

ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,
79 Main Road, Onchan.*

ORDINARY MEETING

8th June 2022

Sir/Madam

You are hereby summoned to attend an **ORDINARY Meeting of the Authority** to be held in the Boardroom at **HAWTHORN VILLA, 79 MAIN ROAD, ONCHAN** to transact the undernoted business on:

Monday 13th June 2022

7:00 pm - Board Meeting

which will be followed by a meeting of the Board sitting **IN COMMITTEE**. Items on this agenda marked **(P)** will be considered in private, and correspondence is circulated separately.

Please note that the minutes referred to in the agenda have yet to be confirmed by the Authority as a true and correct record of proceedings at the various meetings, and will be published after ratification.

Yours faithfully



R. PHILLIPS
ACTING CHIEF EXECUTIVE/CLERK

AGENDA

The order of business at every meeting of the authority shall be in accordance with that laid down in Standing Order No. 24 unless varied by the Chairman at his discretion (with the exception of items 1, 2, 3 or 4 which cannot be varied) or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.

- 1. To choose a person to preside if the Chairman and Vice-Chairman be absent.**
- 2. To deal with any business required by statute to be done before any other business.**
- 3. To approve as a correct record and sign the Minutes of the:-**

3.1 Minutes of the Ordinary Meeting held on the 30th May 2022 (Appendix 3.1)

- 4. To dispose of any relevant business arising from such minutes if not referred to in the Minutes of any Special Committee:-**

None.

- 5. To dispose of any relevant business adjourned from a previous meeting:-**

None.

- 6. To deal with any business expressly required by statute to be done:-**

None.

- 7. To consider any planning decisions/communications from the Department of Infrastructure Planning Committee:-**

7.1 Plans for Consideration (Appendix 7.1)

	PA Reference	Applicant/Address	Return Date
(a)	PA 22/00578	Mr & Mrs J Farrell - 23 Alberta Drive	17 th June 2022
(b)	PA22/00612	Mr & Mrs P Helwich - 33 Ballachurry Avenue	17 th June 2022
(c)	PA 22/00615	Mrs I Cowin - 5 The Kirkway	17 th June 2022
(d)	PA 22/00635	Mrs S Fagan - 2 The Kirkway	24 th June 2022
(e)	PA 22/00647	Mr & Mrs N Callin - 58-60 Main Road	24 th June 2022
(f)	PA 22/00166	Mr S M Jagger - 37 Eskdale Road	17 th June 2022

- 8. Finance & General Purpose Matters:-**

8.1 (P) Commercial Rent Arrears (Appendix 8.1)

9. Consideration of any report from the Clerk or other Officer:-

- 9.1 Attendance at Work during Adverse Weather/Road Conditions (Appendix 9.1)
– Policy and Procedure
- 9.2 On Call Scheme 2022 – Policy & Procedure (Appendix 9.2)
- 9.3 Special Leave Policy & Procedure (Appendix 9.3)
- 9.4 Time of in Lieu (TOIL) – Policy & Procedure (Appendix 9.4)
- 9.5 Whistleblowing (Confidential Reporting) Policy & Guidance (Appendix 9.5)
- 9.6 Heywood Court – Smoking Issues (Acting Chief Executive/Clerk to report)

10. Consideration of any relevant correspondence (already circulated unless indicated):-

- 10.1 Department of Infrastructure – Mount View Road (Appendix 10.1)
- 10.2 Royal British Legion – Onchan Branch (Appendix 10.2)

11. To answer questions asked under Standing Order 34:

To be confirmed.

12. To consider Motions in the order in which notice has been received:-

(Note: See Standing Order No. 26)

None.

13. Environmental & Technical Services Matters:-

None.

14. Housing Matters:-

- 14.1 Commissioners Surgeries Dates (Appendix 14.1)

15. Chairman's Announcements:-**Dates for Diary**

Date	Organisation	Event	Time
13 th June 2022	Onchan District Commissioners	Board Meeting	7:00 pm
14 th June 2022	Royal British Legion	Falklands War Memorial Service	3:00 pm
25 th June 2022	Onchan District Commissioners	Jubilee Party in the Park	12 noon to 11:00pm
27 th June 2022	Onchan District Commissioners	Board Meeting	7:00 pm
2 nd July 2022	Onchan District Commissioners	Commissioners Surgery – The Hub	10:00 am to 12 noon

11 th July 2022	Onchan District Commissioners	Board Meeting	7:00 pm
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16. Any other URGENT business as authorised by the Chairman for consideration:-

- 16.1 (P) Staffing Minutes of the Ordinary Meeting of 30th May 2022** *(Appendix 16.1)*
- 16.2 (P) Staffing Matter**



**ONCHAN DISTRICT
COMMISSIONERS**

Attendance at work during Adverse Weather/Road Conditions Policy and Procedure

Draft:	June 2022
Review:	February 2025



Attendance at Work during Adverse Weather/Road Conditions Policy

Contents

- 1. Scope**
- 2. Policy**
- 3. Purpose**
- 4. Key Principles**
- 5. Procedure**

Attendance at Work during Adverse Weather/Road Conditions Policy

Policy Review

History:-

Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

Effective from:	Replaces:	Originator:	Page X of Y
January 2020	New	Chief Executive/Clerk	1 of 4
Management Team Approval:			
Board Ratification:			6 th January 2020

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
Version 2	June 2022	Updated

Attendance at Work during Adverse Weather/Road Conditions Policy

1. Scope

This policy applies to all employees who are employed by Onchan District Commissioners ("the Authority") whether full-time, part-time or limited term.

2. Policy

The Authority seeks to provide a safe and healthy work environment for employees in order to support the highest possible level of attendance at work. As employee's absence has a significant effect on the ability of the Authority to provide services and on the workload and morale of other employees, Line Managers have a duty to ensure that absence is kept to a minimum. Even when external factors such as adverse weather/road conditions occur, employees have a duty to make every reasonable effort to attend for work as a condition of their employment, with any failure to do so being treated fairly and consistently across the Authority.

3. Purpose

The purpose of this policy is to provide a procedure for attendance at work in times of adverse weather conditions, whilst making every effort to safeguard the health, safety and welfare of employees.

4. Key Principles

- Employees should understand that they have a clear obligation under their terms of employment to attend for work and that this is not a matter about which they can exercise discretion;
- Whilst the Authority acknowledges that no employee should be required to travel to work by vehicle or on foot when the weather/road conditions are so extreme that to do so might place the employee (and, possibly, others) in danger, this does not remove the obligation on all employees to contact their Line Manager in accordance with the established procedures for reporting unexpected absences to discuss the situation if they feel they will be unable to attend their normal place of work at their scheduled start time.

5. Procedure

1. In the event that adverse weather conditions affecting travel within the Island occur during normal office hours, the Chief Executive/Clerk or Designated Officer will contact the Highway Services (tel. 850000), the Meteorological Office and/or Isle of Man Public Transport (tel. 662525) for guidance and will communicate the same to all Line Managers with advice about whether employees should be permitted to leave work early and, if so, on the timing of their departures.
2. Outside of normal office hours the Chief Executive/Clerk will be responsible for making appropriate enquiries and acting on the advice obtained.
3. An employee who fails to attend for duty because of adverse weather/road conditions has no entitlement to be paid for the period of absence but each case should be considered on its merits, taking the following factors into account –
 - the reasons given for the late or non-attendance;

Attendance at Work during Adverse Weather/Road Conditions Policy

- any advice obtained from the Highway Services and/or the Meteorological Office about the road and weather conditions at the time of the absence; and from Isle of Man Public Transport about public transport services;
- the geographical location of the employee's home and the extent to which the employee relies on public transport;
- the efforts, if any, made by the employee concerned to attend for work;
- the general health of the employee;
- whether any other employee living in the same (or similar) vicinity to the absent employee attended for work.

Before deciding whether the absence should be treated as special paid or unpaid leave, the former being appropriate where it is clear that the conditions prevented attendance in spite of all reasonable efforts. The decision will be made by the Head of Department.

4. Non-attendance because of domestic responsibilities, including childcare in the event of school closures should be debited against annual leave entitlement and will not qualify for paid Special Leave.
5. Where it is decided that an employee's absence is to be treated as unpaid leave, permission may be given for the employee to deduct the leave from their Annual Leave entitlement or from any authorised accrued TOIL.
6. Failure to attend work without notification will be treated as unauthorised absence and may result in disciplinary action.



**ONCHAN
DISTRICT
COMMISSIONERS**

On Call Scheme 2022

Policy Date: June 2022
Review Date: February 2024



Contents

1. Introduction
2. Commitment to On-Call Duty
3. Payment and Allowances for On-Call Duties
4. Mobile Phone

Policy Review - History:

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Effective from:	Replaces:	Originator:	Page X of Y
17 th February 2020	01/04/2018	Chief Executive/Clerk	1 of 4
Management Team Approval:			
Board Ratification:			
History or Most Recent Policy Changes – MUST BE COMPLETED			
Version:	Date:	Change:	
Version 2	17/02/2020	Updated	
Version 3	06/06/2022	Updated	

1. Introduction

- 1.1** Onchan District Commissioners ("the Authority") recognises that the nature of public services makes it necessary to provide the public and tenants with a point of contact outside normal office hours. The District Surveyor, Property Maintenance Manager and the Property Maintenance Officers are those deemed appropriate in terms of seniority and competence to be on call. It will therefore be a specific written contractual requirement for the District Surveyor, Property Maintenance Manager and the Property Maintenance Officers to undertake On-Call Duties if so requested by the Authority, and to carry out emergency work as and when the need arises.
- 1.2** On-Call Duty refers to a specific rostered arrangement whereby employees are under an obligation outside their normal working hours (including Saturdays, Sundays and fixed Public Holidays) to remain on-call and be available to be consulted, and if necessary called out, for emergency duty. With regard to the frequency of On-Call Duty, the Authority will endeavour to achieve a maximum commitment of one week in four for employees.
- 1.3** On-Call arrangements are subject to review at any time and may be varied by the Authority in consultation with the employees concerned. Where the Authority intends to terminate an On-Call arrangement, trade union representatives will also require to be consulted.
- 1.4** All payments for On-Call Duty are subject to Income Tax, National Insurance and Pension deductions. Payment will be included with normal salary payments on receipt of an authorised claim form, from the employee. The agreed rate herein will be subject to increase in line with the annual pay award for employees of the Authority
- 1.5** Line Managers are required to be satisfied, when authorising claims for payment that all claims are correct and can be substantiated. Every On-Call employee is responsible for logging each of their contacts and duration of any attendances.

2. Commitment to On-Call Duty

- 2.1** The preferred rota commitment should not exceed one week in four. Where there is a change in frequency to exceed one week in four on a permanent basis, then such changes would require to be discussed and agreed with the trade unions and employees concerned. The consultation with those parties will consider all practicalities and work/life balance concerns.
- 2.2** As a responsible employer, the Authority will positively discourage the requirement for employees to participate on a formal rota where they are On-Call more than one week in three.
- 2.3** Where employees are On-Call, it is essential that they remain contactable and must be both mentally and physically fit to undertake their official duties when required.

Onchan District Commissioners On Call Scheme 2022

- 2.4** It will be the responsibility of Line Managers to determine from time to time who should be included on the formal rota. Consistency in the category and seniority of employees required to participate in the rota is essential. Employees may be added or removed from the rota at the discretion of the Chief Executive/Clerk provided that the employees concerned have been consulted/informed.

3. Payment and Allowances for On-Call Duties

- 3.1** Daily On-Call Duty commences at the end of each employees working day, and finishes at the start of the following working day. At weekends and on fixed holidays, the On-Call period commences at the end of the employees last working day and continues until the start of the next working day.
- 3.2** Weekly On-Call Duty runs for a consecutive period of 7 days.
- 3.3** Employees who are required to undertake On-Call Duties will be entitled to payment of an allowance for each complete week (i.e. 7 days) of duty actually performed.
- 3.4** Payment is made to the employee for being available to be consulted or for duty, it is not dependent upon the number of calls received or attendances made.
- 3.5** Where an employee is required or deems it appropriate to attend a problem or incident, an allowance of time off in lieu at the contracted Terms and Conditions rates shall be granted in accordance with existing agreements
- 3.6** Mileage allowance at the prevailing rate will be paid for employees' attendance from home to site and return, and for any incidental mileage incurred in dealing with the matter.

4. Mobile Phone

- 4.1** Employees participating in the On-Call rota will be provided with a mobile telephone by the Authority for business use. Employees will respond to calls in a timely fashion subject to all normal legal constraints such as those imposed on mobile phone use while driving. Employees will not be responsible for lack of response due to loss of signal, failure of the unit or failure of any third-party communication provision



Onchan District Commissioners

Aim: To help employees balance the demands of work with the demands of domestic responsibilities.

Special Leave Policy and Procedure

Draft: June 2022
Review: February 2025



Contents

1.	Scope
2.	Policy
3.	Purpose
4.	Statutory Rights
5.	Compassionate Leave
6.	Emergency Leave
7.	Medical Dental and Health Appointments
8.	Personal Appointments
9.	Appendix 1 - Application Form for Special Leave

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Effective from:	Replaces:	Originator:	Page X of Y
August 2019	New	Chief Executive/Clerk	1 of 7
Management Team Approval:			
Board Ratification:			

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
Version 2	06/06/2022	None – completed due to policy review date

1. Scope

This Policy applies to all employees who are employed by Onchan District Commissioners ("the Authority") including full time, part time and temporary employees.

It applies to requests for time off work (paid or unpaid) which are not covered by other policies or terms and conditions of employment e.g. Annual Leave, Maternity/Paternity Leave, or leave for which statutory provisions are in place (see Statutory Rights).

2. Policy

The Authority recognises that there may be occasions when employees need to take time off work for reasons that do not necessarily fall under normal leave provisions and the need for other leave options to help employees achieve an appropriate balance between their work and personal commitments.

Any Special Leave granted is always on the provision that it is subject to the operational needs of the Authority and requires prior permission.

The Public Service Commissions – Special Leave Policy 2021 provides guidance relating to the provision of leave for compassionate or urgent reasons which can be accessed by the link below.

<https://hr.gov.im/media/2287/psc-special-leave-policy.pdf>

National Joint Council – National Agreement on Pay and Services

3. Purpose

The purpose of this Policy and Procedure is to ensure that Line Managers and employees understand the statutory, contractual and management authority underpinning the entitlements to and procedures for managing Special Leave. Procedures that are in place ensure that services are maintained, there is consistency and fairness in the management of Special Leave and accurate records are maintained.

4. Statutory Rights

The Employment Act 2006 ("the Act") and associated subordinate legislation provide the right for an employee to:

- reasonable time off with pay for trade union duties;
- reasonable time off without pay for trade union activities; and
- time off without pay for jury service during working hours.

Reasonable time off without pay to undertake other specified public duties, namely as:-

- a justice of the peace;
- a member of a local authority;
- a member of a statutory tribunal;
- a governor of a school maintained by the Department of Education, Sport and Culture;
- a member of the Isle of Man Prison Independent Monitoring Board or a member of the Parole Committee.; and
- Time off with pay for pension scheme trustees

This Policy does not remove any current provisions afforded to employees under their contracts of employment, under existing legislation, or other provisions within relevant collective agreements.

Requests for time off falling under any of the categories above should be made in writing to the Line Manager as soon as possible.

5. Compassionate Leave

Compassionate Leave is to offer immediate paid time off to employees to support them at the time of the death or serious illness of a close relative. A close relative is a parent, child, sibling, grandparent or spouse/partner. This may also apply to relatives 'in law'.

Requests for Compassionate Leave will take into account the individual needs of the employee and will include:-

- the relationship and caring responsibilities between the individual and the employee;
- the nature and extent of any illness or treatment required;
- whether the employee is involved in making funeral arrangements;
- whether there may be a requirement to travel or attend a funeral or ceremony; and
- the operational needs and demands of the Authority at that time and the capacity to make alternative arrangements to cover duties.

6. Emergency Leave

Emergency Leave is intended to cover genuine and unforeseen emergencies involving Dependents, or unexpected domestic emergencies. If however, an employee knows in advance that they are going to need time off, they should speak to their Line Manager about the possibility of taking such time as part of their annual leave entitlement.

a) For reasons connected with Dependants

Unpaid Emergency Leave is available for unexpected emergencies connected with dependants as listed below. Under certain circumstances this may be combined with compassionate leave:-

- to deal with an unexpected disruption or breakdown in care arrangements for a Dependant, for example, when a childminder is unavailable; or when a nursery or school is unexpectedly closed;
- if a Dependant falls ill, gives birth or has been involved in an accident or suffers some form of assault or harm;

- to make appropriate care arrangements for a Dependant who is ill, injured or in need of other forms of significant emergency care;
- to deal with an incident or emergency involving an employee's child while they are at nursery, school or college

Under this Policy the term Dependant is defined as an employee's spouse, civil partner, child (biological, adopted or fostered or for whom the employee has a legitimate responsibility), parent or someone who lives with the employee as part of their family (but is not a lodger or boarder).

A Dependant may also be someone who does not necessarily live at the same address as the employee but reasonably relies on the employee for assistance or to arrange provision of care if they fall ill, give birth, are injured or assaulted, or where care arrangements break down unexpectedly. This may be where the employee is the primary carer or the only person who can help in an emergency, for example where an employee is a registered carer.

b) Unexpected domestic and other emergencies

An employee may request up to 1 day of unpaid leave (or annual leave) if the experience a severe and unexpected domestic emergency (unrelated to children or Dependents) necessitating the employee's presence at home. Any additional time off should be taken as annual leave.

Examples of an emergency include but are not limited to:-

- fire or flood at the employee's home;
- a burglary at the employee's home;
- a road accident or other similar accident involving the employee (excluding time off for illness or injury where the sickness absence policy will apply);
- the breakdown or theft of the employee's car;
- in determining whether a request for emergency leave should be granted the following factors should be taken into consideration;
- the nature and extent of the emergency;
- the availability of others to deal with the emergency; and
- the likely impact of the emergency on the employee.

c) Procedure

An application for Special Leave, whether paid or unpaid, should be submitted to the Line Manager as far in advance as possible of the date of the first day of leave requested and the reason for the leave should be clearly stated using the form at Appendix 1.

Where the circumstances are such that it is not possible to apply in advance, the employee should contact their Line Manager to request verbal agreement as soon as reasonably practicable. The Line Manager will complete the form at Appendix 1 on behalf of the employee.

The Line Manager will discuss with the employee their need for leave either by arranging a meeting with the employee in advance of the start date of the requested leave or by telephone. The discussion may include:-

- the reason for the request;
- the anticipated number of days away from work;
- any additional flexible working pattern arrangements that will be required/appropriate e.g. half day working, late start/early finish;
- any additional leave i.e. annual leave that might be required;
- any implications for the Authority e.g. work commitments to be delegated elsewhere;
- Special Leave requests which fall within the guidance above may be approved by the Line Manager and the employee advised accordingly; and
- additional leave over and above the guidance, with or without pay may be authorised at the discretion of the Chief Executive/Clerk.

If the request for Special Leave does not fall within the scope of this Policy, the Line Manager will advise the employee accordingly, and discuss with the employee options available to enable the employee to have time off work e.g. use of annual leave or refuse the request.

7. Medical Dental and Health Appointments

It is expected that employees make appointments outside of working hours or at the beginning or end of the working day to minimise operational disruption. Approval to attend such appointments must be approved by the Line Manager.

Time off for Off Island Medical Appointments will be treated as paid special leave and not recorded as sick leave, unless the employee is already on sick leave in which case the sick leave provisions will continue to apply.

8. Personal Appointments

Personal appointments should be arranged outside of work hours.

Where this is not possible then the employee must obtain authorisation from the Line Manager to be absent during work time and agree with the Line Manager when the time will be made up. Alternatively, time off in lieu may be authorised where the employee has worked approved additional hours.



Appendix 1

Application Form for Special Leave

Please complete this form to request paid or unpaid Special Leave in accordance with the Authority's Special Leave Policy.

Full Name:	
Post:	

I wish to apply for the following period of paid/unpaid (delete as appropriate) Special Leave: -

Date from: - (first day of absence)	Date to: - (last day of absence)
Number of working days/weeks* absent (*delete as appropriate)	

Reason for application: -

--

Applicants signature: _____ Date: _____

Approved by:-

Line Manager's Name: _____

Line Manager's Signature: _____

Authorised by:-

Chief Executive/Clerk's Name: _____

Signature: _____



Onchan District Commissioners

Aim: To ensure staff have a healthy balance between home and work life, time accrued taken back at the convenience of the service and the individual and as soon as possible after it has been accrued.

Time Off In Lieu (TOIL) Policy and Procedure

Draft:	June 2022
Review:	February 2025



Time Off In Lieu Policy

FOREWARD

Onchan District Commissioners respects the needs of employees to take time off from work to achieve a suitable work life balance.

At times it may be necessary for you to be requested to work additional hours outside the normal working week.

The purpose of the Policy is to ensure that employees are aware of and understand the Authority's arrangements in respect of time off in lieu arrangements.

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Effective from:	Replaces:	Originator:	Page X of Y
August 2019	New	Chief Executive/Clerk	1 of 6
Management Team Approval:			
Board Ratification:			

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
Version 1	05/08/19	New Policy
Version 2	07/04/2022	Updated Policy

Time Off In Lieu Policy

1. Scope

This Policy applies to all employees who are employed by the Onchan District Commissioners ("the Authority") including full time, part time and temporary employees.

This Policy & Procedure is not appropriate where accrual of additional hours for any reason is regularly in excess of the maximum set out below which must be addressed by other means i.e. review of the scope and duties of the relevant role.

2. Purpose

It is a requirement of some staff to attend meetings/events that take place outside of the normal working day e.g. evening meetings. In addition, the Authority recognises that on occasions it may be necessary for employees to be asked to undertake work resulting in them either having to start earlier or finish work later than normal working hours e.g. to complete urgent work.

The purpose of this Policy is to ensure that Line Managers and employees understand the contractual and management authority underpinning entitlement to accrue time and procedures for managing time off in lieu. Procedures that are in place ensure that services are maintained, there is consistency and fairness in accrual and management of time off in lieu and accurate records are maintained.

3. Definition

Time Off in Lieu ("TOIL") is defined as time taken off work in compensate for additional hours worked either as a condition of employment or **at the request of management**, outside of normal working hours for operational reasons.

4. Accrual of TOIL

4.1 Additional hours worked

Employees who **at the request of management** work beyond the full-time equivalent hours for the week in question may receive TOIL.

TOIL will start to accrue only after 30 minutes or more.

4.2 Attendance at meetings

Employees who are in receipt of basic pay or undertake any approved duty outside normal working hours may, with the Line Manager's approval accrue TOIL at time and a half (Monday to Saturday) double time (Sunday and Bank Holidays) as an alternative to payment at the same enhanced rates.

Time Off In Lieu Policy

Note: TOIL accrues only when authorised by the Line Manager and does not accrue where employees choose for personal reasons to work outside of normal working hours.

5. Procedure

5.1 Recording TOIL

Employees will be issued with a TOIL record card (see Appendix 1)

Additional hours worked at the request of management must be recorded on the TOIL record card.

Additional hours worked by attendance at meetings/events outside of normal working hours must be recorded on the TOIL card.

A maximum of 15 hours TOIL may be carried forward from one month to the next. Any hours in excess of this will be lost if not taken before the end of the month. **In exceptional circumstances only**, the Chief Executive/Clerk may authorise hours to be carried forward to the next month in excess of 15 hours.

5.2 Taking TOIL

Employees must seek approval of the Line Manager before taking TOIL.

The record card must be updated and authorised by the Line Manager

TOIL must be taken as soon as possible after it has accrued.

In the event that for operational reasons it is not possible for a request to be approved to take TOIL resulting in the employee losing hours at the end of a given month, the Chief Executive/Clerk will approve payment in lieu for hours in excess of 15 hours.

Failure to comply with this Policy will constitute misconduct and result in disciplinary action.

Time Off In Lieu Policy

Appendix 1

ONCHAN DISTRICT COMMISSIONERS

NAME: RECORD OF TIME IN LIEU: 2022/23

Date	Details	Time From	Time To	+Hrs (1 x 1 ½)	-Hrs	Balance	Approved

Onchan District Commissioners

Aim: To provide an avenue for employees to raise concerns and receive feedback on any action taken and reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith.

Whistleblowing (Confidential Reporting) Policy and Guidance

Date: June 2022
Review: March 2025



Onchan District Commissioners Whistleblowing Policy

FOREWARD

Onchan District Commissioners are committed to creating an open and supportive culture that values its people. The responsibility for creating such an environment is shared by us all and we all have a role to play.

You are our eyes and ears and you may be aware of any wrong doing before anyone else does.

By helping us to create a positive environment for all our people and supporting you throughout, you raising your concerns to completion will enable us to give the best service we can to the residents of Onchan.



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Policy Review - History:

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Effective from:	Replaces:	Originator:	Page X of Y
January 2019	New	Chief Executive	1 of 14
Management Team Approval:			
Board Ratification:			21 st January 2019
History or Most Recent Policy Changes – MUST BE COMPLETED			
Version:	Date:	Change:	

1. Introduction – What is whistleblowing?

Within this Policy 'whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within Onchan District Commissioners ("the Authority"). The provisions in the Employment Act 2006 ("the Act") protect workers who 'blow the whistle' about wrongdoing.

The aim of the Policy is to encourage employees whether full time, part-time, temporary, casual or agency workers who have serious concerns about any aspect of the Authority's work to come forward and voice those concerns through appropriate channels. It is recognised that in certain cases, they may have to proceed on a confidential basis.

The Policy is intended to encourage and enable individuals to raise serious concerns within the Authority rather than ignoring the problem, or 'blowing the whistle' outside of the Authority. It sets out the principles that enable employees to raise concerns about a danger, risk, malpractice or wrongdoing that affects others, without the fear of adverse consequences or reprisal. Making a disclosure under this Policy will enable the Authority to address any risks as early as possible.

The Chief Executive/Clerk will be responsible to complete an annual return for submission to the Board of Onchan District Commissioners.

2. Purpose of the Policy

The Authority is committed to the highest standards of integrity, openness, probity and accountability. Employees are often the first to realise that there is something seriously wrong within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment, victimisation or reprisal.

The Authority recognises and appreciates that staff who raise concerns regarding malpractice or wrongdoing are an asset to the Authority and are not a threat. This Policy aims to reassure staff that they can raise genuine concerns without fear of victimisation, subsequent discrimination or disadvantage.

The aim of the Policy is to:

- Outline the procedure for employees, who have reasonable suspicions, to raise concerns at an early stage
- Ensure employees are given feedback where possible
- Reassure employees they will be protected from victimisation or reprisals if they raise any concerns
- Enable employees to take the matter further if they are unhappy with the Authority's response

The Authority requires staff to use this procedure and to be confident that, if any member of staff is genuinely concerned about a matter raised, those concerns will be handled with sensitivity and professionalism.

This Policy is intended to cover any major concerns employees may have that fall outside the scope of existing internal policies and should not be used for employees wishing to make a complaint about their own employment within the Authority which should be raised through the Authority's Grievance Procedure.

Nothing within this policy document overrides the statutory right of any employee (refer to Section 10 – Statutory Obligations below)

This Policy is intended to cover concerns that fall outside of other procedures including:

- A criminal offence
- A failure to carry out a legal obligation including health and safety
- Sexual, physical or verbal abuse of Authority clients, employees or public
- Fraud, bribery or corruption
- Undue favour shown, either on a contractual matter, or to a job applicant
- Bad working practices and services that fall seriously below approved standards
- Breach of the Code of Conduct for Staff
- Breach of the Authority's Financial Regulations
- Unauthorised use of public funds
- Unethical or improper conduct
- Endangering an individual's health and safety
- Damage to the environment (e.g., land, buildings, waste, air, etc)
- Failure to follow the Authority's policies and procedures
- Concealment of any of the above

N.B. this list is not an exhaustive list

3. Employee's Responsibilities

- 3.1 Employees should initially raise concerns with their Head of Department. The decision will depend on the seriousness of the concern, the sensitivity of the issue raised and who is suspected of being involved in the malpractice. If the employee is unable to raise the concern with the Head of Department, they should contact the Chief Executive/Clerk.
- 3.2 This Policy will enable employees to raise concerns that they reasonably believe are in the public interest. Disclosures relating only to the individual concerned without any wider impact are unlikely to meet public interest.
- 3.3 If an employee is not satisfied that their concerns have been taken seriously, they should write to the Chief Executive/Clerk and request that the investigation is reviewed.
- 3.4 Employees do not have to provide evidence of the allegation but will be expected to demonstrate that there are reasonable grounds for raising concern.

- 3.5 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If however a malicious or vexatious allegation is made then appropriate action will be taken.

4. Manager's Responsibilities

- 4.1 Heads of Departments are responsible for the application of this Policy in their Section.
- 4.2 All concerns raised will be treated confidentially by those involved in the reporting process.
- 4.3 Heads of Departments will ensure necessary steps are taken to minimise any difficulties an employee may experience as a result of raising a concern.
- 4.4 Line Managers will ensure that team members are aware of this policy.

5. Trade Union Representative's Role

- 5.1 It is the role of Union Representatives to support and advise members.
- 5.2 It is also part of their role to raise issues with Heads of Departments with a view to resolving them informally so as to avoid escalation into a more serious matter.
- 5.3 If a satisfactory outcome is not achieved the Union Representative may commence the formal dispute resolution process. *This covers and provides an alternative route if the person (the whistle blower) is not satisfied with the actions taken.*

6. Victimisation

The Authority will protect any member of staff who makes a good faith disclosure from any form of victimisation and reprisal. Disciplinary action will be taken against any employee who engages in any form of harassment or victimisation against an employee who has raised a concern.

Employees who are concerned about reprisals can seek information and advice on anonymity from HR or their Union.

7. Anonymous Allegations

This Policy strongly encourages employees who raise concerns not to remain anonymous, by ensuring they will be protected from victimisation. However, where an employee wishes to remain anonymous, the Authority will attempt to protect their identity. This may not always be possible as employees who report concerns may be required to give evidence as a witness, in situations where disciplinary or criminal action is taken.

The Authority will use its discretion in maintaining the anonymity of the individual concerned. The following will need to be taken into consideration:

- the seriousness of the issue(s) raised
- the possibility of obtaining information from an alternative source which would confirm the allegation

Although there is provision under the legislation concerns raised anonymously are much more difficult to investigate as it is impossible to seek clarification or additional information. It may therefore not be possible to progress a concern that has been raised anonymously. Anonymous allegations may be followed up via a routine audit.

8. Untrue Allegations

The Authority will protect individuals from false and malicious allegations. Allegations will be investigated before determining what action, if any, should be taken. Where it is established that an employee has made an allegation that is known to be false, malicious or for personal gain, they will be subject to disciplinary action under the Authority's Disciplinary policy.

Where allegations made in good faith are found to be untrue, no action will be taken against the employee raising the concern.

9. Public Interest Disclosure (Prescribed Persons) Order 2021

For any disclosure to qualify for statutory protection, it must be made to those persons or bodies prescribed in either the Act or included on the list in the Public Interest Disclosure (Prescribed Persons) Order 2021, as appropriate.

All procedures arising from this Policy will be subject to the provision of the Data Protection Act 2018.

10. Statutory Obligations

This Whistleblowing Policy does not affect your statutory rights.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Authority recognises the lawful rights of employees to make disclosures to prescribed persons (such as the Health & Safety Inspectorate, or relevant professional bodies, or regulatory organisations) or, where justified, elsewhere.

The provision of Part IV of the Act affords statutory protection to a worker who makes a protected disclosure. This protection takes effect from 30th September 2007.

11. Review of Policy

- To be reviewed bi-annually after initial implementation date.
- Unions will be consulted in good time about any proposed changes.

PROCESS

1. How to Raise Your Concerns

Wherever possible, employees should:

- raise concerns in writing identifying the nature of the concern and the grounds on which it is based;
- provide the names of the individuals involved;
- provide background information including the history, dates and places where the malpractice occurred or is likely to occur.

If an employee does not feel able to raise the concern in writing they may telephone the appropriate Head of Department or arrange to meet the Chief Executive/Clerk face to face.

It will be more difficult to investigate an anonymous disclosure as concerns expressed anonymously are much less persuasive but will be considered at the discretion of the Authority. In exercising this discretion the following will be taken into consideration:

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

If the concern involves the Heads of Departments, the matter should be reported to the Chief Executive/Clerk, who will appoint an appropriate person who will carry out the duties of the Designated Officer.

If, in exceptional circumstances, the concern involves the Chief Executive/Clerk this should be reported to the Chairman of the Authority who will appoint a Designated Officer to carry out the duties. As in other cases, this may include an external investigation. Human Resources will support and facilitate, where appropriate.

2. Response

Employees will receive an initial response to any concerns raised within ten working days and a confidential interview will be arranged between the employee and the Designated Officer to discuss the matter. All concerns will then be reported to the Chief Executive/Clerk who will be responsible for the commission of any further investigation.

All future internal proceedings will be of a confidential nature.

Due to the nature of the concerns covered by this policy it may not always be possible for the Authority to indicate how it proposes to deal with the matters raised and the timescales involved. Whilst an employee may not be given a copy of the full investigation report the Authority will, subject to any legal or other constraints, undertake to inform employees of the progress and outcome where this will not compromise the process, so that they can be satisfied that the matter is being fully and properly addressed.

3. Interview

At the interview meeting arranged to investigate a concern the employee will have the right to be accompanied by their trade union representative or workplace colleague, who is not involved in the area of work to which the concern relates.

During the interview the employee:

- will be reassured about protection from possible reprisals or victimisation;
- will be asked if their identity can be disclosed during the investigation;
- will be asked whether or not they wish to make a formal statement;
- will be informed that a brief summary of the interview will be noted and that they will be provided with a copy for their record.

If an employee is not satisfied that their concerns have been taken seriously, they should write to the Chief Executive/Clerk and request that the investigation is reviewed.

4. Individual Protection

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any substantive investigation is conducted. The overriding principle is the public interest.

5. Action

Action taken by the Authority will be dependent on the nature of the concern raised and may:

- be resolved by agreed action without the need for investigation

- be investigated by Management or Internal Audit
- at the discretion of the Authority, be subject of an independent inquiry; or be referred to the Police.

RELATED PROCEDURES

The Authority has existing procedures in place for employees to raise a variety of concerns:

- Financial Irregularities, including fraud and corruption – Financial Regulations Guidelines and Procedures
- Authority's Services – external Corporate Complaints Procedure
- Employment Related Issues – e.g., Grievance, Disciplinary and Bullying and Harassment Policies

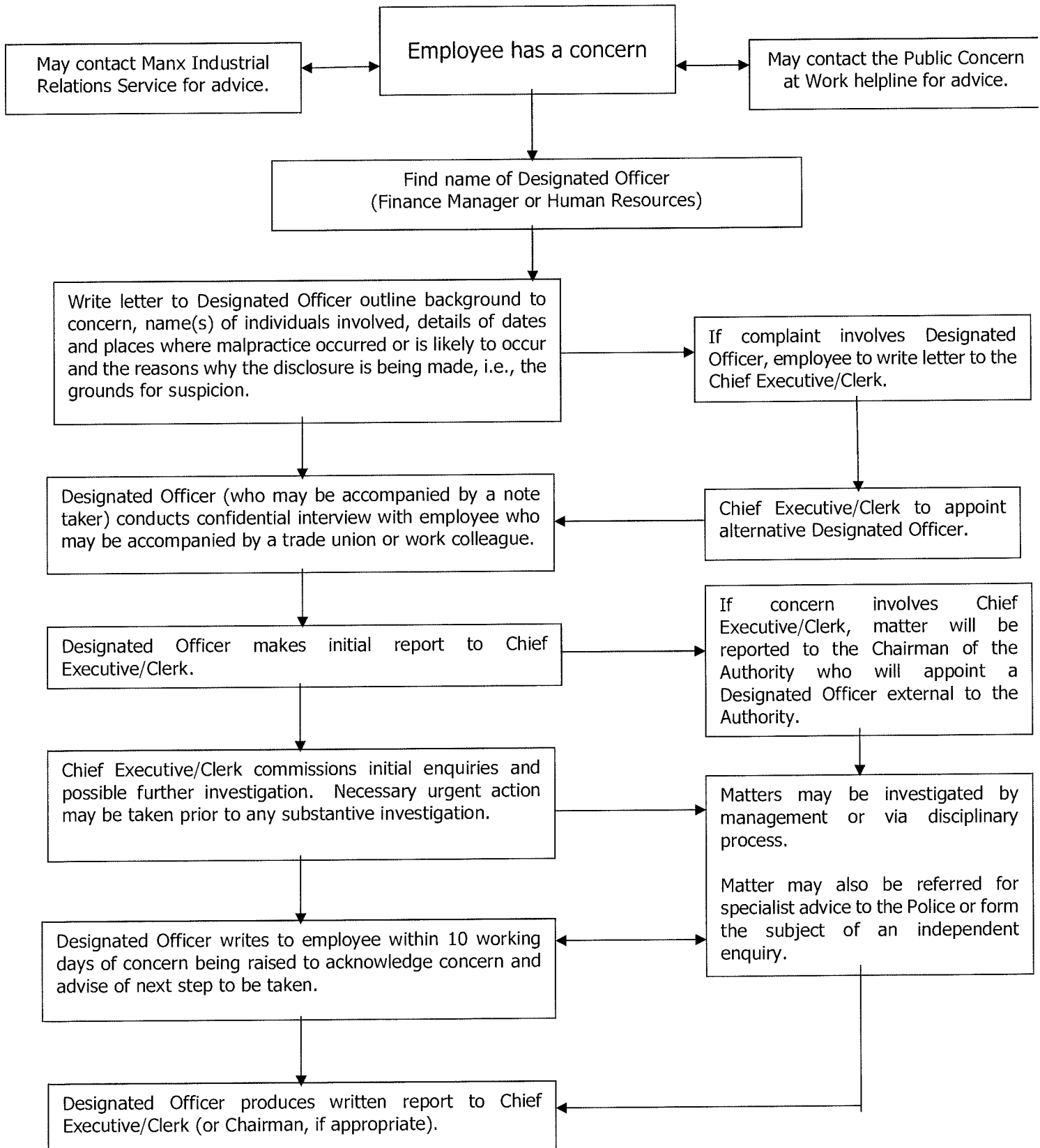
This Policy exists in addition to the above procedures and is intended to have a wider application covering other forms of malpractice that are not covered in the above policies.

EXTERNAL CONTACTS

The Manx Industrial Relations Service, an independent and impartial service, available to any individual or organisation free of charge can be contacted:

- by telephone (01624) 672942
- by email at iro@mirs.org.im

WHISTLEBLOWING PROCESS FLOW CHART



Ross Phillips

From:
Sent: 26 May 2022 14:59
To:
Subject: Mount View Road
Attachments: SC308_7048122052614570.pdf

Good Afternoon All,

Attached is a plan for double yellow lines at junctions and bends.

Ross can you circulate the attached to all your Board of Commissioners for their attention please.

Kind regards

Customer Services Manager

Highways Services
Department of Infrastructure
Ellerslie Depot
Crosby
Isle of Man
IM4 2HA

Highway Services | Department of Infrastructure

Phone: (01624) 686751



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Proposed No Waiting At Any Time orders
Mount View Road
Onchan

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Isle of Man Government
Licence No. 2022

SCALE	1 : 800
DATE	26/05/2022
DRAWING No.	
DRAWN BY	
CHECKED BY	

THE ROYAL BRITISH
LEGION



R.P.
Date: 01/06/22

ONCHAN BRANCH

(Isle of Man)

30th May 2022

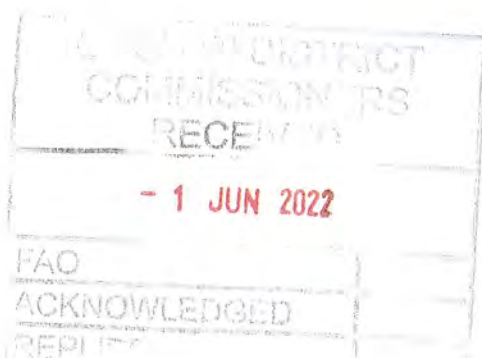
Dear Sirs,

On behalf of R.B.L. Onchan Branch we take this opportunity to thank you for the repair of the Falklands memorial

We look forward to meeting you on the 40th anniversary of liberation of the Falklands at Onchan WW Memorial on 14th June at 3pm

Yours Sincerely

Ken See.



MEMORANDUM

TO	ONCHAN DISTRICT COMMISSIONERS
FROM	HOUSING MANAGER
SUBJECT	COMMISSIONERS SURGERY
DATE:	8th June 2022

Dear Commissioners


Please find below the dates for the Commissioners' Surgery up to and including December 2022. It would be appreciated if Members could indicate which dates they would be able to attend.

Surgery Day	Surgery Date	Location	Time	Attendance
Saturday	2 nd July 2022	The Hub, School Road	10.00 a.m. to 12 noon	
Tuesday	2 nd August 2022	Springfield Court	2.00 pm to 3.00 pm	
Saturday	6 th August 2022	The Hub, School Road	10.00 a.m. to 12 noon	
Saturday	3 rd September 2022	The Hub, School Road	10.00 a.m. to 12 noon	
Tuesday	6 th September 2022	Heywood Court	2.00 pm to 3.00 pm	
Saturday	1 st October 2022	The Hub, School Road	10.00 a.m. to 12 noon	
Tuesday	1 st November 2022	Springfield Court	2.00 pm to 3.00 pm	
Saturday	5 th November 2022	The Hub, School Road	10.00 a.m. to 12 noon	
Saturday	3 rd December	The Hub, School Road	10.00 a.m. to 12 noon	
Tuesday	6 th December 2022	Heywood Court	2.00 pm to 3.00 pm	

Please note that should a Commissioner find that they are unable to attend the Surgery, it is that Commissioners' responsibility to contact other Commissioners to see if someone else can attend in their stead.

For attendance at The Hub, could you please collect the key and enquiry pad from the Commissioners' reception prior to the Saturday surgery. Please return any completed enquiry slips to me for further action, along with the enquiry pad.

Kind regards


A.S. Gale (Mrs)
Housing Manager