

# Part 5B

## OFFICERS' CODE OF CONDUCT

### CODE OF CONDUCT FOR COUNCIL EMPLOYEES

#### INTRODUCTION

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist the Council and its employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially oriented environment. This includes the introduction and extension of compulsory competitive tendering (CCT), market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

#### WHOM THE CODE IS AIMED AT

The Code applies to all Horsham District Council employees, including those working for Direct Service Organisations.

#### 1. STANDARDS

1.1 You are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to councillors and fellow employees with impartiality. You will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. You must report to the appropriate manager any impropriety or breach of procedure.

#### 2. DISCLOSURE OF INFORMATION

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to open other types of information. You must be aware of which information within the Council is open and which is not, and act accordingly.



- 2.2 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received by you from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by you without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

### **3. POLITICAL NEUTRALITY**

- 3.1 You serve the Council as a whole. It follows that you must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 If you are required to advise political groups, you must do so in ways which do not compromise your political neutrality.
- 3.3 Whether or not politically restricted, you must follow every lawful expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work.
- 3.4. Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

### **4. RELATIONSHIPS**

#### **4.1 Councillors**

You are responsible to the Council through your senior managers. For some, your role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between you and councillors is essential to good local government. Close personal familiarity between you and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

#### **4.2 The Local Community and Service Users**

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.



### 4.3 **Contractors**

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded in accordance with the Council's Constitution and Contract Standing Orders, on merit, by fair and genuine competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community shall be discriminated against.

- 4.4 If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you shall declare that relationship to the appropriate manager (see paragraphs. 15 and 17).

## 5. **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 5.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful for you to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or very close friend.

## 6. **OUTSIDE COMMITMENTS**

- 6.1 You have conditions of service which require you to obtain written consent to take any outside employment. You should be clear about your contractual obligations and shall not take outside employment which conflicts with the Council's interests.
- 6.2 You should follow the Council's rules on the ownership of intellectual property or copyright created during your employment.

## 7. **PERSONAL INTERESTS**

- 7.1 You must declare to the appropriate manager, any non-financial interests that you consider could bring about conflict with the Council's interests (see paragraphs. 15 and 17).
- 7.2 You must declare to the appropriate manager any financial interests which could conflict with the Council's interests (see paragraphs. 15 and 17).



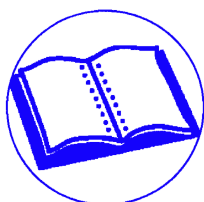
- 7.3 You should declare to the appropriate manager any personal interests that you feel conflict with the Council's interests, (e.g. acting as a school governor within schools maintained by the authority, involvement with an organisation receiving grant aid from the authority, membership of a National Health Service Trust Board, involvement with an organisation or pressure group which may seek to influence the authority's policies, and membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct) (see paragraphs. 15 and 17). For a fuller description see paragraph 9 of the Notes for Guidance in the Appendix attached.

## **8. EQUALITY ISSUES**

- 8.1 You should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness.

## **9. SEPARATION OF ROLES DURING TENDERING**

- 9.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the Council, where this applies. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 If you are in contractor or client units you must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 If you are privy to confidential information on tenders or costs for either internal bidders or external contractors you should not disclose that information to any unauthorised party or organisation.
- 9.4 If you are contemplating a management buyout you should, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 9.5 You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.



## **10. CORRUPTION**

10.1 You must be aware that it is a serious criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained.

## **11. USE OF FINANCIAL RESOURCES**

11.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

## **12. HOSPITALITY AND GIFTS**

12.1 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. It should be properly authorised by the appropriate manager and recorded in the registers provided (see paragraphs. 15 and 17).

12.2 Acceptance of moderate hospitality (e.g. a working lunch of a modest standard) is likely to be acceptable, but it is important to avoid any suggestion of improper influence. If you are in any doubt, please contact the appropriate manager. When hospitality has to be declined the offer or should be courteously but firmly informed of the procedures and standards operating within the Council.

12.3 It is possible that in the course of your duties you might be offered gifts. The acceptance of such gifts by Council employees can easily lead to accusations of corruption. The general rule is that you should refuse tactfully all offers of gifts from anyone who might provide work, goods or services to the Council or need some decision from the Council. The only exceptions are small gifts of a promotional nature given to a wide range of people, such as calendars, pens, diaries and minor articles of a similar nature for office use.

12.4 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.



12.5 Acceptance by you of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where it is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

### **13. SPONSORSHIP - GIVING AND RECEIVING**

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Council wishes to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

### **14. FAILURE TO COMPLY WITH THE CODE**

14.1 Breaches of any part of this Code of Conduct will be a disciplinary matter.

14.2 Some breaches of the Code, e.g. paragraphs 7.1 and 7.3, could lead to a finding of maladministration against the Council.

14.3 Certain breaches, e.g. paragraphs 7.2 and 10, could lead to criminal proceedings being brought against you.

### **15. APPROPRIATE MANAGER**

15.1 In this Code where “appropriate manager” is referred to this shall mean the Line Manager, except where the officer concerned is a Line Manager, in which case it shall be their Director, and where the officer concerned is a Director, it shall be the Chief Executive.

### **16. NOTES FOR GENERAL GUIDANCE**

16.1 The attached Appendix contains general notes for guidance to be read in conjunction with this Code.



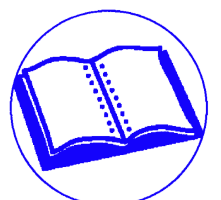
## **17. REGISTER OF PERSONAL INTERESTS, HOSPITALITY AND GIFTS, AND FINANCIAL INTERESTS**

17.1 Each Director will hold a register for the proper recording of personal interests and of gifts and hospitality received as referred to throughout this document. These registers will be confidential but can be inspected, from time to time, by the Council's Monitoring Officer, Chief Internal Auditor and/or Head of Personnel Services.

17.2 You are required to declare a pecuniary interest in any contract and the Chief Executive will record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under the Local Government Act 1972 Section 117 of a pecuniary (financial) interest in a contract and the book will be open during office hours to the inspection of any member of the Council.

## **18. PLANNING APPLICATIONS**

If you, or anyone to whom you are related, has an interest in any planning application submitted to the Council you are required to disclose the fact in writing to the Chief Executive, with a copy to the Director of Planning, and to take no part in the consideration of any such application or in any connected processes.



# APPENDIX 3

## GENERAL GUIDANCE

These notes for general guidance are to be read in conjunction with the Code of Conduct for Council Employees.

### LEGISLATIVE AND OTHER SOURCES

Some primary sources of existing relevant provisions in legislation and national agreements are summarised below. The paragraph numbers correspond with the numbered topics in the Code itself.

#### 1. Standards

##### **Paragraph 70 of the Purple Book (National Conditions of Service for Administrative, Professional, Technical and Clerical Staff)**

“(a) The public is entitled to demand of a local government officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives.”

Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

Each authority is required to have a Monitoring Officer under the Local Government and Housing Act 1989 who is responsible for propriety within the Council.

#### 2. Disclosure of Information

##### **Paragraph 72 of the Purple Book specifies that -**

“No officer shall communicate to the public the proceedings of any committee meeting etc., nor the content of any document relating to the authority unless required by law or expressly authorised to do so.”

**The Local Government Act 1972, s100** deals with the admission of the public and press to local authority committee meetings

**The Local Government Planning & Land Act 1980 s2** requires local authorities to publish certain categories of information in accordance with codes of recommended practice and any statutory regulations made by the Secretary of State (s3). This includes (s3(5)) information about the number of their employees or the number of any description of their employees.



**Local Government (Publication of Staffing Information) (England) Regulations 1995** covers English authorities and amends the Local Government (Publication of Manpower Information) (England) Regulations 1983.

**Local Government (Access to Information) Act 1985**, amending Local Government Act 1972, requires a principal council to maintain a list, open to public inspection, specifying those powers of the authority which are exercisable from time to time by officers of the authority in pursuance of its duties under statutory powers.

**Data Protection Act 1984** - provides for guidance and a registration system backed by criminal penalties and civil liability as to confidentiality and disclosure of information held on computer.

### 3. Political Neutrality

Political restriction of officers and staff:

**The Local Government & Housing Act 1989, Pt1**, contains provision to stop “twin-tracking” (where a senior local authority employee is also an elected member of another local authority) and to restrict the other political activity of senior employees. Local authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council (s1(1)) from being an MP or MEP and may not take an active part in any political party or campaign (s1(5),(6)).

**The Local Government Officers (Political Restriction Regulations 1990** and the **Local Government (Politically Restricted Posts (No. 2) Regulations 1990** covers the posts which are politically restricted. These are:

- (a) specified posts, such as the Head of Paid Service and the Monitoring Officer, chief officers and their deputies who are restricted without exemption or appeal;
- (b) all posts which reach or exceed a prescribed remuneration ceiling - automatically included on a list which employing authorities are under a duty to prepare unless exemptions for individuals are granted;
- (c) all posts which meet the duties-related criteria for determining a “sensitive” post irrespective of remuneration level unless the postholder appeals successfully against determination; these posts are defined as those which (i) give advice on a regular basis to the employing authority, to any committee or sub-committee or another joint committee on which the authority is represented (but excluding purely factual information) or (ii) speak on behalf of the authority on a regular basis to journalists and broadcasters.



The political restrictions are deemed to be incorporated in the contract of employment of every local authority employee who holds a politically restricted post.

#### **4. Councillor - Officer Relationships**

The Local Government & Housing Act 1989 s.31 has given statutory status to the National Code of Local Government Conduct (for the guidance of councillors of local authorities). The Code includes within paragraphs 23-25 the following statements as to the role of councillors in relation to officers:

- “23. Both councillors and officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and their council, and to carry out the council’s work under the direction and control of the council, their committees and sub-committees.
24. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage the relationship and prove embarrassing to other councillors and officers.
25. The law and Constitution lay down rules for appointment, discipline and dismissal of staff. You must ensure that you observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if you are called upon to take part in appointing an officer, the only question you should consider is which candidate would best serve the whole council. You should not let your political or personal preferences influence your judgement. You should not canvass the support of colleagues for any candidate and you should resist any attempt by others to canvass yours.”

#### **5. Appointment and other employing matters**

##### **Purple Book, Section 1, Paragraph 6(a):**

“Every candidate for any appointment under the employing authority shall, when making an application, disclose in writing to the Chief Executive of the authority whether to his knowledge he is related to any member of the authority or to a holder of any senior office under the authority.

Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment he shall be liable to dismissal. Every member and senior officer of the authority shall similarly disclose to the authority any relationship known to him to exist between himself and a candidate for an appointment of which he is aware. It shall be



the duty of the Chief Executive to the authority to report to the authority or appropriate committee any such disclosure made to him.”

**The Local Authorities (Standing Orders) Regulations 1993** also prescribe the procedure to be followed in respect of the appointment of chief officers and their dismissal in the event of misconduct.

See also Paragraph 12(a) of the “Purple Book” and Section 7 Local Government and Housing Act 1989 for appointment on merit and the Council’s own Constitution in relation to Appointment of Staff, Staff Establishment and Filling of Vacancies.

## 6. Outside Commitments

### Purple Book Paragraph 70(b)

“An officer’s off-duty hours are his personal concern but he should not subordinate his duty to his private interests to put himself in a position where his duty and his private interests conflict. The employing authority should not attempt to preclude officers from undertaking additional employment, but any such employment must not, in the view of the authority, conflict with or react detrimentally to the authority’s interests, or in any way weaken public confidence in the conduct of the authority’s business.”

The national conditions of service for chief officers and those for chief executives also mirror the above points:

### Paragraph 72

“Officers above Scale 6 shall devote their whole-time service to the work of their council and shall not engage in any other business or take up any other additional appointment without the express consent of the council.”

### Intellectual Property

#### Inventions and Patents

Inventions made before 1st June, 1978, are the property of the employer if made in the course of that employer’s employment. However, the **Patents Act 1977** states that after the 1st June, 1978, inventions are only the property of the employer if:

- \* they have been made in the course of the employee’s normal duties; or
- \* they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- \* it was made in the course of the employee’s duties and at the time the



employee had (because of the nature of his duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

### **Computer Viruses**

It is important that you only use computer software on your system which has been acquired from professional sources. The use of unauthorised software may lead to computer viruses being introduced to the Council's computer systems which would cause considerable damage not only to the equipment but also impair our service to the Community.

If you wish to use a piece of software which has not been supplied either by the Council's IT Services Department or supplied from a recognised software company please be responsible and before use, telephone the IT Services Department who will check the software for possible virus infection.

### **Software Piracy**

Although a new medium, software packages are subject to long established rules and legislation that govern other more familiar property such as films, videos, books, records, etc. (Copyright, Designs and Patents Act 1988). It is illegal to make copies of software without the supplier's or owner's permission. Unauthorised duplication of software can be a crime punishable by unlimited fines and up to two years in prison.

Horsham District Council does not condone the unauthorised copying of software and will take disciplinary action against any employee found to have copied software, other than for legitimate, or back up purposes.

### **Access to Information**

In order to ensure that the information we keep on computers is kept secure the Council insists that access is restricted by means of a pass-wording system. The pass-wording system ensures that only the person with that pass-word is able to gain access to information they are authorised to view.

### **Copyright, Design and Patents Act 1988**

This covers copyright on such works as literary, musical and dramatic works. Again, provided that the work is carried out as part of the duties of the employee under his/her contract of employment, the copyright will vest in the employer.

## **7. Personal Interests**

**The LGMB/LAAs Model Code of Conduct** includes the following extract:



“Register of Interests: Authorities should ensure that all employees disclose any personal interests that they feel conflict with the authority’s interests (e.g. acting as a school governor within schools maintained by the authority, involvement with an organisation receiving grant aid from the authority, membership of a National Health Service Trust Board, involvement with an organisation or pressure group which may seek to influence their authority’s policies). It is also recommended that authorities provide a mechanism for employees to declare any membership of secret societies. Authorities may also consider addressing this issue in the selection of potential employees at the recruitment stage.”

“The following definition of what constitutes a secret society was used by the working group responsible for drafting the Code:-

“Any lodge, chapter, society, trust or regular gathering or meeting, which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering, or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.”

## **8. Equality Issues**

Staff should be aware of the provisions and their responsibilities under the Sex Discrimination Act 1975 and the Race Relations Act 1976 and the Disability Discrimination Act 1995.

## **9. (Reserved)**

## **10. Corruption**

### **Local Government Act 1972**

Sections 95 and 117 - Pecuniary Interests

Section 117 provides that if an officer knows that a contract in which he has a pecuniary interest is before the local authority he must give notice of his



interests to the authority; though this does not, of course, apply to a contract with him in his own name because the authority will then know of his interest. Section 117(2) forbids an officer “under cover of his office or employment” to accept “any fee or reward” whatsoever other than proper remuneration.

(See also Purple Book section 7, paragraph 73 which states that the nature of the employee’s involvement must be set out in writing at the earliest opportunity.)

### **Public Bodies Corrupt Practices Act 1889**

#### **Prevention of Corruption Act 1906 and 1916**

Acceptance of gifts by way of inducement or rewards

- (a) Under the **Prevention of Corruption Acts 1906 and 1916**, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:
- \* doing or refraining from doing, anything in their official capacity; or
  - \* showing favour or disfavour to any person in their official capacity.
- (b) Under the **Prevention of Corruption Act 1916**, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee provides to the contrary.



# CONFIDENTIAL REPORTING CODE

Date Adopted by Council: 25 August 1999

## Introduction

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.*

The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.

This policy has been discussed at national level, with the relevant trade unions and professional organisations and has their support. At local level, it also has the support of staff representatives.

## Aims and Scope Of this Policy

This policy aims to:

Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice

Provide avenues for you to raise those concerns and receive feedback on any action taken

Ensure that you receive a response to your concerns and that you are aware of



how to pursue them if you are not satisfied.

Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual or physical abuse of clients, or
- Other unethical conduct.

Thus, 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 the Confidential Reporting Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's Standing Orders and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

This policy does **not** replace the corporate complaints procedure.

## **Safeguards**

Harassment or Victimisation.

The Council is committed to good practice and high standards and wants to be supportive of employees.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.



## **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

## **Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion the factors to be taken into account would include:

The seriousness of the issues raised;  
The credibility of the concern; and  
The likelihood of confirming the allegation from attributable sources.

## **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **How to raise a concern**

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Director of Finance, Monitoring Officer, Personnel & Management Services Officer, Internal Auditor or any specialist units the Council may have established (for example an Anti-Fraud Team or a complaints 'hot-line').

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Obtain advice/guidance on how to pursue matters of concern from:

Chief Executive, Ext. 5101  
Director of Finance, Ext. 5300  
[Monitoring Officer, Ext. 5470]



Director of Law & Economic Development (Monitoring Officer), Ext. 5148  
Personnel & Management Services Officer, Ext. 5130  
Chief Internal Auditor, Ext. 5319

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

### **How the Council will Respond**

The Council will respond to your concerns.

Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.

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. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person with whom you have raised the matter will write to you:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.



The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

### **The Responsible Officer**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

### **How the matter can be taken further**

This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

Local Ombudsman  
the external auditor  
your trade union  
your local Citizens Advice Bureau  
relevant professional bodies or regulatory organisations a relevant voluntary organisation  
the police.

If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

