

Chapter 5

Codes and Protocols

MEMBERS CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State.

[Note: the general principles are set out in the Annex to this Code but do not form part of the Code]
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code –
 - “meeting” means any meeting of –
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - “member” includes a co-opted member and an appointed member.
 - (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5) you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2) (c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

- 3. (1) You must treat others with respect.
- (2) You must not -
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be–
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority’s code of conduct; or
 - (d) do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4. You must not -
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

- (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonable be regarded as bringing your office or authority into disrepute.
6. You -
- (a) you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority -
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2

INTERESTS

Personal Interests

8. (1) You have a personal interest in any business of your authority where either –
- (a) it relates to or is likely to affect –
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

- (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1) (b), a relevant person is -
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1) (a) (i) or (ii).

Disclosure of personal interest

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business -
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of –
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interest on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of –
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),register in your authority's register of members' interest (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interest.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annex

The General Principles

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person

Honesty and Integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office

Openness – members should be as open as possible about their actions and those of the authority, and should be prepared to give reasons for those actions

Personal Judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions

Respect For Others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its employees

Duty To Uphold The Law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence

Officers' Code of Conduct

THE EMPLOYEE CODE

1. Introduction

- (a) This Code has been drawn up broadly in line with the Local Government Management Board's draft Code of Conduct.

- (b) The public is entitled to expect the highest standards of conduct from all employees who work for local government and to expect that their conduct should never be influenced by improper motives.
- (c) This Code has been formulated to provide a set of standards of conduct expected of employees at work and the link between that work and their private lives.
- (d) The Code takes into account the requirements of the law and the provisions on official conduct in the appropriate national conditions of service.
- (e) The Code applies to all Council employees. Those employees involved in processing applications for services or resources, licences or statutory consents and those involved in the procurement of goods and services need to pay particular attention to the Code.
- (f) Any alleged breaches of the Code maybe dealt with under the Council's disciplinary procedure.
- (g) If employees are in any doubt about any of the provisions of the Code they should seek advice from their Chief Officer.

2. Standards

Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to other employees and Members with impartiality. Employees should bring to the attention of the management any deficiency in the provision of service and must report any impropriety or breach of procedure to their senior officer.

3. Disclosure of Information

- (a) The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.
- (b) Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to Committee/Board reports and background documents.
- (c) Employees must not use any information obtained in the course of their employment for personal gain or benefit, or pass it onto others who might use it in such a way.
- (d) Only employees authorised by their Chief Officer to do so may talk to the Press, or otherwise make public statements on behalf of their department. Any employee contacted by the Press should pass it to their senior officer who will in normal circumstances refer the matter to the Corporate Communications Division who will deal with it.

- (e) If employees consider that the non-disclosure of certain information is contrary to the wider public interest, they should advise their Chief Officer or the Chief Executive of the information and the issues concerned.

4. Political Neutrality/Activity

- (a) Employees serve the Council as a whole. It follows, therefore, that they must serve all Members not just Members of any controlling group, and must ensure that the individual rights of all Members are respected.
- (b) Some senior employees will be expected, within the Council's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the controlling group.
- (c) Some employees, who are normally those in more senior positions, are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules for claiming exemption, but any employee who is in any doubt about their position should contact their Chief Officer.
- (d) If an employee is in any doubt about whether an activity is political activity and covered by these rules they should seek advice from their Chief Officer.
- (e) It is important that all employees are aware of their position in terms of political activity because if these statutory provisions are breached this may constitute a breach of the Contract of Employment which may be dealt with under the Council's disciplinary procedure.
- (f) Employees, whether or not politically restricted, must follow every lawful policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5. Relationships

(a) Members

Some employees are required to give advice to Members as part of their job and mutual respect between employees and Members is essential to good local government.

(b) The Local Community and Service Users

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

(c) Contractors

All relationships with contractors or potential contractors must be made known to the appropriate Manager. Orders and contracts must be awarded in line with the Council's financial regulations.

Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, must declare that relationship to the appropriate manager.

6. Outside Commitments

- (a) An employee's off-duty hours are their personal concern but they must not place themselves in a position where their employment and private interests conflict. The Council would not wish to preclude employees unreasonably from undertaking additional work unless that work conflicts with or detrimentally affects the Council's interests or in any way weakens public confidence in the conduct of the Council's business, or in any way affects the ability to fulfil the Contract of Employment.
- (b) However, officers above scale 6 are expected to devote the whole of their paid employment work to the Council and must not engage in any other business or take up any other additional appointment for financial gain without the agreement in advance of their Chief Officer.
- (c) If agreement is given employees must be made aware that no outside work of any sort should be undertaken in the workplace and use of facilities, e.g. telephones, photocopying is forbidden. Breach of this provision may result in a disciplinary offence.

7. Personal Interests

- (a) Employees must declare to their line manager, non-financial interests that they consider could bring conflict with the Council's interests (e.g. acting as a school governor within schools maintained by the Council, involvement with an organisation receiving grant aid from the Council, membership of an NHS Trust Board, involvement with an organisation or pressure group which may seek to influence their authority's policies). Membership of a trade union is exempted from this requirement.
- (b) Employees must declare any financial interest, which could conflict with the Council's interests.
- (c) Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their line manager (e.g. allocation of Council housing or assessment of housing benefit).

8. Equality Issues

Employees have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. Separation of Role During Tendering

- (a) Employees 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 accountability and openness.
- (b) Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- (c) Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- (d) 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.

10. Corruption

It is a criminal offence for an employee to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. Use of financial resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Council.

12. Gifts and Hospitality

- (a) The Local Government Act 1972 forbids acceptance by any local government officer of any fee or reward other than proper remuneration and contravention of this provision is a criminal offence.
- (b) Officers should be aware of the Prevention of Corruption Act 1916 which states that the giving of any money, gift or consideration to any officer by a person trying to obtain a public contract is deemed to have been given corruptly unless the recipient proves to the contrary.

- (c) The offers of gifts to officers from persons who have or may seek to have dealings with the authority should be viewed with extreme caution. Officers should consider how the acceptance of such a gift would be viewed by a member of the public. Officers are personally liable for all decisions connected with the acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.
- (d) The only exceptions to this rule are small gifts of nominal value:-
- given by way of trade advertisements to a wide range of people, e.g. inexpensive calendars, diaries, tape measures and similar articles for use at work.
 - on the conclusion of a courtesy visit, for example to a factory or other premises.
- (e) Any hospitality given or received by officers should be justified as in the public interest. The hospitality given should be on a scale appropriate to the occasion.
- (f) Offers of hospitality must be refused where a suggestion of improper influence is possible. Special care must be taken where hospitality is offered by a person having or seeking business with, or a decision from, the Council.
- (g) Each officer who is offered a gift or hospitality shall, before any action is taken, discuss the offer with his/her line manager, except in the case of gifts or hospitality of a nominal value.
- (h) In the case of the Chief Executive, before any action is taken, he will discuss the offer with the Strategic Director – Corporate and Policy and in his absence with the Monitoring Officer.
- (i) Each Chief Officer shall maintain a gift and hospitality register. This register shall record:-
- what gift/hospitality was offered and to whom;
 - by whom it was offered;
 - when and with whom the offer was discussed;
 - the decision whether or not to accept the gift/hospitality.
- (j) In the event that it is decided it would be inappropriate to accept the gift/hospitality, the officer to whom it was offered will inform the offeror accordingly, explaining the reasons for refusal.

13. Use of services, etc. of firms dealing with the Council

- (a) If any officer has good reason to believe that any offer of preferential terms is designed to promote a firm's interest in its dealings with the Council, then the offer should be refused and the matter treated as if a gift had been offered. The above Standing Orders would then apply.
- (b) Caution should be exercised by officers using services offered by firms which they know have dealings with the Council. Officers must ensure that goods or services bought from such firms are at a price readily available to the public.

14. Sponsorship - Giving and Receiving

- (a) Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- (b) Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

15. Confidentiality

As an Officer of the Council you will occasionally acquire information which has not been made public and is confidential. You should not disclose this information to the public without the express approval of your Chief Officer. You should never disclose any information to personally advance yourself or someone known to you, or to the disadvantage or discredit of the Council or anyone else.

Protocol on Member/Officer Relations

MEMBER/EMPLOYEE INTERFACE CODE

Working Relationships

1. An effective working relationship between Members and employees is critical to the successful operation of the Council's business. Excellent working relationships between Members and employees are required, both to deliver high quality services to local citizens and to maintain confidence in the machinery of local government in Halton. This section of the Code deals with the Member/Employee interface in general terms; and then refers to the working relationship between Members and senior managers (Chief Officers and others) who formally advise the Council.

2. The formal role and responsibilities of Members and employees have been covered in Sections A and B. They deal primarily with Members' and employees' own separate responsibilities, but the quality of the interface between the two is vital in ensuring the highest ethical standards permeate the Council in both its private and public dealings.
3. Both councillors and officers are servants of the public and they are indispensable to each other, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are employed by and are responsible to the Council. Their job is to give advice to councillors and the Council and to carry out the Council's functions under the direction of the Council, its committees and Boards. Care must be taken in relation to close personal familiarity between individual councillors and officers in order to avoid an adverse effect on the relationship between councillors and officers.
4. There should be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and officers. Both Members and officers should at all times remain civil, polite and courteous and should not resort to unacceptable levels of behaviour.
5. The Widdicombe report, the National Code of Local Government Conduct, and the Courts all accept that there will be informal contact between party political groups and employees at a senior level, often of a sensitive nature. This section of the Code is designed to provide a framework for contacts between Members and employees, both formal and informal, and to ensure that Members and employees are as clear as they can be as to their roles and responsibilities.
6. There are some specific points which require clarification, these are:-
 - (a) Every appointment of paid local authority employment must be on merit.
 - (b) Senior officers cannot be local authority Councillors or MPs, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". Such officers are nevertheless able to engage in such activity to "such extent as is necessary for the proper performance of their duties".
 - (c) Employees are employed by the Council, not by Committees or other individual Councillors, and are subject to the Council's employment procedures. Chief Officers and JNC Officers in line with their National Conditions of Service "shall not be required to advise any political group of the Council, either as to the work of the Group or as to the work of the Council, neither shall they be required to attend any meetings of any political groups. This should be without prejudice to any arrangements to the contrary which may be made in agreement with any officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the Council".

- (d) A similar condition applies to all non-JNC Officers under the Green Book, without the exception in the previous sentence contained under JNC Conditions.
- (e) Normally, only the Chief Officer shall be expected to attend meetings or write reports for a party political group. Subject to the Chief Officer's discretion, other senior employees in his or her department may on occasions be invited to attend or write reports. Neither Officer nor any other officer can be instructed to attend or write reports. This provision covers meetings of or reports to a party political group, or meetings designated for one party. Any reports concerned with potential decision-making to a party political group from a senior officer should be written as if the reports were being prepared for the relevant committee. This would cover reports on such matters as the choices to be made in budgeting, and reflects the reality that the consideration of an issue in the party political group often represents an early stage of the decision-making process. Reports on matters of policy or principle prior to decisions on expenditure need not be so formally drafted.
- (f) The principle in (e) above does not obviate the necessity for regular contact on matters affecting the Council between Chief Officers, other senior officers and the leadership of political groups and on matters affecting Boards and Committees between Chief Officers, other senior officers and Committee Chairs.
- (g) Reports to Boards and Committees should be written by the Chief Officer or another officer authorised by him or her. It is likely that a sensitive report would be discussed with the Chairman at one of the regular meetings held with the Chief Officer, and the Chairman may make suggestions to the Chief Officer as to the contents of the report. However, the report is the officer's, and even if the Chairman or another Board or Committee Member in exceptional circumstances is unhappy with its contents, it should not be amended by the Chairman or another Board or Committee Member, save with the express approval of the Chief Officer. If the Chief Officer's report is not regarded as appropriate by the Chairman then exceptionally the Chairman should write his or her own report in addition to the report submitted by the Chief Officer. In this instance, the Chairman should, under no circumstances, use undue pressure to persuade the Chief Officer to withdraw the original officer report.
- (h) Council decisions can only be made by full Council, Boards or Chief Officers acting under delegated authority. Decisions by party political groups do not constitute Council decisions. Members and officers must accordingly ensure that representations to the Council at any stage in the formal decision-making process with regard to any matter should be made to the appropriate Board or Committee and not to a political group.

Control and Content of Board and Committee Agenda

7. The Board or Committee Agenda is the responsibility of the Chairman of each Board or Committee. If Members wish an item to be placed on the Agenda this should be discussed with the relevant Chief Officer and agreed with the Board or Committee Chairman in advance.

Members' Complaints

8. If Members have a complaint about the conduct of an officer this should, if at all possible, be resolved informally between the officer concerned and the member. If this is not possible, the member should raise the matter with the officer's Chief Officer who will try to resolve the issue. If the member is not satisfied he/she should raise the matter with the Chief Executive.

If an officer has a complaint about a member, this should be raised with the Chief Officer who, will raise this with the Chief Executive, if the matter is not resolved and, if appropriate, he will raise the matter with the Leader and Chief Whip of the member's party.

HALTON BOROUGH COUNCIL CONFIDENTIAL REPORTING CODE

HALTON BOROUGH COUNCIL CONFIDENTIAL REPORTING CODE ("WHISTLEBLOWING POLICY")

1. INTRODUCTION

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. This includes any issues relating to gender and race, whereby a person suspects discrimination is occurring. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Directorates. You are responsible for making service users aware of the existence of these procedures. This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2. AIMS OF THIS POLICY

This policy aims to:

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

This policy

- Is written and circulated to every employee of the Council
- States to whom and what it applies
- Provide for matters to be dealt with quickly
- States that the Council is committed to tackling issues of malpractice
- Ensures that employees know that malpractice will be dealt with seriously
- Has the support of Trade Unions
- States who will deal with allegations and how they will be dealt with
- Reminds employees that they can seek the help of their Union or professional body
- Aims to ensure the confidentiality of any allegations and actions taken, as far as is reasonably practicable

- Ensures that allegations and responses to them are properly recorded
- Sets out the relationship between the Policy and other Council procedures
- Can be independent of line management if necessary.

The Policy of Conduct for Local Government Employees states that

“ Employees will be expected through agreed procedures and without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.”

This Policy supports that statement.

3. SCOPE OF THIS POLICY

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures, and this policy does not replace the Corporate Complaints Policy. Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. An employee's concerns may in this context relate to the the following matters, or a reasonable belief that one or more of the following has occurred or is likely to occur:

- actions or behaviour that makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct; or
- Conduct which is a criminal offence or a breach of the law; or
- Disclosures related to miscarriages of justice; or
- Dangerous procedures risking health and safety, including risks to the public, service users and to other employees; or
- Damage to the environment; or
- The unauthorised use of public funds; or

- Fraud and corruption; or
- Sexual or physical abuse of service users; or
- Other unethical conduct.

This list is not meant to be exhaustive but gives examples of malpractice. The overriding concern for the employer and employee should be that it would be in the public interest for the malpractice to be corrected and if appropriate sanctions taken.

Thus any serious concern that an employee has about any aspect of service provision or the conduct of officers or members of the Directorate or others acting on behalf of the Directorate can be reported under this Policy.

4. SAFEGUARDS AGAINST HARRASSMENT OR VICTIMISATION

- i. The Council is committed to good practice and high standards and wants to be supportive of employees.
- ii. The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or your suspicion reasonable, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- iii. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- iv. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

5. CONFIDENTIALITY

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

The employee disclosing a concern should ensure that they only inform the person identified in part 8 below. Other than that the employee is required to keep the matter disclosed confidential.

The person to whom the matter is disclosed will treat it confidentially, as far as is reasonably practicable.

It is stated explicitly here that if the procedure used requires disclosure to other people, then the employee who disclosed this should be informed.

If the matter cannot be resolved locally by the person to whom it is reported, it may be necessary to inform other people of the concern raised. These people

should only be those required to know under whatever procedure the matter progresses.

If a hearing is needed, either by law, or under a Council procedure, the employee disclosing the concern may be required to give evidence.

It is not possible to remain anonymous under this procedure, but the safeguards stated here are aimed at protecting all those involved in reporting, investigating and being suspected of wrongdoing.

6. ANONYMOUS ALLEGATIONS

- i. This policy encourages you to put your name to your allegation whenever possible.
- ii. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- iii. In exercising this discretion the factors to be taken into account would include:
 - the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

7. UNTRUE ALLEGATIONS

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

8. HOW TO RAISE A CONCERN

- i. As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Monitoring Officer (i.e. the Council Solicitor), Strategic Director - Corporate and Policy, Internal Audit or any specialist units the Council may have established (for example an Anti-Fraud Team or a complaints 'hot-line').
- ii. Concerns may be raised orally or in writing. Staff who wish to make a written report are invited to use the following format:
 - the background and history of the concern (giving relevant dates);
 - the reason why you are particularly concerned about the situation.
- iii. The earlier you express the concern the easier it is to take action.

- iv. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- v. Advice/guidance on how to pursue matters of concern may be obtained from:
 - Chief Executive
 - Monitoring Officer
 - Strategic Director - Corporate and Policy
 - Chief Internal Auditor
 - Chair of the Standards Committee (who can be contacted by a letter addressed to the Chair of the Standards Committee and sent to the Municipal Building, Kingsway, Widnes, WA8 7QF)
 - You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- vi. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

9. HOW THE COUNCIL WILL RESPOND

- i. The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- ii. Where appropriate, the matters raised may be:
 - Investigated by management
 - Investigated by internal audit
 - Progressed through the disciplinary process
 - Referred to the Police
 - Referred to the external auditor
 - The subject of an independent enquiry
 - Dealt with via any other appropriate procedure for example, child protection, abuse of vulnerable adults procedure.
- iii. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public

interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

- iv. If someone is suspended, the person reporting under this policy will be informed.
- v. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- vi. Within five working days of a concern being raised, the Chief Executive (or other officer appointed to deal with the matter) will write to you:
 - acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a full response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- vii. The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- viii. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- ix. The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- x. The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

10. THE RESPONSIBLE OFFICER

The Chief Executive has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

11. HOW THE MATTER CAN BE TAKEN FURTHER

- i. This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
 - the Chair of the Standards Committee
 - the external auditor
 - your trade union
 - your local Citizens' Advice Bureau
 - relevant professional bodies or regulatory organisations (eg for adult and children's social care services, the Commission for Social Care Inspection (tel. 020 7979 2000))
 - a relevant voluntary organisation (e.g. For Children's Services – The Children's Society (tel. 020 7841 4400))
 - the police.
- ii. If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY

1. Policy Statement

- 1.1 Halton Borough Council, in managing its responsibilities as a public authority, is determined to ensure probity and accountability in all matters.
- 1.2 The Council will not tolerate any forms of fraud and corruption from within the Council, from external organisations, or from individuals.
- 1.3 The Council is committed to an anti-fraud and anti-corruption strategy designed to develop a corporate culture that:
 - encourages fraud deterrence and prevention;
 - promotes detection;
 - ensures effective investigation where suspected fraud or corruption has occurred.
- 1.4 This strategy is written for the benefit of employees, elected Members and the public. Organisations and businesses dealing with the Council are also expected to act with integrity.

2. Elements of the Anti-Fraud and Anti-Corruption Strategy

- 2.1 The Council's Anti-Fraud and Anti-Corruption Strategy is based on a series of comprehensive and related elements designed to deter any fraud or corrupt act. These elements are:

- Culture
- Prevention
- Detection
- Training

3. **Culture**

- 3.1 The Council is determined that the culture of the organisation is one which promotes honesty and opposition to fraud and corruption, and does not permit fraud or corruption to be tolerated or perpetuated.
- 3.2 The Council expects Members and employees to lead by example in ensuring opposition to fraud and corruption by ensuring adherence to all Council regulations, procedures, practices and Codes of Conduct. The Council also expects individuals and organisations with whom it deals in any capacity to act with integrity and without intent to commit fraud or corruption.
- 3.3 Council employees, elected Members and the public are important elements in the stance against fraud and corruption and are positively encouraged to raise any concerns they may have on issues relating to Council activities. This may be done through the **Authority's Confidential Reporting Code** or by phoning the **Fraud Hotline on 08000 345 995**.
- 3.4 Where appropriate, the Council will co-operate with other organisations, agencies and local authorities in the prevention, detection and investigation of fraud and corruption.

4. **Prevention**

- 4.1 The adoption of proper and adequate measures to prevent fraud and corruption are the responsibility of Members and Management. Preventative measures can be classified under two broad headings - Codes/Procedures and Systems:

Codes and Procedures

- (i) The Council's Constitution sets out a framework for dealing with the affairs of the Council and all Members and employees have a duty to adhere with its provisions.
- (ii) The Council's employees are expected to abide by the National and Local Conditions of Service relating to their employment which include conduct issues and also are expected to follow any Code of Conduct related to their personal professional qualifications.
- (iii) Council Members are required to comply with the National Code of Local Government Conduct which provides guidance to members on

recommended standards of conduct in carrying out their duties and in their relationships with the Council and the Council's officers.

- (iv) All Members and employees are required to declare any offer or receipt of gifts or hospitality which are in any way related to their employment by or membership of the Council. A register is maintained of all declarations.

Systems

- (v) Managers are responsible for ensuring that adequate controls exist within all financial and operational systems and that employees are adequately trained in operating systems and procedures. The system of internal control provides a framework for ensuring that assets are safeguarded, transactions are properly authorised, duties are segregated, and material errors or irregularities are prevented or detected.

5. Detection

- 5.1 Detection of fraud and corruption may arise through a number of sources. It is therefore important that all of these are recognised and taken seriously:
- (i) **Internal Controls.** Well designed and properly operated controls should provide indicators of any fraudulent activity.
 - (ii) **Budgetary Control.** Effective budgetary control can provide a useful indicator to managers of potential fraud or corruption, e.g. evidence of unusual spending patterns or shortfalls in expected income.
 - (iii) **Complaints.** The recording and follow up of complaints, especially from service users, may help identify evidence of fraud or corruption.
 - (iv) **Whistleblowing.** Information received from concerned third parties under the Authority's Confidential Reporting Code may provide evidence of fraud and corruption.
 - (v) **Information From Other Public Bodies.** This may take the form of specific individual referrals or by the Council taking part in national schemes such as the National Fraud Initiative run by the Audit Commission.
 - (vi) **Reviews by Internal and External Audit.** Work undertaken by Internal and External Audit may disclose evidence of fraud and corruption.
- 5.2 Employees are required by Financial Regulations to report all suspected irregularities to Internal Audit either directly or through line management. This ensures the consistent treatment of information regarding fraud and corruption and facilitates proper investigation by experienced personnel.
- 5.3 The detailed arrangements for the investigation of any suspected fraud or irregularity are contained in the Authority's **Fraud Response Plan**.

6. Training

- 6.1 The Council recognises that an important aspect of its Anti-Fraud and Corruption Strategy is the general awareness and responsiveness of employees throughout the Council.
- 6.2 To facilitate this the Council supports continuous training for all Members and employees involved in internal control systems to ensure their duties and responsibilities in this respect are regularly highlighted and reinforced.
- 6.3 Investigation of fraud and corruption usually involves the Council's Internal Audit Division whose skills base in investigative techniques is maintained by appropriate training.

7. Review Arrangements

- 7.1 The Council has in place a clear network of systems and procedures to prevent fraud and corruption. It is mindful that these arrangements need to keep pace with developments in prevention and detection of fraudulent or corrupt activity. To this end it requires a continuous review of all arrangements, and particularly, an annual review of Standing Orders and Financial Regulations
- 7.2 This Strategy is subject to the same regular review.

FRAUD RESPONSE PLAN

1. Introduction

- 1.1 Halton Borough Council is committed to the highest possible standards of propriety and accountability in all its affairs. It is determined to develop a culture of honesty and opposition to fraud and corruption.
- 1.2 In line with this commitment, the Council's Anti-Fraud and Anti-Corruption Strategy outlines the principles we are committed to in relation to preventing, reporting and managing fraud and corruption.
- 1.3 This Fraud Response Plan reinforces the Authority's approach by:
- defining the types of activity that would require the implementation of this plan;
 - setting out how employees or members of the public can voice their concerns about suspected fraud and corruption;
 - outlining how the Council will deal with such complaints.
- 1.4 This document is one of a series that collectively constitute the policies of the Authority in relation to anti-fraud and anti-corruption. The other documents are:

- Anti-Fraud and Anti-Corruption Strategy;
- Confidential Reporting Code.

2. **Defining Fraud and Corruption**

- 2.1 The Fraud Response Plan is intended to be implemented where suspicions of fraud or corruption have been raised:

Fraud is defined as:

‘The intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the misappropriation of assets or otherwise for gain’.

Corruption is defined as:

‘The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person’.

- 2.2 Fraudulent or corrupt acts may therefore include:

Financial Issues i.e. where individuals or organisations fraudulently obtain money from the Council, (e.g. Housing Benefit fraud)

Asset Issues i.e. where Council assets are misappropriated or used for personal use, (e.g. theft of Council equipment or materials)

Accounting Issues i.e. where employees falsify or alter accounting or other documents, (e.g. unauthorised amendment of timesheets)

Other Issues i.e. activities undertaken by Officers or Members which may:

- be unlawful,
- contravene Standing Orders or Authority policies,
- fall below established standards or practices,
- amount to improper conduct.

- 2.3 This is not an exhaustive list. If you are in any doubt about the seriousness of your concern, advice and guidance can be obtained from the Chief Internal Auditor on 0151-471-7354 (or ext. 2013).

3. **Reporting suspected fraud and corruption**

3.1 The Authority's Constitution requires that:

'any officer shall immediately report to the Chief Internal Auditor, either directly or through line management, any circumstances which suggest the possibility of financial irregularity or loss. The circumstances will be outlined to the Strategic Director – Corporate and Policy and Chief Executive to decide what action is necessary by way of investigation and report'.

3.2 The Council's Confidential Reporting Code (available on the intranet) is intended to encourage and enable employees to raise serious concerns within the Council. This policy document makes it clear that concerns may be raised without fear of victimisation, subsequent discrimination or disadvantage. The policy applies to all employees and those contractors working for the Council on Council premises, e.g. agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, e.g. care homes.

3.3 The Council's Confidential Reporting Code provides details as to how concerns of fraud or corruption may be reported:

- employees may raise the issue with their immediate manager or supervisor, or refer it directly to the Chief Executive, Monitoring Officer, Strategic Director - Corporate and Policy or Chief Internal Auditor;
- both employees and the general public may telephone the Confidential Fraud Hotline on 08000 345 995 (24 hour service).

4. Investigating suspected fraud and corruption

4.1 Investigation of suspected or alleged Benefit fraud is undertaken by the Benefits Investigation Team in the Revenues and Benefits Division.

4.2 For non-Benefit related matters, the decision as to whether or not an investigation is warranted will be made by the Operational Director – Financial Services and/or Chief Executive in accordance with Standing Orders.

4.3 The action taken by the Council will depend on the nature of the concern. The matter raised may be:

- investigated internally;
- referred directly to the Police.

4.4 All internal investigations will normally be led by Internal Audit, although each case will be judged on its merit. The purposes of any investigation shall be to:

- establish the facts of any suspected fraud in order to inform decisions regarding further action;
- clear innocent persons of any suspicion;
- enable the recovery of losses;

- improve systems and controls to prevent and deter fraud and corruption in the future.
- 4.5 Investigations will be assigned to a lead officer who is suitably qualified and experienced. The officer will ensure that the investigation is conducted impartially and objectively, and will, as appropriate:
- determine and plan the resources needed for the investigation;
 - carry out the investigation in a timely manner ensuring that all allegations are properly investigated and reported on;
 - comply with all relevant statutory requirements, codes of practice, and the ethical standards of relevant professional bodies;
 - ensure that the identity of the person raising the concern is protected wherever possible;
 - ensure that all evidence obtained is properly recorded and retained securely;
 - liaise as appropriate with the Operational Director - Human Resources, Council Solicitor, Insurance Manager, the Police or other relevant agencies;
 - assist management in implementing the Council's disciplinary procedures;
 - advise management in implementing improved procedures where necessary.
- 4.6 Where an investigation requires 'directed surveillance' or uses a 'covert human intelligence source', the investigating officer(s) must ensure that the investigation is undertaken in accordance with the Authority's RIPA policy. Any such surveillance may only be undertaken after the appropriate authorisation has been obtained by an officer with delegated powers under the policy.
- 4.7 At the conclusion of the investigation, the investigating officer(s) will produce a report setting out all of the facts relating to the case. The report shall be submitted to the Strategic Director – Corporate and Policy, Operational Director – Financial Services, the Chief Executive and to the relevant Strategic Director, to determine how the matter should be progressed to resolution.

5. Recovery and Sanctions

- 5.1 Where an investigation indicates fraud or corruption, the Council will seek to:
- recover losses wherever appropriate, **and**
 - refer cases to the Police to independently prosecute offenders (this decision is a matter for the Strategic Director – Corporate and Policy, Operational Director – Financial Services and the Chief Executive).
- 5.2 The Council's disciplinary procedures will be used where the outcome of an investigation indicates improper behaviour. This may be in addition to any other recovery action or sanctions. Referral to the Police will not prohibit action under the disciplinary procedure.

6. Review of the Fraud Response Plan

- 6.1 This Fraud Response Plan will be reviewed and updated annually in the light of new legislative and professional developments.

Chapter 6

SCHEME OF MEMBERS' ALLOWANCES

This scheme of members' allowances has been set by the Council having regard to a report of an Independent Panel made up of non Councillors. This scheme will come into effect on the 18th December 2003 and continue in force for the remainder of the financial year 2003/04 and for the subsequent three financial years (or until amended by the Council if sooner).

1. Basic Allowance

The following basic allowance shall be paid to each member of the authority to cover Councillors' incidental expenses such as heating, lighting, telephone, stationery and postage:

£7,527 per annum (as at May 2006)

Where a Councillor's term of office begins or ends part way through the year to which the allowance relates the amount of the basic allowance shall be reduced pro rata.

2. Special Responsibility Allowances

These allowances are paid to reflect the additional work involved in undertaking certain roles and taking on additional responsibilities under the Council's Constitution. The Special Responsibility Allowances are as follows:

Position	<u>SRA 2003</u>	<i>Limitations</i>	SRA 2006
Leader	£17,823		£19,410
Deputy Leader	£12,120	To a maximum of 68% of the Leader's SRA	£13,200
Executive Board Members	£9,981	To a maximum of 56% of the Leader's SRA	£10,872
Chairs – Boards & Committees	£6,000	To a maximum of 33% of the Leader's SRA	£6,465
Vice Chairs – Boards & Committees	£3,000	50% of the Chair's SRA	£3,234
Leader of Principal Opposition	£6,000	Equal to that of the Chair's SRA	£6,465
Scrutiny Co-Ordinator	£6,000	Equal to that of the Chair's SRA	£6,465

Special Responsibility Allowances are paid in addition to Basic Allowance. No Member is paid more than one Special Responsibility Allowance at any one time

and, in the event that a Member undertakes more than one Special Responsibility at a time, then the higher/highest Allowance will be paid.

Where a Councillor does not hold the role giving rise to the entitlement to the Special Responsibility Allowance for the full year to which the allowance relates, the amount of the Special Responsibility Allowance shall be reduced pro rata.

(NB The Mayor will receive an allowance equivalent to the SRA of a member of the Executive Board. The Deputy Mayor will receive an allowance equivalent to 50% of the SRA of a member of the Executive Board. These allowances are not part of the scheme: this information is for completeness only.)

3. Child Care and Dependent Carer's Allowance

A Child Care and Dependent Carer's Allowance shall be payable based upon reimbursement of actual receipted costs subject to prior agreement with the Strategic Director - Corporate and Policy. The allowance is payable to any Member who incurs expenditure in respect of child or dependant relative care whilst undertaking the approved duties specified in paragraph 14 of this scheme.

4. Travel and Subsistence Allowances

Travel and subsistence allowances are payable for the approved duties set out in paragraph 14 of this scheme. Members are entitled to reimbursement of the full costs incurred (on production of the relevant receipts) subject to the following limits:

Car Mileage

Engine size	Up to 999cc	1000cc to 1199cc	1200cc and over
Pence per mile	34.6	39.5	48.5

Motorcycle Mileage

Engine size	Up to 149cc	150cc to 499cc	500cc and over
Pence per mile	8.5	12.3	16.5

Subsistence Allowances

Breakfast	Lunch	Tea	Evening Meal
£4.92	£6.77	£2.67	£8.38

Overnight Accommodation

Outside London	£79.82 per night
Inside London	£91.04 per night

Cycle Allowance

Members to be entitled to a mileage allowance equivalent to that payable to officers for use of a cycle in carrying out approved duties.

Public Transport

Reimbursement of full cost on payment of receipts (subject to air and rail travel being booked through the authority).

The Strategic Director – Corporate and Policy may authorise re-imburement at a higher rate for overnight accommodation and subsistence where it is not reasonably practicable for the member to keep costs incurred to the allowances set.

In respect of overseas travel, members may claim reimbursement for all expenditure reasonably incurred in respect of duties outside the country provided that the travel has been approved in advance by the Strategic Director - Corporate and Policy.

The Strategic Director - Corporate and Policy may make an advance to a member in respect of the likely costs of travel and subsistence where he considers it appropriate, subject to any advance being deducted prior to payment of any subsequent claims. (Except as varied above, the additional rules approved by the Standards Committee for Members' Travel and Subsistence Payments remain in effect.)

5. Co-Optees

Any co-optees, as permitted by the Council's constitution, shall be entitled to claim Travel and Subsistence and Child Care and Dependent Carer's Allowances on the same basis as any Member of the Council

6. Pensions

All members of the Council who qualify for admission to the local government pension scheme shall be eligible to join the scheme and both Basic Allowance and Special Responsibility Allowance shall be treated as amounts in respect of which pensions are payable.

7. Annual Increase

The allowances in this scheme shall be increased each year by the same percentage increase (or increases) as the NJC pay award for Local government employees. Where different increases are awarded to different sections of the NJC workforce the percentage increase applicable at spinal column 29 shall apply. Any increase in Basic and Special Responsibility Allowances shall apply from the same date as the pay award is to take effect, and increases shall be backdated if necessary. As regards any increase in Travelling and Subsistence Allowance, these shall take effect as from the date on which the pay award is formally agreed.

8. Withholding of Allowances

Where a Member is suspended, or partially suspended, from their responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000, or regulations made thereunder, that part of any

- ❑ Basic Allowance
- ❑ Special Responsibility Allowance
- ❑ Travel and Substance Allowance

payable under this scheme in respect of the duties or responsibilities from which the member is suspended may be withheld by the Council.

9. Payment of Allowances

Basic Allowance and Special Responsibility Allowance will be paid in 12 monthly instalments on the 20th of each month direct to a bank account. Other allowances will similarly be paid on the 20th of each month direct to a bank account subject to the relevant claims being submitted and approved in accordance with such procedures as may be set down by the Strategic Director – Corporate and Policy.

10. Repayment of Allowances

Where payment of any allowance has already been made in respect of any period during which the member concerned is

- (a) suspended or partially suspended from their responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

the Council may require that such part of the allowance as relates to any such period be repaid to the Council.

11. Renunciation

Members may elect to forego any part of their entitlement to an allowance under this Scheme by giving notice in writing to the Strategic Director - Corporate and Policy.

12. Multiple Authorities

Where a member of the Council is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

13. Time limit for Claims

Claims for the following allowances:

- (a) Child Care and Dependant Carer's Allowance;
- (b) Travelling and Subsistence Allowance

must be made by the person to whom they are payable within one month of the end of the month in which the entitlement to the allowance arose. In the event that a claim is not made within this time limit the Strategic Director - Corporate and Policy shall have absolute discretion as to whether to pay the claim.

14. Approved Duties

The following duties are specified as approved duties for the purpose of Travel and Subsistence Allowances and Child Care and Dependent Carer's Allowance:

1. Any meeting of the Council, Executive Board or other Board, Committee or Sub-Committee meeting.
2. Any meeting of a Working Group, or Panel appointed by a Board or Committee.
3. Any formal meeting with other local authorities.
4. Meetings with Council officers on official business.
5. Training courses and seminars organised by the Council.
6. All meetings where Members are appointed as representatives of the Council on Outside Bodies excluding School Governing Bodies.
7. All meetings, seminars and events attended by the member where the member's attendance is organised, requested or arranged by the Council.
8. Meetings of Area Forums.
9. The carrying out of any other duty approved by the Chief Executive of the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its Boards or Committees.

