

INDEX

	Page No
CODE OF CONDUCT FOR EMPLOYEES	
Purpose	1
Scope	1
Standards and Attitudes	1
The Principles	2
Confidentiality and Disclosure of Information	3
Confidential Reporting Policy	4
Political Neutrality	4
Relationships	5
Councillors	5
Employment Matters	5
Outside Commitments	6
Conduct	6
Additional Work	6
Books, Training materials and Intellectual Property Rights	7
Patents and Inventions	7
Refusal of a Request to take on Additional Work	7
Computer Use	7
Misuse of Computers	8
Personal Interests	8
Gifts and Hospitality	9
Gifts Generally	9
Gifts to Employees with a Caring Role	10
Hospitality	10
Sponsorship – Giving and Receiving	11
Planning Matters	11
Equality	11
Tender Procedures	12
Corruption	12
Financial Procedure Rules	12
Annex A	
Confidential Reporting Policy	13
Annex B	
Gifts & Hospitality	18
Annex C	
Official Conduct	19
Annex D	
Personal Interests : Local Government Act 1972, Section 117	20
Annex E	
Personal Interests: Local government act 1972, section 95	21
Annex F	
Prevention of Corruption Acts 1906 And 1916	22
ECC1	
Application For Approval of Outside Employment	23
ECC2	
Application for approval to writing a book	24

ECC3	Declaration of Personal Interests	25
ECC4	Notice under section 117 Local Government Act 1972 Pecuniary interest in contract or proposed contract	26
ECC5	Declaration of Relationship with Contractor	27
ECC6	Report of Offer of Gift	28
ECC7	Register of Interests for Senior Officers	29

CODE OF CONDUCT FOR EMPLOYEES

DRAFT 2007

PURPOSE

1. The purpose of having a Code of Conduct is to:

- To make a clear statement about the standards of conduct expected of employees of Darlington Borough Council
- To ensure the highest standards of conduct by identifying corporate standards which sit alongside professional codes and guidelines
- Help all employees to act in a way which upholds the Council's standards and at the same time, protect them from criticism, misunderstanding or complaint.
- To help build trust between the Council and the people who come into contact with those working for it.

SCOPE

2. This Code of Conduct applies to:

- All employees of the Council except teachers and those employed in schools under the control of Governing Bodies. Employees are as defined in section 230 of the Employment Rights Act 1996 or any subsequent legislation.
 - Individuals providing services for the Council e.g. contractors, agencies, self-employed, and those working for the Council as part of partnerships with the Council.
3. Disregarding this Code will in certain circumstances result in disciplinary action being taken. All employees will be supplied with a copy of this Code, against which their conduct will be measured.

STANDARDS AND ATTITUDE

4. All employees of the Council are expected to give the highest possible standard of service to the public, Councillors and fellow employees and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.
5. Your attitude in dealing with people reflects on the Council so it is important that you are helpful, polite and courteous. People's impression of the Council is strongly influenced by the views of the people who work for it. Whether or not you are aware of it, the comments you make will be accepted by others. You therefore need to consider carefully the affect of what you say.

6. All employees are expected to report to their manager or supervisor any perceived or anticipated impropriety, breach of procedure or policy of the Council.
7. In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct which may give rise to suspicion.
8. There are a number of principles that exemplify the standards that are required. They are set out below. A number of these aspects are dealt with in more detail within this Code.

THE PRINCIPLES

Honesty, Integrity, Impartiality and Objectivity

All employees must perform their duties with honesty, integrity, impartiality and objectivity.

Accountability

All employees must be accountable to the Council for their actions

Respect for Others

All employees must

- Treat others with respect
- Not discriminate unlawfully against any person; and
- Treat members and co-opted member of the Council professionally

Stewardship

All employees must;

- Use any public funds entrusted to or handled by them in a responsible and lawful manner; and
- Not make person use of property or facilities of the Council unless properly authorized to do so.

Personal Interests

All employees must not in their official or personal capacity

- Allow their personal interests to conflict with the Council's requirements; or
- Use their position improperly to confer an advantage or disadvantage on any person

Declaring Interests

All employees must comply with any of the Council's requirements:

- To declare interests; and
- To declare hospitality, benefits or gifts received as a consequence of their employment.

Openness

All employees must NOT:

- disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorized to give it, or unless they are required by law to do so; and
- prevent another person from gaining access to information which that person is entitled to by law.

Duty of Trust

All employees must at all times act in accordance with the trust that the public is entitled to place in them.

Safeguarding

All employees must undertake their work in accordance with requirements laid down (for their job) in support of the Council's duties for safeguarding children and young people and also for safeguarding vulnerable adults.

CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

9. The Council recognizes the importance of an open, transparent culture with clear communication and public accountability. It is the Council's aim to be as open as possible about all its activities. The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public. Different rules apply in different situations. If you are in any doubt as to whether you can release any particular information, always check with your manager first. Where appropriate you should seek advice from relevant officers within the Council including Information Governance Officers and legal advice.
10. The confidentiality of information received in the course of your duties should be respected and must never be used for personal or political gain. You should not knowingly pass information on to others who might use it in such a way. If you believe that information should be disclosed in the public interest you should follow the Confidentiality Reporting Policy before doing so (see below). Failure to do so may result in disciplinary action being taken.
11. You should not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored whether on computer systems or manually must only be disclosed in accordance with the requirements of the Data Protection Act 1998.
12. Information given in the course of your duties should be accurate and fair and never designed to mislead.
13. Any particular information received by an employee from a Councillor which is personal to that Councillor should not be divulged by the employee without the prior approval of that

Councillor, except where such disclosure is required by law.

CONFIDENTIAL REPORTING POLICY

14. Employees are often the first to realise that there may be something seriously 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. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
15. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
16. In order to ensure that this can happen the Council has developed a Confidential Reporting Policy (**attached at Annex A**).
17. The Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
18. The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
19. The policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.
20. The policy has been discussed with the relevant trade unions and professional organisations and has their support.

POLITICAL NEUTRALITY

21. Employees serve the Authority as a whole. It follows that you must serve all Councillors equally and ensure that the individual rights of all Councillors are respected.
22. From time to time, some employees may also be requested to advise a full meeting of a political group or its executive. You must do so in ways which do not compromise your political neutrality and inform the Chief Executive in advance.
23. Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work and you must at all times perform your duties in an objective manner.

RELATIONSHIPS

Darlington Borough Council is firmly committed to equal opportunities and believes that every employee has the right to work in a safe environment without the fear of discrimination, harassment or abuse. This is reinforced in the Council's Organizational Development Strategy. As such, the Council will not tolerate or condone harassment or bullying in any form. The Council has established an anti-harassment and bullying policy which addresses these issues in more detail. This policy aims to prohibit harassment and bullying within the Council and covers both employees and elected members. Details of the policy are available on the Council's Intranet.

Appointment of Staff

24. It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. If you are involved in making appointments you should do everything possible to ensure that these are made on the basis of merit and in accordance with the Council's Code of Practice on Recruitment and Selection.
25. In order to avoid any possible accusation of bias, you must not become involved in any appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee if you are related to an applicant, or have a close personal relationship with him or her, nor where you have the opportunity to benefit, directly or indirectly, from an appointment without the express prior approval of their employing Director.
26. In this paragraph 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding person.
27. 'Partner' means a member of a couple who live together.
28. In this paragraph a 'friend' can be described as someone who is well known to you and for whom you have feelings of liking, affection and loyalty. It is a closer relationship than simply being an acquaintance. For example, if you are both member of the same charity, club or association, this is not likely, on its own, to mean that you have a friendship.
29. 'Close personal associate' would include a person not employed by the Council with whom you have a close business connection.
30. Senior Officers (which term comprises any Chief Officer, second or third tier Officer) must disclose to the Head of Human Resource Management any relationship known to exist between them and any person they know as a candidate for an appointment with the Council.

Councillors

31. Mutual respect between employees and Councillors is essential for good local government. Some employees need to work closely with Councillors. 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

32. 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 in accordance with the policies of the authority. This may involve dealing with troubled, angry and frustrated customers, although employees are entitled not to be expected to place their personal health, safety and welfare at risk.

Contractors

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

EMPLOYMENT MATTERS

35. If you apply for promotion or are seeking another post in the Council, you must not approach any Darlington Borough Councillor for a reference. Issues relating to your conditions of service, working arrangements or grading should be raised with your manager, supervisor and Head of Human Resource Management and not with Councillors.

OUTSIDE COMMITMENTS

36. The Council recognizes that employees are entitled to their private lives. In general, an employee's choices and action outside of work are not the Council's concern. However in order to protect both the employee and the Council there are exceptions to this.

CONDUCT

37. Where in or outside work, employees must not conduct themselves in any way that creates doubt as to their suitability for their post or brings the Council into disrepute.

ADDITIONAL WORK

38. Employees are able to take on work in addition to their existing contract of employment, providing it does not conflict with the performance of their duties in the role for which they are employed. In order to assess whether or not there might be a conflict, employees who are paid at above Grade M are required to obtain the consent of their Director before taking any outside employment. If you fall into this category, and want to seek the Council's agreement, you should complete Form ECC1 and submit it to your Chief Officer. The Council will not unreasonably stop employees from undertaking additional employment, but this employment must not, in the Council's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business. **(See Annex B to this Code for further details).**

39. Even if you are not subject to the provisions in paragraph above, you should ensure that none of your outside activities are detrimental to the Council's interests.
40. An employee who wishes to take on additional work must ensure that:
 - (a) the additional hours worked do not contravene the Working Time Regulations or otherwise give the Council cause for concern about health and safety at work.
 - (b) the outside work does not place the employee in a position where their duties and private interests conflict
 - (c) the outside work does not damage, or potentially damage, public confidence in the Council's conduct or business
 - (d) The outside work does not involve the employee being in direct competition with the Council for work/contracts.
 - (e) Any potential employer is aware of their employment with the Council

BOOKS, TRAINING MATERIALS AND INTELLECTUAL PROPERTY RIGHTS

41. If you write a book for payment on subjects relating to your work for the Council you must seek the permission of the Council through your Chief Officer using Form ECC2.
42. The Council retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software and other developments or similar work, when created in the course of an employee's normal duties, remain the property of the Council. These should not be removed from Council premises or passed on to third parties by any employee acting in a private capacity without the express consent of the Council.

PATENTS AND INVENTIONS

43. Any matter, or thing capable of being patented under the Patents Act 1977, made developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the Council through the appropriate Chief Officer and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.
44. You must not undertake private or personal work, paid or unpaid, of any description in working hours or in the office unless you have been given specific permission by your Chief Officer. Even if approval is granted, any fees received, e.g. lecture fees, would be passed over to the Council.

REFUSAL OF A REQUEST TO TAKE ON ADDITIONAL WORK

45. If an employee has their request to take on additional work refused and wishes to challenge this, they should speak to their line manager or consider raising a grievance under the Council's grievance procedure.

COMPUTER USE

46. The council wants employees to use computers to the full and to feel competent and comfortable about doing so. However, it is essential that computers are used appropriately. Any reference to computers should be taken to mean all computer equipment and any associated technology.

MISUSE OF COMPUTERS

47. The misuse of computers is a serious matter and may result in employees being subject to disciplinary and, where appropriate, legal action.
48. A number of guidance documents exist in relation to the use of the Council's computers and information technology. These include the Computer User's Guidance, Internet and Email Usage and Security Guidance, and the Council's Acceptable Use Policy. Employees must be familiar with, and abide by the Council's Policy on computer use.
49. Private use of Council facilities, such as computers (including use of the Internet), stationery and fax machines, is governed by these documents. Personal use of the telephone is permitted within reason, provided that calls are properly logged and charges paid back to the Council. Employees should not arrange to receive correspondence, telephone calls and fax messages in the office related to outside work or private interests.
50. An employee who is aware or suspects that abuse of computers, email the internet or the intranet is taking place is under a duty to report this immediately under the Council's Whistleblowing Policy.
51. The Council will monitor the use of computers etc without notice. A record of any sites accessed by staff is automatically stored on the system and may be examined later if misuse is suspected.

PERSONAL INTERESTS

52. Employees may have a variety of personal interests, which may from time to time impact on their role for the Council. To protect the Council and the employee from any accusations of wrong doing the Council has in place a number of safeguards which demonstrate that these interest are not allowed to influence the way the Council conducts its business.
53. If you are at Assistant Director level or a member of the Corporate Manager's Network then you must complete a REGISTER of interests. The purpose of this register is to ensure that those who have responsibility for taking the majority of delegated decisions of the authority are required to meet similar standards required of elected members in relation to the registration and declaration of interests.
54. The officer register of interests will not be available for public inspection as this is personal information. The register will be available for certain officers within the authority to inspect where they need to do so as part of the duties for the Council. These are:-

- (a) The Head of Human Resources
- (b) The Borough Solicitor
- (c) Head of Corporate Assurance
- (d) The relevant line manager

The information may also need to be disclosed to those involved in hearing any disciplinary matter or in accordance with the Council's other legal obligations to disclose information to the external auditors or the Local Government Ombudsman.

- 55. The form and guidance for completion is available in Form ECC7.
- 56. Whatever your role within the organization, you must DECLARE to your Chief Officer on Form ECC7 any financial or non-financial interests which could bring about conflict with the Council's interests.
- 57. If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed.
- 58. You must not make, or become involved with, any official, professional, decisions about matters in which you have a personal interest.
- 59. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or proposed contracts with the Council in which you have a pecuniary interest. Such declarations should be made on Form ECC4 and sent to the Borough Solicitor. It is a criminal offence to fail to comply with this provision, which is set out in full at Annex C to this Code. Pecuniary interests are considered at Section 95 of the Local Government Act 1972, See Annex D to this Code.

GIFTS AND HOSPITALITY

- 60. A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence.

GIFTS GENERALLY

- 61. Casual gifts offered to employees by contractors, organisations, firms or individuals such as calendars, diaries mouse mats, pens, and other small gifts need not be declared. The general rule is that a gift below the value of £25 does not need to be declared. However it will not be appropriate to accept a gift below that value if it is more than minimal and may be perceived as an inducement. Where a number of small gifts over a period of time amount to more than £25 collectively these should be declared.
- 62. With the exceptions listed below, you should decline any personal gift offered to you, or to a member of your family, with a value of £25 or over by any person or organisation having dealings with the Council.
- 63. Any such offer should be reported to your Chief Officer on Form ECC6 and should be recorded in a register, which is kept for this purpose. Chief Officers should report any such

offer to the Monitoring Officer, who will record it in a similar register. The Monitoring Officer will report any such offer received to the Chief Executive, who will record it.

64. When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately to your Chief Officer or the Borough Solicitor.
65. A checklist is provided at Annex A which you should use to help you decide whether or not it is appropriate to accept a gift. If you are in doubt advice can be sought from the Borough Solicitor.

GIFTS TO EMPLOYEES WITH A CARING ROLE

66. There are sometimes special problems encountered by employees who have a 'caring' role, or provide direct personal service to vulnerable people.
67. It is not unusual for residents of residential care homes, or for people receiving support at home from Council employees, or their relatives, to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their will.
68. It is most important in such situations that employees are protected from any suggestion of improper motives or conduct. This is, however, an area, which needs to be handled with great tact and sensitivity if needless offence to the individual making the offer is to be avoided, with a proper explanation given as to the reason why. Where it has not been possible to return a gift, this must be reported to your manager who will give you further guidance.
69. If you are aware that you have been or may be made a beneficiary of an individual's will, you should immediately report this to your manager or supervisor. A manager will then visit the client to discuss the proposed bequest. The manager will seek to deter the individual from making the bequest, and ensure that if a bequest is given that it represents the genuine wishes of the individual who has not been subject of any improper influence. Following the visit, the manager will notify your Chief Officer, who will discuss the matter with you and determine what action to take.
70. In some cases an employees might not know that he or she is a beneficiary until after the death of the client concerned. As soon as an employee is made aware of such a bequest, he or she should notify their Chief Officer who will advise as to whether the gift should be accepted.

HOSPITALITY

71. Offers of hospitality are a normal part of the courtesies of business life but in the public sector it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.
72. Hospitality is sometimes offered to representatives of the Council in an official or formal capacity.

73. If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers etc. who may stand to benefit from the goodwill of the Council. If you decide to accept hospitality it should be on the basis that there will be a clear benefit to the Council through e.g. networking and building contacts, if there is no or limited benefit to the Council you should not attend. If you suspect that the value of the hospitality is over £25, you should consider making a proportionate donation to charity or sharing the cost of the event personally. You should resist additional gifts associated with an event such as free travel, or gift bags and items.
74. You should also be careful about attending exhibitions, seminars or visiting manufacturers etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality. Training events with very low training content and free catering, drink or transport may also be hospitality.
75. In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself. When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.
76. Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted.
77. All offers of hospitality should be reported to your Chief Officer, or if you are a Chief Officer, to the Borough Solicitor.

SPONSORSHIP – GIVING AND RECEIVING

78. When an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
79. Where the Council wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full prior disclosure to their Chief Officer 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.

PLANNING MATTERS

80. All officers submitting a planning application to the authority must inform the Borough Solicitor and the Assistant Chief Executive – Regeneration. The Borough Solicitor will maintain a register of all such applications. The Assistant Chief Executive – Regeneration

shall ensure that these are dealt with without influence and where necessary decisions are referred to Planning Committee.

81. Further details about the conduct of planning matters are set out in the Council's Protocol for Dealing with Planning Matters which is in Part 5 of the Constitution.

EQUALITY

82. All members of the local community, customers and other Council employees have a right to be treated with fairness and equity. You should become familiar with and observe all Council policies relating to equality issues in addition to the requirements of the law.

TENDER PROCEDURES

83. Employees involved in the tendering process and dealing with contractors should be clear about the nature of the separation of client and contractor roles within the Authority. Senior Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness. The relevant statutory rules appear in Annex E to this Code.
84. If you are part of a contractor or client unit or have other official relationships with contractors, you must exercise fairness and impartiality when dealing with all customers, other contractors and sub-contractors.
85. If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with a particular contractor, you must declare that relationship to your Chief Officer, using Form ECC5.
86. If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person or organisation.
87. All employees must 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 any capacity.

CORRUPTION

88. Employees must be aware that it is a serious criminal offence under the Prevention of Corruption Acts for them to receive or give any gift, loan, reward or advantage in their official capacity 'for doing, or not doing, anything' or 'showing favour, or disfavour to any person'. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. The relevant statutory rules appear at Annex E as attached to this Code.
89. For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your Chief Officer.

FINANCIAL PROCEDURE RULES

90. All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services must follow the Council's Financial Procedure Rules.
91. They must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

CONFIDENTIAL REPORTING POLICY

PREAMBLE

1. Employees are often the first to realise that there may be something seriously 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. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
3. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
4. The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
5. These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.
6. This policy has been discussed with the relevant trade unions and professional organisations and has their support.

AIMS AND SCOPE OF THIS POLICY

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

8. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include :-
 - (a) Conduct, which is an offence or a breach of law.
 - (b) Disclosures related to miscarriage of justice.
 - (c) Health and safety risks, including risks to the public as well as other employees.
 - (d) Damage to the environment.
 - (e) The unauthorised use of public funds.
 - (f) Possible fraud and corruption.
 - (g) Sexual or physical abuse of clients.
 - (h) Other unethical conduct.
9. Thus, any serious concerns that you have about any aspect of service provision or the conduct of Officers or Members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that :-
 - (a) Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to.
 - (b) Is against the Council's Procedure Rules and policies.
 - (c) Falls below established standards of practice.
 - (d) Amounts to improper conduct.
10. This policy does not replace the corporate complaints procedure.

SAFEGUARDS

HARASSMENT OR VICTIMISATION

11. The Council is committed to good practice and high standards and wants to be supportive of employees.
12. The Council recognises 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.
13. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
14. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

CONFIDENTIALITY

15. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

ANONYMOUS ALLEGATIONS

16. This policy encourages you to put your name to your allegation whenever possible.
17. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
18. In exercising this discretion the factors to be taken into account would include :-
 - (a) The seriousness of the issues raised.
 - (b) The credibility of the concern.
 - (c) The likelihood of confirming the allegation from attributable sources.

UNTRUE ALLEGATIONS

19. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

20. 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 Chief Executive, Director of Corporate Services, Monitoring Officer or Internal Audit.
21. Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format :-
 - (a) the background and history of the concern (giving relevant dates); and
 - (b) the reason why you are particularly concerned about the situation.
22. The earlier you express the concern the easier it is to take action.
23. 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.
24. Obtain advice/guidance on how to pursue matters of concern may be obtained from :-

Chief Executive	Tel: 388011
Director of Corporate Services	Tel: 388301
Monitoring Officer (Borough Solicitor)	Tel: 388306
Head of Corporate Assurance	Tel: 388140
25. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same

experience or concerns.

26. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

HOW THE COUNCIL WILL RESPOND

27. The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
28. Where appropriate, the matters raised may :-
 - (a) be investigated by management, internal audit or through the disciplinary process.
 - (b) be referred to the Police.
 - (c) be referred to the External Auditor; and
 - (d) form the subject of an independent inquiry.
29. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
30. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
31. Within ten working days of a concern being raised, the person with whom you raised the concern will write to you :-
 - (a) acknowledging that the concern has been received;
 - (b) indicating how we propose to deal with the matter;
 - (c) giving an estimate of how long it will take to provide a final response;
 - (d) telling you whether any initial enquiries have been made;
 - (e) supplying you with information on staff support mechanisms; and
 - (f) telling you whether further investigations will take place and if not, why not.
32. The amount of contact between the Officers considering the issues and you 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 you.
33. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Union or professional association representative or a friend.
34. The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

35. The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

THE RESPONSIBLE OFFICER

36. The Chief Executive has 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 Council.

HOW THE MATTER CAN BE TAKEN FURTHER

37. This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points :-
- (a) the external auditor;
 - (b) your Trade Union;
 - (c) your local Citizen Advice Bureau;
 - (d) relevant professional bodies or regulatory organisations;
 - (e) a relevant voluntary organisation;
 - (f) the Police.
38. If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

GIFTS AND HOSPITALITY

Checklist for considering whether to accept a gift or hospitality

The question in all cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- (a) Is the value of the gift or hospitality £25 or over?
- (b) If under £25 is it intended as an inducement
- (c) Is the extent of the hospitality, or nature of the gift reasonable and appropriate?
- (d) Does the donor have any form of contractual relationship with the Council, does it provide goods or services to the Council of any kind?
- (e) Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or have you been targeted because of your employment with the Council and the nature of your role?
- (f) What do you think is the motivation behind the invitation/gift?
- (g) For hospitality do you want to go and if so why? Is it because there will be genuine benefits to the Council in terms of networking and contracts gained? Or is a desire to go centered around personal enjoyment.
- (h) Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving the Borough Council?
- (i) For gifts is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity or can you pay an equivalent price of the gift to charity?

If you decide to accept a gift over £25 you must register that in the register of interests, if you decline a gift of over £25 this should also be registered with a statement that the gift has been declined.

You should consider carefully whether to register gifts and offers of gifts below £25 having regard to the issues highlighted above. The relevant form is ECC6 below.

OFFICIAL CONDUCT
(see paragraph 38 of the Code)**General**

1. The public is entitled to demand of a local government Officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives.
2. An Officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict. The Council will not attempt to preclude Officers from undertaking additional employment but any such employment must not, in the view of the Authority, conflict with or react detrimentally to the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business.
3. The Officer will not be called upon to advise any political group of the employing Authority either as to the work of the group or as to the work of the Authority, neither shall he be required to attend any meeting of any political group.

Whole-time Service

4. Officers above Grade M shall devote their whole-time service to the work of their Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.

Proceedings of Committees

5. No Officer shall communicate to the public, the proceedings of any committee meetings etc., nor the contents of any document relating to the Authority unless required by law or expressly authorised to do so.

Interest of Officers in Contracts

6. If it comes to the knowledge of an Officer that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or proposes to be, entered into by the Authority, he shall, as soon as practicable, give notice in writing to the Chief Executive of the Authority of the fact that he is interested therein. (Attention is drawn to the provisions of the Local Government Act 1972 Sections 95 and 117 attached) at Annex C and D).

Information Concerning Officers

7. Information concerning an Officer's private affairs shall not be supplied to any person outside the service of the employing Authority unless the consent of such Officer is first obtained.

PERSONAL INTERESTS
LOCAL GOVERNMENT ACT 1972, SECTION 117
(see paragraph 59 of the Code)

1. If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a Local Authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section, an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a Member of the Authority.

2. An Officer of a Local Authority shall not, under colour of his office or employment, accept any fee or reward other than his proper remuneration.
3. Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding (level 4 on the standard scale).
4. References in this section to a Local Authority shall included references to a joint committee appointed under Part VI of this Act or any other enactment.

PERSONAL INTERESTS
LOCAL GOVERNMENT ACT 1972, SECTION 95
(see paragraph 59 of the Code)

1. For the purposes of Section 94 above a person shall be treated, subject to the following provisions of this section and to Section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if :-
 - (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
 - (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration
2. Sub-section (1) above, does not apply to membership of or employment under any public body, and a member of a company or other body shall not be reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
3. In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

PREVENTION OF CORRUPTION ACTS 1906 AND 1916
(see paragraph 81 of the Code)

1. The Prevention of Corruption Acts 1906 and 1916 say the following about acceptance of gifts by way of inducement or reward :-
 - (a) Under the Prevention of Corruption Acts, 1906 and 1916, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for :-
 - doing, or refraining from doing, anything in their official capacity; or
 - showing favour or disfavour to any person in their official capacity.
 - (b) Under the Prevention of Corruption Act 1916, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary.

EMPLOYEES CODE OF CONDUCT

APPLICATION FOR APPROVAL OF OUTSIDE EMPLOYMENT

Name in full

Department

Post Held

Grading/Salary

Nature of Outside Employment Sought

.....

Name and Address of Proposed Outside Employer

.....

*Is the post paid/unpaid?

Does this employment in your view conflict with or is it detrimental to the interests of the Council or would it weaken public confidence in the conduct of the Councils' business?

.....

.....

Signature Dated

For office use only

Comments of Line Manager

Comments of Chief Officer

Date Submitted to Resources Sub-Committee

*Approved/Not Approved

EMPLOYEES CODE OF CONDUCT

APPLICATION FOR APPROVAL TO WRITING A BOOK

Name in full

Department

Post Held

Grading/Salary

Nature of Publication in respect of which approval sought.....

.....

Does the book cover subjects relating to your work for the Council and, if so, in what way?

.....

*Will payment be received for the book? YES/NO

Signature Dated

For office use only

Comments of Line Manager	
Approval/Refusal of Chief Officer	
Dated	

EMPLOYEES CODE OF CONDUCT

DECLARATION OF PERSONAL INTERESTS

Name in full

Department

Post Held

Grading/Salary

Line Manager

Nature of Interest.....

.....

Your role in any relevant business of the Council

.....

How might the interest in your view conflict with the interests of the Council?

.....

I hereby declare that the above details correctly record any interest, which I may have which could bring about conflict with the Council’s interests.

Signature Dated

For office use only

Received	
----------	--

EMPLOYEES CODE OF CONDUCT

**NOTICE UNDER SECTION 117 LOCAL GOVERNMENT ACT 1972
PECUNIARY INTEREST IN CONTRACT OR PROPOSED CONTRACT**

Name in full

Department

Post Held

Line Manager

Nature of Pecuniary Interest

.....

Details of Contract or Proposed Contract with the Council

.....

I make the above declaration in accordance with Section 117 of the Local Government Act 1972.

Signature Dated

For office use only

Received by Borough Solicitor and Head of Administrative Services	
Notified to Chief Officer	

EMPLOYEES CODE OF CONDUCT

DECLARATION OF RELATIONSHIP WITH CONTRACTOR

Name in full

Department

Post Held

Grading/Salary

Nature of Relationship with Contractor

.....

.....

.....

Name and Address of Contractor

.....

Is this a current relationship? YES/NO

If not, when did the relationship terminate?

.....

.....

Signature Dated

For office use only

Date Received by Chief Officer	
--------------------------------	--

EMPLOYEES CODE OF CONDUCT

REPORT OF OFFER OF GIFT

Name in full

Department

Post Held

Grading/Salary

Details of Gift Offered

Date Offer Received

To whom offered?

By whom the offer was accepted?

Signature Dated

For office use only

Date Received by Chief Officer	
Entered in Register on	

EMPLOYEES CODE OF CONDUCT

Please complete the following register:

Name Department

Position Line Manager

	Guidance	Interest (please write NONE if you have no relevant interests)
Employer	Please indicate the name of the employer of your spouse or partner, or anyone else who lives with you who makes a significant contribution to the household income (it is not necessary to register temporary, summer or part time job of a child of the household).	
Land interest	Please provide details sufficient to describe the location of any land in which you have an interest, whether it is ownership, leasehold, a tenancy or license. If you have any rights over land you should register the address or location of that land.	
Directorships, shareholding and Company Interests	In relation to any company which is based in or may operate in Darlington, directorships, significant shareholding (i.e. more than 10,000 of the nominal share value) and any position of management or control in a company. This would include a position as Company Secretary or Treasurer	
Membership of Bodies	You need only register a position of management or	

	<p>control in a body. You need only register interests in bodies which are:</p> <p>A. Charities or directed to charitable purposes B Bodies designed to influence public opinion – these include campaign groups. You do not need to register membership of a trade union.</p> <p>C. Bodies carrying out functions of a public nature: This is wide ranging and will include bodies that you are appointed to by the Council. You need not register membership of Partnerships (where you are there for the Council), but should include trusteeships, governing body membership and membership of a parish council (in Darlington).</p> <p>D. Membership of secret societies. You do not need to register membership of sports associations, secret societies or other clubs and groups, but you may need to DECLARE an interest in that body if you find yourself dealing with a matter, which is relevant to that body. You must register membership of a charity (the Grand Lodge of Freemasonry is a charity).</p>	
--	---	--

I declare that the above is a true statement of my personal interests.

Signed :

Date: