

CODE OF CONDUCT INCLUDES CONFIDENTIAL REPORTING PROCEDURE (WHISTLE-BLOWING) FOR EMPLOYEES OTHER THAN FOR STAFF IN EDUCATIONAL ESTABLISHMENTS (FOR WHOM A SEPARATE CODE EXISTS)

1. This Code also applies to all people working within or on behalf of the County Council regardless of the contractual basis of the engagement, including:-
 - Direct employment by the council under a contract of employment
 - Secondments (both to and from the County Council);
 - Temporary assignments (both to and from the County Council), including Agency Workers, employees engaged through the council's Temporary Staff Service, Work Placements, Apprentices and Trainees;
 - Office holders
 - Employees acting on behalf of the council as members of companies or voluntary organisations.

References to "employee" and "staff" throughout this Code are taken to include all of the above categories and any similar working arrangements.

The Code also extends to additional and dual employment that has been secured as a result of working for local government.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than others – but the basic principles apply to everyone.

INTRODUCTION

2. The purpose of this Code is to give all employees guidance on how the County Council and the public in general expect them to behave. If the Code is followed then staff should not find themselves in a situation where their conduct could create an impression of conflict of interest or corruption in the minds of the public. If staff are unsure of the standards expected of them guidance should be sought from their Director or, in the case of Directors, the Chief Executive.
3. The areas covered by this Code are as follows:
 - Standards;
 - Personal Appearance;

- Use of the Council's Facilities and Equipment;
- Fraud and Corruption;
- Gifts, Hospitality and Sponsorship;
- Register of Gifts and Hospitality;
- Disclosure and Use of Information;
- Political Neutrality;
- Relationships;
- Appointments and Other Employment Matters;
- Undertaking Additional Outside Work;
- Arrest or Conviction on Civil or Criminal Charges;
- Membership of Clubs, Societies and other Organisations;
- Equality Issues;
- Health and Safety Issues;
- Breaches of the Code of Conduct.
- Confidential Reporting Procedure (Whistle-blowing);

STANDARDS

4. Employees are expected to give the highest possible standard of service to the public and to provide advice to Councillors and fellow employees with impartiality. The highest standard of probity must apply and employees must report any suspected unlawfulness, maladministration, impropriety or breach of procedure of which they are aware to their Director. (See also paragraph 91 and Appendix 1 of this Code).
5. The Council, for its part, considers it has a duty to protect employees against unjustified allegations of wrong doing.

PERSONAL APPEARANCE

6. Although the Council has not adopted a formal dress code it does expect employees to observe a standard of personal hygiene and appearance which is appropriate to the nature of the work undertaken. Staff are recommended to wear their official Gloucestershire County Council identity badge on Council premises and when on official business out of the office.

USE OF THE COUNCIL'S FACILITIES AND EQUIPMENT

7. Employees must exercise reasonable care and skill in their use of the Council's facilities and equipment. The Council is entitled to expect at least the same standard of care of its property as employees give to their own property. Any facilities, property or equipment provided by the Council should only be used in connection with official duties except where the Council has agreed to private use. There are arrangements for the use of some services for private purposes on the payment of approved charges e.g. private telephone calls and photocopies, etc. You should always ensure that there is either general or specific agreement to private use of any facility or equipment.

8. When an employee ceases working for the Council all paper and electronic records (and copies), equipment and any other property of the Council must be returned.

FRAUD AND CORRUPTION

Culture of the Organisation

9. Although the Council believes that Members, employees and organisations associated with the Council will act with honesty and integrity it recognises that occasionally this will not be the case. The Council's culture is one of honesty and zero tolerance in respect of fraud and corruption.
10. Employees must make themselves aware of and comply with the following key documents which set out various standards of behaviour and procedures which must be adopted in addition to those mentioned in this Code:-
 - Financial Regulations/Accounting Instructions;
 - Powers of Committees and Officers;
 - Information Management and Security policies, procedures and standards;
 - Standing Orders;
 - Staffnet Procurement Guidance
 - [Anti-Fraud & Corruption Policy & Strategy](#)
 - Employee Handbook and
 - Social Media Policy.
11. Employees must use public funds entrusted to them in a responsible and lawful manner and ensure that value for money is achieved. They must comply at all times with the Council's Financial Regulations, Contract Standing Orders and associated Accounting Instructions.
12. It is a criminal offence for employees to give or receive any gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour or disfavour to any person, company or contractor, with a corrupt intention. If an allegation is made it is for the employee to demonstrate that any rewards received have not been corruptly obtained.
13. Although there may be no corruptive intention in the act of giving or receiving of gifts, it is important to avoid any grounds for suspicion of corruption. For example, where contracts are being negotiated employees should not negotiate with a potential contractor, supplier or purchaser (of land for example) on a one -to- one basis. All steps in the contract negotiations should be recorded and in accordance with the Council's Constitution and scheme of delegation. Standing Orders, Financial Regulations, the Procurement Guidance and the policies of the Council must always be followed; an adequate audit trail must be maintained.
14. The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish the previous record of potential employees in terms of their propriety and integrity. Employees responsible for applying the Council's recruitment procedures should ensure that they are followed in respect of all appointments and that written

references are obtained regarding known honesty and integrity. (See also paragraph 68-72).

Personal Interests

15. Any personal interests, financial or otherwise, must be registered (see paragraph 19) when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties. The Chief Executive and each Director will be responsible for ensuring that their personal interests are registered in accordance with this Code and that all of their employees are aware of the need to register personal interests. In certain circumstances even though a conflict of interest is not anticipated (e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence the Council's policies) employees should register their interests.
16. Section 117 of the Local Government Act 1972 requires all employees to give written notice of any contract or proposed contract in which the Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest is a criminal offence and may result in prosecution.
17. A direct financial interest arises where an employee or their partner, family member or close friend has a financial interest in a contract or proposed contract whether to their advantage or disadvantage, in which the Council is involved. An indirect financial interest may arise where an employee or their nominee or employee's partner holds securities or shares in a company which exceeds £5,000 or 1/100th of the nominal issued share capital of a company which has a direct financial interest, whichever is the lesser amount.
18. A non-financial interest may occur when an employee or their partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations with the Council.
19. Details of interests must be made in writing and sent to the Monitoring Officer who will record it in a register and acknowledge receipt of the declaration. Employees should ensure that they receive an acknowledgement back from the Monitoring Officer. The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services.
20. Employees with a financial or non-financial interest in any matter should not only declare that interest but also seek to distance themselves from involvement in that matter. Employees must be open and up front about their interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Council meetings or other meetings, public or private. Notes taken at the time should

be placed in the appropriate file concerning the interest(s) and how it has been handled.

21. Employees involved in the award or management of contracts shall declare in writing to their Director (or in the case of Directors, the Chief Executive) any association or friendship with any contractor and should take no part in a tender process involving the contractor without written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to the Director (or in the case of Director, the Chief Executive) any association with any person or body who is an applicant in the field of work in which that employee is engaged.
22. A Director (or in the case of Directors, the Chief Executive) to whom any such interest, association or friendship is declared shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.

Rules Governing Purchasing by Employees

23. Employees must follow Financial Regulations, Standing Orders, the Council's procurement and contract management guidance and Accounting Instructions whenever any goods or services are purchased.
24. Employees may not order, in the name of the Council, equipment or goods, whether with a discount or not, from official Council suppliers for their own personal use even if the cost is reimbursed in full to the Council.
25. Employees undertaking procurement or contract management activities should ensure they have the necessary skills and knowledge to do so or should seek appropriate advice and support from the Commercial Service.

Separation of Roles during Tendering

26. Employees involved in the tendering process and dealing with contractors should understand the separation of client and contractor roles within the Council. Senior employees who have both client and contractor responsibilities must be aware of the need for accountability and openness.
27. Employees who are privy to confidential information in respect of tenders or costs for either internal or external contractors must not disclose that information to any unauthorised person or organisation or use it for any unauthorised purposes.
28. 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.
29. Employees must not use their position and knowledge of the Council to gain access to and provide information which puts a particular contractor or anyone else in a

better position than any other contractor tendering to undertake work or to provide services or supplies.

Reporting a Concern

30. “Whistleblowing” by employees of the Council is fully supported and encouraged. Where concerns arise these should be brought to the attention of management at all times. In Appendix 1 of this Code a procedure is described for employees who wish to report serious concerns relating to any suspicions or allegations of fraud and corruption or any mal-practice or maladministration.

Investigation

31. Allegations and concerns relating to fraud or corruption will normally be investigated by the Head of Internal Audit and a report issued to the Chief Executive, the Monitoring Officer and the Director: Strategic Finance (s.151 Officer).
32. The Director: Strategic Finance in consultation with the Monitoring Officer, will then decide whether there are sufficient grounds for the matter to be reported to the Police. The Chief Executive is also to be informed of any (potential) referrals. The Council will normally wish the Police to be made aware of, and investigate independently, offences where financial impropriety appears to have been discovered.
33. The Council’s Disciplinary and Dismissal Procedure will be used where the outcome of an audit investigation indicates improper behaviour or other misconduct by an employee.

GIFTS, PRIZES HOSPITALITY AND SPONSORSHIP

34. Any offers of gifts, prizes hospitality or sponsorship should be recorded in the Council’s Gifts & Hospitality Register held by each Director or, in the case of Directors the Chief Executive. The register must include all offers of gifts, etc whether accepted or declined. Advice/permission should be sought from the Directors before any gift, hospitality or sponsorship is accepted (see paragraph 51 below). When in doubt the employee should always refuse such gifts. [A standard form is available via this link.](#)
35. An employee should not personally receive a gift, prize, hospitality or sponsorship that:
- could compromise their judgment
 - could appear to be a conflict of interest
 - could damage relationship with others; or
 - could indicate any favoritism or prejudice in relation to any particular person or group of people
36. When hospitality, prizes or gifts have to be declined, the person making the offer should be informed of the procedures and standards operating within the Council, in relation to gifts, prizes, hospitality and sponsorship.

Gifts (including bequests)

37. Gifts offered by persons who are providing, or seeking to provide, goods or services to the Council, or who are seeking decisions from the Council, should be refused and returned, as should gifts (other than those of a trivial nature e.g. calendars, diaries, desk sets) offered by those receiving services from the Council.
38. In all cases relating to the receipt of gifts it is wise to err on the side of caution: an obviously expensive gift must be tactfully declined or, if appropriate, donated to the Council for official use, and the Director or Chief Executive should be advised of the action taken. If a gift is simply delivered it must be returned to the donor or, if appropriate, be donated to the Council for official use, and the Director or Chief Executive must be advised of the action taken. All such gifts must be registered in accordance with paragraph 52 of this Code.
39. On occasions an employee may become a beneficiary of a will of a service user; this may be the way a service user wishes to express gratitude for the service he or she has received.
40. Those teams/services which provide personal services to service users have written policies concerning the receipt of bequests by employees. Such policies have been drawn up to protect the interests of both service users and members of staff. Staff should ensure that they have read and comply with such policies.

Hospitality

41. Employees may only accept offers of hospitality if there is a genuine need to exchange 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 within Gloucestershire and where the Council should be seen to be represented. All such hospitality must be properly authorised and recorded by Directors or, in the case of Directors the Chief Executive. Exceptions to this rule must be properly authorised and recorded by Directors or the Chief Executive.
42. Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, or where the Directors (or Chief Executive in the case of Directors) gives consent in advance and where it is clear that any purchasing decisions are not compromised.
43. An offer of hospitality to individual employees calls for special caution particularly if the host is undertaking, or applying to do business with the County Council or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence.
44. A working lunch of modest standards to allow the parties to discuss business would normally be acceptable; this is a case where the hospitality is secondary to a specific working arrangement. On the other hand, it would not be acceptable conduct for an employee to accept such things as:-

- a holiday
- tickets for concerts, theatre or sporting events
- the use of a company flat or hotel suite
- expensive meals or entertainment

45. Hospitality must not be accepted unless the acceptance can be readily acknowledged in public or is similar to that which the Council would provide in the same circumstances.
46. There are occasions when an offer of hospitality of any kind must be declined e.g. when the person offering the hospitality has a current issue with the Council such as a tender under consideration or is involved in a contract dispute.
47. Offers of hospitality accepted or rejected must be registered by employees to their Directors or, in the case of Directors to the Chief Executive. The details to be registered must be in accordance with that shown in paragraph 52 of this Code.

Sponsorship

48. Where outside organisations, contractors or potential contractors wish or seek to sponsor a Council activity, the basic conventions concerning acceptance of gifts or hospitality apply (see paras 34-47 above).
49. Where the Council acts as a sponsor for an event or service, neither an employee or any partner or relative must benefit from such sponsorship without there being full disclosure to an appropriate manager of any such interest. 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.

Bribery Act 2010

50. The Bribery Act 2010 provides a modern legal framework to combat bribery in the UK and internationally. Staff need to be aware of their obligations under this Act, which sets out the criminality of accepting and giving of bribes. This applies to both individual staff and the Council corporately.
51. The Bribery Act 2010 creates the following offences:
- Active bribery: promising or giving a financial or other advantage;
 - Passive bribery: agreeing to receive or accepting a financial or other advantage;
 - Bribery of foreign public officials; and
 - The failure of commercial organisations to prevent bribery by an associated person (corporate offence).

The penalty under the Bribery Act 2010 is an unlimited fine and/or imprisonment up to a maximum of 10 years.

Full details of the Act can be found at: <http://www.legislation.gov.uk/ukpga/2010/23/contents>

REGISTER OF GIFTS AND HOSPITALITY

52. A register will be maintained by every Director detailing all offers of gifts or hospitality made to employees in their department. The following information will be recorded, based on information reported by employees:-

- the person or body making the offer;
- the member of staff to whom the offer was made;
- the gift or hospitality offered;
- the circumstances in which the offer was made;
- the action taken by the member of staff concerned; and
- the action taken (if any) by the Directors (or in the case of Directors, the Chief Executive).

[A standard form is available via this link.](#)

A similar register will be maintained by the Chief Executive in relation to Directors.

Where a suspected breach has been reported a formal investigation will be undertaken and recorded.

DISCLOSURE AND USE OF INFORMATION

53. The Council believes that, subject to the content of paragraphs 54 to 60 below, information should normally be disclosed unless it is in the public interest not to do so. Staff must comply with the council's Freedom of Information policy and Data Protection Act, procedures and authorisation process. In terms of information for elected members ("County Councillors"), the legal requirements are set out in the Rules on Access to information, set out in the Constitution. If in doubt, seek advice from your manager.
54. Many employees obtain information which has not been made public and/or is confidential. Employees may also have access to personal information about other employees or clients. This information must only be disclosed to a third party where there is a legal responsibility to provide it, or where the employee or client provides a written authority for the information to be provided.
55. The restrictions in paragraph 54 to 60 apply equally to information which an employee may obtain from their employment about a contractor, debtor or creditor of the Council.
56. No employee, unless specifically authorised by their Director to do so, may communicate to the public or press any information about the discussions or decisions of the County Council or any of its committees or bodies following the exclusion of the public and press, with the exception of information which is required to be published by law.
57. As a general rule employees must not enter into any public correspondence or debate on a matter related to their official duties, or in respect of which they hold

official information, unless this is done with the consent of their Chief Officer. Further guidance on related matters is contained in the Social Media Policy and Expression of Employee Views documents (both of which are in the Employment Handbook on Staffnet) to which employees should also refer.

Similar considerations exist covering the position of employees invited to participate in press interviews, radio or television programmes, etc., where the subject relates directly or indirectly to their work for the Council. Employees invited to take part in such programmes should discuss the position with their Director and the Media Team before replying to the invitation.

58. Employees must adhere to the Council's published rules and requirements relating to personal and/or sensitive information, as covered by current Data Protection legislation. In particular, information must not be disclosed to unauthorised people or organisations.
59. Employees must 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.
60. Employees must make themselves aware of and comply with published Information Management and Security policies, procedures and standards relating to the protection of information and secure use of ICT systems which are published on Staffnet. A serious breach of the rules is likely to lead to disciplinary action.

POLITICAL NEUTRALITY

61. A protocol on the relationship between officers and members of Gloucestershire County Council gives more information. [\(Appendix 2\)](#)
62. Employees must serve all Councillors and not just those of a single or controlling group, and must ensure that the individual rights of all Councillors are respected.
63. Employees of the County Council are not eligible to stand for office as an elected member of the County Council. Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Politically Sensitive Posts

64. The Local Government and Housing Act 1989 has the effect of imposing restrictions on public political activity by certain staff of local authorities in politically sensitive posts. Political assistants employed pursuant to Section 9, Local Government and Housing Act 1989 are not wholly bound by these restrictions.
65. The effect of the inclusion of a post in a list of sensitive posts is that the postholder will be prevented from becoming a member of a local authority (except a Town or Parish Council), or a member of the House of Commons or the European Parliament. In addition, regulations prevent them from:-

- holding office in a political party
- canvassing at elections
- speaking or writing publicly on matters on party political lines

RELATIONSHIPS

Councillors

66. Mutual respect between employees and Councillors is essential to good local government. However, close personal familiarity can possibly damage working relationships and cause embarrassment.

Contractors

67. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's immediate line manager. Orders and contracts must be awarded on merit, through fair competition, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.
68. 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 such contractors, must declare that relationship to their Director, or in the case of Directors, to the Chief Executive.
69. No employee shall purchase for private purposes goods or services from a firm which has dealings with the Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the Council. This rule equally applies to the ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the Council's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. It would also apply to the use of services of a contractor with whom employees have official contacts as part of their employment with the Council. It also precludes employees from using, for private purposes, any special trading cards which the Council may hold for council business. It does not, however, preclude employees benefiting from general discounts offered by suppliers to all Council employees or made available by the Council or trade unions on behalf of staff generally.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

70. It is contrary to the Council's HR policies for an employee to make an appointment/engagement which is based on anything other than the ability of the individual to undertake the duties of the post. Employees must not be involved in an appointment/engagement where they are related to an applicant, or have any personal or business relationship outside work with them.

71. Employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.
72. Employees of the Council shall inform their Director or, in the case of Directors the Chief Executive, of any relationship known to them to exist between themselves and a candidate for an appointment/engagement in which they are directly involved. If a candidate deliberately omits to disclose a relationship they will be disqualified. If the omission is discovered after appointment or engagement they shall be liable to dismissal.
73. Employees involved in appointments/engagements must, where practicable, ensure that references are obtained from the current and previous employer of the candidate to whom they wish to formally offer a post. Ideally both referees should be senior persons, one from the candidate's present employer and the other from their previous employer.
74. In the case of applicants leaving full-time education or not having worked since doing so, the Head of School, College, University etc. should be named as one of the referees.

UNDERTAKING ADDITIONAL WORK OUTSIDE OF THE COUNCIL

75. Full-time employees shall devote their whole time service to the work of the Council, and shall not engage in any other business, including self-employment, or take up any other additional appointment without the express written prior consent of their Directors, and in the case of Directors , the Chief Executive. The Director or the Chief Executive reserves the right to withdraw such consent at any time.
76. All prospective employees shall, prior to appointment, provide details on the Council's standard application form of any other employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employments exceed 48 per week - as per the Working Time Regulations 1998.) Also, existing part-time employees must declare any other employment to the Council in order that the latter can ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.
77. Employees should avoid situations where an actual or apparent conflict between work and personal interests may arise and must inform their manager as soon as possible in the event that any such conflict may arise
78. Undertaking unpaid activities outside Council employment may, on occasions, be detrimental to or otherwise conflict with the Council's interests. Employees should be mindful of any potential conflict of interests in such situations.
79. No personal business activity or outside work of any sort may be undertaken by an employee during their working hours for the Council.

Consultancy, Lecturing, Fee Paying Work

80. Where a request is received for any employee to make a presentation, speak at a seminar or lecture on a course, within their normal field of work and during their normal working hours, the work will be undertaken on behalf of the Council and any fee will be treated as income for the Council.
81. Where an employee is approached to undertake fee paying work the Council has determined that the fee is to be treated as income for the employee if all the work, including preparation, is undertaken outside normal work hours. In the case of activities which are prepared and/or take place partly during normal working hours, the Council has agreed that half the fee is to be treated as income for the employee, and the remainder paid to the Council. All consultancy, lecturing and other fee paying work must be approved by the employee's Director or, in the case of Directors the Chief Executive.

Intellectual Property

82. Intellectual property is a generic term that includes inventions, creative writings and drawings. If these items are created as part of an employee's normal course of employment then, as a general rule, they belong to the Council.

ARREST OR CONVICTION ON CIVIL OR CRIMINAL CHARGES

83. You must, as soon as practicable inform your line manager, at each stage, if you are arrested, charged, refused bail, required to attend court, convicted or sentenced for any criminal or civil offence. This does not apply to traffic offences unless this involves a situation relating to the transport of service users, or the possible penalty includes imprisonment or disqualification from driving or involves an official vehicle. Failure to inform will be considered an act of gross misconduct.

MEMBERSHIP OF CLUBS, SOCIETIES AND OTHER ORGANISATIONS WHICH ARE NOT OPEN TO THE PUBLIC AND/OR WHICH HAVE SECRECY ABOUT RULES, MEMBERSHIP, ETC.

84. The intention of this Code and procedures is to ensure transparency and openness and that no reasonable person can question the integrity and motives in connection with your employment with the Council.
85. All employees must declare membership of any organisation which is not open to the public, where there is a commitment of allegiance, and /or which has secrecy about rules, membership or conduct. This declaration needs to be made through completing a form held by each Director.

CONFLICT OF INTEREST

86. Staff are expected to conduct themselves with integrity, impartiality and honesty. Staff should avoid circumstances where private or personal interests have the

potential to give rise to allegations or partiality or impropriety which could bring the Council into disrepute.

87. Employees should not involve themselves in any decision or allocation of Council Services or resources from which they, their friends, their partners, persons to whom they are (or are owed) an obligation, or family might benefit.
88. Where employees belong to any club, society, charity or similar body and any person within it or the club, society or similar body itself may benefit from a decision or action employees may take in their work with the Council. All interests must be registered and discussed with their managers.

EQUALITY ISSUES

89. All employees must comply with the Council's policies on equal opportunities in employment and with those relating to service delivery. Employees must also have due regard to any requirements under the Public Sector Equality Duty.

HEALTH AND SAFETY ISSUES

90. Employees must receive and understand information to enable them to work safely and to ensure the health, safety and welfare of any others affected by their work. Employees have an obligation to follow local working practices so that workplace risks are mitigated.
91. No-one should be expected to work unsafely and managers have responsibilities to address workplace risks taking advice where appropriate.

BREACHES OF THE CODE OF CONDUCT

92. Any suspected breach of this Code must be:-
- (a) immediately reported to the appropriate Director or, in the case of Directors, to the Chief Executive,
OR
 - (b) be reported through the confidential reporting procedure for employees, detailed at Appendix 1.
93. Where a suspected breach has been reported, a formal investigation into that suspected breach will be undertaken.

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE-BLOWING)

94. Appendix 1 of this Code provides procedures for employees to follow who wish to report, in strict confidence, their serious concerns about any aspect of the Council's work or the behaviour or standard of conduct of other employees or anyone associated with the work and services provided by the Council.

95. Failure to comply with any of the standards detailed in this Code may result in formal disciplinary action, under the council's Disciplinary and Dismissals Procedure, including dismissal in serious cases.

APPENDIX 1

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE-BLOWING)

1. Employees are often the first to realise that there may be something 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 and it may be easier, therefore, to ignore the concern rather than report what may just be a suspicion of malpractice.
2. The Council is committed to the highest standards of openness, probity and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The phrase 'whistle-blowing' in this procedure refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.
3. This Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside.

AIMS AND SCOPE OF THIS PROCEDURE

4. This Procedure aims to:
 - encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their service area
 - provide alternative avenues for raising concerns
 - ensure that responses to concerns are made
 - to reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in the public interest
5. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This Procedure is intended to cover concerns that fall outside the scope of other procedures and 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 (where the concerns raised have not been addressed through normal departmental procedures)
 - damage to the environment
 - the unauthorised use of public funds including fraud and corruption sexual or physical abuse
 - inappropriate use of or access to personal or sensitive information

- other unethical or unprofessional conduct
 - notification of any suspicions of price-fixing cartels providing services/goods to the Council
6. The Council fully understands that employees who are members of a trade union recognised by the Council may, in the first instance, wish to seek advice and guidance from their union on the application of this Procedure (see paragraph 23 of this Appendix).
7. Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Council or others acting on behalf of the Council, can be reported under this Procedure. This may be about something that:
- makes an employee feel uncomfortable in terms of apparent non-adherence to known standards
 - appears to be contrary to the requirements of the Council's Standing Orders and Code of Conduct
 - falls below established standards of practice
 - may amount to improper conduct
 - appears to be an attempt to mislead

SAFEGUARDS

Harassment or Victimisation

8. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. However, if employees believe that what they raise as a concern to be the truth and in the public interest they should be confident that they are fulfilling their duty to their employer and those for whom they are providing a service.
9. The Council will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees, when they raise a concern in the public interest, from suffering a detriment (including bullying or harassment) either from the employer or from co-workers.
10. Any investigation into allegations of potential malpractice will be dealt with separately to any grievance, disciplinary or redundancy procedure concerning an employee. Equally, any investigation will not be influenced by any such procedures involving an employee.

CONFIDENTIALITY

11. All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. However this cannot be guaranteed if say following an investigation a case is taken to Court, where the employee may need to be called as a witness.

ANONYMOUS ALLEGATIONS

12. In order to ensure that employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are sometimes less credible. Anonymous concerns and allegations, whether made to the Monitoring Officer or Head of Internal Audit, will therefore be investigated at the discretion of the Council.
13. 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' factual evidence.

UNTRUE ALLEGATIONS

14. If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is frivolous, malicious or for personal gain, disciplinary action may be taken against them.

HOW TO RAISE A CONCERN

15. Employees who wish to raise a serious concern should do so verbally or in writing (marked 'Confidential') to the:

Monitoring Officer
Gloucestershire County Council
Shire Hall
Gloucester GL1 2TZ
Telephone: (01452) 328472

The Monitoring Officer will refer all concerns in relation to possible financial impropriety to the Director: Strategic Finance and/or the Head of Internal Audit.

16. Alternatively employees may wish to use the Council's 24 hour "whistleblowing" answerphone service on Gloucester 01452 - 427052 to report any concern relating to possible fraud, corruption, conduct or mal-practice/administration.
17. Employees who wish to make a written statement/report are invited to set out:
- the background and history of the concern
 - relevant dates, person involved
 - details of supporting evidence
18. Although employees are not expected to prove an allegation they will need to demonstrate that the disclosure is in the public interest.

HOW THE COUNCIL WILL RESPOND

19. The Council will respond to such concerns and, where appropriate, the matters raised may be:
- investigated by management, Internal Audit, or through the disciplinary process
 - referred to the Police
 - referred to the External Auditor
 - the subject of an independent inquiry
20. In order to protect individuals and those involved in the concern, 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 take into account is public interest; however, the Council has a zero tolerance attitude to any fraudulent activity. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.
21. Within 10 working days of a concern being raised, the Monitoring Officer will write to the employee concerned at their private address:-
- acknowledging that the concern has been received
 - indicating how s/he proposes to deal with the matter
 - telling the employee whether any initial enquiries have been made
 - telling the employee whether further investigations will take place and, if not, why not
22. If the matter is subject to further investigation the employee will be informed of any progress and proposed timescale for the investigation. The amount of contact between the officers considering the issues and the employee raising the concern 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 the employee raising the concern.
23. A representative of a trade union recognised by the Council or work place colleague may accompany an employee during any stage of an investigation conducted under this Procedure.
24. The Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedures involved.
25. The Council accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

THE RESPONSIBLE OFFICER

26. The Monitoring Officer has overall responsibility for the maintenance and operation of this Procedure. S/he will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not breach confidentiality.

FURTHER ACTION

27. This Procedure is intended to assist employees who wish to raise concerns within the Council. The Council hopes employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the Council, the following organisations are possible contact points:

- Health & Safety Executive
- Environment Agency
- External Auditors
- Prudential Regulation Authority
- Financial Conduct Authority
- Department for Work and Pensions
- Equality and Human Rights Commission
- Serious Fraud Office
- Action Fraud
- Information Commissioner's Office
- Trade Union
- HM Revenue and Customs
- Relevant Voluntary Organisation
- Charity Commission
- Police
- Public Concern at Work

28. If employees do decide to take the matter outside the Council, they must ensure that they do not disclose to a third party any Council confidential information. If employees are in any doubt, they are strongly advised to seek the confidential advice of the Monitoring Officer before taking any action to ensure that they are not putting themselves in a vulnerable position.

APPENDIX 2

PROTOCOL ON THE RELATIONSHIP BETWEEN OFFICERS AND MEMBERS OF GLOUCESTERSHIRE COUNTY COUNCIL

Introduction

1. The County Council will not function effectively unless elected Members of the Authority and its paid Officers are able to establish and maintain a businesslike and harmonious working relationship that is based on trust and on mutual respect for each other. This is not always easy. The business of the Council touches upon many sensitive and emotive issues. Modernisation has placed Officers and Members under increased scrutiny, demanded many changes to working practices and raised public expectations about the quality of the Council's services. These pressures inevitably create stresses and tensions between Officers and Members, which can undermine good working relationships. It is therefore important to minimise the risk of misunderstandings and to ensure that when difficulties do arise, a framework exists within which they may be resolved.
2. The purpose of this protocol is, therefore, to help foster a clear understanding of Officers' and Members' roles, and to lay down guidelines on what each may expect from the other. The protocol does not and indeed, cannot, cover every eventuality; the sheer variety of the Council's work makes that impossible. Instead, it is intended to strengthen existing good practice and address issues that arise most often. The guidance also provides advice on how to deal with difficulties that do arise, fairly and swiftly, so that the level of trust and mutual respect that is required to enable the Council to function effectively is maintained.

The role of elected Members

The role of County Councillors as Members of full Council and Council bodies

3. Members perform a wide variety of roles. The full Council of 53 elected Members is responsible for determining the Council's overall policy and budgetary framework. When acting in this capacity, they assume the role of trustees, which means they must ensure the Council's functions are discharged in a sound and businesslike manner. The introduction of executive arrangements has, however, conferred responsibility for the formulation and implementation of most detailed policies and proposals in the Cabinet. The Cabinet need not be politically balanced and it is therefore entitled to make decisions that reflect the ideology of the political groups who belong to it, since ultimately, the Cabinet is answerable to the electorate. The legitimate expression of political ideology by the Cabinet will often give rise to equally legitimate objection by other political groups, who may quite properly regard themselves as a formal "opposition". Such opposition may be expressed in full Council or in Overview and Scrutiny Committees as constructive criticism that is reflective of political ideology.

The standing of County Councillors as individual Members of the Council

4. By virtue of their membership of Council bodies, some County Councillors may be able to exert more influence over certain kinds of Council business than others but they can only do so through a decision made by the committee or committees that they belong to. By law, the Leader is entitled to delegate functions to its Members. The Leader has determined that Cabinet Members (but not other Members) have power to make decisions that would bind the Authority to a particular course of action. It follows that in law, Members without decision making powers acting in their individual capacity as County Councillors are equals, each having the same rights and responsibilities.

Other roles of County Councillors

5. County Councillors' activities are confined to their involvement in full Council and Council bodies. Members represent the interests of the people who live within their electoral division and will often be asked to solve day-to-day problems connected with services that are provided by the Authority. County Councillors might have business or other private interests that are affected by the work of the Authority. Members are also part of the local community in their own right and thus receive Council services as consumers.

The role of Officers

The role of Officers in the course of their employment

6. The role of Officers in the course of their day-to-day duties as paid members of staff is to give effect to the Council's strategy and the policies and proposals of Council bodies, such as the Cabinet and thereby deliver services to the people of Gloucestershire. They do this by providing advice on the options that are available to Members, planning, managing and actually delivering services to the community in accordance with the decisions that the Council or another Council body makes.
7. Since Officers have a duty to serve the whole Council and to carry out its decisions and those of particular Council bodies, they should act impartially and always do their best to give them effect irrespective of whether they agree with them.

Contact between Officers and Members other than in the course of Officers' employment

8. Officers may also come into contact with Members as constituents or in the course of consuming Council services. From time to time, Officers might also be consumers of services provided by County Councillors who are involved in business, voluntary or other activities. Members and Officers might also come into contact with each other socially, such as when they are members of the same club or some other interest group.

Sources of difficulty

9. The range of Members' legitimate perspectives when discharging their different roles and responsibilities and the potential for contact between Officers and Members in a variety of circumstances, creates a variety of situations that have the potential to cause both groups difficulties. There are three principal sources of conflict:
- (i) Actual or apparent failure by Officers to act in accordance with the principle of political neutrality;
 - (ii) Unreasonable pressure by Members on Officers;
 - (iii) Blurring of Officers' and Members' public and private roles.

Political neutrality

Supporting the work of the Council

10. Officers (except political assistants) must always exercise great care to ensure they do not and may not reasonably be said to appear to act in a manner that favours one political group over another. This does not mean that Officers (including political assistants) may not implement the policies and proposals of the administration. To the contrary, under executive arrangements the Cabinet stands in the shoes of the Council for all "executive functions" and Officers are under a duty to do all they can to give effect to the Cabinet's agenda and specific decisions. It follows that Officers should not act in a way that is calculated to deliberately frustrate or undermine a policy or decision of the Council or a Council body although political assistants may do so if expressly instructed by the political party in whose work they are engaged.

Lobbying Members

11. Sometimes, Officers may disagree with one another about how to deal with a particular matter. They should resolve such issues between themselves, consulting with their line managers, if necessary. Officers should **never** lobby Members privately to advance their own or their service's interest relative to the interests of another Officer, service or the Council as a whole.

Giving advice and providing information

12. In recognising that individual Members and opposition groups have a legitimate right to scrutinise the work of the Authority, Officers should, however, provide **factual** advice to Members who wish to oppose particular policies or decisions. They should also provide any documentary information that is sought for this purpose in accordance with the Council's Access to Information Procedure Rules. Members should not, however, seek to elicit advice from an Officer about how to undermine the Council's or

the Cabinet's policies or decisions and, in the event an Officer receives such a request, he or she should decline to give such assistance. An Officer should **never** provide unsolicited advice to a Member that is calculated to undermine any policy or decision of the Council or a Council body. This paragraph shall not apply to political assistants to the extent that they are expressly instructed by the political party in whose work they are engaged.

13. In circumstances when an Officer is asked to provide advice or information to a Member and it is proper that it should be supplied, the Officer must ensure the advice that is given is **full** and **accurate** and that it is provided **promptly**. Officers should also avoid withholding advice or information that is plainly relevant to and embraced by any request for assistance. In other words, Officers should always be **helpful** in the way they deal with any enquiry by a Member provided that in giving such help they comply with paragraphs 8 to 11 of this guidance. Officers must never fail to advise any Member about a risk that their conduct might break the law, breach Council policy, or be contrary to the budget if ever they become aware of such a risk.

Confidentiality

14. Information and advice should normally be provided to Members in confidence and should not, therefore, be copied to any other Member unless disclosure has been expressly authorised. If, however, an Officer who is asked to provide information believes it would, if disclosed more widely, be of benefit to the Council as a whole, they may provide the information to others. Before they do so, they should, however, consult the County Councillor who asked for the information and their Director or Head of Service.
15. Members must give due regard to Officer's advice on the sensitivity of any information or advice that they receive by virtue of their position. They should take care not to release any such information inappropriately, without good reason. In no case should any information, which is confidential or exempt in law, be disclosed. If Officers have concern about a County Councillor's action in this regard, they should inform their Director or Head of Service who will discuss the issue with the relevant Group Leader and the Monitoring Officer. Members and Officers should be aware that unresolved breaches of this duty may be referred to the Audit and Governance Committee of the Council.

Dealing with the Press

16. Particular care must be exercised in dealing with the media. Officers, including political assistants, must not criticise the policies of the County Council, any other Council body or a Member of the Council in the media in their capacity as employees of the Authority. Political assistants may prepare press releases on behalf of their groups that are critical of the County Council or any Council body or Member. All political group press releases must be issued in the name of the political group that produces the press

release and include the name of the relevant County Councillor. The name and contact details of the political assistant may be included but only in order to obtain further information and it must be clear that the political assistant is not the author of the press release. If a press release is prepared by a political assistant, that Officer must ensure, so far as is reasonably practicable, that the information it contains is factually correct.

Member pressure on Officers

17. Except in relation to political assistants, Members should respect Officers' political neutrality. They should not, therefore, ask an Officer (except political assistants) to act in any way that would cause an Officer to confer an improper advantage on their group or disadvantage another group or Member.
18. Members should also respect Officers' professional judgment. This does not mean Members are obliged to accept Officers' advice. Nor does it preclude Members' testing Officers' advice, robustly if necessary. If, however, an Officer does not share an opinion that is urged upon them by a Member, the Member should not insist or place an Officer under undue pressure to depart from their firmly held professional opinion.
19. Although Members are entitled to depart from Officers' advice, they should avoid criticising Officers or their advice in public. Complaints about the conduct of an Officer should be made privately to the Officer's Director of Service or another appropriate senior Officer.
20. Members should bear in mind that Officers are often obliged to balance very many tasks. They should, therefore, exercise reasonable restraint in making demands of Officers for advice or information. Thus, in responding to any request in accordance with paragraph 12 of this protocol, Officers should normally be allowed a reasonable period of time to provide advice and information. Members should also avoid, so far as is possible, making repeated or excessive requests for advice or information. If an Officer indicates that they can provide no further assistance in respect of a particular matter, that advice should normally be accepted or referred to the Officer's line manager. Particular care must be exercised when corresponding with Officers by email; excessive use of this tool can be extremely costly of both Members' and Officers' time.
21. In seeking information or advice, Members should take care to avoid placing undue pressure on junior or inexperienced Officers. Instead, the matter should be taken up with the Officer's Director of Service or another senior manager.

Blurring of Officers and Members public and private roles

22. Some Officers have specialist professional, technical or other qualifications or skills. Their contract of employment, however, usually forbids any other paid employment save that carried out for and on behalf of the Authority.

Moreover, if Officers are to be and appear to behave politically neutral, they should avoid doing anything that might appear to indicate too close a relationship with the Member of any political group. A Member should not, therefore, ask or encourage an Officer and an Officer should not offer or agree to provide any service to that Member, whether or not for reward, for any purpose that is unconnected with the business of the Council.

23. The need to maintain Officers' political neutrality means that it will normally be inappropriate for them to maintain close social or private business relationships with a Member.
24. Members whose business interests bring them into contact with Officers in the latter's capacity as employees of the County Council must take care to ensure that they comply with the Council's Code of Conduct for Members and the law. For their part, Officers must ensure they comply with the Council's Contract Standing Orders.
25. More generally, Officers and Members must not use any relationship they have formed with each other by virtue of their office to secure any kind of personal advantage. They must also take care not to give the impression or appearance that their formal relationship is or might be used for personal gain.

The role of Group Leaders and senior Officers

26. Sometimes, issues will arise that do not fit comfortably within this guidance. At other times, an Officer or Member may feel aggrieved by what they perceive to be a breach of this protocol. In each case an Officer (including a political assistant) should normally consult their Director of Service or another senior manager for guidance on how best to act. For their part, Members should normally seek advice from their Group Leader or any other person that their Group Leader nominates to advise on relationships between Officers and Members.

Conclusion

27. Although this protocol is not intended to lay down absolute or comprehensive guidance on the relationship between Members and Officers, it may be a relevant consideration in the determination of disciplinary action against an Officer under the Authority's disciplinary procedures. It may also be relevant to the determination of a complaint against a Member referred to the Council's Audit and Governance Committee alleging a breach of the Code of Conduct for Members.
28. Finally, it should be borne in mind that the foundation of harmonious and businesslike working relations between Members and Officers is built upon notions of mutual trust, respect and an overriding commitment to the best interests of the people of Gloucestershire. Provided Members and Officers

strive to uphold these principles the Council is likely to remain focused on its primary goal, which is to provide high quality and continually improving services for the benefit of local people.