

CODE OF CONDUCT

FOR EMPLOYEES

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Policy Ratified by:	Human Resources
Date:	July 2004 Revised February 2006 Revised June 2012
Area Applicable:	All Caerphilly employees except School based unless the School Governing Body has adopted the Scheme
Review Year	As appropriate

A greener place to work
Man gwyrdach i gweithio



INDEX

CONTENT

Section 1	Introduction
Section 2	Scope of Policy
Section 3	Standards
Section 4	Disclosure of Information
Section 5	Political Neutrality
Section 6	Relationships
Section 7	Appointment and Other Employment Matters
Section 8	Outside Commitments
Section 9	Personal Interests
Section 10	Equality Issues
Section 11	Separation of Roles During Tendering Process
Section 12	Corruption
Section 13	Use of Financial Resources
Section 14	Hospitality
Section 15	Sponsorship
Section 16	Whistleblowing
Section 17	Application of the Code of Conduct
Appendix 1	Register of Employee Interests Form (Sample page)
Appendix 2	Whistleblowing Policy

CAERPHILLY COUNTY BOROUGH COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

1. INTRODUCTION

- 1.1 This Code of Conduct has been devised by the Council in order to give employees guidance on a range of issues which will help them to maintain and improve the high standards of conduct within local government and to protect them from misunderstandings and confusion.
- 1.2 This Code, incorporates the statutory Code of Conduct set out in regulations made by the National Assembly for Wales and sets out the minimum standards that should apply. It covers all employees of the Council other than teachers. In the Assembly regulations they are referred to as “qualifying employees” and the Council is referred to as “relevant authority”. These phrases appear throughout the document, when extracts from the statutory Code of Conduct are set out.
- 1.3 This policy must be cross-referenced with the following core policies of the Council:-
- Recruitment and Selection Policy
 - Disciplinary Procedure
 - the I.T. Security Policy
 - the Microsoft Exchange Code of Practice
 - Internet Usage Standards and Code of Practice
 - Grievance Procedure
 - Statements of Particulars of Employment
 - Codes of Conduct in relation to Social Care
- 1.4 **Social Care staff need to be aware that code of conduct in social care is also subject to codes of practice issued by CSIW and these codes should be read in conjunction with this document.**

2. SCOPE OF POLICY

- 2.1** This policy has been agreed with the Trade Unions and will apply to all employees except those whose terms and conditions are governed by School Governing Bodies who have not accepted the procedure. Where the School Governing Body has accepted the procedure, the provisions shall apply to those employees.
- 2.2** The effective date of the policy is 1 July 2004 (revised June 2012).

3. STANDARDS

- 3.1** The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

(This is a Statutory Code requirement)

- 3.2** The Council's conditions of service provide that employees must not behave in such a way as to bring the Authority, or the service, into disrepute.

- 3.3** Local government employees are expected to give the highest possible standards of service to the public and it is part of their duties to provide appropriate advice to Councillors and fellow employees with impartiality; employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the level of service. Employees must report to the appropriate Head of Service/Establishment or Senior Officer any impropriety or breach of procedure. This is detailed in the paragraph below relating to Whistleblowing. Where appropriate, an employee may also raise any issue with their trade union representative. The employee will have the right to be represented by a work colleague, local or full-time trade union representative, spouse, partner, friend or legal representative.

- 3.4** Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

(This is a Statutory Code requirement)

4. DISCLOSURE OF INFORMATION

- 4.1** Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. (This is a Statutory Code requirement)
- 4.2** It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. However due regard has to be made to the following legislative requirements and advice.
- 4.3** No Officer shall communicate to the public (or the press) the proceedings of any Committee meeting etc. when the public is excluded, nor the content of any document (or exempt report) relating to the Authority unless required by law or expressly authorised to do so.
- 4.4** Section 100 of the Local Government Act 1972 deals with the admission of the press and public to local government Committee meetings.
- 4.5** The Local Government Planning and Land Act 1980 at Section 2 requires local authorities to publish certain categories of information in accordance with codes of recommended practice and any statutory regulations made by the Secretary of State
- 4.6** The Local Government Act 1972 requires the Council to maintain a list, open to public inspection, specifying those powers of the Council which are exercisable from time to time by officers of the Authority in pursuance of its duties under statutory powers. Any person having custody of documents to which right of access applies would commit an offence by obstructing that right.
- 4.7** The Freedom of Information Act 2000 imposes wide legal obligations on authorities to disclose information that they hold.
- 4.8** Information relating to the above Acts and what constitutes exempt information is available from the Monitoring Officer.
- 4.9** Information relating to the Data Protection Act is available from the Head of Information Technology Services. Generally under the terms of this Act any computer or manual system holding personal data requires registration with the Data Protection Registrar. There are strict statutory rules about the use and disclosure of personal data. No disclosure of information under the Act should be actioned without the approval of the Head of Information Technology Services.
- 4.10** Employees should not use any information obtained in the course of their employment, for personal gain or benefit, nor should they pass it on to others who may use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by law.

5. POLITICAL NEUTRALITY

5.1 Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

(This is a Statutory Code requirement)

5.2 Employees are employed to serve the Council as a whole. It follows that they must serve all Elected Members and not just those of the controlling group. They must ensure that the individual rights of all Councillors are respected. Regard must be had to Councillors' rights set out in the Council's Constitution; the Monitoring Officer can give advice on these.

5.3 As part of their employment, employees may be required to advise political groups. In doing so they must ensure that they do not compromise their political neutrality.

Officers holding politically restricted posts who are invited to attend political meetings, other than meetings of the Council and its Committees, in their role as officers of the Council, must obtain the approval of their Manager/Nominated Officer prior to attending such meetings.

It should be noted that unless there are exceptional circumstances which make it essential for the officer to attend, then permission will not be granted.

5.4 All employees, (whether or not the posts they hold are designated as being politically restricted), must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions or preferences to interfere with their work.

5.5 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 (as amended) are exempt from the standards detailed above.

5.6 The Local Government and Housing Act 1989 contains provisions to stop "twin tracking", i.e. where a senior local authority employee is also an elected member of another local authority and to restrict the political activity of senior employees. Local authority employees holding politically restricted posts are disqualified from membership of any local authority other than a Parish or Community Council, from being a Member of Parliament or Member of the European Parliament and are subject to prescribed restrictions on their political activity. The political restrictions are incorporated into the contract of employment of every local government employee who holds a politically restricted post. Regulations, which include the Local Government Officers (Political Restrictions) Regulations 1990 and the Local Government (Politically Restricted Posts) (No. 2) Regulations 1990 cover the posts which are politically restricted.

5.7 Local government employees, must not, in the course of their employment, discriminate against any section or sections of the local community.

6. RELATIONSHIPS

6.1 External Bodies/Organisations/Agencies etc.

6.1.1 All employees should be particularly vigilant in their dealings and conduct with external bodies, organisations, agencies etc, as they are justifiably seen, by the public and such bodies etc, to be acting as a representative of the Council. If any employee is placed in a position in which they are unsure of how to act, they must without delay, contact their Manager/Nominated Officer.

6.2 Councillors

6.2.1 Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.
(This is a Statutory Code requirement)

6.2.2 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers, and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Where relationships for example, business, family etc. exist between Councillors and employees which might bring about a conflict of interest, employees must enter details in the Register of Employees Interests (copy attached at Appendix 1).

6.2.3 Employees must have regard to the requirements of the Member/Officer Protocol contained in the Council's Constitution (available on the Council's Intranet, from any Head of Service, or from the Monitoring Officer).

6.3 The Local Community and Service Users

6.3.1 Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.
(This is a Statutory Code requirement)

6.4 Contractors

6.4.1 All relationships of a business or private nature with external contractors or potential contractors, where there is a potential conflict of interest, must be declared in the Register of Employee Interests (copy attached at Appendix 1). Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses which are run, owned or employ a spouse, partners or relatives or close acquaintances.

6.4.2 Employees who engage or supervise contractors or have any other official relationships with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship in the Register of Employees Interests (copy attached at Appendix 1). The entry must record what steps are intended to protect the Council's interests in these circumstances and must be signed by the employee and the appropriate senior officer.

7. APPOINTMENT AND OTHER EMPLOYMENT MATTERS.

- 7.1** Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.
(This is a Statutory Code requirement)
- 7.2** Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employer to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post as reflected in the Council's recruitment and selection policy. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside of work with an applicant. Employees must record this interest in the Register of Interests (copy attached at Appendix 1).
- 7.3** Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a spouse, partner, relative or close acquaintance.
- 7.4** Every candidate for any appointment under the employing authority must, when making an application, disclose in writing to the Chief Executive of the Authority whether to his knowledge he is related to any member of the Authority or to a holder of any senior office under the Authority.
- Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he should be liable to dismissal. Every member and senior officer of the Authority shall similarly disclose to the Authority any relationship known to him to exist between himself and a candidate for an appointment of which he is aware. It shall be the duty of the Chief Executive to the Authority to report to the Authority or appropriate Committee any such disclosure made to him.
- 7.5** Where an employee states that he or she has gained academic and/or professional qualifications, evidence of such qualifications may be requested at any time.
- 7.6** The Local Authorities (Standing Orders) Regulations 1993 describe the procedure to be followed in respect of the appointment of Chief Officers and their dismissal in the event of misconduct.
- 7.7** Where relationships for example, business, family etc. exist between employees, employees must enter details in the Register of Employees Interests (copy attached at Appendix 1).

8. OUTSIDE COMMITMENTS

- 8.1** Employees must exercise great care and diligence in undertaking duties outside of their employment with the Council. Where the slightest doubt exists, and where there is a potential conflict of interest, employees are advised to either decline acceptance of secondary appointment/commissions or seek the advice of their Manager/Nominated Officer
- 8.2**
- (a) Employees who are Grade 9 and above (or equivalent if covered by other negotiating groups) must not undertake outside work if their official duties overlap in some way with their proposed work or if their proposed outside work causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position. It is irrelevant whether or not the work is paid.
 - (b) Any employee Grade 9 and above (or equivalent if covered by other negotiating groups) who wishes to engage in any outside business or appointment must obtain the consent of their Manager/Nominated Officer detailing the nature of the business or appointment. The Manager/Nominated Officer will inform the Corporate Management Team of the request and will consider any observations made before reaching a final decision.
 - (c) Any other employee will inform their Manager/Nominated Officer of the business or appointment so that the Council can ensure that it does not breach statutory or other requirements. The Council acknowledges the individual's right to privacy; this provision is purely to ensure that there is no breach of the law or conflict with the Council's interests.
 - (d) The employee will be informed in writing of the Council's views and where it is decided that there is a conflict of interest with the Authority's interests or there would be a breach of statutory requirements, the employee must refuse the appointment and/or refrain from being involved with/participating in the business.
 - (e) Details of such business or appointment should be entered in the Register of Employees' Interests (copy attached at Appendix 1).
- 8.3** No Council resources must be used for outside work except where authorised in advance by the Council. All work must be done outside of Council time and away from Council premises.
- 8.4** **The requirements of the Council as an employer must take precedence over any outside appointments undertaken by an employee of the Council.**
- 8.5** Employees must be aware of the rules on the ownership of intellectual property or copyright created during their employment where specifically included in conditions of service. "Intellectual property" is a wide term which includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, as a general rule they belong to the employer. However, various Acts of Parliament cover different types of intellectual property. Details are available from the Head of Legal Services and Governance.

9. PERSONAL INTERESTS

9.1 Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

- (1) any rules of their relevant authority on the registration and declaration by employees of financial and non - financial interests,
- (2) any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

(This is a Statutory Code requirement)

9.2 The Council adds the following rules as referred to above:-

Employees must declare to their Manager/Nominated Officer any non-financial interests that they consider could bring about conflict with the Council's interests for example, acting as a school governor within a school maintained by the Council, involvement with an organisation receiving grant aid from the Council, involvement with organisations or groups seeking to influence the Council's policies, etc. Details of such interests must be entered in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.

9.3 Employees must declare to their Manager/Nominated Officer any financial interests which conflict with the Council's interests. Details of these interests must be entered in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.

9.4 Employees must declare to their Manager/Nominated Officer membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct. Details of membership should be declared in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.

9.5 A declaration by a Head of Service is signed by the appropriate Director, a declaration by a Director is signed by the Chief Executive and a declaration by the Chief Executive is signed by the Monitoring Officer.

10. EQUALITY ISSUES

- 10.1** Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.
(This is a Statutory Code requirement)

11. SEPARATION OF ROLES DURING THE TENDERING PROCESS

- 11.1** Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for openness and accountability.
- 11.2** Employees in contractor or client positions must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3** Employees who are privy to confidential information in relation to costs or tenders for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 11.4** Employees contemplating a management buy out must, as soon as they have formed a definite intent, inform the Council and withdraw from the contract awarding process.
- 11.5** 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 a senior or relevant managerial capacity.

12. **BRIBERY**

- 12.1 Under the Bribery Act 2010 a person is guilty of an offence where they offer, promise or give a financial advantage to another person in the circumstances set out in the Act.
- 12.2 Under the Bribery Act 2012 the potential recipient of the bribe will be guilty of an offence in the circumstances set out in the Act.
- 12.3 Section 117 of the Local Government Act 1972 states that if an officer knows that a contract in which he has a direct or indirect pecuniary interest is before the local authority, he must give notice of his interest to the Authority. Section 117 (2) of the Act forbids an officer "under colour of his office or employment" to accept "any fee or reward" whatsoever other than proper remuneration. Contravention of this rule is a criminal offence. The employee must give notice to the Authority by entering details of the interest in the Register of Employees Interests (copy at Appendix 1).
- 12.4 It is a serious criminal offence for employees to receive or give any gift, fee, reward or advantage for doing or not doing anything showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 12.5 If an employee or their spouse, partner or immediate relatives receive gifts and such gifts are less than £25 in value*, the goods may be kept and used by the employee **BUT ANY GIFT WHICH COULD BE SEEN BY A THIRD PARTY AS PLACING THE EMPLOYEE UNDER AN IMPROPER OBLIGATION SUCH AS MORE THAN ONE GIFT FROM THE SAME PARTY MUST BE REFUSED, IRRESPECTIVE OF ITS VALUE.**
- 12.6 If an employee or their spouse, partner or immediate relatives receive any gift other than those identified in the previous paragraph, they must refuse acceptance of the gift, explaining their position, the standards of conduct and integrity expected of local government employees, and, the requirement of being seen to be fair to all agencies/bodies/organisations and individuals. If it is not possible to refuse, for example, if it was received through the post or refusal would cause offence, the employee must, without delay, report the occurrence to their Manager/Nominated Officer who will pass the gift to the Mayor's charity and write to the donor to explain what has been done. The Officer and the Manager/Nominated Officer must keep a record of any such occurrences in the Register of Employees Interests (copy at Appendix 1).
- 12.7 The rules above are by their very nature general, but the underlying principles should always be upheld and if any employee is in the slightest doubt as to how to conduct themselves in such a situation, they are advised to refuse a gift or hospitality or refer to their Manager/Nominated Officer for guidance.

* This is the same figure as elected members are required to declare, and will be reviewed by the Council from time to time, in respect of both this Code and the Code for elected members.

13. USE OF FINANCIAL RESOURCES

- 13.1** Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so. (This is a Statutory Code requirement)

14. HOSPITALITY

- 14.1 Employees may accept small offers of hospitality only where the activity is of a nature where there is a genuine need to impart information or to represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. If an employee or their spouse, partner or immediate relatives receive hospitality of less than £25 in value*, the hospitality may be accepted by the employee **BUT ANY GIFT WHICH COULD BE SEEN BY A THIRD PARTY AS PLACING THE EMPLOYEE UNDER AN IMPROPER OBLIGATION (SUCH AS MORE THAN ONE GIFT FROM THE SAME PARTY) MUST BE REFUSED, IRRESPECTIVE OF ITS VALUE.**
- 14.2 When hospitality has to be declined the employee should inform the person/company/organisation offering the hospitality of the procedures and standards operating within the Council.
- 14.3 When receiving authorised hospitality employees should be particularly sensitive as to the timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 14.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than individual and where the Council gives consent in advance and is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, employees should ensure that the Council meets the cost of such events to avoid jeopardising the integrity of any subsequent purchasing decisions.
- 14.5 If an employee or their immediate relatives enjoy hospitality, for example, they received lunch/dinner from a company with which they deal on behalf of the Council, either on an individual or small group basis, as opposed to hospitality at a more large scale presentation, for example at a conference, seminar etc, they are required to declare this in the Register of Employees Interests (copy at Appendix 1) upon their return and inform the company of this declaration to discharge themselves from any possible allegations that the provision of such hospitality affected their decision when dealing with the company.

* This is the same figure as elected members are required to declare, and will be reviewed by the Council from time to time, in respect of both this Code and the Code for elected members.

15. SPONSORSHIP

- 15.1** Where an outside body/agency/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 and/or hospitality will apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.2** Where the Council wishes to sponsor an event or service neither an employee, nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's Manager/Nominated Officer of any such interest and employees must enter any such interest in the Register of Employees Interests (copy at Appendix 1). Similarly where the Council through sponsorship, grant aid, financial or other means, gives support to the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

16. WHISTLEBLOWING

- 16.1** In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.
(This is a Statutory Code requirement)
- 16.2** The Council's Whistleblowing Policy is attached as Appendix 2 to this Code.
- 16.3** Employees are reminded that particular attention should be paid to anything which impacts in any way on children or vulnerable adults.
- 16.4** The Council has a high duty of care in the way that it delivers services to children and vulnerable adults and one of the elements of that duty is to ensure that staff who may come into contact with these groups in any way whatsoever have not been convicted of criminal offences which might affect whether it is appropriate for that member of staff to have dealings with either of these groups. For that reason employees whose posts are designated as exempted from the provisions of the Rehabilitation of Offenders Act are required within seven days of conviction of a criminal offence to report details of that to the Head of Workforce and Organisation Development and in this context:-
- (a) "conviction of a criminal offence" includes a formal caution given by the police in place of a summons to appear before a court; and
 - (b) this requirement does not apply to criminal offences which are dealt with by way of a fixed penalty in place of an appearance before a court.

17. APPLICATION OF THE CODE OF CONDUCT

- 17.1** A Register of Employees Interests must be kept by each Head of Service who will countersign the entries to show that they are aware of any declarations. The record will also show what steps are intended to protect the Council's interests in the circumstances.
- 17.2** In the case of Heads of Service and Directors, the responsibility for maintaining the Register of Employees Interests will rest with the Director of Corporate Services. In the case of the Chief Executive and the Deputy Chief Executive the responsible person will be the Council's Monitoring Officer.
- 17.3** The Head of Service/Establishment or other responsible officer must make arrangements to safeguard the confidentiality of the information.
- 17.4** This Code must be made available to all Council employees. Breach of the Code may result in disciplinary action.

FEBRUARY 2006 (revised June 2012)

**CAERPHELLY COUNTY BOROUGH COUNCIL
REGISTER OF EMPLOYEES INTEREST**

Service Area _____

Type Of Declaration	Details
Relationships: (i) Councillor <input type="checkbox"/> (ii) Contractor <input type="checkbox"/> (iii) Employee <input type="checkbox"/> (iv) Other <input type="checkbox"/> Tick Appropriate Box	State Name of Individual or Company, nature of relationship, and likely contact/involvement in relation to post held/current duties.
Outside Interests: (i) Financial <input type="checkbox"/> (ii) Non Financial <input type="checkbox"/> Tick Appropriate Box	State Nature of Interest & how this might be connected with, impact on or influence post held/current duties.
Gifts & Hospitality: (i) Gift <input type="checkbox"/> (ii) Fee/Reward <input type="checkbox"/> (iii) Loan <input type="checkbox"/> (iv) Hospitality <input type="checkbox"/> (v) Other <input type="checkbox"/> Tick Appropriate Box	State Name of Individual or Company making the offer, details of the offer including estimated value. Also state likely contact or involvement with the person(s) making the offer in relation to post held/current duties.
Further Description/Action Taken	In the case of Gifts & Hospitality whether the offer was accepted or declined. Action taken/proposed to prevent a conflict of interest.
Comments. Head of Service/Delegated Officer	

Date:	
Employee Making The Declaration:	NAME: _____ SIGNATURE: _____
*Head of Service or Delegated Officer:	NAME: _____ SIGNATURE: _____

***The Signature of Head of Service/Delegated Officer is certification that the action taken/proposed is sufficient to protect the interests of both the employee making the declaration and the Council.**

Register Of Employees Interests

Notes For Guidance

- 1.0 The Register of Interest Forms are to be completed in triplicate and on completion should be distributed as follows:

Top Copy to be retained by the Head of Service/Manager

Second Copy to be retained by the individual making the declaration

Third Copy to be passed to the Head of Workforce and Organisation Development for filing on the individual's personnel file.

- 2.0 The Control Log should be completed to ensure all forms have been accounted for, all declarations have been received and will allow Managers to satisfy themselves that all declarations have been dealt with appropriately. Details to be completed as follows:

- (i) Registration Reference Number (top right hand corner of declaration form). All forms will be pre-numbered and should be issued in sequential order.
- (ii) Name of Officer requesting the registration form (this will allow follow up in the event of the form not being returned in order to prevent completed forms being lost in transit).
- (iii) Date Issued to the individual making the declaration (all three copies should be issued and returned).
- (iv) Date Returned
- (v) Note of whether the registration form was completed or not (YES or NO). This will provide a trail for following through completed registrations to filed records and account for any uncompleted forms.
- (vi) If forms are not returned or completed a note of the reason for non completion e.g. lost in transit, spoiled, not required due to change in circumstances etc.

N.B. Any spoiled forms (all three copies) should be retained by the Head of Service/Manager and filed. Any uncompleted forms returned can either be cancelled and retained with the spoiled copies or reissued. Any reissued forms will need to be re-entered on the control log (a number of extra rows have been included in the control log to facilitate this).

- 3.0 The registration Forms will need to be completed as follows:

- (i) Service Area
- (ii) Type of Declaration:
 - (a) Relationships – details required will include the name of the individuals, company, or organisation concerned, the nature of the relationship and the likely contact/involvement with the individual making the declaration which might cause or be perceived to cause a conflict of interests.
 - (b) Outside Interests – details required will include the nature of the interest or outside employment and how this might be connected with, impact on or influence the work/duties of the individual making the declaration.
 - (c) Gifts & Hospitality- details required will include the name of the individual, company or organisation making the offer, details of the offer including an estimated value. Also as in (a) above the likely contact/involvement of the individual making the declaration with the person(s) making the offer and how this might influence or be perceived to influence any decisions made as part of

that individual's work/duties and therefore constitute a potential conflict of interests.

- (iii) Further Description/Action Taken (to be completed by the individual making the declaration).

In the case of Gifts and Hospitality this should indicate whether the gifts were accepted or declined. In the case of (a) and (b) above or in the case of (c) where the offer is accepted the individual will need to state what action has been taken or is proposed in order to safeguard themselves against any allegations of misconduct due to a conflict of interest and ensure that the Council's interests are protected.

- (iv) Comments. Head of Service/Delegated Officer.
Where the officer receiving the declaration is not satisfied that the action proposed by the individual making the declaration is sufficient to prevent a conflict of interest and protect the interests of both the officer and the Council advice should be issued to the officer as to what further action will need to be taken. This advice should be entered on the declaration of interest form so that all parties are clear as to what action has been recommended/agreed.
- (v) The form will need to be dated and signed by the Employee making the declaration and the Head of Service or delegated officer.

CAERPHILLY COUNTY BOROUGH COUNCIL
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ADDITION TO THE CODE OF CONDUCT - WHISTLEBLOWING

THIS DOCUMENT EXPLAINS WHISTLEBLOWING, WHAT LEGAL PROTECTION IS GIVEN BY LAW, AND HOW CAERPHILLY COUNTY BOROUGH COUNCIL WILL DEAL WITH ISSUES RAISED BY EMPLOYEES.

1.0 INTRODUCTION

- 1.1 Sir Gordon Borrie QC defines whistleblowing as the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or of his fellow employees.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not be prepared to 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 be a suspicion of malpractice.
- 1.3 It is recognised that to come forward and speak up can be difficult and place individuals in an awkward position. This policy recognises that some cases will have to proceed on a confidential basis. In addition, this policy makes it clear that employees can raise matters without fear of reprisals. The whole purpose of the policy is to provide a framework to enable staff to raise serious concerns within the Council rather than ignoring a problem.
- 1.4 The statutory protection for employees appears in the Public Interest Disclosure Act 1998. It protects employees against victimisation or dismissal provided that disclosure is made in accordance with the Act. It is important to stress that an employee can only make public disclosure in certain circumstances - there is no automatic right to "go public". What the Act says is set out in more detail later.

2. THE PUBLIC INTEREST DISCLOSURE ACT 1998

- 2.1 The Act gives protection for workers who make a "protected disclosure"
- a right not to be victimised because a protected disclosure has been made
 - a right not to be dismissed or selected for redundancy because of having made a protected disclosure
- 2.2 What is a protected disclosure? There are two things that have to be satisfied:-
- (a) the disclosure must be of a certain type of information (called a "qualifying disclosure") and
 - (b) the disclosure must be made in a way which is described in the Act.
- (a) A qualifying disclosure:

This is a disclosure of information which in the reasonable belief of the worker making the disclosure tends to show one or more of the following:-

- a criminal offence
- that there is a failure to comply with a legal obligation
- miscarriage of justice
- that the health or safety of any individual is endangered
- damage to the environment
- deliberate concealment of any of the above

(b) The manner of disclosure:

The Act says that a disclosure to one of the following persons is protected provided that it is made in good faith.

- to the employer (and a list is set out later in this document about how that can be done)
- if the complaint is about someone else not employed by the Council, to that person's employer
- if it is about an issue where another person or body (not the Council) is responsible for the issue then disclosure can be made to that other person or body
- to anybody else authorised by the Council (the list later in this document sets out who that is)
- for certain specific types of malpractice to an outside regulator. The appendix to this policy sets out that list and the matters which may be referred to them. (Here, you must also reasonably believe that the information you are disclosing is substantially true).

(c) Public disclosure:

The employee is protected in making a public disclosure if these things are satisfied:-

- the disclosure is made in good faith
- the employee believes that the information is substantially true
- the disclosure is not made for the purposes of personal gain
- that the employee believes that he or she will be subjected to victimisation by the employer if a disclosure is made to the employer **or** that evidence relating to the matter being complained about will be concealed or destroyed if a disclosure is made to the employer **or** that a previous disclosure has been made to the employer
- in all the circumstances of the case it is reasonable for the disclosure to be made (the legislation says that regard has to be had to the identify of the person to whom the disclosure is made, the seriousness of the failure, whether the failure is continuing, whether the disclosure is made in breach of a duty of confidentiality owed to a third party, any action which an employer has taken or might reasonably be expected to have taken, or whether the employee complied with any internal procedure for disclosures

3.0 AIMS AND SCOPE OF THIS POLICY

3.1 This policy is applicable to all employees and will:-

- * provide avenues for employees to raise concerns and receive feedback on any action taken;
- * allow employees to take matters further if they are dissatisfied with the Council's response;
- * reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.

3.2 This policy is intended to cover concerns that fall outside the scope of other existing procedures.

3.3 There are a few areas highlighted by the Public Interest Disclosure Act. These include:-

- * criminal offences or breach of any statutory requirement or legal obligation;
- * improper or unauthorised use of public or other funds;
- * abuse of authority;
- * miscarriage of justice;
- * maladministration;
- * action that is against that laid down in the appropriate professional codes of conduct;
- * danger to the health or safety of any individual or the environment.

This list is not exhaustive, but it is indicative of the 'kind' of misconduct or malpractice that would be covered and as regards the Council may include:-

- * is unlawful; or
- * is against the Council's Standing Orders or policies; or
- * falls below established standards or practices; or
- * amounts to improper conduct.

4.0 SAFEGUARDS

4.1 Harassment or Victimisation

4.1.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect employees when matters are raised in good faith. Anyone who victimises an employee as a result of their raising a concern under this policy, will be

dealt with under the Council's disciplinary procedure.

- 4.1.2 If an employee, who raises the concern, is already the subject of disciplinary or redundancy procedures, then that action will be reviewed to see if there is any link between the whistleblowing and the decisions in the disciplinary or redundancy procedures. This review may decide that the action taken should continue because there is no link, or that matters should be put 'on hold' whilst the concerns raised by the employee are investigated.

4.2 Confidentiality

- 4.2.1 The Council will do its utmost to protect the identity of employees when they raise a concern and do not want their name disclosed. If after investigation, the Council considers that the concern is justified, and if it is unable to proceed without the evidence of the employee it will discuss with you how it can best proceed.

4.3 Untrue Allegations

- 4.3.1 If an allegation is made in good faith, but it is not confirmed by the investigation, the matter will be closed and no further action taken. If, however, the investigation shows that untrue allegations were malicious and/or vexatious, then disciplinary action may be taken.

5.0 RAISING A CONCERN

- 5.1 As a first step, an employee should normally raise concerns with the immediate manager, their Supervisor or Director. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. The earlier that concerns are expressed, the easier it is to take action. Alternately, employees may approach the Human Resources Service Manager (Customer Services) or Human Resources Service Manager (Strategy and Operations), in complete confidence, who will take the appropriate action.

- 5.2 However, if the concerns involve management or the employee chooses to they can approach, the most appropriate of:-

*	Chief Executive	Anthony O'Sullivan	OSULLA @Caerphilly.gov.uk	01443 864410
*	Deputy Chief Executive	Nigel Barnett	BARNEN @Caerphilly.gov.uk	01443 864419
*	Monitoring Officer	Daniel Perkins	PERKID @Caerphilly.gov.uk	01443 863142
*	Head of Corporate Finance (S151 Officer)	Nicole Scammell	SCAMMN @Caerphilly.gov.uk	01443 863022
*	Trade Union Representative			
*	Professional Association			

5.3 This policy encourages employees to put their name to any concerns raised. Concerns are better raised in writing and employees are invited to set out the background and history of the concern, giving names, dates and places where possible and the reasons why there are concerns. However, if an employee feels unable to put concerns in writing, they can telephone or seek an interview with the appropriate officer in the first instance.

5.4 Although an employee is not expected to prove the truth of any allegation, in determining what action to take, the person contacted will assess whether there are sufficient grounds for the Council to act. In doing so, the Council will take into account:-

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

5.5 Advice and guidance on how matters of concern may be pursued can be obtained from:-

- * Head of Workforce and Organisation Development Gareth Hardacre HARDAG@Caerphilly.gov.uk 01443 864309
- * Trade Union representative
- * Public Concern at Work 020 7404 6609

This is a legal advice centre and independent charity which gives independent and practical advice on how to raise concerns in the most constructive way. The Council makes a contribution to the charity for the provision of this service, but the charity and its advice are entirely independent of the Council and are not influenced in any way by the Council.

6.0 HOW THE COUNCIL WILL RESPOND

6.1 The action taken by the Council will depend on the seriousness of the concern. The matters raised may:-

- * be investigated internally by the appropriate manager;
- * be referred to the Police if there is evidence of a criminal offence;
- * be referred to the External Auditor if there is evidence of financial impropriety;
- * form the subject of an independent external or internal enquiry.

6.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns and allegations which fall within the scope of existing procedures will normally be referred for consideration under those procedures.

- 6.3 Some concerns may be resolved by agreed action without the need for investigation.
- 6.4 Within ten working days of a concern being received, the Council will respond by:-
- * acknowledging that the concern has been received;
 - * indicating how it intends to deal with the matter;
 - * giving an estimate of how long it will take to provide a final response;
 - * telling the employee whether any initial enquiries have been made; and
 - * telling employees whether further investigations will take place and if not, why not.
- 6.5 If necessary, further information will be sought from the employee. Where any meeting **is** arranged, employees have the right to be accompanied by a Trade Union or Professional Association representative or a friend who is not involved in the area of work to which the concern relates.
- 6.6 The Council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will provide support and advice on procedure, etc.
- 6.7 The Council accepts that employees need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints and any necessary confidentiality issues, employees will receive information on the outcome of any investigations.

7.0 RESPONSIBLE OFFICER

- 7.1 The Council's Standards Committee acting through the Monitoring Officer has overall responsibility for the maintenance and operation of this policy. All documentation relating to any concerns that have been raised will be lodged with the Monitoring Officer for safe keeping. That officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Council's Standards Committee in a confidential format.

July 2001 (revised June 2012)

PREScribed PERSONS UNDER THE PUBLIC INTEREST DISCLOSURE ACT

<i>Persons and descriptions of people</i>	<i>Descriptions of matters</i>
Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government bodies.	The proper conduct of public business, value for money, fraud and corruption in local government bodies.
Audit Commission for England and Wales and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies.	The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies.
Certification Officer.	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Charity Commissioners for England and Wales.	The proper administration of charities and of funds given or held for charitable purposes.
The Scottish Ministers.	The proper administration of charities and of funds given or held for charitable purposes.
Chief Executive of the Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Chief Executive of the Scottish Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Civil Aviation Authority.	Compliance with the requirements of civil aviation legislation, including aviation safety.
The competent authority under Part IV of the Financial Services and Markets Act 2000. [3]	The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public.
Commissioners of Customs and Excise.	Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods.
Commissioners of the Inland Revenue.	Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.
Comptroller and Auditor General of the National Audit Office.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally-funded public services.
Auditor General for Wales.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Auditor General for Scotland and persons appointed by or on his behalf under the Public Finance and Accountability (Scotland) Act 2000 [4] to act as auditors or examiners for the purposes of sections 21 to 24 of that Act.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.

<i>Persons and descriptions of people</i>	<i>Descriptions of matters</i>
Audit Scotland.	The proper conduct of public business, value for money, fraud and corruption in public bodies.
Director General of Electricity Supply.	The generation, transmission, distribution and supply of electricity, and activities ancillary to these matters.
Director General of Gas Supply.	The transportation, shipping and supply of gas through pipes, and activities ancillary to these matters.
Director General of Telecommunications.	The provision and use of telecommunications systems, services and apparatus.
Director General of Water Services.	The supply of water and the provision of sewerage services.
Water Industry Commissioner for Scotland.	The supply of water and the provision of sewerage services.
Director of the Serious Fraud Office.	Serious or complex fraud.
Lord Advocate, Scotland.	Serious or complex fraud.
Environment Agency.	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.
Scottish Environment Protection Agency.	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to flood warning systems and pollution.
Food Standards Agency.	Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.
Financial Services Authority.	The carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies, and industrial and provident societies; the functioning of financial markets, investment exchanges and clearing houses; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority.

<i>Persons and descriptions of people</i>	<i>Descriptions of matters</i>
General Social Care Council.	Matters relating to the registration of social care workers under the Care Standards Act 2000 ^[5] .
Care Council for Wales.	Matters relating to the registration of social care workers under the Care Standards Act 2000.
Scottish Social Services Council.	Matters relating to the registration of the social services workforce by the Scottish Social Services Council.
Children's Commissioner for Wales.	Matters relating to the rights and welfare of children.
Health and Safety Executive.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Housing Corporation.	The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.
Local authorities which are responsible for the enforcement of health and safety legislation.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Information Commissioner.	Compliance with the requirements of legislation relating to data protection and to freedom of information.
Scottish Information Commissioner.	Compliance with the requirements of legislation relating to freedom of information.
National Care Standards Commission.	Matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000.
National Assembly for Wales.	Matters relating to the provision of social care services liable to be registered or inspected under the Care Standards Act 2000 or the Children Act 1989 ^[6] . The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.
Scottish Commission for the Regulation of Care.	Matters relating to the provision of care services, as defined in the Regulation of Care (Scotland) Act 2001 ^[7] .
Occupational Pensions Regulatory Authority.	Matters relating to occupational pension schemes and other private pension arrangements.

<i>Persons and descriptions of people</i>	<i>Descriptions of matters</i>
Office of Fair Trading.	Matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers. Competition affecting markets in the United Kingdom.
Rail Regulator.	The provision and supply of railway services.
Standards Board for England.	Breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000[8]) of that authority's code of conduct.
Local Commissioner in Wales.	Breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000) of that authority's code of conduct.
Standards Commission for Scotland and the Chief Investigating Officer.	Breaches by a councillor or a member of a devolved public body (as defined in section 28 of the Ethical Standards in Public Life etc. (Scotland) Act 2000[9]) of the code of conduct applicable to that councillor or member under that Act.
Treasury.	The carrying on of insurance business.
Secretary of State for Trade and Industry.	Fraud, and other misconduct, in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing. Consumer safety.
Secretary of State for Transport.	Compliance with merchant shipping law, including maritime safety.
Local authorities which are responsible for the enforcement of consumer protection legislation.	Compliance with the requirements of consumer protection legislation.
Local authorities which are responsible for the enforcement of food standards.	Compliance with the requirements of food safety legislation.
A person ("person A") carrying out functions, by virtue of legislation, relating to relevant failures falling within one or more matters within a description of matters in respect of which another person ("person B") is prescribed by this Order, where person B was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible.	Matters falling within the description of matters in respect of which person B is prescribed by this Order, to the extent that those matters relate to functions currently carried out by person A.