

## ANNEX 17 - CODE OF CONDUCT FOR OFFICERS



### **Code of Conduct** Incorporating the Whistleblowing Procedure

**Status:** Policy & Procedure

**Source:** Joint Staff Advisory  
Committee 26th June 1996  
Policy Operations Sub-  
Committee 27th June 1997

### **Key Points**

1. The policy applies to all employee's with Hertfordshire County Council except those employed by school governing bodies and uniformed fire service personnel.
2. This policy and the accompanying Whistleblowing Procedure have been developed as part of the overall aim of the County Council to actively promote high standards of conduct are maintained in Herefordshire
3. The Whistleblowing Procedure sets out the framework for dealing with illegal and improper conduct

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# HERTFORDSHIRE COUNTY COUNCIL

## CODE OF CONDUCT FOR EMPLOYEES

### Introduction

The public of Hertfordshire are entitled to demand the highest standards of conduct from all employees of the County Council. We must ensure that nothing we do shakes the public's confidence in our integrity.

The purpose of this Code of Conduct and the companion Whistleblowing Procedure, is to provide guidance in the light of the challenges we all face in a changing and increasingly commercially orientated world.

The Code contains certain statutory requirements of local government employees and those set out in local and national conditions of service relating to standards of conduct and integrity.

Inevitably some of the issues covered will affect, senior, managerial and professional employees more than it will others. However, the Code covers all of you who have a contract of employment within Hertfordshire County Council, including office holders such as Registrars. Your activities as members of external companies or voluntary organisations are also subject to the standards set out in this Code. Individuals who are not employees, but act on behalf of, or as the agents of the County Council are also subject to its provisions.

Local Government is rightly proud of its reputation for its standard of conduct and it is up to us all to ensure that these high standards are maintained in Hertfordshire.

W. Ogley  
Chief Executive.

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## 1. Standards

- 1.1 Hertfordshire County Council's 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.
- 1.2 Employees are also 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.  
(See Whistleblowing Procedure for further information - page 9).

## 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 County Council itself may decide to be open about other types of information. Employees must make themselves aware of which information Hertfordshire County Council wishes to disclose and act accordingly. If in doubt, then you must consult your line manager who should seek clarification if they can not provide it themselves.
- 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. If any particular information is received by you from a councillor which is personal to that councillor and does not belong to the County Council, it should not be divulged by you without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law. Unauthorised disclosure of information classified as confidential by the Council can be regarded as gross misconduct under the County Council's Disciplinary Procedure.

## 3. Political Neutrality

- 3.1 Employees serve the County Council as a whole. It follows that they must serve all councillors and not just those of any controlling group and must ensure that the individual rights of all councillors are respected.
- 3.2 Employees may be required to advise political groups. You must do so in ways which do not compromise your political neutrality. You must abide by the County Council's Conventions for the Conduct of Business, which have been issued for the guidance of officers and members.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the County Council and must not allow their own personal or political opinions to interfere with their work.

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## 4. Relationships

### *Councillors*

4.1 Employees are responsible to the County Council through their senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council'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 should therefore be avoided.

### *The Local Community and Service Users*

4.2 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 County Council.

## 5. Contracting and Tendering

5.1 All employees carrying out work which involves contracting and tendering of services must act in accordance with the County Council's Contract Regulations which came into force on 1 November 1993 and the Guidelines on Good Commercial Practice.

### *Relationships with Contractors*

5.2 You must make known to the appropriate manager all relationships of a business or private nature with external contractors, or potential contractors. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour in the tendering process should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be unfairly or unlawfully discriminated against.

5.3 If it comes to your knowledge either directly or indirectly that a contract in which you have an interest, has been proposed or is being proposed you must give written notice to the Chief Executive of that interest. Your attention is drawn to the provisions of the Local Government Act 1972; section 95 and 117 and the examples of interests that must be cleared in the Guidance on Official Conduct set out in the Policies & Procedures Handbook.

5.4 If you who engage or supervise contractors or have any other official relationship with them and have previously had or currently have a relationship in a private or domestic capacity with them, you should declare that relationship to the appropriate manager.

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### *Separation of Roles during Tendering*

- 5.5 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the County Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 5.6 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 5.7 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.
- 5.8 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.
- 5.9 Employees should ensure that no special favour is shown to current or 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.

## **6. Appointment and other Employment Matters**

- 6.1 Employees involved in appointments should ensure that these are made on the basis of merit and in accordance with the County Council's Equal Opportunity (Employment) Policy and local and national Codes of Practice. 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 accusations of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.
- 6.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc. The County Council has adopted a policy on "The Employment of Close Relatives" which sets out procedures to ensure that decisions are not influenced by improper motives. (See appropriate section in Personnel Policies and Procedures Handbook).
- 6.3 You must abide by the County Council's employment policies and procedures and apply them fairly and lawfully.

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## **7. Outside Commitments**

- 7.1 An employee's off duty hours are their personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duties and private interests conflict.
- 7.2 You must declare your private interests where a conflict could arise and must declare to your Chief Officer any financial or non financial interests that you consider could bring about conflict with the County Councils interests.
- 7.3 The County Council will not prevent you from undertaking additional employment, but any such employment must not, in the County Councils' view conflict or react detrimentally to the County Council's interests, or in any way weaken public confidence in the conduct of the County Councils' business. If you are grade H7 and above you need written prior approval to engage in any other paid work or business. If you are graded below H7 you are encouraged to obtain voluntary written notification prior to engagements in any other paid work or business.
- 7.4 Intellectual property or copyright created by employees during their employment belongs to Hertfordshire County Council.
- 7.5 You should be guided by the advice on employees interests outside employment contained under Official Conduct in the Personnel Policies & Procedures Handbook.

## **8. Personal Interests**

- 8.1 Employees of the County Council (except those employed by School Governing Bodies) are expected to record with their Chief Officer (and Chief Officer with the Chief Executive) membership of Freemasonry. It is a condition of service of County Council employees (except for those employed by School Governing Bodies) that on taking up an appointment they record with their Chief Officer (or, if a Chief Officer, with the Chief Executive) membership of Freemasonry.

## **9. Equality Issues**

- 9.1 All employees should ensure that the Equal Opportunities Policies on service delivery and employment and any future policies relating to equality issues agreed by the County Council are complied with in addition to the requirements of the law. All members of the community and other employees have a right to be treated with fairness and equity.

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## **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. In criminal proceedings, if any gift, loan, fee, reward or advantage is proved, it is for the employee to demonstrate that it has 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, lawful manner and in accordance with the County Council's Financial Regulations. They should strive to ensure value for money to the local community and to avoid legal challenge to the County Council.

## **12. Hospitality**

12.1 Offers of personal gifts should be refused with the exception of small gifts of a promotional nature. Offers of hospitality should be treated with caution and employees should be guided by the County Council conventions on gifts and hospitality which are contained under "Official Conduct" in the Personnel Policies and Procedures Manual. All offers of gifts and hospitality must be recorded in departmental 'Gifts and Hospitality' registers.

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 County Council.

12.3 When receiving authorised hospitality employees should be particularly sensitive to its timing in relation to decisions which the County Council may be taking affecting those providing the hospitality.

## **13. Sponsorship - Giving and Receiving**

13.1 Where an outside organisation wishes to sponsor or is seeking 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.

13.2 Where the County Council 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 their Chief Officer of any such interest. Similarly, where the County 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.

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## 14. Supporting Documents

LGMB Code of Conduct for Local Government Employees, 1994.

National Scheme of Conditions for National Joint Council for Local Government Services (Green Book).

Hertfordshire County Council Conventions for the Conduct of Business, January 1996.

Hertfordshire County Council Contract Regulations, 1993.

Hertfordshire County Council Guidelines on Good Commercial Practice, 1994.

Hertfordshire County Council Equal Opportunity (Employment) Policy, 1984.

Hertfordshire County Council Equal Opportunity (Service Delivery) Policy, 1987.

Resolution of Hertfordshire County Council on Freemasonry, 15 February 1994.

Hertfordshire County Council Financial Regulations, 1992.

Hertfordshire County Council "Official Conduct", 1992.

Hertfordshire County Council "Employment of Close Relatives", 1996.

These are available on request within each Department.

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# **“WHISTLEBLOWING”**

## **Reporting Illegal and Improper Conduct Procedure and Guidance for Employees**

### **1. Introduction**

- 1.1 The County Council expects the highest standards of conduct from all employees, and will treat seriously any concern that an employee may have about illegal or improper conduct.

The first part of Hertfordshire County Council’s Code of Conduct for Employees covers ‘Standards’ and states that:-

“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”

- 1.2 This procedure has been introduced in consultation with the trade unions.

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

- 2.1 This procedure is designed to enable employees to notify senior officers of any reasonable suspicion of illegal or improper conduct. “Improper conduct” includes neglect of duty and mal-administration. 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.

### **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. It is not designed to replace or be used as an alternative to the grievance procedure which should be used where an employee is only aggrieved about their own situation. Employees who are worried about wrong doing at work do not necessarily have a personal grievance.
- 3.2 Employees must act in good faith and must have reasonable grounds for believing the information to be accurate.
- 3.3 No employee who uses this procedure in good faith will be penalised for doing so.

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

**County Personnel : -**

- Director of Personnel, Alan Warner tel. 01992 55(6650);
- Assistant Director of Personnel, Gillian Hibberd tel. 01992 55(6653).

**County Secretary's : -**

- County Secretary and Monitoring Officer, Andrew Laycock tel. 01992 55(5500);
- Assistant County Secretary, Kathryn Balding tel. 01992 55(5527);
- Assistant County Secretary, Jonathan Brown tel. 01992 55(5510);

**Internal Audit : -**

- Chief Internal Auditor, Chris Kay tel. 01992 55(5320)
- Any Group Auditor tel. 01992 55(5326/8/9) or (5315).

- 3.5 Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the Chief Internal Auditor for possible investigation. Normally, you must first report any suspicion of such an irregularity to your Chief Officer, who will in turn report it to the Chief Internal Auditor. In most cases this will be done through your line management structure. Exceptionally, if you believe that the matter cannot be resolved in this way, you should report it direct to the Chief Internal Auditor.

#### **4. Mechanism for raising concerns**

- 4.1 If you have a concern you will need to exercise judgement 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 you should raise the matter with your line manager.

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- 4.3 Where the issue concerns your line manager or, having made your report you believe they have failed to take appropriate action then you should bring it to the attention of a more senior manager or Assistant Director (or equivalent level) of your department.
- 4.4 Employees who feel unable to follow this route, for whatever reason, have the option of contacting either their departmental personnel officer or the contact names in paragraph 3.4 above in County Personnel, County Secretary's Department and Internal Audit.
- 4.5 Depending on the nature of the concern you will be asked to justify and support your claim. Normally you will be asked to do this in writing. 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 you of the outcome of any investigation as quickly as possible.
- 4.9 Exceptionally, if you feel unable to pursue any of these routes, you should consider approaching an appropriate body outside the Council. Such bodies include:
- the District Audit service (for financial irregularities)
  - the independent charity "Public Concern at Work", which offers confidential advice on 0207- 404 6609 to employees and others with serious concerns about public dangers and malpractice.

## **5. What should you do if an issue is raised with you as a line manager?**

- 5.1 You must exercise judgement 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 the future standards and corrective action. In taking any corrective action you must 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.

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- 5.2 In other more serious cases you should pass the matter up to your Assistant Director (or equivalent level) of your department.
- 5.3 If you have any doubt about the right way to deal with the concern you should contact one of the persons named in paragraph 3.4 above for advice.
- 5.4 The employee 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 Assistant Directors should raise their concerns with their Chief Officer or if this is not appropriate with the Director of Personnel or the County Secretary.
- 5.6 Chief Officers should raise their concerns with either the Chief Executive, the County Secretary, the Director of Personnel or another Chief Officer as appropriate. They should report any allegation or suspicion of a financial irregularity immediately to the Chief Internal Auditor.

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### **Appendix 1**

#### Examples of Illegal and/or Improper conduct

- fraudulent or improper use of the Council's money or assets, or those of its clients
- abuse of clients or of other employees
- dangerous practices at work
- corruptly receiving any gift or advantage
- allowing private interests and those of the Council to conflict