

# **PART 5**

## **(C) OFFICERS' CODE OF CONDUCT**

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## CODE OF CONDUCT

### 1 **Standards**

- 1.1 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees 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.

Employees must report to the appropriate manager any impropriety or breach of procedure.

The term "Employees" in this Code includes secondees to and employees of the Impact Partnership when acting on behalf of the Council.

### 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 authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.

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

### 3 **Political neutrality**

- 3.1 Employees serve the authority as a whole. It follows they 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 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their 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

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

### 4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

### 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 on merit, by fair 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 should be discriminated against.

4.4 Employees who 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, should declare that relationship to the appropriate manager.

## 5 **Appointment and other employment matters**

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee 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, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

## 6 **Outside Commitments**

6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.

6.2 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

## 7 **Personal Interests**

7.1 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the authority's interests.

7.2 Employees must declare to an appropriate manager, any financial interests which could conflict with the authority's interests.

7.3 Employees should declare to an appropriate manager, 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.

## 8 **Equality Issues**

8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority 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 and equity.

## 9 **Separation of Roles During Tendering**

9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

9.5 Employees 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 Employees must be aware that it is a serious criminal offence for them 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 their official capacity. If an

allegation is made which is supported by evidence which indicates improper actions being suspected, it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **11 Use of Financial Resources**

11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

## **12 Hospitality**

12.1 Employees should accept offers of hospitality only if there is a genuine need to impart information or represent the local authority 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 authority should be seen to be represented. They should be properly authorised and recorded.

12.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.

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

12.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised.

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

**ACTION POINTS**

Local authorities should:-

- Adopt a Code for all employees, to suit local circumstances
- Ensure that their Code is brought to the attention of all employees and that employee representatives are consulted
- Regularly review and update their Code
- Consider the relationship between the Code and their own procedures e.g. their disciplinary and grievance procedures
- Ensure that the provisions of the Data Protection Act are taken into account in the drafting of their local Code
- Encourage governing bodies of maintained schools to adopt the Code

**GENERAL GUIDANCE, LEGISLATIVE AND OTHER SOURCES**

**Introduction**

The local authority Associations and the LGMB recognise that a number of authorities have already adopted their own codes of conduct, but others have not. The Associations and the LGMB commend this Code to all authorities.

Authorities need to consider setting up a register of hospitality, either centrally or departmentally. There is also the need to identify the appropriate manager referred to in paragraphs 1.1, 4.3, 4.4, 7.1, 7.3, 9.4 and 13.2 of the Code.

Existing relevant provisions in legislation, national agreements etc. will be familiar to authorities. For convenience, advisory points and some primary sources are summarised below:-

**1 Standards**

Authorities should consider setting up local procedures for employees to report unlawfulness or maladministration to the authority's monitoring officer or an appropriate manager designated by the authority. This may allow resolution within the authority.

*Paragraph 70 of the Purple Book says:-*

*"(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 where 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.

**2 Disclosure of Information**

In certain circumstances, employees may have a legal or professional duty to disclose information to a third party e.g. in the course of legal proceedings.

The authority should, therefore, make clear to employees:-

- The types of information which must be made available and to whom
- The types of information which the authority has voluntarily made open and to whom
- The types of information which the authority does not wish to be disclosed without specific permission

*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 and 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.

*The Local Government (Publication of Manpower Information) (England) Regulations 1983* covers English authorities.

*Local Government (Access to Information) Act 1985* 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. Any person having custody of documents to which right of access applies would commit an offence by obstructing that right.

### 3 **Political Neutrality**

Every local authority should produce its own guidelines on the circumstances in which employees may advise political groups and whether such advice is confidential to that group.

*The Local Government and Housing Act 1989 Pt1* contains provisions to stop 'twin-tracking' (where a senior local authority employee is also an elected member of another local authority) and to restrict the 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 are subject to prescribed restrictions on their political activity (s1 (5), (6)).

*The Local Government Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No2) 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 are restricted without exemption or appeal
- (b) all posts which reach or exceed a prescribed remuneration ceiling. These posts are automatically included on a list which employing authorities are under a duty to prepare unless exemption for individuals are granted
- (c) all posts which meet the duties-related criteria for determining a 'sensitive' post, irrespective of remuneration level, unless the post holder 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 **Relationships**

*The Local Government and Housing Act 1989 s31* has given statutory status to the National Code of Local Government Conduct (for the guidance of councillors of local authorities). The Code includes within paragraph 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 standing orders 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 employment matters**

*Purple Book, section 1 paragraph 6 (a)* says:-

"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/she shall be liable to dismissal. Every member and senior officer of the authority shall similarly disclose to the authority, any

relationship known to him/her to exist between himself/herself and a candidate for an appointment of which he/she 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/her."

*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) The Purple Book* and *section 7, Local Government and Housing Act 1989* for appointment on merit.

## 6 **Outside Commitments**

It is recommended that authorities should stress to employees of all grades that they should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position (e.g. an architect or planner who draws up plans within his or her own authority for an applicant for planning consent). It is irrelevant whether or not the work is paid.

*Purple Book, section 7 paragraph 70 (b)* says:-

"An officer's off-duty hours are his/her personal concern but he/she should not subordinate his duty to his/her private interests to put himself/herself in a position where his/her duty and his/her 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.

*Purple Book, section 7, paragraph 71* says:-

"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."

Where employees are not covered by the provisions of the national conditions, they should adhere to the principles outlined above. Local authorities may wish to specify that no outside work of any sort should be undertaken in the office, and use of facilities, e.g. telephones, or access to typists should be forbidden. Employees should also be instructed that correspondence and incoming telephone calls related to outside work are not allowed.

The procedures for seeking permission in such circumstances should be made clear.

### Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule, they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

Increasingly the local government world is moving towards new forms of employee contracts. Many employees, including professionals, may be working for several employers part-time or are subject to dual employment conditions. Authorities should, therefore, produce guidelines designed to safeguard copyright and intellectual rights created during employment.

### 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 1st June 1978, inventions are the property of the employer only 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 or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer

It is, therefore, important in any contract to set out what an employee's "normal duties" are.

## **7 Personal 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). This should be undertaken in the light of the guidance given within the Code. 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 during the recruitment process.

The following definition of what constitutes a secret society was used by the working group responsible for drafting the Code. Local authorities may also find it helpful:-

"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**

Authorities should set their own policies relating to equality issues. Employees should be made aware of provisions and their responsibilities under the Sex Discrimination Act 1975 and the Race Relations Act 1976 and the Disabled Persons (Employment) Act 1944 (as amended).

## 9 **Separation of Roles During Tendering**

The internal arrangements for the client and contractor functions require special consideration. The tendering process should be open and above board. Local authorities should have their own internal procedures in place in order to resolve any conflict that may arise.

[See also the *Local Government (Direct Service Organisation) (Consultation) Regulation 1993* – section 4 (2) (3)]

## 10 **Corruption**

As a general rule, the procedures by which authorities select developers or consultants for schemes and for the supply of goods should be clearly defined and publicly known.

*Local Government Act 1972 117* – Pecuniary Interests – provides that if an officer known that a contract in which he has a pecuniary interest is before the local authority, he must give notice of his interest to the authority. 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 colour 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.)

*Prevention of Corruption Acts 1906 and 1916* says about acceptance of gifts by way of inducements 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 proves to the contrary.

*(See also the Public Bodies Corrupt Practices Act 1889)*

## 11 **Use of financial resources**

Many authorities will have financial regulations to safeguard their assets and use of resources. Compliance with these are essential for all employees involved in the use or collection of public funds. Authorities need, therefore, to ensure that employees have a clear understanding of the law which governs their service. Authorities also need to ensure that employees who have concerns over the lawfulness of certain actions have an appropriate internal mechanism to express such concerns.

## 12 **Hospitality, Gifts and Sponsorship**

Authorities should ensure that where the authority is engaged in a partnership agreement with a private sector company, employees observe guidance on such relationships as laid down by the local authority.

The authority should specify the level of hospitality and gifts of token value that would be acceptable and set out standards for sponsorship deals. Contract regulations should require tender documents specifically to prohibit gifts and corrupt practices.

**CONFIDENTIAL REPORTING POLICY**

**1 Introduction**

- 1.1 Employees are in a good position to be aware of unacceptable behaviour or practice 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 Council. Employees may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concerns rather than report what may just be suspicions of unacceptable behaviour or practice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. To achieve these ends, it encourages freedom of speech. In line with that commitment, it is expected that employees who have serious concerns about any aspects of the Council's work should come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear to employees that they 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.*
- 1.4 The Policy applies to all employees. For the purpose of this Policy only, the term "employees" also includes contractors working for the Council on Council premises or elsewhere and suppliers and those providing services under contracts with the Council in their own premises, for example, in care homes.

**2 Aims and scope of this policy**

- 2.1 This Policy aims to:-
- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about unacceptable behaviour or practice within the Authority
  - provide avenues for employees to raise those concerns and receive feedback on any action taken
  - ensure that employees receive a response to their concerns and that employees are aware of how to pursue them if they are not satisfied
  - reassure employees that they will be protected from possible reprisals or victimisation if employees have a reasonable belief that they have made any disclosure in good faith

2.2 There are existing procedures to lodge a grievance relating to employment matters. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other policies/procedures. Those other policies/procedures include:-

<b>Policies/Procedures</b>	<b>Areas of concern which can be reported</b>
Harassment Policy	All forms of harassment
Health and Safety Policy	Health and Safety risks including risks to the public as well as to other employees
No Smoking Policy	Where the Policy is not being followed
Recruitment and Selection	All aspects of the recruitment and selection process

### Complaints Procedure

Where reporting or referring concerns through the above policies/procedures is not appropriate, the confidential reporting policy should be used. This may cover concerns such as:-

- conduct which is an offence or a breach of the law
- disclosures related to miscarriages of justice
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- racial harassment, sexual or physical abuse of clients, or
- other unethical conduct

2.3 Thus, any serious concerns that employees 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 employees feel uncomfortable in terms of known standards, experience or the standards they 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

## **3 Safeguards**

### Harassment and Victimisation

3.1 The Council is committed to good practice and high standards and wants to support employees in achieving good practice and high standards.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, employees should have nothing to fear

because they will be doing their duty to their employer and those for whom they are providing a service.

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

3.4 Any investigation into allegations of potential unacceptable behaviour or practice will not influence or be influenced by any disciplinary or redundancy procedures that already affect employees.

#### 4 **Confidentiality**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of employees if they so wish. At the appropriate time, however, employees may need to come forward as witnesses.

#### 5 **Anonymous allegations**

5.1 This policy encourages employees to put their names to their allegations whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Chief Executive, Borough Solicitor, Head of Personnel Services or Head of Internal Audit and Risk Management.

5.3 In exercising this discretion, the factors to be taken into account include:-

- the seriousness of the issues raised
- the credibility of the concerns, and
- the likelihood of confirming the allegations from attributable sources

#### 6 **Untrue allegations**

6.1 If employees make allegations in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however, employees make allegations frivolously, maliciously or for personal gain, disciplinary or other action may be taken against them.

#### 7 **How to raise a concern**

7.1 ***As a first step, employees should normally raise concerns with their immediate manager or their supervisor.*** This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if employees believe that management is involved, they should approach the Chief Executive, Borough Solicitor as Monitoring Officer, Head of Personnel Services, or Head of Internal Audit and Risk Management.

7.2 Concerns may be raised verbally or in writing. Employees who wish to put their complaints in writing should do so using the following format:-

- the background and history or the concerns (giving relevant dates whenever possible)
- the reasons why they are particularly concerned about the situation

7.3 The earlier employees express their concerns, the easier it is to take action.

7.4 Although employees are not expected to prove the truth of allegations, they will need to demonstrate to the person contacted that there are reasonable grounds for their concerns.

7.5 Advice and guidance on how to pursue matters of concern may be obtained from the Chief Executive, Borough Solicitor, Head of Personnel Services or Head of Internal Audit and Risk Management.

The Chief Executive	Roger Ellis	Ext: 5401
Borough Solicitor	Bill Lawley	Ext: 4702
Head of Personnel Services	Stephen Harper	Ext: 5603
Head of Internal Audit and Risk Management	David Logan	Ext: 5443

If employees have a good reason to be unwilling to refer the matter of concern to one of the above, employees may contact the District Auditor (Audit Manager: Mike Tye Ext: 5434).

7.6 Employees may invite their trade union or professional association representative or workplace colleague to be present during any meetings or interviews in connection with the concerns they have raised.

## 8 **How the Council will respond**

8.1 The Council will respond to the concerns of employees. Employees should remember that testing out their concerns is not the same as either accepting or rejecting them.

8.2 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 District Auditor
- form the subject of an independent inquiry

8.3 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 (see paragraph 2.2) will normally be referred for consideration under those procedures.

- 8.4 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.
- 8.5 Within ten working days of concerns being raised, the Chief Executive, Borough Solicitor, Head of Personnel Services or Head of Internal Audit and Risk Management will write to the relevant employee:-
- acknowledging that the concerns have been received
  - indicating how it is proposed to deal with the matters raised
  - giving an estimate of how long it will take to provide a final response
  - indicating whether any initial enquiries have been made
  - supplying information on staff support mechanisms, and
  - indicating whether further investigations will take place and, if not, why not
- 8.6 The amount of contact between the officer considering the issues and the relevant employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the relevant employee.
- 8.7 Where any meeting is arranged, off-site if the employee so wishes, the employee can be accompanied by a trade union or professional association representative or a workplace colleague.

## 9 **How matters of concern can be taken further**

- 9.1 This Policy is intended to provide employees with an avenue to raise concerns within the Authority. The Authority hopes that employees will be satisfied.

However, if employees feel that matters of concern have not been dealt with satisfactorily, the following are possible contacts if they wish to take matters further:-

- Local Council Members
- The District Auditor
- Relevant professional bodies
- Solicitors
- Greater Manchester Police

If employees take matters outside the Authority, it will be necessary to ensure that they do not disclose confidential or legally privileged information. It is advisable to take advice before doing so.

- 9.2 If employees make allegations frivolously, maliciously or for personal gain, disciplinary or other action may be taken against them.

## 10 **Review**

- 10.1 The Policy will be reviewed following a period of 12 months in consultation with Staff Side representatives.