5B. **Officers' Code of Conduct**

CONTENTS

1. Introduction ..... 5B - 3
2. Standards ..... 5B - 4
3. Disclosure of Information ..... 5B - 4
4. Political Neutrality ..... 5B - 5
5. Relationships ..... 5B - 5
6. Recruitment and Other Employment Matters ..... 5B - 5
7. Outside Commitments ..... 5B - 6
8. Personal Interests ..... 5B - 6
9. Equality ..... 5B - 6
10. Tendering Procedures ..... 5B - 7
11. Corruption ..... 5B - 7
12. Financial Procedure Rules ..... 5B - 7
13. Gifts ..... 5B - 7
14. Exceptions ..... 5B - 8
15. Hospitality ..... 5B - 8
16. Sponsorship ..... 5B - 9

Whistleblowing Procedure ..... 5B - 11

1. Introduction

1.1 This Code of Conduct is intended to apply to all local authority employees and uniformed Fire Fighters of the County Council. It explains in practical terms the standards of behaviour required under the law, under Conditions of Service, and under Council Procedure Rules.

1.2 The Nolan Committee identified seven principles which apply to all aspects of public life, and therefore to all County Council employees. These general principles are:

Selflessness
Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability
Holders of public office are accountable for their decisions and actions to the public, and must submit themselves to whatever scrutiny is appropriate to their office.

Openness
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.

Honesty
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership
Holders of public office should promote and support these principles by leadership and example.

The Code of Conduct incorporates these principles.

1.3 The Local Government Management Board have published a Code of Conduct for Local Government employees, and this Code draws heavily on its contents.

1.4 Inevitably some of the issues covered by the Code will affect senior, managerial, and professional employees more than it will others. Nonetheless, it is intended to cover all employees under a contract of employment with the County Council, including office holders such as Registrars.

1.5 Certain provisions in the Code deal with matters which can constitute a criminal offence, e.g. the section on corruption. Contravention of this and certain other provisions could additionally constitute a disciplinary offence which could result in disciplinary action. Employees should therefore read the document carefully and, if they have any queries or are uncertain about its content, please contact your immediate supervisor for advice.

1.6 This Code supplements, and does not replace, any code or recognised standards of conduct promulgated by any professional body of which an employee is a member.

2. Standards

2.1 All employees of the County Council are expected to give the highest possible standard of service to the people of Cumbria and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with total impartiality.

2.2 All employees are expected to report to their manager or supervisor any impropriety, breach of procedure, or any serious deficiency in the provision of service. *[see Appendix on Whistleblowing]*

2.3 In all cases, it is not enough to avoid actual impropriety. Employees should at all times do their utmost to avoid any occasion for suspicion and any appearance of improper conduct which would bring the reputation of the Authority into disrepute.

3. Disclosure of Information

3.1 The law requires that certain types of information must be available to Councillors, Auditors, Government Departments, service users, and the public. If you are in any doubt as to whether you can release any particular information, always check with your manager first.

3.2 Employees must not use any confidential information obtained in the course of their employment for personal gain or benefit, nor should they knowingly pass it on to others who might use it in such a way.

3.3 Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, such information which is stored on computer systems must also only be disclosed in accordance with the requirements of the Data Protection Act 1998.

3.4 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 law.

4. Political Neutrality

4.1 Employees serve the Authority as a whole and must serve all Councillors equally and ensure that the individual rights of Councillors are respected.

4.2 Where an employee is requested to advise a full Meeting of a Political Group or its executive, the Chief Executive must be informed by the employee in advance of the Meeting.

4.3 All employees, whether holding politically restricted posts or not, must not allow their own personal or political opinions to interfere with their work.

4.4 The Political Assistants appointed by the Council are exempt from the standards set in paragraphs 4.1 – 4.3.

5. Relationships

5.1 *Councillors*

Mutual respect between employees and Councillors is essential to good local government. Some employees work closely with Councillors of the County Council. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors, and should therefore be avoided.

5.2 *The Local Community*

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.

5.3 *Contractors and Suppliers*

All relationships of a business or personal nature with external contractors or suppliers must be declared to your Chief Officer at the earliest opportunity. Orders and contracts must be awarded in accordance with the Council Procedure Rules, and no special favour should be shown to businesses run by, for example, friends and relatives.

6. Recruitment and Other Employment Matters

6.1 Employees involved in appointments should ensure that these are made on merit.

6.2 In order to avoid any possible accusation of bias, employees must not be involved in any appointment where they are related to an applicant or have a close personal relationship.

6.3 Officers shall disclose to the Deputy Chief Executive/Corporate Director – Finance and Central Services any relationship known to exist between them and any person who they know is a candidate for an appointment with the Council.

6.4 Employees should not be involved in decisions relating to disciplinary, promotion, or pay adjustments for any employee who is a relative or with whom they have a close personal relationship, nor should they attempt to influence such decisions.

7. Outside Commitments

7.1 Employees should not subordinate their duties to other private interests or allow official duties and private interests to conflict. No employee should take up any outside employment or appointment which conflicts with the Council's interests.

7.2 Employees paid above scp.28 must not engage in any other business or take up any additional appointments without the agreement of their manager. The County Council will not unreasonably stop employees from undertaking additional employment, but such employment must not, in the view of the County Council, conflict or react detrimentally to the County Council's interest or in any way weaken public confidence in the conduct of its business.

8. Personal Interests

8.1 Employees must declare to their Chief Officer any financial or non-financial interests which they consider could bring about conflict with the County Council's interests.

8.2 Section 117 of the Local Government Act 1972 requires employees to make a formal declaration about contracts with the Council in which they have a pecuniary interest. Such declarations should be sent to the Deputy Chief Executive/Corporate Director – Finance and Central Services. It is a criminal offence to fail to comply with the provision.

8.3 Employees must not make official professional decisions about matters in which they have a personal involvement.

9. Equality

9.1 All members of the local community and other employees of the County Council have a right to be treated with fairness and equality. Employees should observe all the Council's policies on equal opportunities.

10. Tendering Procedures

10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority.

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

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

11. Corruption

11.1 Employees must be aware that it is a serious criminal offence under the Prevention of Corruption Acts 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, it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

12. Financial Procedure Rules

12.1 All employees involved in financial activities and transactions on behalf of the County Council, including budgetary control, payment of accounts, payment of salaries and wages, petty cash, and orders for works, goods, or services, must follow the Financial Procedure Rules as approved by the Council.

12.2 They must ensure that they use public funds 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.

13. Gifts

13.1 A potential source of conflict between private and public interests is the offer of gifts, hospitality, or benefits in kind to employees in connection with their official duties.

13.2 With the exceptions listed below, an employee should refuse any personal gift offered to him or her, or to any family member, by any person or organisation who has dealings with the Council. Any such offer should be reported to the appropriate Chief Officer, or to the Chief Executive if the offer is to a Chief or Deputy Chief Officer. In the event of receiving a gift, legacy, or bequest in circumstances where services have been provided by the Authority, an employee should inform his or her Chief Officer and seek advice. Exercising undue influence over a client testator could invalidate a bequest and will be regarded as serious misconduct.

13.3 When a gift has to be refused, this should be done with tact and courtesy, because the offering of gifts is common practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to an employee's place of work, there may be a problem returning it, in which case it should be reported to the appropriate Chief Officer or Chief Executive immediately.

14. Exceptions

14.1 Gifts of a promotional nature on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm.

14.2 Gifts of a token value, often given at Christmas time, such as diaries, calendars, pens etc. (in general, any isolated gift of up to £10 in value).

15. Hospitality

15.1 A reasonable amount of entertainment is a normal part of the courtesies of public life, but it is important not to create an appearance of improper influence, thus undermining public confidence.

15.2 Hospitality is sometimes offered to representatives of the Authority and is accepted at official, i.e. Council, level because that is reasonable in all the circumstances.

15.3 Where hospitality is offered to individual employees, special caution is needed where the host is seeking to do business with the Council or to obtain a decision from it. It is important to avoid any suggestion of improper influence. The question is one of judgment, and the following checklist of questions should help staff to decide whether a gift or an offer of hospitality should be accepted or tactfully rejected.

(i) Is the donor, or event, significant in the community or in your Council's area?

(ii) Are you expected to attend because of your position in the community?

(iii) Will the event be attended by others of a similar standing in the community or in other communities?

(iv) What is the motivation behind the invitation?

(v) Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving your Council?

(vi) Would you justify the decision to your Council, press, and public?

(vii) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?

(viii) How will you respond to the hospitality?

(ix) Are you comfortable with the decision?

15.4 Officers should also be careful in responding to invitations to exhibitions or seminars, or visiting manufacturers, etc. There is an increasing trend towards linking such visits to a major sporting event, show, concert, etc. Such devices are clearly an attempt to legitimise offers of hospitality in the guise of business activities, and the presumption is that they should not be accepted.

15.5 In general terms, it will often be more acceptable to join in hospitality offered to a group than to accept something unique to yourself. When a particular person or body has a matter currently in issue with the Council, e.g. an arbitration arising from a contract, then clearly commonsense dictates that offers of hospitality be refused, even if in normal times they would be regarded as acceptable.

15.6 All offers of hospitality, whether accepted or not, should be reported to the Chief Officer concerned, who shall keep a record of such offers and the decision taken on acceptance or refusal, or, if the offer is made to a Chief Officer or Deputy, to the Chief Executive.

16. **Sponsorship**

16.1 Where an outside organisation wishes to sponsor a County Council 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.

16.2 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.

16.3 Similarly, where the Council, 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.

APPENDIX

Whistleblowing: Procedure and Guidance

1. *Introduction*

1.1 The County Council expects the highest standards from all employees, including staff in schools and staff operating in Direct Service Organisations, and will treat seriously any concern that an employee may have about illegal or improper conduct.

1.2 The first part of Cumbria County Council's Officers' Code of Conduct covers 'Standards', and states that:-

> *"The Nolan Committee identified seven principles which apply to all aspects of public life, and therefore to all County Council employees".*

[for Nolan Committee Principles, see Introduction to Officers' Code of Conduct]

1.3 The Public Interest Disclosure Act 1998 is in force, and affords statutory protection to 'whistleblowers' in certain circumstances.

1.4 This Procedure has been introduced in consultation with the Trade Unions. It should be read, so far as Social Services staff are concerned, in conjunction with their document "Promoting Good Practice and Raising Concerns (Whistleblowing)".

2. *What is the purpose of the Procedure?*

2.1 This Procedure is designed to enable employees of the County Council and employees of external organisations, employed on service contracts, to notify senior Officers of any reasonable suspicion of illegal or improper conduct. "Improper conduct" includes neglect of duty and maladministration. The Procedure requires all employees to act responsibly to uphold the reputation of the County Council and to help maintain public confidence.

2.2 It is a Procedure in which management will be expected to act swiftly and constructively in the investigation of any concerns.

2.3 The Procedure aims to:

- encourage employees to feel confident in raising serious concerns, and to question and act upon concerns of practice;
- provide avenues to raise those concerns and receive feedback on any action taken;

- ensure that employees receive a response to their concerns, and 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 they have reasonable belief that they have made any disclosure in good faith.

3. *When should it be used?*

3.1 This Procedure should be used only where concerns are about the consequences for the public, other employees, or Members. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment and also included is a harassment policy, which can be referred to in the HR Tool kit. The Whistleblowing Procedure 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 the law;
- disclosures related to actual or potential miscarriage of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- any attempt at concealing any of the above.

3.2 Employees who are worried about wrong doing at work do not necessarily have a personal grievance.

3.3 Thus, any concerns that employees have about any aspect of service provision or the conduct of Officers or elected Members of the Council, or others acting on behalf of the Council, can be reported under the Whistleblowing Policy. This may be about:

- something that makes them feel uncomfortable in terms of known standards, their experience, or the standards they believe the Council subscribes to; or
- something that is against the Council Procedure Rules and policies; or
- something that falls below established standards of practice; or
- something that amounts to improper conduct; or
- the unauthorised use of public funds; or
- fraud and corruption; or
- homophobic, racial, religious, sexual or physical abuse of clients, staff and members;
- other unethical conduct.

3.4 Employees must act in good faith and must have reasonable grounds for believing the information to be accurate. When it is apparent from the investigation that the person making the disclosure has acted frivolously, maliciously, or for personal gain, the County Council may decide to take disciplinary action.

3.5 No employee who uses this Procedure in good faith will be penalised for doing so.

3.6 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct, or is unsure about how to proceed, can contact the following for advice:

Chief Legal Officer
Angela Harwood (Tel: 01228 607350)

Head of Management Audit
Ron Kirkley (Tel: 01228 226280)

Any Audit Manager
(Tel: 01228 22 (6285, 6283, 6286))

Corporate Director – Organisational Development
Jim Savege (Tel: 01228 226340)

Equality and Cohesion Manager
Joel Rasbash (Tel: 01228 226639)

3.7 Financial Procedure Rules require employees who suspect fraud, corruption, or other financial irregularity, to ensure this is reported to the Head of Management Audit for possible investigation. Normally, they must first report any suspicion of such irregularity to their Chief Officer, who will in turn report it to the Head of Management Audit. In most cases this will be done through the line management structure. Further guidance can be found in Cumbria's Anti-Fraud Strategy.

3.8 Exceptionally, if employees believe that the matter cannot be resolved in this way, they should report it direct to the Head of Management Audit.

4. *Mechanism for raising concerns*

4.1 If employees have a concern they will need to exercise judgment on who to raise the issue with. If the matter is minor, then it will be sufficient just to bring it to the attention of the employee who appears to be at fault.

4.2 If the matter is obviously more significant, or where a previous informal response as above has apparently been disregarded, then the matter should be raised with the line manager.

4.3 Where the issue concerns the line manager or, having made a report, the employee believes there has been a failure to take appropriate action, then the matter should be brought to the attention of a more senior manager.

4.4 Employees who feel unable to follow this route, for whatever reason, have the option of contacting either their departmental personnel officer, Capita HR Consultancy or the contact names in paragraph 3.6 above.

4.5 Depending on the nature of the concern, the employee will be asked to justify and support the claim. Normally the employee will be asked to do this in writing, or agree to a written summary prepared by the Officer notified. It will therefore be helpful to note down any facts and dates as they happen.

4.6 Employees who want to use the system, but feel uneasy about it, may wish to consult their Trade Union initially, and bring a friend or Trade Union representative along to any discussions, so long as the third party is independent of the issue.

4.7 Where anonymity is requested, every effort will be made to meet the request, but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.

4.8 Each case will be investigated thoroughly, with the aim of informing the employee of the outcome of any investigation as quickly as possible, normally within 21 days. If a more lengthy process is involved, regular feedback on progress will be given to the whistleblower.

4.9 Exceptionally, if the employee feels unable to pursue any of these routes, he/she should consider approaching an appropriate body outside the Council. Such bodies include:

- The Audit Commission (for financial irregularities);
- The independent charity "Public Concern at Work", which offers confidential advice (020 7404 6609) to employees and others with serious concerns about public dangers and malpractice;
- Trade Union representative.

5. *What to do if an issue is raised with you as line manager*

5.1 You must exercise judgment, depending on the nature and seriousness of the concern. While it is essential for problems to be tackled effectively with the aim of rectifying the issue, this may well be best achieved in less serious cases by discussion with the relevant section or employee and securing a commitment as to future standards and corrective action. In taking any corrective action, you must, as far as possible, respect an employee's request for confidentiality, and avoid the threat of recrimination or reprisals. You should notify your own line manager of the action you have taken.

5.2 In other more serious cases, you should pass the matter up to the Head (or equivalent level) of your Unit or Directorate.

5.3 If you have any doubts about the right way to deal with the concern, you should contact one of the persons named in paragraph 3.6 above for advice.

5.4 All employees acting in good faith should be reassured that their concerns will be treated seriously and sensitively, and that the County Council will not tolerate harassment and/or victimisation of any employee raising concerns.

5.5 Unit Managers should raise their concerns with their Chief Officer, or, if this is not appropriate, with the Corporate Director – Organisational Development or the Chief Legal Officer.

5.6 Chief Officers should raise their concerns with either the Chief Executive, the Chief Legal Officer, Corporate Director – Organisational Development, or another Chief Officer as appropriate. They should report any allegation or suspicion of a financial irregularity immediately to the Head of Management Audit.