

Public Office (Accountability) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Clause 10

LORD HENDY

Clause 10, page 10, line 21, after “take” insert “all reasonable”

Member's explanatory statement

Clause 2(5) requires that the public official in charge of a public authority shall “take all reasonable steps” to secure that the authority complies with its obligations under the Bill. This amendment applies the same standard here.

LORD HENDY

Clause 10, page 11, line 7, at end insert —

- “(e) provide that a person who works, or has worked, for a public authority and who makes, on the basis of a reasonable and genuine suspicion, an allegation that a public official or a public authority has failed to act in accordance with the code must not be subject to dismissal or detriment (by act or omission, and including in cases of bullying and harassment) by, or on behalf of, that authority, or by any person acting at the instigation of the public authority where such dismissal or detriment was wholly or mainly the consequence of making such allegation.”

Member's explanatory statement

This amendment seeks to protect current and former workers of public authorities from dismissal, bullying, harassment or other detriment for reporting suspected breaches of the code, where the allegation is made on the basis of a reasonable and genuine suspicion.

LORD HENDY

Clause 10, page 11, line 19, at end insert—

- “(e) how the public authority provides protection to those who work for the authority and who act in accordance with the duty of candour, including raising concerns about failures to act in accordance with the code;”

Member's explanatory statement

This amendment requires public authorities to explain how they provide protection from detriment for workers raising concerns about failures to act in accordance with the code of ethical conduct and who act with candour.

LORD HENDY

Clause 10, page 11, line 19, at end insert—

- “(d) the making of disclosures under paragraph (b) includes disclosures to which section 43B of the Employment Rights Act 1996 (disclosures qualifying for protection) applies and to disclosures which would be such disclosures had they been made by a worker or employee.”

Member's explanatory statement

This amendment seeks to clarify that disclosures of suspected breaches include protected disclosures under section 43B of the Employment Rights Act 1996.

Schedule 6

LORD LEMOS

Schedule 6, page 70, line 26, leave out “at” and insert “in relation to”

Member's explanatory statement

This amendment and my amendment to Schedule 6, page 70, line 29, amend legal aid regulations to clarify the circumstances in which legal aid in relation to an inquest is available without a means test.

LORD LEMOS

Schedule 6, page 70, line 29, after “authority” insert “or any other person mentioned in paragraph 24A(3) of Part 3 of Schedule 1 to the Act”

Member's explanatory statement

See the explanatory statement to my amendment to Schedule 6, page 70, line 26.

LORD HENDY

As an amendment to Amendment 35

After subsection (4)(d) insert—

- “(e) provide that a person who works, or has worked, for a public authority and who makes, on the basis of a reasonable and genuine suspicion, an allegation that a public official or a public authority has breached the code must not be subject to dismissal or detriment (by act or omission) by or on behalf of that authority, or any person acting at its instigation, where such dismissal or detriment is wholly or mainly the consequence of making such allegation.”

Member's explanatory statement

This amendment seeks to protect current and former employees of public authorities who report suspected breaches of the code. It seeks to prevent them from being dismissed or treated unfairly because they have made an allegation, provided that they acted on a reasonable and genuine suspicion.

LORD HENDY

As an amendment to Amendment 51

After subsection (2)(d) insert—

- “(e) ACAS and representatives nominated by trade unions recognised by the public authorities to which the Act applies with a view to ensuring that the code will be effective in achieving the objectives of the Act and, so far as disciplinary matters arise, will operate fairly, consistently with the ACAS Code of Practice on Disciplinary and Grievance Procedures and the rules of natural justice, and sufficiently protect those who work or have worked for it,”

Member's explanatory statement

This amendment seeks to ensure that the representatives of the workers potentially affected by the core code of conduct have a say in the formulation of such provisions and be adequately protected under them, and that advice should be taken on such provisions from ACAS as an institution with expertise on such matters.

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