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - it is suggested that such consultation take place
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

EXECUTIVE BOARD PORTFOLIO HOLDER(S) AWARE/CONSULTED

NO

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services file	DPSC-191	County Hall, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol



WHISTLEBLOWING POLICY



Legal Protection for Workers with Concerns at Work:

Employee; Casual Worker; Volunteer; Contractor;
Agency Worker: Consultant.

Policies: Whistleblowing Policy
Adopted: March 2004
Revised: 14th June 2019 at Standards
Committee.



People Management

Contents

What is this about?.....	3
What legal protection do I have?.....	3
Will I be protected if I make a public disclosure?.....	3
What support can I expect?.....	4
What is the Council's attitude to malpractice in the workplace?.....	4
Who can blow the whistle?.....	5
What can I blow the whistle about?.....	5
How does the policy fit in with other Council policies?.....	6
What if I am already involved in another HR procedure?.....	7
How does this policy fit with the Members' Code of Conduct?.....	7
What if I want to make anonymous allegations?.....	87
Is my identity kept confidential?.....	87
How do I raise a concern?.....	8
What happens after I have raised my concerns?.....	109
How will we deal with your concerns?.....	10
What happens if my concerns are not confirmed after an investigation?.....	11
What happens if I am not happy with the Council's response?.....	1244
Who is responsible for this policy?.....	12
Appendices:	
WHISTLEBLOWING FLOWCHART.....	1413
WHISTLEBLOWING PROCEDURE FEEDBACK FORM.....	1544
WHISTLEBLOWING CASE STUDIES.....	1645

What is this about?

1. We (the 'Council') want to ensure a working environment where you (the 'worker') feel confident to raise any concerns about malpractice within the Council. However, some people are reluctant to voice their concerns because of fears about possible repercussions, or a feeling of disloyalty to colleagues. Some might consider it easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. Malpractice can include fraud, corruption, bribery, dishonesty, financial irregularities, serious maladministration because of deliberate and improper conduct, unethical activities (which may be of a criminal nature) and dangerous acts or omissions which create a risk to health, safety or the environment, criminal offences, or failure to comply with a legal or regulatory obligation.
3. Whistleblowing does not include mismanagement as this may arise from weak management, for example, rather than malpractice. Mismanagement may be dealt with under the Council's Capability Policy or Disciplinary Procedure, as appropriate.
4. This policy is intended to encourage and support you to raise serious concerns **within** the Council safely and with confidence and view this as a **duty**, rather than overlooking the problem. 'Whistle-blowing' refers to the disclosure, by workers, of malpractice as well as illegal acts or omissions at work.
5. This policy will be applied consistently to everyone irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status.
6. If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

What legal protection do I have?

7. The Public Interest Disclosure Act (PIDA) 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, to the Council, either as your employer or (in the case of a contractor disclosing information) to the organisation that has legal responsibility for that matter.

Will I be protected if I make a public disclosure?

8. You are encouraged to raise your concerns via your line manager (para.33), the Council's dedicated Whistleblowing Officers (para.33); a confidential mailbox (para.34), Senior Officers (para.35) or a recognised Trade Union Representative (para.36). You can also seek advice from prescribed organisations independent of

Policies: Whistleblowing Policy
Adopted: March 2004
Revised: 14th June 2019 at Standards
Committee.



People Management

the Council regarding your concerns (para.50). If you raise concerns to someone else other than those detailed within this procedure, e.g. to the local paper, depending on your disclosure and to whom it is made, you may not receive the legal protection as a 'whistleblower'. You are therefore strongly advised to seek advice before taking this action.

9. If you do take the matter outside the Council you should ensure that you do not disclose any confidential information, e.g. client case notes, given to you in confidence, unless you have consent in writing from the person to whom the information relates.

What support can I expect?

10. At all times, when raising and investigating your concerns:

- Directors and Heads of Service, will support the investigation process
- your concerns will be taken seriously
- the Council will do all it can to support you throughout the investigation, e.g. provide advocacy services, interpreters, counselling etc.

If appropriate, and after full consultation the Council may consider temporarily re-deploying you or others for the period of the investigation.

What is the Council's attitude to malpractice in the workplace?

11. We take any malpractice within the Council very seriously, as we are committed to maintaining the highest standards of openness, probity and accountability. If you have serious concerns about any aspect of the Council's work then you are encouraged and expected to come forward and voice those concerns.
12. We understand 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. However, if you raise your concerns you will have nothing to fear as you will be doing your duty to your employer, your colleagues and those to whom you provide a service.
13. Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence which will be dealt with under the disciplinary procedure.
14. We will not tolerate any attempt on the part of any worker, councillor, council contractor or supplier to apply any sanction or detriment to anybody who has reported to the Council any serious and genuine concern that they may have about apparent wrongdoing.

15. We will treat such conduct by an employee of the Council as a serious disciplinary matter, and any such conduct by a Councillor is liable to be reported as a breach of the Members Code of Conduct.
16. Where any such conduct is undertaken by any contractor or supplier of the Council we will regard that as a serious breach of contract.
17. Any such behaviour by any recipient of a Council service will be regarded as a breach of the condition under which that service is provided.

Who can blow the whistle?

18. This policy applies to:
 - Workers for Carmarthenshire County Council including all employees, centrally employed teachers and casual workers
 - Employees of contractors working for the Council on Council premises, for example, agency staff, builders, drivers
 - Those providing services under a contract or other agreement with the Council in their own premises, for example care homes
 - Voluntary workers working with the Council
 - Consultants engaged by the Council
19. However, this policy does not cover staff on the complement of locally managed schools for which local arrangements exist. In the absence of local arrangements school governing bodies are recommended to adopt the principles contained within Welsh Government's 'Procedures for Whistleblowing in Schools and Model Policy'.
20. Employees and workers of the Council's Local Authority Trading Companies (LATC) should normally raise any concerns through the LATC's own whistleblowing procedures. Where the specific concern relates to the governance arrangement, business contract or legal agreement between the LATC and the Authority or vice versa the individual may opt to raise the matter directly with the Authority using the process described in this policy.

What can I blow the whistle about?

20. You are encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place, in one or more of the following six areas:
 - Criminal offences
 - Breach of legal obligation
 - Miscarriages of justice
 - Danger to the health and safety of an individual
 - Damage to the environment

Policies: Whistleblowing Policy
Adopted: March 2004
Revised: 14th June 2019 at Standards
Committee.



People Management

- The deliberate concealing of information about any of the above

21. You can raise serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. The event may already have occurred or it may be likely to be committed in the future. For example, your concerns might fall into one or more of the six areas of malpractice describe above that:

- is potentially unlawful, fraudulent or corrupt
- might contravene our Standing Orders, our Financial Procedure Rules, our policies, codes of conduct or other legal obligations
- could amount to improper conduct by an officer or a member
- might fall below established standards of practice
- constitutes sexual, physical or emotional abuse
- potentially endangers the health and safety of an individual
- is causing, or is likely to cause, damage to the environment
- might involve a miscarriage of justice
- is an attempt to cover up any of the above examples

22. In addition, the Council has signed up to Welsh Government's Code of Practice on Ethical Employment in Supply Chains. The Code covers:

- Modern Slavery;
- Blacklisting;
- False self-employment;
- Unfair use of umbrella schemes and zero hours contracts;
- Paying the national living wage.

You are also encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place and is related to the direct activities or the supply chains of the Council, and this malpractice falls within one or more of the six areas described in Para. 20 above. Further information can be found in the Council's Ethical Employment & Supply Chains Policy.

23. If your concerns fall outside the six areas illustrated above you will be advised of the correct procedure to follow as described below.

How does the policy fit in with other Council policies?

24. The Whistle-blowing Policy is intended to cover major concerns that **fall outside** the scope of other procedures **and are in the public interest**, i.e. any **serious concerns** that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under this policy.

25. Concerns you may have about your own employment with the authority, such as, terms and conditions of employment, health & safety, work relations, new working

practices, working environment or organisational change should be raised through the Grievance procedure.

26. Concerns you may have about allegations of bullying, harassment, victimisation or discrimination in work should be raised in line with the Council's Behavioural Standards guidance.
27. A whistle blowing issue could be entangled within a grievance or concerns about standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart).
28. This policy should be read in conjunction with the Council's Officer Code of Conduct and any corporate and/or departmental procedures for investigating concerns which may be developed from time to time and which will be drawn to the notice of employees and others to whom this policy applies.

What if I am already involved in another HR procedure?

29. Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary, grievance, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future. On the other hand, any disciplinary grievance, sickness, capability, redundancy or any other procedures to which you are already subject will not be halted as a result of raising concerns.

How does this policy fit with the Members' Code of Conduct?

30. The Council has no power to deal with Code of Conduct complaints against an elected member. If you raise concerns about an elected member under this policy you will be given the appropriate legal protection against any acts of detriment and advised to make your concerns to the Public Services Ombudsman for Wales. Alternatively, the Monitoring Officer may decide to refer the matter to the Ombudsman if it is considered appropriate to do so. Details of the Ombudsman's complaints process can be found at www.ombudsman-wales.org.uk

What if I want to make anonymous allegations?

31. You can raise concerns anonymously, but they are much less powerful and will be considered under this policy at the discretion of the Monitoring Officer. Remember, the purpose of this policy is to protect and support you and ensure that you can raise your concerns with confidence. If you do not tell us who you are, it will be much more difficult for us to look into the matter, to support and protect you, or to give you feedback.

Is my identity kept confidential?

32. All disclosures will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated however that the investigation process may reveal the source of the information and a formal statement may be required from you as part of the evidence. If you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you through the process.

How do I raise a concern?

33. You should not approach or accuse individuals directly or attempt to investigate the matter yourself. Instead can raise your concerns with your line manager or if you

Members

Am I covered by the PIDA?

No, this legislation provides protection to 'workers' and this does not extend to Members who hold positions of public office.

What is my role as a Member in the Whistleblowing Process?

You may witness or be approached by a 'worker' about a potential whistleblowing concern. In this situation it is not appropriate for you to seek further information or make your own enquiries and are therefore advised to speak directly to the Monitoring Officer, Deputy Monitoring Officer or Chair of Standards Committee.

prefer, one of the Council's dedicated Whistleblowing Officers, as shown below:


Whistleblowing Officer	Job Title/e-mail address	Phone number
Noelwyn Daniel	Head of ICT Service	01267 246270

Policies: Whistleblowing Policy
 Adopted: March 2004
 Revised: 14th June 2019 at Standards
 Committee.




People Management

 Nigel J Evans	NDaniel@carmarthenshire.gov.uk	(extension 6270)
	Practice Support Manager nevans@carmarthenshire.gov.uk	01267 224694 (extension 4694)
Tracey Thomas	Principal Development Officer TrThomas@carmarthenshire.gov.uk	01267 246202 (extension 6202)
Stefan Smith	Head of Children's Services SJSmith@carmarthenshire.gov.uk	01267 246530 (extension 6530)
Nicola J Evans	Business Support Manager NJEvans@carmarthenshire.gov.uk	01267 224124 (extension 4124)
Alan Howells	Business and Development Manager AEHowells@carmarthenshire.gov.uk	01267 228140 (extension 5140)
Cathy Richards	Senior Safeguarding Manager CRichards@carmarthenshire.gov.uk	01267 228995 (extension 2995)

 You are welcome to contact me in Welsh or English

1. If you do not wish to raise your concerns with your line manager or one of the Council's dedicated Whistleblowing Officers you can raise your concerns through the Council's confidential Whistleblowing mailbox by emailing CEWhistleBlowing@carmarthenshire.gov.uk. This mailbox is only viewed by the Monitoring Officer and Deputy Monitoring Officer in the Legal Department.
2. Alternatively, you could contact one of the people listed below;

Name	Job Title/e-mail address	Phone number
Wendy Walters	Chief Executive WSWalters@carmarthenshire.gov.uk	01267 224112
Linda Rees-Jones 	Head of Administration and Law/Monitoring Officer lrjones@carmarthenshire.gov.uk	01267 224010
Robert Edgecombe	Legal Services Manager/Deputy Monitoring Officer riedgeco@carmarthenshire.gov.uk	01267 224018
Chris Moore	Director of Corporate Services (including responsibility for proper administration of financial affairs) cmoore@carmarthenshire.gov.uk	01267 224120
Paul Thomas 	Assistant Chief Executive (People Management) prthomas@carmarthenshire.gov.uk	01267 226123
Andre Morgan	Chair of Standards Committee Andre.morgan@btinternet.com	01974 202564
Helen Pugh	Head of Revenues and Financial Compliance HLPugh@carmarthenshire.gov.uk	01267 246223

 You are welcome to contact me in Welsh or English

Policies: Whistleblowing Policy
Adopted: March 2004
Revised: 14th June 2019 at Standards Committee.



People Management

36. You may seek the support of a companion, i.e. a recognised trade union official or representative or a work colleague, to assist you in raising your concerns and accompany you at any meeting through this procedure.

Contact names	Trades Union	E-mail address	Phone number
Mark Evans	UNISON	unisoncarms1@btconnect.com	01267 224942
Mark Preece Allan Card	Unite	MAPreece@carmarthenshire.gov.uk Allan.Card@unitetheunion.org	07718925787 01646 690618
Peter Hill	GMB	Peter.Hill@gmb.org.uk	01792 467803

37. If you would prefer to contact an outside organisation instead then a list of useful contacts is given at paragraph 49 below. It is better to contact one of the external organisations listed than to overlook your concerns.

What happens after I have raised my concerns?

38. The person you speak to and raise your concerns will offer you some initial advice and guidance and will normally become your “**Contact Officer**”. This will depend on the nature of your concerns and could be someone else with your agreement. Your Contact Officer will be the person with whom you will have all future contact in respect of your concern, and if an investigation takes place (see below) s/he will be your primary contact for feedback.
39. We will need to get the details set out in writing as soon as possible. If you do not want to put your concerns in writing, then that’s alright, your Contact Officer can do this for you instead and support you in expressing the background and history of your concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. The earlier your concerns are expressed the easier it is to take action.
40. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to your Contact Officer that there are reasonable and sufficient grounds for your concern.

How will we deal with your concerns?

41. Action taken by the Council will depend on the nature of the concern. The matters raised may be:
- investigated internally by an appropriate person in line with the Council's Investigation Policy
 - referred to the Police
 - referred to the Wales Audit Office
 - the subject of an independent inquiry.

Policies: Whistleblowing Policy
Adopted: March 2004
Revised: 14th June 2019 at Standards Committee.



People Management

42. 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 should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.
43. The Contact Officer will acknowledge your concern as soon as possible and contact you within 14 calendar days of you raising your concern to:
- indicate how it is proposed to deal with the matter
 - give you an estimate of how long it may take to provide a final response
 - tell you whether any initial enquiries have been made; and
 - inform you whether a full investigation will take place, and if not, why not.
44. The Contact Officer will give you as much feedback as possible, but sometimes precise action will not be set out where this would infringe upon a duty of confidence owed to the Council by someone else. Time estimates and limits may be amended by agreement between you and the Contact Officer.
45. The frequency of contact between you and the Contact Officer will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Contact Officer or the officer investigating the matter will seek further information from you.
46. When any meeting is arranged between you and the Contact Officer, you have the right, if you so wish, to be accompanied by a companion (who may be a recognised trade union representative or a work colleague who is not involved in the area of work to which the concern relates). Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure.
47. We understand that you will need to be assured that the matter has been dealt with properly and therefore, subject to legal constraints, your Contact Officer will inform you of the outcome and confirm in writing within 14 calendar days of the conclusion of the matter, i.e. whether your concerns have been upheld, what actions the Council proposes to take (subject to confidentiality constraints) and timescales for implementing. At that point you will be asked to complete a short questionnaire about your experience of the whistle blowing procedure (See Appendix B). Your feedback is important to us, as it will help us to monitor the effectiveness of this policy.

What happens if my concerns are not confirmed after an investigation?

48. If, you raise a concern using this policy but it is not confirmed by the investigation, no action will be taken against you. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's Disciplinary Procedure.

49. Remember, if you want to take independent advice at any stage, you may contact the independent charity Public Concern at Work (see paragraph 49 for details). Their lawyers can give you free confidential advice at any stage about how to raise concerns about serious malpractice at work.

What happens if I am not happy with the Council's response?

50. This policy is intended to provide you with a way to raise your concerns **within** the Council and we hope that you will be satisfied with the way that we deal with the matter. However, in the event that the issue is not resolved to your satisfaction then you are welcome to contact (assuming that they have not previously been involved in your case) the Council's Chief Executive or the independent chair of our Standards Committee. Their contact details are given at paragraph 34. As an alternative, we suggest the following possible contact points:

- The charitable organisation Public Concern at Work (See Appendix C). Telephone 020 7404 6609 or e-mail info@pcaw.co.uk or whistle@pcaw.co.uk
- The Auditor General for Wales, Public Interest Disclosure Helpline 01244 525980 or e-mail whistleblowing@wao.gov.uk or web www.wao.gov.uk/whistleblowers-hotline
- The Public Services Ombudsman for Wales. Telephone 0300 790 0203 or e-mail ask@ombudsman-wales.org.uk or web www.ombudsman-wales.org.uk
- Health and Safety Executive. Telephone 0300 003 1647 or Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> or web www.hse.gov.uk
- Care and Social Services Inspectorate for Wales. Telephone 0300 790 0126 or e-mail cssiw.@wales.gsi.gov.uk or web www.cssiw.org.uk
- Care Council for Wales Tel: 0300 303 3444 ftp@ccwales.org.uk
- Children's Commissioner for Wales Tel: 01792 765600 or e-mail: post@childcomwales.org.uk or web www.childcomwales.org.uk
- Natural Resource Wales Tel: 0300 065 3000 Email: enquiries@naturalresourceswales.gov.uk
- The Information Commissioner's Office Tel: 0303 123 1113 or e-mail casework@ico.org.uk or web www.ico.org.uk
- Older People's Commissioner Tel: 02920 445 030 or e-mail ask@olderpeoplewales.com or web www.olderpeoplewales.com

A full list of prescribed persons can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Who is responsible for this policy?

51. Linda Rees-Jones, the Council's Monitoring Officer and Paul Thomas, Assistant Chief Executive share overall responsibility for the maintenance and operation of this policy. Linda Rees-Jones will keep a record of concerns raised and the outcomes (in

Policies: Whistleblowing Policy
Adopted: March 2004
Revised: 14th June 2019 at Standards Committee.



People Management

a format that does not endanger confidentiality) and will report to the Standards Committee annually.

52. This edition of the policy was agreed by the Council's Standards Committee on 15th June. The policy is reviewed annually.

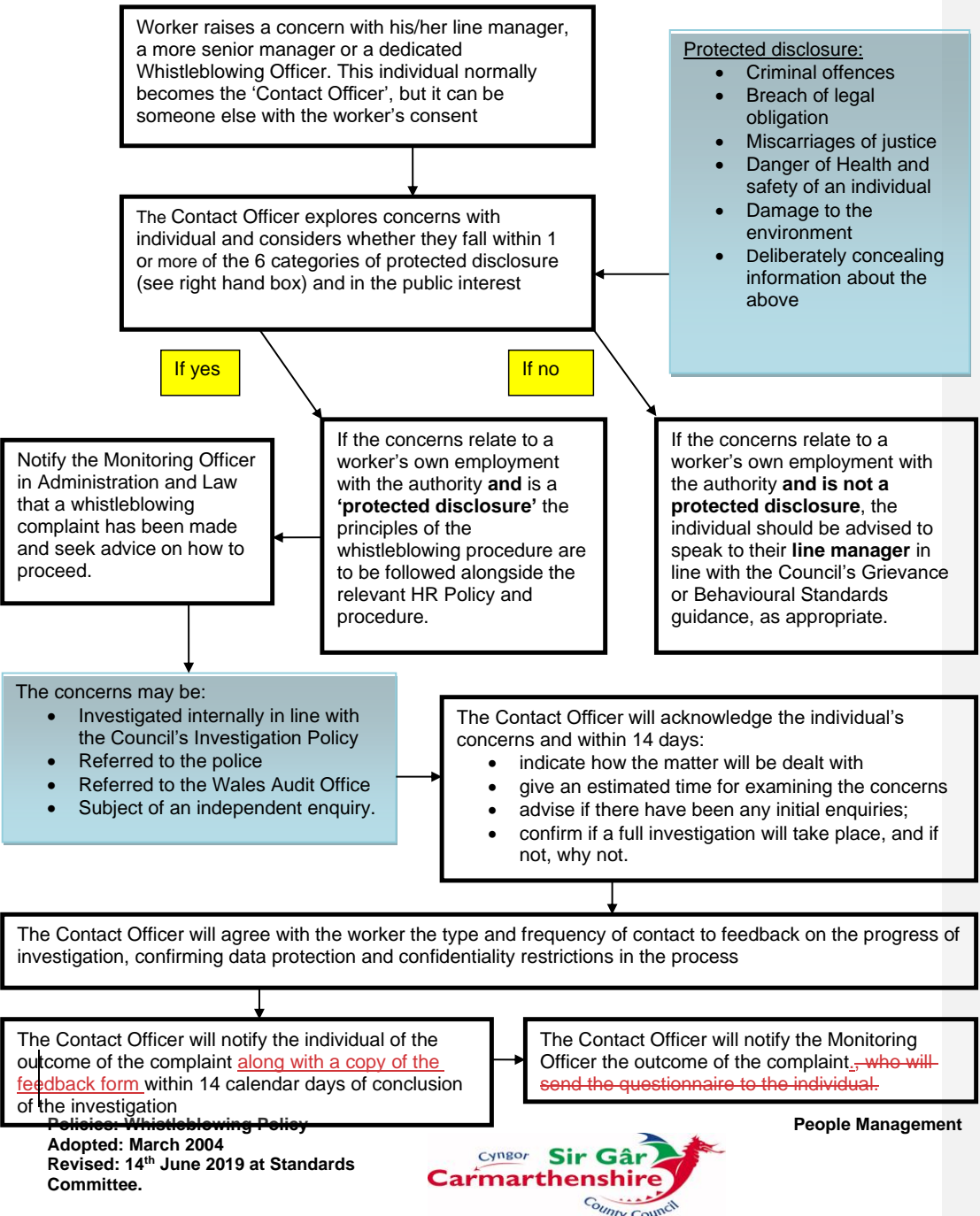
What happens to your 'information' and 'personal data'?

53. The proper handling of personal information by Carmarthenshire County Council is very important to the delivery of our services, undertaking our legal obligations as an employer and maintaining public confidence. Personal data is any information that relates to a person who can be directly or indirectly identified from the information. The terms 'information' and 'personal data' are used and have the same meaning. To ensure that the Council treats your information correctly, we seek to adhere in full to the requirements of Data Protection legislation. The Human Resources – People Management and Legal Services privacy notices have therefore been produced to explain as clearly as possible what we do with your personal data and are available to view on the Council's website.

If you require this publication in an alternative format, such as large print, Braille or on audiotape please telephone 01267 224651.

Appendix A

WHISTLEBLOWING FLOWCHART



CONFIDENTIAL -
WHISTLEBLOWING PROCEDURE FEEDBACK FORM

Appendix B

Formatted: Font: 11 pt

Formatted: Normal

We have recently concluded an investigation into your concerns raised under the Council's Whistleblowing Policy. 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 policy. Your reply will be treated as confidential and will be retained by the Monitoring Officer.

1. **To whom did you report your concern?**
- Line Manager
 - Whistleblowing Officer
 - Trade Union Rep
 - Other (please specify)
-

2. **Were you satisfied with the way in which your concern was dealt with by that person?**
- Yes
 - No

3. **If no, please explain why:**

.....

.....

4. **Were you aware of the Whistleblowing Policy at the time you raised your concern?**
- Yes
 - No

5. **If yes, where did you see a copy of the Whistleblowing Policy?**
- Line Manager
 - Whistleblowing Officer
 - Trade Union Rep
 - Intranet
 - Other (please specify)

6. **Were you advised of how the concern was being dealt with and the outcome?**
- Yes
 - No

7. **Overall, are you satisfied with the way your concern has been managed within the Whistleblowing Policy?**
- Yes
 - No

8. **If no, please explain why:**

.....

Thank you for completing this questionnaire. Please return it to the Monitoring Officer via the Council's confidential Whistleblowing mailbox: CEWhistleBlowing@carmarthenshire.gov.uk. This mailbox is only viewed by the Deputy/Monitoring Officer in the Legal Department.

Formatted: Font: 10 pt

Formatted: Indent: Left: 0 cm

Formatted: Font: 10 pt, Bold

Formatted: Font: 10 pt, Bold

Formatted: Font: 10 pt, Bold

Formatted: Font: 10 pt, Bold

Formatted: Font: 10 pt

Policies: Whistleblowing Policy
 Adopted: March 2004
 Revised: 14th June 2019 at Standards Committee.



People Management

~~in the envelope provided.~~

Appendix C

WHISTLEBLOWING CASE STUDIES

The following case studies have been produced by Public Concern at Work (PCaW), the whistleblowing charity, which advises individuals on their whistleblowing dilemmas and organisations on their whistleblowing arrangements.

They are examples of whistleblowing concerns that individuals have raised in other organisations.

Case 1 – Fraud in the NHS

The Story

Tim coordinated training for an NHS Trust. He was concerned that his boss was hiring a friend of his to deliver training on suspicious terms which were costing the Trust over £20,000 a year. More courses were booked than were needed and the friend was always paid when a course was cancelled. Although Tim asked his boss to get a credit note as with other training contracts, he never did. Tim also couldn't understand why the friend was paid for training sessions delivered by NHS staff. One day when the boss was out, Tim saw the friend enter the boss' office and leave an envelope. His suspicions aroused, Tim peeked inside and saw that it was filled with £20 notes, amounting to some £2,000. Unsure what to do, Tim called Public Concern at Work. Tim said his boss had lots of influence in the Trust and he was unsure who to tell, particularly as the Trust was being restructured and none of the directors were secure in their posts. Tim also recognised that the cash in the envelope was so brazen that there could be an innocent explanation.

What PCaW advised

PCaW advised Tim that the options were either to go to a director of the Trust or to the NHS Counter-Fraud Unit. Either way, we advised Tim to stick to the facts and focus on specific suspect arrangements and payments. We also said he should avoid the temptation to investigate the matter himself. Tim said he felt much better and would decide what to do over the holiday he was about to take.

What happened

On his return, Tim raised his concerns with a director at the Trust, who called in NHS Counter Fraud. Tim's suspicions were right: his boss and the trainer pleaded guilty to stealing £9,000 from the NHS and each received 12 month jail terms suspended for two years.

Case 2 - Involving a Regulator

The Story

Ian worked as a safety inspector at an amusement park. He was responsible for maintaining one of the park's most popular rides. Every morning he would carry out a safety inspection on the ride and, if it passed, he would sign the ride off as safe in the log. During one inspection, he noticed that pins on the axles which kept the carriages stable had become loose. Ian thought this presented a serious risk and notified his managers.

After what Ian felt was not a thorough examination, the Operations Manager cleared the ride as safe. Ian was unhappy with this and the next day, as no corrective action had been taken, he again could not sign off the ride as safe. Again the Operations Manager

overruled Ian and he was assigned to other rides. Ian contacted us the same day. He was anxious that the weekend was coming up and that the park would be extremely busy. He was also worried that if he pursued the issue any further he would be dismissed.

What PCaW advised

PCaW advised Ian that they could contact the Health and Safety Executive (HSE) on his behalf and relay the information that he had given us without giving his name. However, it was more than likely that they would want to speak to him, if they felt that the situation was potentially serious. PCaW said they would explain Ian's anxieties about his position and ask the HSE to bear this in mind. Although he was unsure whether he would speak to the HSE, he asked us to make the initial contact. The HSE agreed that the situation sounded potentially serious. However, they told PCaW that they would need to speak to Ian. PCaW explained Ian's fears that if the HSE suddenly turned up to inspect this particular ride, his employers would easily put two and two together and he would be out of a job. The HSE assured us that if they were to carry out an inspection, it could be done in such a way as not to make Ian's role apparent. We went back to Ian and, after talking things through, he agreed that he would speak to the HSE.

What happened

Shortly afterwards the HSE made a 'routine' visit to the park during which they inspected the ride, along with several other rides. As a result of the inspection, the ride was suspended and the repairs were carried out.

Case 3 – Theft in a care home

The story

FA worked as a care assistant in an old people's home. He and some of his colleagues were worried that SM, one of the managers, might be stealing cash from the residents. SM, looked after residents' pocket money and kept a record of when sums were paid out. FA was fairly sure that money was recorded as being given out to particular residents when they had received none.

After a while, he thought he had to raise the concern as the amount involved was adding up. After he raised his concerns with the owners of the home, an investigation quickly found FA was right, SM was dismissed and the police were called in. Relations within the home were tense as some of SM's friends strongly objected to the whistleblowing. Within weeks, FA was suspended over allegations that he had mistreated the residents. He rang us.

What PCaW advised

We advised that he should bite his lip and deal with these allegations squarely. Although the investigation found they had no substance, the owners decided to transfer FA to another home. FA was very unhappy and rang us again. We helped him draft a letter to the owners explaining that he wanted to stay at that home and that transferring him after he had blown the whistle would give out the wrong messages to other staff.

What happened

The owners reconsidered and FA stayed at the home. When FA rang to tell us that SM had been convicted of stealing £1400 from the residents, he said the atmosphere in the home was now much improved.

Mae'r dudalen hon yn wag yn fwriadol