

## **ANNEX 17 - CODE OF CONDUCT FOR OFFICERS**

### **Code of Conduct**

**Legal Framework:** The Constitution of Hertfordshire County Council sets out the rules under which the County Council conducts its business

This policy is an annex to the Constitution which is available on Hertsdirect.

#### **1. Key Points**

This policy and the accompanying Whistleblowing Procedure have been developed as part of the overall aim of the County Council to actively promote the maintenance of high standards of conduct by County Council employees.

The Whistleblowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

#### **2. Introduction**

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

The purpose of this Code of Conduct and the accompanying Whistleblowing Procedure is to provide a framework for proper conduct in the light of the challenges we all face in a changing and increasingly commercially orientated world.

The Code refers to requirements relating to standards of conduct and integrity which apply to local government employees both under the general law and under local and national conditions of service. These include provisions in the Bribery Act 2010.

Inevitably some of the issues covered will affect senior, managerial and professional employees more than they will affect others. However, the Code covers everyone employed by the County Council and some people who are not employed by the County Council, but who carry out work for the County Council (see [Scope](#) below).

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

### 3. Scope

The Code applies to all County Council employees except as indicated below. This includes those who have transferred to the employment of the County Council on different terms and conditions under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) or otherwise.

The Code also applies to individuals who are not employees, but who act on behalf of, or as the agents for the County Council, including interim, temporary and agency staff.

This policy excludes those employed in schools unless the governing body of the school has formally adopted the policy.

Employees whose work involves them in being directors of external companies or voluntary organisations which are registered as companies should note that, under company law, they will owe their primary duty to the company of which they are a director and must at all times act in the interests of the company. In particular, they must act in good faith in a way which would be most likely to promote the success of the company. Directors must not allow any private interest to conflict with their duty to the company. Any officer who is considering or who is likely to become a director of a company in connection with their employment by the County Council should seek further advice from Legal Services on their position and how this will impact on their contract of employment. They should do this before entering into any commitment as Legal Services are unlikely to be able to advise on their duties as directors once they have been appointed as director.

### 4. Standards

The 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.

Every employee has an important part to play in delivering the County Council's objectives and the values and behaviours of the County Council provide a reference point to ensure that, although each employee has different work responsibilities, everyone is working with a common purpose. We want our organisation to reflect the values of:

- Being citizen focused
- Making sure every penny counts
- Acting with integrity
- Getting things right and learning from our experiences
- Continuing to innovate

Employees are also expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any improper conduct or departure from the standards set by the Code. The

Whistleblowing Procedure provides a mechanism for employees to report unlawful or seriously improper conduct confidentially.

## 5. Disclosure of Information and Confidentiality

Employees must treat all information about individuals, including other employees, customers and service users with confidentiality and in accordance with the Data Protection Act 1998. Employees must take all reasonable steps to protect and safeguard confidential documents and must comply with the County Council's policies relating to data protection, confidentiality and security of information.

Employees must not use any information obtained in the course of their employment for personal gain or benefit, and they must not pass such information on to others unless they are legally entitled to receive it.

Unauthorised disclosure of information in breach of the Data Protection Act 1998 or the County Council's policies may be regarded as gross misconduct under the County Council's Disciplinary Procedure.

## 6. Political Neutrality

Employees serve the County Council as a whole. It follows that they must serve all councillors and not just those of any particular group, even where that group is the controlling group on the County Council, and must ensure that the individual rights of all councillors are respected.

Some employees may be required to advise political groups. If you are, you must do so in ways which do not compromise your political neutrality and you must comply with the Protocol for Relationships between Members and Officers (Annex 16 of the Constitution).

Employees must not use their workplace to promote personal political issues nor raise personal matters concerning their employment directly with councillors.

Employees whose posts are politically restricted under the Local Government and Housing Act 1989 must ensure they comply with the restrictions imposed at all times. Further information is in the Politically Restricted Posts Policy.

## 7. Relationships

### Councillors

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 County 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**

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.

No section of the community should be unfairly or unlawfully discriminated against.

### **Other Relationships**

No special favour may be shown to friends, partners, relatives or to current or former employees. Employees must therefore disclose to their Director all relevant relationships, whether of a business or private nature, which might have the potential to bring about a conflict of interest.

## **8. Contracting and Tendering**

All employees carrying out work which involves contracting and tendering of services must act in accordance with the County Council's Contract Regulations and Best Practice in Procurement guidelines.

### **Relationships with Contractors**

You must make known to your line manager or to a senior manager identified for the purpose 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 should be shown in the tendering process to any person or organisation.

If it comes to your knowledge either directly or indirectly that a contract with the County Council, in which you or a close relative or friend of yours has an interest, exists or has been proposed or is being proposed you must give written notice to your Director of that interest.

If you engage or supervise contractors or have any other official relationship with them and have previously had or currently have a relationship in a private capacity with them, you should declare that relationship to the line manager or other senior manager identified for the purpose.

### **Separation of Roles during Tendering**

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.

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

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.

Employees contemplating submitting proposals to take over a County Council service should, as soon as they have formed a definite intent, inform their Director and withdraw from the contract awarding processes.

Employees should ensure that in awarding contracts no special favour is shown to anyone.

## 9. Appointment and Employment

Employees involved in appointments should ensure that these are made on the basis of merit and in accordance with the County Council's Equality Policy, Putting People First and local and national Codes of Practice. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible perception 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.

Similarly, you should not be involved in decisions relating to discipline promotion or pay adjustments for any employee to whom you are related or with whom you have or have had a close personal relationship outside of work. 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.

You must abide by the County Council's employment policies and procedures and apply them fairly and lawfully.

## 10. Outside Commitments and Personal Interests

An employee's off duty hours are their personal concern but they should not put themselves in a position where their duties and private interests conflict. Employees should also ensure that their outside activities do not bring the County Council into disrepute.

You must declare your private interests where a conflict could arise and must declare to your Director any financial or non financial interests that you consider could bring about conflict with the County Councils interests.

Employee must exercise caution when using information technology and be aware of the risks to themselves and others. Employees must not engage in inappropriate use of social network sites which may bring themselves or the County Council into disrepute.

Employees must disclose any criminal conviction to their line manager, or senior manager identified for the purpose, in accordance with the County Council's Disciplinary Policy and should be aware that a criminal conviction

may lead to disciplinary action if it has an impact on their job. This is particularly likely to be the case if the conviction relates to violence, dishonesty, sexual misconduct or the possession or supply of illegal drugs

The County Council encourages voluntary work, public duties and activities in support of local community groups. Generally the County Council will not prevent you from undertaking additional employment, but any such employment must not, in the County Council's view, conflict with or be detrimental to, the County Council's interests, or in any way weaken public confidence in the conduct of the County Council's business.

Employees should inform their line manager in writing if they have a second job, either paid or unpaid outside of the County Council. Those employees graded M1 and above must seek permission from their Head of Service via their line manager before accepting a second job.

In taking any other employment you must not breach the Working Time Directive. This means that the total hours normally worked each week in the other employment must not, when added to the total hours normally worked each week in your employment with the County Council, exceed 48.

Intellectual property or copyright created by employees during their employment with the County Council belongs to the County Council.

## **11. Equality and Diversity**

All employees should ensure that the County Council's Equality Policy, Putting People First 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.

## **12. Financial Resources**

Employees must be aware that it is an offence under the Bribery Act 2010 to offer, promise or give financial or other advantage to another person with the intention of bringing about or rewarding improper performance of a public function. This might include offering any gift, loan, fee, reward or advantage for doing anything or showing favour or disfavour to any person in their official capacity.

It is also an offence under the Bribery Act 2010 to request, agree to accept or receive financial or other advantage with the intention that a public function be improperly performed or rewarded. This might include receiving 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.

Employees must also 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.

### **13. Gifts, Hospitality and Sponsorship**

#### **Gifts**

Employees must refuse any gift they are offered by external contacts or service providers other than small items such as stationary, sweets or similar token small gifts of a promotional nature.

You should be aware that it is a criminal offence corruptly to receive a gift, loan, fee or reward or advantage in return for doing or not doing anything in your official capacity.

Where gifts have to be refused or returned this should be done courteously but firmly informing the person or organisation offering the gift that the County Council's rules do not permit the gift to be accepted.

#### **Hospitality**

You should only accept hospitality where it is offered as part of your work with the County Council and not to you personally. An employee who receives an offer of hospitality must consult with their Head of Service who will decide if the offer can be accepted. Where hospitality has to be refused this should be done courteously but firmly informing the person or organisation offering the hospitality that the County Council's rules do not permit the hospitality to be accepted.

The following forms of hospitality are generally acceptable, subject to consultation with the employee's Head of Service:

- Attendance at conferences, events or courses where it is clear that the hospitality is part of your work ;
- A working lunch or refreshments where this is an integral part of your work and is of modest proportions (as a guide hospitality valued at no more than £25 will be considered modest).

All offers of hospitality, whether accepted or not must be registered in the Register of Hospitality kept by each Department.

Hospitality which is lavish or extravagant or is closely connected with a County Council decision or on-going negotiations or tendering should always be refused and registered whatever its value. Heads of Service should not approve hospitality of this nature.

## **Sponsorship**

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.

Where the County Council wishes to sponsor an event or service, a close relative of an employee must not benefit from such sponsorship in a direct way without there being full disclosure to their Director 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.



## **Whistleblowing Procedure**

**Legal Framework:** The Constitution of Hertfordshire County Council sets out the rules under which the County Council conducts its business

This procedure is an annex to the Constitution which is available on Hertsdirect.

### **1. Key Points**

The Whistleblowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

### **2. Introduction**

Hertfordshire County Council is committed to the highest standards of transparency, probity, integrity and accountability.

This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

This procedure does not replace other County Council policies and procedures such as the corporate complaints procedure, the Grievance and Harassment and Bullying Policies and other specifically laid down statutory reporting procedures applying to some areas of work, e.g. social services abuse procedures.

This procedure is intended to ensure that the County Council complies with its duty under the Public Interest Disclosure Act 1998.

### **3. Scope**

This procedure applies to all County Council employees (with the exception of school based employees as referred to below), agency workers working for the County Council, contractors working for or providing services to the County Council, a person providing goods or services to the County Council under a contract, including anyone providing goods or services on their own or a third party's premises. It also applies to County Councillors.

This procedure does not replace other County Council policies or procedures. For example, if an employee has a grievance about their working conditions they should use the County Council's Grievance Policy or, if they felt that their manager or a colleague was treating them unfavourably, they should use the County Council's Harassment and Bullying Policy. If they are a Trade Union member, they can discuss the matter with their Trade Union representative.

Similarly if an employee has a concern about the conduct of a fellow employee in the working environment (e.g. that they are not treating colleagues with respect or they are abusing the flexi-time system) they should raise these with their line manager, or if that is not possible, with a more senior manager.

This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct

This procedure does not apply to schools, to whistleblowers based in Schools or to others acting on behalf of the County Council based in schools.

#### 4. Contact Details for Reporting Officers

In this procedure reference is made to Reporting Officers. The following County Council officers are Reporting Officers:

- The County Council's Monitoring Officer (the Chief Legal Officer)
- The Assistant Director of Human Resources
- The Head of Assurance

The contact details for the Reporting Officers are as follows:

##### **The Monitoring Officer (Chief Legal Officer)**

**Kathryn Pettitt**

**Postal Address:** Room 212, County Hall, Hertford, SG13 8DE

**Postal Point:** CHO241

**Telephone:** 01992 555527

**Comnet:** 25527

**E-mail:** whistle@hertfordshire.gov.uk

*This is a dedicated e-mail address for whistleblowing complaints to which only the Monitoring Officer and her two nominated Deputy Monitoring Officers will have access.*

##### **The Assistant Director of Human Resources**

**Sally Hopper**

**Postal Address:** Room 202, County Hall, Hertford, SG13 8DE

**Postal Point:** CHO238

**Telephone:** 01992 555692

**Comnet:** 25692

**E-mail:** sally.hopper@hertfordshire.gov.uk

**The Head of Assurance Services****Terry Barnett****Postal Address:** First Floor, Robertson House, Six Hills Way,  
Stevenage, SG1 2FQ**Postal Point:** SROB 105**Telephone:** 01438 845508**Comnet:** 55508**E-mail:** [terry.barnett@hertfordshire.gov.uk](mailto:terry.barnett@hertfordshire.gov.uk)

The County Council's employee assistance service, Carewell, is available to support and counsel whistleblowers or those considering using the Whistleblowing Procedure. While this service can provide useful support in what can be a difficult and worrying process, it cannot be used to make an allegation (the way to do this is set out in section Procedure for making an Allegation below).

Carewell contact numbers are: 0800 731 0905 (minicom 0800 854 739)

**5. Safeguards**

The County Council recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to their employer and/or to those for whom they are providing a service.

The County Council will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

**6. Confidentiality**

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests. However, if the matter is subsequently dealt with through other County Council procedures such as the Disciplinary Procedure the whistleblower's identity may have to be revealed in accordance with that procedure if the matter is to be effectively dealt with. Similarly, if the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful.

A Reporting Officer will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than another Reporting Officer or to a person who has been asked by the Reporting Officer to investigate the allegation. A Reporting Officer, who intends to ask another person to carry out an investigation, will, as far as is practicable, inform the whistleblower before disclosing the whistleblower's identity to the person to be asked to carry out the investigation. Any person asked to carry out an investigation by a Reporting Officer and to whom a whistleblower's identity has been disclosed,

will not further disclose that identity to any person without the whistleblower's consent.

Reporting Officers will take the utmost care to ensure that the identity of a whistleblower is not inadvertently disclosed. In particular, Reporting Officers will ensure that they only communicate with a whistleblower through means agreed with the whistleblower and will also ensure that the content of any communication to a third party about the allegation could not lead to inadvertent disclosure of the identity of a whistleblower.

## 7. Anonymous Allegations

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove.

Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Monitoring Officer.

In exercising discretion to accept an anonymous allegation the factors to be taken into account by the Monitoring Officer would include:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

## 8. Untrue Allegations

No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

## 9. Procedure for Making an Allegation

It is preferable for allegations to be made to an employee's immediate manager, if the whistleblower is an employee, or to the County Council employee to whom they report if the whistleblower is not an employee. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise the matter directly with them. The whistleblower may then make an allegation direct to any one of the three Reporting Officers.

If an officer who is not a Reporting Officer (e.g. the whistleblower's line manager) receives an allegation he/she will discuss the allegation with the

whistleblower. If, following discussion, the whistleblower wants to proceed with the allegation the officer who received the allegation will inform the Monitoring Officer who will then deal with the allegation under this Procedure as if the allegation had been made direct to the Monitoring Officer.

An allegation may be made to a Reporting Officer orally or in writing. If an allegation is made orally the Reporting Officer to whom it is made may ask that it be confirmed in writing. Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point. As referred to above it will be more difficult for the County Council to pursue issues if allegations are made anonymously;
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation.

Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the Reporting Officer to establish that there are reasonable grounds for the allegation.

The earlier the allegation is made the easier it is to take action.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another County Council procedure the right to be accompanied will at that stage be in accordance with the relevant procedure (e.g. the Disciplinary Procedure gives the right to be accompanied by a trade union representative or work colleague).

## 10. Action on receipt of an Allegation

The Reporting Officer will record details of the allegation using the pro-forma record form approved by the Monitoring Officer. If not the Monitoring Officer, the Reporting Officer will, within 5 working days of receipt of the allegation, inform the Monitoring Officer in writing that the allegation has been made and forward to the Monitoring Officer copies of:

- The record of the allegation;
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower.

The Reporting Officer will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

The Reporting Officer who received the allegation will determine whether the allegation should be investigated and, if so, the best way of investigating the allegation. If the allegation relates to fraud, potential fraud or other financial irregularity the Reporting Officer will, within 5 working days of receipt of the allegation, inform the Head of Assurance Services in writing, who will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence the Monitoring Officer, will discuss the matter with the other Reporting Officers and a decision will be made as to whether to inform the Police.

If the allegation concerns suspected harm to children, the Monitoring Officer will consult the [Local Authority Designated Officer \(LADO\)](#). If the issue is around suspected harm to vulnerable adults, the Monitoring Officer should consult with the Head of Safeguarding (Health & Community Services).

Some allegations may be resolved by agreed action without the need for investigation.

The Reporting Officer will acknowledge the allegation in writing within 10 working days by sending the whistleblower an acknowledgement in the standard format approved by the Monitoring Officer and containing the following information:

- An indication of how the County Council propose to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanisms, and
- Indicating whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, obviously the County Council will be unable to communicate what action has been taken.

The amount of contact between the Reporting Officer and the person making the allegation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the County Council will seek further information from the person making the allegation.

The County Council will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

The County Council accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

## **11. Responsibility for the Procedure**

The Monitoring Officer has overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

## **12. The Register of Whistleblowing Allegations**

The Monitoring Officer will maintain a Register of whistleblowing allegations made under this procedure.

The Register will be in a format determined by the Monitoring Officer and will record the following details:

- The name and status (e.g. employee) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the Reporting Officer who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other details determined by the Monitoring Officer

The Register will be confidential and only available for inspection by another Reporting Officer.

The Monitoring Officer will report annually to the County Council's Audit Committee on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers and will normally be considered by the Audit Committee in public.