

SOUTHWATER PARISH COUNCIL

OFFICIAL CONDUCT AND CONFIDENTIAL REPORTING POLICY



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1. Standards

- 1.1. Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to other employees and Councillors with impartiality. Employees may through agreed procedures and without fear of recrimination, bring to the attention of the appropriate level of management, any deficiency in the provision of service. Employees must report any impropriety or breach of procedure. Malicious acts of reporting would, however, be deemed to disciplinary offence.

2. Confidentiality and Disclosure of Information

- 2.1. Please refer to the Parish Council's Confidentiality Policy regarding the confidential reporting code applicable to employees, contractors, suppliers and agency staff.

3. Introduction

- 3.1 Employees are often the first to realize that there may be something seriously wrong within the Parish Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Parish Council. They may also fear harassment or victimization. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 3.2 This policy document makes it clear that you can do so without fear of victimization, subsequent discrimination or disadvantage. This Policy is intended to encourage and enable employees to raise serious concerns within the Parish Council rather than overlooking a problem or 'blowing the whistle' outside.
- 3.3 The policy applies to all employees and those contractors working for the Parish Council on Parish Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing service under a contract with the Parish Council in their own premises.
- 3.4 The procedures are in addition to the Parish Council's complaints procedures and other statutory reporting procedures as indicated in contracts of employment. You are responsible for making service users aware of the existence of these procedures.
- 3.5 This policy has been discussed at national level, with the relevant trade unions and professional organizations and has their support. At local level, it also has the support of staff representatives.

4. Aims and Scope of this Policy Document

4.1 This policy aims to: -

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from possible reprisals or victimization if you have a reasonable belief that you have made any disclosure in good faith.

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

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

4.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Parish Council or others acting on behalf of the Parish Council can be reported under this Policy. This may be about something that :-

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

5. Safeguards – Harassment or Victimization

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

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

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

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

6. Confidentiality

6.1 All concerns will be treated in confidence. At the appropriate time, however, you may need to come forward as a witness

7. Anonymous Allegations

7.1 The factors to be taken into account in investigating anonymous allegations would include: -

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

8. How to Raise a Concern

8.1 As a first step, you should normally raise concerns with your immediate Manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that Management is involved, you should approach the Parish Executive Officer, the Chairman or Vice-Chairman of the Council, or the Council's Internal Auditor.

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

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

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

The Executive Officer: Tel: 01403 733 202

Chairman – Tel: 01403 733 202

Vice-Chairman – Tel: 01403 733 202

8.5 The Executive Officer, has the overall responsibility for the maintenance and operation of this Policy. That officer maintains a record of concerns raised, and the outcomes

(but in a form which does not endanger your confidentiality) and will report as necessary to the Parish Council. The Executive Officer's contact details are 01403 733202.

9. How the Matter can be Taken Further

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

- Horsham District Council's Monitoring Officer – 01403 215100.
- Horsham District Council's Local Standards Committee – 01403 215100.

10. Political Neutrality

10.1 Employees serve the Parish Council as a whole. It follows they must serve all members not just members of any controlling group, and it must be ensured that the individual rights of all members are respected. Some employees will be expected, within the authority's guidelines, to advise political groups. Employees have a duty to advise minority groups as well as controlling groups.

10.2 Employees must follow every lawful expressed Policy of the Parish Council and must not allow their own personal or political opinions to interfere with their work.

11. Political Restrictions

11.1 Specified posts will be barred from private political activity. The employees affected will be informed of these facts and the restrictions are contained and detailed within their individual contracts of employment. The conditions ban those employees from :-

- (a) Holding elected office as a Member of Parliament, Member of the European Parliament or any Local Authority.
- (b) Acting as an Election Agent or Sub-Agent.
- (c) Holding office in a political party.
- (d) Canvassing at elections.
- (e) Speaking or writing publicly on matters of party political controversy where there is an apparent intention to effect political support.

12. Relationships

12.1 Employees

- i. 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.

12.2 Elected Members

- i. The Parish Council's Code of Conduct for elected members in relation to personnel matters is as follows :-
 - The Parish Council's relationship with staff is within the terms of reference of the HR Committee. Individual Councillors must not involve themselves in any matter relating to the appointment, promotion, dismissal, salary, superannuation, conditions of service, discipline, grievance or any industrial relations matters of any person or group of persons employed by the Council except through the official channels of the HR Committee. However, this shall not prevent, in respect of appointments, the nomination of a Member as a referee or the giving of a reference by a Member.

12.3 The Local Community and Service Users

- i. 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 the community as defined by the policies of the authority.

12.4 Contractors

- i. All relationships of a business or private nature with external contractors (i.e., those working for and doing business with the Parish Council) or potential contractors, should be made known. To do otherwise may contravene the Law. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- ii. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship.

13. Appointment and Other Employment Matters

- 13.1 Employees involved in staff appointments should ensure that these are made on the basis of merit. In order to avoid any accusation of bias, employees should not be involved in any appointment where they are related to an applicant, or have a personal relationship outside work with him or her. Similarly, employees should not be involved in decisions relating to promotion or pay adjustments, discipline, etc., for any other employee who is a relative, partner.

14. Outside Commitments

- 14.1 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 duty and private interests conflict. The Parish Council will not attempt to preclude employees from undertaking additional employment, but any such employment must not, in the view of the Parish Council, conflict with, or react detrimentally, to the Parish Council's interests, or in any way weaken public confidence in the conduct of the Parish Council's business.
- 14.2 Employees should be aware of specific items of ownership of intellectual property or copyright created during their employment. All creative ideas or designs produced during employment shall be in the Parish Council's ownership.
- 14.3 Specific jobs will be required to give whole time service to the Parish Council and will not be allowed to undertake other employment. These will be specified in the individual contracts of those involved. Staff wishing to take on secondary employment must seek the permission of the Executive Officer to the Council should the Council be the main employer in order to ensure that there is no breach or potential breach of Work Time Regulations

15. Personal Interests

- 15.1 Employees must declare non-financial interests that they consider could bring about conflict with the Parish Council's interests (e.g., involvement with an organization or pressure group that may seek to influence Parish Council Policies).
- 15.2 Employees must declare any clear and substantial financial interest where it comes to their knowledge that it could conflict with the authority's interests or where, to their knowledge, they may gain from a Parish Council decision.
- 15.3 Employees should declare membership of any organization not open to the public without formal membership and commitment of allegiance and which has secrecy regarding rules or membership or conduct.

16. Financial Regulations

- 16.1 Employees shall observe the Parish Council's Financial Regulations and Standing Orders.

17. Hospitality - Guidelines

- 17.1 With the type of exceptions listed below, Members and employees of the Parish Council should refuse any personal gift offered to them or to a member of their family by any person or body who has or seeks dealings with the Parish Council, i.e., organizations or persons who are or who seek to provide work, goods or services to the Parish Council, e.g., building contractors, suppliers of goods or equipment, firms able to provide professional or commercial services to the Parish Council.
- 17.2 Any offers received must be reported to the Executive Officer.

18. Exceptions

- 18.1 Any offers received must be reported to the Executive Officer.
- 18.2 A modest gift of a promotional character given to a wide range of people and not uniquely to the employee. These gifts are usually given at Christmas time and include calendars, diaries, desk sets and other articles of use in the office or job.
- 18.3 Gifts on the conclusion of any courtesy visit to a factory or firm of sort normally given by that firm.
- 18.4 A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Parish Council, but merely wishes to express thanks for advice, help or co-operation received. It is wise to err on the sides of caution: an obviously expensive gift should be avoided even if it otherwise falls within one of the above categories.
- 18.5 Where the promotional offer takes the form of gift vouchers and these are given automatically with supplies purchased by the Parish Council there is no reason why, when sufficient vouchers have accrued, they should not be applied in the purchase of an item which is of use to the Parish Council.
- 18.6 When a gift has to be refused, this should be done with tact, because the offering of gifts may be common practice in the commercial sector without, necessarily, any ulterior motive.
- 18.7 Hospitality is sometimes offered to representatives of the Parish Council and is accepted when it is reasonable in all the circumstances. Where it is offered to

individual employees, special caution is needed where the host is seeking to do business with the Parish Council or to obtain a decision from them. It is important to avoid any suggestion of improper influence. The question is one of judgement, and the following examples are intended to give general guidance.

19. Acceptable Hospitality

- 19.1 A working lunch of a modest standard provided to allow the parties to continue to discuss business.
- 19.2 Invitations to a Society or Institute dinner or function
- 19.3 Invitation to take part in a company jubilee or other anniversary celebration.
- 19.4 Hospitality offered by other non-commercial bodies.

20. Unacceptable Hospitality

- 20.1 Holiday abroad or weekend in any holiday centre.
- 20.2 Offer of hotel and/or tickets for theatre.
- 20.3 Use of company flat or hotel suite.
- 20.4 In general terms, it will often be more acceptable to join in hospitality offered to a group, e.g., a company's golf day for customers, than to accept something unique to yourself, e.g., tickets for a theatre.
- 20.5 When a particular person or body has a matter currently an issue with the Parish Council, e.g., an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality be refused even if, in normal times, they would be in the acceptable list.
- 20.6 A register shall be established showing what discounts are available to the Council staff from Council suppliers with a record of transactions where staff have obtained preferential terms.
- 20.7 A central register is maintained in which staff must record all gifts and hospitality received.

21. Sponsorship

- 21.1 Where an outside organization wishes to sponsor an 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.
- 21.2 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 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.