
Report To:	Policy and Resources Committee	Date: 7 February 2012
Report By:	Head of Organisational Development Human Resources & Performance	Report No: HR/18/11/AH
Contact Officer:	Alexander Hughes	Contact No: 01475 712014
Subject:	Revised Code of Conduct and Whistleblowing Policy	

1.0 PURPOSE

- 1.1 The purpose of this report is to recommend a revised Code of Conduct and Whistleblowing Policy to the Committee.

2.0 SUMMARY

- 2.1 The Code of Conduct was previously agreed in 2006. These revisions take into account changes that need to be incorporated to recognise changes in legislation.
- 2.2 The Whistleblowing Policy was approved in 2000. This revision is required as part of the Risk Management Toolkit for Audit Scotland.
- 2.3 The revision of both the Code of Conduct and Whistleblowing Policy has been a joint effort with officers from ICT, Internal Audit and Legal Services contributing to the revisions with input into specialist areas covered by their Services.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Committee approve the Code of Conduct and Whistleblowing Policy for the Council as per Appendices 1 & 2.

Head of Organisational Development,
Human Resources & Performance.

4.0 BACKGROUND

- 4.1 The current Code of Conduct was agreed by the Council in 2006. This revision takes into account changes that need to be incorporated to recognise changes in legislation.
- 4.2 The principal changes within the Code of Conduct are:
- It clarifies employees to follow their own professional bodies and codes such as SSSC and GTC (if applicable).
 - It updates the code on the use of social networks and technology.
 - With the introduction of the Anti-Bribery Act, it clarifies the small gifts that employees can accept within current Financial Regulations.
 - It also strengthens Information Governance for employees and the Council. This also ties into the Risk Management Toolkit for Audit Scotland.
- 4.3 The Whistleblowing Policy has been updated to tie in with the principles of the Risk Management Toolkit developed by Audit Scotland. This revision will help support the Council to achieve better practice on risk management for Information Governance.
- 4.4 The revision of both policies has been a joint effort with officers from ICT, Internal Audit and Legal Services contributing to the revisions with input into specialist areas covered by their services.

5.0 PROPOSALS

- 5.1 It is proposed that the revised Code of Conduct and Whistleblowing Policy be adopted by Inverclyde Council and used as a framework to further enhance the standards Inverclyde Council employees work to.

6.0 IMPLICATIONS

- 6.1 Finance:

Financial Implications – One off Costs - None

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments

Financial Implications – Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

- 6.2 **Human Resources:** HR have updated the Code of Conduct and Whistleblowing Policy to comply with new legislation and current best practice on Risk Management.
- 6.3 **Legal:** Legal Services have contributed to the revisions.
- 6.4 **Equalities:** There are no equality issues contained within this report as there is no adverse impact on any of the Protected Characteristics of the Equality Act.

7.0 CONSULTATION

- 7.1 Trades Union colleagues have been consulted on the revised Code of Conduct and Whistleblowing Policy. In addition Heads of Service have also been specifically consulted during this process.

8.0 LIST OF BACKGROUND PAPERS

Appendix 1 – Code of Conduct

Appendix 2 – Whistleblowing Policy

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Organisational Development, Human Resources and Performance

CODE OF CONDUCT FOR EMPLOYEES

Version 3

Produced by:

Policy Development

Organisational Development, Human Resources and Performance

Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

September 2011



INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER

**THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT, BRAILLE, ON
AUDIOTAPE, OR COMPUTER DISC.**

Dear Colleague

I am pleased to endorse this updated Code of Conduct to you. The Code Of Conduct was originally approved by the Council in May 2000, following consultation with the representative Trade Unions. This version has been updated, in consultation with the unions, to reflect some of the changes, including the Management Restructure, within the Council and legislative changes since that time.

Local Government employees have a long tradition of service to the citizens they serve and the public expects a high standard of conduct from all Local Government employees in Scotland. This Code sets out the minimum standards of conduct that are expected of you as a Council employee and these standards will be deemed to have been incorporated into your terms and conditions of employment.

The Council will ensure that new employees know about the Code, and that all employees are helped to understand the Code.

The strength of Local Government in general and the Council in particular is that it carries out its functions and provides its various services in an open and transparent manner. This Code supports that aim of openness and transparency equally importantly, the Code also provides you with guidance about your rights and duties at work. The Code incorporates "The Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life.

I hope that you will find the code helpful to you in your employment with the Council.

John Mundell
Chief Executive

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DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
	Policy Development Team Leader	Organisational Development, Human Resources & Performance

Change History		
Version	Date	Comments
1	25 th May 2000	Corporate Business Committee.
2	June 2006	Changes to reflect new Chief Executive.
3	Sept 2011	General update.

Distribution		
Name	Title	Location
Version 3 Draft circulated to Heads of Service for Comments August 2010. Recirculated 24/2/11		
Version 3 Draft circulated to unions Oct 2011		

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1 INTRODUCTION

This Code of Conduct has been developed having regard to relevant legislative requirements and also the "Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life and endorsed by CoSLA in its Code of Conduct for Local Government Employees in Scotland. In addition to detailing these general principles this Code lays down specific requirements for employees of Inverclyde Council.

2 STRUCTURE OF THE CODE

The numbered paragraphs of the Code give general advice on particular issues. Where necessary this general advice is supported by more detailed advice contained in the Appendices. In addition, where appropriate, the Code refers employees to advice specific to their service which is available from service managers or team leaders.

3 FURTHER ADVICE AND GUIDANCE

It is acknowledged that much of the advice contained in the Code requires an individual employee to make a judgement on the interpretation that might be made on their behaviour at work. Accordingly where an employee is in any doubt as to the advice contained in the Code then normally the matter should be raised with their manager or supervisor. Alternatively any employee can contact the Organisational Development, Human Resources & Performance Helpline - 01475 712740. All approaches by employees will be dealt with on a confidential basis.

4 "THE SEVEN PRINCIPLES OF PUBLIC LIFE"

Lord Nolan in the Third Report of the Committee on Standards in Public Life outlined the following "Seven Principles of Public Life". CoSLA has refined them to place them in a Local Government context.

4.1 Selflessness

All employees should take decisions solely in terms of the Council's interest. They should not take decisions in order to gain financial or other material benefits for themselves, their family or friends.

4.2 Integrity

All employees should not place themselves under any financial or other obligation to an individual or organisation that might influence them in their work with the Council.

4.3 Objectivity

In carrying out Council business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, if the employee is in a

position to determine such matters then choices and decisions must be made solely on merit.

4.4 Accountability

Employees are accountable for their decisions to the Council, and ultimately to the public.

4.5 Openness

Employees must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only when it is clearly demanded by Council policy or some other justifiable reason.

4.6 Honesty

Employees have a duty to declare any private interests, which might affect their work with the Council.

4.7 Leadership

An employee, who is a line manager or supervisor, will promote and support the principles contained in this Code by personal leadership and example.

5 POLITICAL NEUTRALITY

An employee's political neutrality is expected by the public and must be respected by Councillors.

An employee must serve the Council as a whole and all councillors, regardless of their party or political affiliation. The Chief Executive and senior employees, particularly Chief Officials, have an additional responsibility to help ensure the implementation of the policies of the Council.

An employee must implement the policies of the Council irrespective of personal views held by them.

If an employee is asked by a Councillor to provide assistance on a matter which is clearly party political or which does not have a clear link with the work of the Council then the employee should politely refuse the request and notify his/her line manager.

Some employees will have a close working relationship with Councillors of the majority political group or groups which form the administration of the Council. Employees in this category must follow the Council's procedures about access by political groups to the advice of employees. The procedures are detailed in Appendix 1 of this Code.

6 RELATIONSHIPS

6.1 Councillors

Whilst both Councillors and Council employees are servants of the public, and they depend on one another, their responsibilities are distinct. Councillors are responsible to the electorate and serve only as long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their committees and subcommittees.

Mutual respect between Councillors and employees is essential to good Local Government. However, close personal familiarity between individual Councillors and employees can damage the relationship and prove embarrassing to other Councillors and employees.

Employees are entitled to raise with their elected members any complaint which they have about the services of the Council. If, however, their complaint concerns any aspect of their work with the Council they must make use of the Council's agreed Grievance Procedure and related procedures.

The Councillor/Employee Relations Protocol (available from OD, HR & Performance and published on ICON) supplements the guidance and advice already provided in The Councillors' Code of Conduct and in this Code of Conduct for Employees. Compliance with the Protocol is mandatory.

6.2 The Public

When an employee has contact with members of the public - in whatever capacity - users of services, clients or citizens - he/she should aim to be friendly, courteous and helpful. Employees must deal equally with each member of the public and must follow the Council's Equal Opportunities Policy and Procedures. They must not disclose confidential information to a member of the public, which is forbidden under the policies of the Council.

6.3 Contractors

Employees must be fair, even-handed and impartial in dealing with contractors, sub-contractors and suppliers.

An employee involved in the tendering process must follow the Council's procedures and rules in relation to tenders and contracts.

An employee, who has access to confidential information on tenders or costs for either internal or external contractors, must not disclose that information to any unauthorised individual or organisation.

6.4 The Media

It is important that employees of the Council are provided with the specialist support required when dealing with all aspects of the media. Therefore, employees must not deal direct with the press or the media with the exception of those required to do so in the course of their work (this will predominately be appointed members of the Corporate Communications Team). All enquiries for information or comment on issues affecting the work of the Council must be referred to the Press Office within the Corporate Communications Team. All publications, or interview given on aspects of Council policy or activity must be properly authorised by the Corporate Communications Team.

7 OPENNESS AND DISCLOSURE OF INFORMATION

The Council has endorsed CoSLA's Code of Practice on Openness in Local Government. There are, however exceptions to the principle of openness where confidentiality comes into play. For example it may be necessary to keep, as confidential, information about either an individual or an organisation which might compromise the right of personal or commercial confidentiality. Aspects of confidentiality specific to an employee's service will be contained in service policy and procedure documents and the employee should ensure he/she is aware of the content of such documents.

Every employee, whether permanent or temporary, and including sessional workers, are required to respect the confidentiality of information, which comes into his/her possession in the course of his/her work, and this is the case both in and out of the workplace. This general duty of confidentiality with regard to information relates to service users, other employees and certain other Council matters, e.g. tendering and contracts. Where an employee has any doubt about releasing information to a third party, the matter must be referred to a manager for guidance. Breach of this principle will be viewed as an extremely serious matter.

The Freedom of Information (Scotland) Act 2002 provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it. Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. The Inverclyde Council publication scheme sets out the types of information that Inverclyde Council routinely makes available.

8 CORRUPTION AND CONFLICTS OF INTEREST

It is important you are aware that it is a serious criminal offence for you corruptly 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 the course of your work with the Council. Accordingly it is important that the advice contained in this Code of Conduct is adhered to and that the acceptance of any gift or hospitality can be justified completely. Similarly you should ensure that where there might be any conflict of interest between your private and working life you take appropriate steps to

ensure the conflict does not arise and that the interest is declared. This is particularly so if you have any friendships or relationship with individuals who may undertake work with the Council either as a contractor or supplier of goods or services.

8.1 Conflict of Interest

There may be occasions when an employee's interests - especially financial interests - conflict with the interests of the Council. This interest must be declared to their line manager.

An employee must not use his/her position to further his/her own interests or the interests of others who do not have a legitimate right to benefit under the Council's policies.

If an employee has an interest in a matter, which is being discussed at a meeting of the Council or at one of its committees, subcommittees or joint committees, he/she must declare the interest to his/her line manager and must not be present at the meeting when the matter is being discussed and decided upon.

If an employee is a member of an organisation or club where membership might result in a conflict of interest in relation to any aspect of his/her work with the Council he/she must declare this membership to his/her line manager.

8.2 Hospitality

Offers of hospitality must be accepted only if an employee can answer, "Yes" to the questions

(1) "Is this justified?" and (2) "Is the acceptance of hospitality beyond reproach?"

An employee in any doubt must seek the advice of a line manager who will refer to the Council's procedures on the acceptance of hospitality.

An employee should accept offers to attend social or sporting events only where these are clearly part of the life of the community or where the Council would be expected to be represented. When representing the Council at such events, whether within or outwith normal working hours, employees must ensure that their behaviour is beyond reproach. It should be borne in mind that improper behaviour even outwith working hours can lay an employee open to disciplinary action.

An employee should not accept regular hospitality from the same source.

An employee making a visit to inspect equipment or vehicles or land or property must ensure that the costs of such visits are met by the Council.

Where an employee accepts hospitality, the details of such hospitality must be recorded in the Service Register. When an employee is offered but refuses to accept hospitality they should also record this in the Service Register.

An employee uncertain whether or not to accept hospitality must seek advice from a line manager or supervisor.

Further details on the acceptance of hospitality are contained in Appendix 3.

8.3 Gifts

An employee must not accept personal gifts but may keep insignificant items of token value, e.g. pens, diaries, or small tokens of gratitude from a member of the public. As per Section 22.5 of the Financial Regulations there would be a maximum of a £20 limit for the value of small gifts. An employee in any doubt as to whether or not any gift should be accepted must raise the matter with the line manager.

9 OTHER REMUNERATIVE EMPLOYMENT

9.1 Outside Council Working Hours

All employees who undertake additional work outside the Council's employment must notify their manager in writing for approval in order to comply with the Working Time Regulations 1998. Reference should be made to part 6.4 Conditions of Service for Local Government Employees. Managers will consider whether requests will interfere or impair the employee's ability to carry out efficiently his/her work with the Council; whether or not outside work could compromise his/her work with the Council or could cause a conflict of interest etc. Requests approved by Managers will be confirmed in writing and a copy forwarded to Organisational Development, Human Resources and Performance to be held on file.

9.2 Within Council Working Hours

An employee may accept invitations to undertake lectures appropriate to his/her work or professional qualifications. In addition, employees may engage with external bodies that pay a fee for their attendance, e.g. employment tribunals.

Where such work is undertaken outwith normal working hours then any fee received may be retained by the employee but where a fee is paid for any such work during normal working hours then this fee must be paid to the Council, or the employee must seek approval for unpaid leave or annual leave if the fee is to be retained. Where this work is undertaken within normal working hours the employee must first seek authorisation and is responsible for ensuring that any fees are paid to the Council.

10 USE OF COUNCIL EQUIPMENT

An employee must not make use of any Council material, resource or service to which he/she has access by virtue of his/her position for the furtherance of any external employment or personal interests. It is irrelevant whether or not the work is paid.

11 CORPORATE PROCUREMENT

11.1 Policy/Organisational Approach

It is important that the Council demonstrates Best Value in procuring goods, services and works. In addition, there is a range of European, national and local policies, supporting guidelines and regulations which are designed to ensure that all procurement activity is undertaken in a professional and transparent manner. All procurement activity and supporting decisions must comply with the law, and not put the Council at risk in terms of a challenge.

In order to manage this risk, the Council has moved towards a designated procurement officer model. This requires all procurement activity to be managed and directed by Officers who are “licensed” to conduct procurement activity within services/directorates. This applies to tenders/contracts above the quotation thresholds detailed within the Contract Standing Orders. Employees should not enter into work associated with tendering/contracting above these thresholds if they are not designated procurement officers or have been given the permission of the designated procurement officer for their service/ directorate to do so. Further information on European, national and local policies can be obtained from the Corporate Procurement Team, within Finance Services.

11.2 Standing Orders/Financial Regulations

Compliance with Standing Orders/Financial Regulations is essential. Procurement and in particular, tendering/contracting is governed by the Council's Standing Orders/Financial Regulations. The Council's Standing Orders and Financial Regulations must be observed and adhered to at all times.

The Employee Code of Conduct requires all employees who are involved in procuring goods, services and works to be fully conversant and familiar with Standing Orders and Financial Regulations relating to contracts, particularly the monetary limits/values.

Procurement guidance in relation to Standing Orders and Financial Regulations is available through the Corporate Procurement Team, within Finance.

11.3 Corporate Procurement Cards

The Council is committed to encouraging the use of corporate procurement cards, particularly in relation to low cost/high volume goods. The use of Corporate Procurement Cards is governed by clear policies and operational practices. Employees in receipt and using a corporate procurement card need to ensure they are fully conversant with the policies and practices prior to use. Further information on the use of the card is available from the Corporate Procurement Team, within Finance.

11.4 Compliance Framework

In order to ensure the Council's approach to procurement is delivered, a compliance framework will be introduced. This will regularly test service and employee behaviour in relation to agreed policy and operational practices. If a service or employee is found to be acting out with the Council's agreed policies and practices with regard to procurement, the Council's Disciplinary Policy and Procedures will be instigated, and disciplinary action, including possible dismissal, may be taken.

12 RECRUITMENT AND SELECTION

The Council's Policy and Procedures for Recruitment and Selection detail the steps to be followed by all employees involved in the recruitment and selection process. Copies of the Policy and Procedures are available from managers, supervisors and Organisational Development, Human Resources & Performance and are published on ICON.

12.1 Canvassing

Canvassing of councillors or employees of the Council, directly or indirectly, in connection with any appointment being made by the Council, shall disqualify the candidate. A councillor or employee of the Council shall not attempt to secure an appointment with the Council nor recommend any person for such an appointment or promotion. However, this shall not prevent a councillor or employee giving a written reference of a candidate's ability, experience or character where such a reference is requested by the Council. Accordingly, an employee may list a councillor as a referee.

12.2 Disclosure of relationship by an interviewer

Where an employee or councillor is involved in the short listing or interviewing process and is aware of a relationship with any of the candidates then the Head of Organisational Development, Human Resources & Performance must be informed.

13 POLITICALLY RESTRICTED POSTS

Where an employee holds a politically restricted post then he/she must conform to the relevant sections of the Local Government and Housing Act 1989. Details of the restrictions are detailed in Appendix 2.

14 CORPORATE COMMENTS, COMPLIMENTS AND COMPLAINTS FRAMEWORK –“INFORM”

The Council operates a corporate comments, compliments and complaints policy called InForm which sits separate to the Code of Conduct . InForm records and monitors compliments and comments and addresses complaints about Council services and maladministration on behalf of the Council. A complaint is defined as

“an expression of dissatisfaction, however made, about the standard of service, action, or lack of action by the Council, its staff or contractors” Individual complaints against employees are separate to this process and are dealt with through the Code of Conduct / Disciplinary Procedures. It is usual that any complainants need to provide contact details so the complaint may be processed, however anonymous complaints should still be investigated by the relevant service and, if relevant, processed through the separate Whistleblowing Policy (see below).

15 WHISTLEBLOWING

Inverclyde Council is committed to the highest possible standards of openness, probity and accountability and expects any employee who has serious concerns about any aspect of the Council's work to come forward to afford the Council the opportunity to address the concerns.

The Whistle blowing Policy in most cases provides a confidential reporting framework through which the employees can express their concerns without fear of victimisation, subsequent discrimination or disadvantage. Employees should be aware, however, that if they take the matter outside the Council they must not breach any confidentiality or trust placed in them by colleagues or members of the Council. An employee, who has serious concerns to raise but is unsure of how to proceed, should contact Organisational Development, Human Resources and Performance to obtain advice. The Whistle blowing Policy, which has currently been updated can be obtained from Organisational Development, Human Resources and Performance.

Employees can report a matter which falls into one of the categories outlined in Section 2 of the Whistleblowing Procedure by contacting their Head of Service, Director, or, the Chief Executive. Alternatively they may wish to contact the Whistleblowing Hotline or email address operated by Internal Audit as follows:

Tel 01475 712184 / Email: Whistleblower@inverclyde.gov.uk

16 OTHER REFERENCE DOCUMENTS

There are a number of other documents, which give information, and advice on matters affecting employees and which should be read in conjunction with this Code. These documents are listed in Appendix 4 and can be obtained from Organisational Development, Human Resources and Performance.

Certain occupational groups have professional codes of practice or conduct which they are required to adhere to for example:

The Code of Practice for Social Service Workers is a list of statements that describe the standards of professional conduct and practice required of social service workers as they go about their daily work. Social service workers are responsible

for making sure that their conduct does not fall below the standards set out in the code and that no action or omission on their part harms the wellbeing of service users.

The GTC Code of Professionalism and Conduct sets out the key principles and values for registered teachers in Scotland. Within GTC Scotland's wider framework of standards, this Code and commentary states the standard of conduct and competence expected of registered teachers.

17 DATA PROTECTION ACT 1998

The Council is registered under the above Act and accordingly all employees are required to comply with its terms. Full details of an employee's rights and responsibilities under the Acts are available from Service Managers.

Employees are allowed to have access to all information relating to them, which is held on computer. The Data Protection Act 1998 requires the Council to respond to requests for access within forty days of the receipt of the request. In the interests of openness and fairness, the Council will permit employees to have sight of personal files held manually provided they give twenty-four hours notice. The employee will be accompanied by a representative of Organisational Development, Human Resources and Performance or Legal & Democratic Services when the inspection takes place. The Council reserves the right, under Section 7(2) of the Act, to charge £10 for access to data.

18 COMPUTER AND OTHER SYSTEMS

Employees may only operate within the areas of their own service operations and service areas. Access to other areas is restricted to authorised personnel only. Access to the systems of the Council, particularly but not exclusively, the computer systems, is reserved to authorised personnel only.

Unauthorised access to, or any tampering with, any computer system or software or computer installation may be regarded as a disciplinary offence and may be liable to prosecution under the Computer Misuse Act 1990. Even if no actual damage results, unauthorised penetration of the system damages its integrity and confidentiality, which are of high value. It should be noted that the classification of such access as misconduct applies even where such access is performed merely as a 'prank' or for fun or to test the defences.

19 IT SECURITY CODE & USE OF COUNCIL INTERNET, INTRANET, EMAIL & TELEPHONES

The Council's IT Security Code must be adhered to.

The code outlines what an employee must do to ensure that use of the Council's computer equipment does not result in unnecessary risk to the system or the important data they contain.

Copies of the Code are available on-line or from Service Managers.

You are required to familiarise yourself and follow the rules regarding acceptable use of the Council's internet and email system, and use of Council telephones and mobile phones. Any breach of these rules will be regarded as misconduct and may lead to disciplinary action, including your dismissal.

A copy of the Council's Internet and Email Acceptable Use Policy is available on request from Organisational Development, Human Resources & Performance.

If you are provided with a mobile phone, you must use it primarily for legitimate business purposes. You will be issued with a statement of calls once every quarter and any personal calls or texts will be required to be reimbursed to the Council. Any inappropriate or dishonest use of your mobile will be regarded as misconduct and may lead to disciplinary action, including dismissal.

The mobile phone provided to you must be returned to Inverclyde Council on demand and you will be held personally liable for any reckless loss or damage.

You must not bring the Council into disrepute through use of online or social networking activities.

Examples include uploading images or videos which show antisocial behaviour or illegal activities; making derogatory statements about the Council or Council staff; or revealing confidential information about the Council or Council staff. This list is not exhaustive.

20 DRESS CODE

Clients and customers are inclined to form an opinion based on first impressions, which, especially if they are negative, are hard to change. Therefore as an employer, the Council considers it is entitled to exercise discretion in controlling its image. This includes the appearance of employees particularly where their duties bring them into contact with the public or where their manner of dress affects safety or hygiene standards.

Each Service will have specific requirements regarding personal appearance and dress standards. Services will ensure that as a whole the rules apply the same standards of smartness or conventionality to men and women. Differing rules or requirements (for example the requirement that men wear a tie) will not amount to sex discrimination provided that one sex is not treated less favourably than the other. The rules will also be enforced to the same degree for men and women.

The Council will also be willing to vary or adapt rules to accommodate employees whose cultural or religious needs might prevent them from complying with them.

The standards will be explained to employees to allow an understanding of what is expected of them in their particular post. Generally however employees are expected to follow the undernoted standards.

- All employees should attend work in a clean and tidy condition.
- Clothes worn should be appropriate for the position held by the employee and should not be such that they constitute a hazard or cause embarrassment to colleagues or members of the public.
- Where corporate wear is provided, this must be worn at all appropriate times, be maintained in a clean and tidy condition and be in a proper state of repair.
- Where protective and safety clothing is provided, this must be worn and maintained in an appropriate manner.
- Name badges, where provided, must be displayed at all appropriate times.
- The Council reserves the right to insist that employees do not wear jewellery or badges, which it believes, may cause offence to clients, customers or other employees. In particular, it should be noted that political symbols must not be worn or displayed.

An employee having difficulties in maintaining these standards should discuss the matter in the first instance with his/her immediate line manager or HR Adviser.

21 EMPLOYEES ENGAGED IN HOUSING BENEFITS

An employee who in the course of their employment is involved with housing benefits and outwith their employment lets or sublets dwelling houses within the Inverclyde area, must report this to the Chief Financial Officer.

22 EMPLOYEES PAYMENT OF COUNCIL TAX, ETC.

The Council has a statutory duty to comply with the National Fraud Initiative (NFI) and ensure public funds are managed properly. Accordingly, the Council will use information held on employees to ensure all sums due to the Council are paid timeously, e.g. by identifying persons who are non-payers of Council Tax. The information may also be used to prevent and detect fraud. It is also possible that this information may be shared with other Local Authorities or public bodies, which handle public funds. The use of data for NFI purposes will be strictly controlled to ensure compliance with data protection and human rights legislation. Refer to the Council's Data Matching Policy (currently being developed).

Employees have a duty to make any payment due to the Council in good time. Regular checks will be made by the Council to ensure that employees are not in arrears with payments such as Council Tax or for any work undertaken by a Council service, in accordance with the Council's Data Matching Policy and Data protection legislation.

Where an individual is experiencing difficulties in making payment, they should contact the Revenues & Benefit Manager or Debt Recovery Team. Welfare Advice is also available from Organisational Development, Human Resources and Performance.

23 EMPLOYEES CONDUCT OUTSIDE WORK/ CRIMINAL CONVICTIONS

Employees should remember that they are public officials and that misconduct or activities outside work, may have a bearing on their employment with the Council.

If you are charged/ convicted of any criminal offence you must notify your Head of Service immediately.

If your job involves regular contact with children or protected adults, or in the administration of the law or in certain other sensitive areas and professions, the Council reserves the right to require you to undergo a Disclosure Scotland police check / PVG check at any stage of your employment.

24 EQUAL OPPORTUNITIES

Employees should expect fair and reasonable treatment at work in line with the provisions of the Council's Equal Opportunities and other relevant policies. The Council views discrimination, harassment, victimisation and bullying at work as serious matters. Any employee who believes that he/she has been a victim of unfair treatment should raise the matter with his/her line manager, trade union representative or contact the designated officer of Organisational Development, Human Resources and Performance.

Advice on the application of this paragraph is contained within the Council's Policy and Procedures on Discrimination, Victimisation, Harassment and Bullying available from Organisational Development, Human Resources and Performance and published on ICON.

25 PROTECTING CHILDREN & VULNERABLE ADULTS

There is a statutory requirement for the Council and its employees to protect children and vulnerable adults.

If any Council employee hears information or directly sees things which makes them worried about a child or adult being ill-treated, exploited, neglected or abused, all employees are responsible to take action by speaking promptly to their line manager or another manager about their concerns.

Employees must not delay in taking action or passing information as it could ensure the safety of a vulnerable child or adult.

26 CONFIDENTIALITY OF INFORMATION

You are required to respect the confidentiality of information which comes into your possession in the course of your work, both in and out of the workplace. This

general duty of confidentiality with regard to information relates to service users, other employees and certain other Council matters e.g. tendering and contracts. Any breach of these rules will be viewed as misconduct and may lead to disciplinary action, including your dismissal.

27 CARE & RETURN OF PROPERTY

You are responsible for any property belonging to the Council that is under your control or in your possession and you must take proper care of any such items. Any deliberate or negligent failure to take proper care of Council property will be viewed as misconduct and may lead to disciplinary action.

You shall promptly, whenever requested by the Council, and in any event upon the termination of your employment, deliver to the Council all property (such as keys, swipe cards, laptops, mobile phones etc), all files, lists of clients or customers, correspondence and all other documents, records, papers, computer disks, videos, CDs and all other property which may have been prepared by you or have come into your possession, custody or control in the course of your employment and you shall not be entitled to and shall not retain any copies of them. Title to all such material and copyright in all such material created solely or in part by you shall vest in the Council.

28 MANAGING ATTENDANCE

Managing attendance is treated as a serious issue by the Council and employees are expected to attend work unless there is a genuine reason for absence. The Council has set Council targets for absence which Services and employees are asked to achieve.

You are required to acquaint yourself with the Council's procedures for the notification and certification of absence.

You are required to maintain a satisfactory level of attendance and provide regular and effective service to the Council. If you consistently and regularly fail to provide a satisfactory level of attendance you may be subject to disciplinary action or your employment may be terminated, on notice, on grounds of capability.

29 MANAGING INFORMATION

Employees must manage any information relating to the Council with utmost care. Distinction must be made between critical and non-critical information at the outset and proper procedures must be adhered to for any critical information.

Relevant stakeholders such as but not limited to ICT, Internal Audit, Legal & Democratic Services must be consulted where there are any doubts around handling of information. Every employee should regularly monitor the level of risk for the Council in terms of information they manage.

Employees must ensure that critical information and systems should have identified owners and that good Information Governance practice is being applied to them. Employees should know how to operate the Council's systems most effectively and to manage their information governance responsibilities correctly.

Summary

This Code of Conduct is intended as a guide for employees. Where appropriate it should be read in conjunction with other relevant documentation such as the CONDITIONS OF SERVICE handbook (Available from OD, Human Resources and Performance and on ICON). Where you have any doubts about the terms of this Code of Conduct you should raise them in the first instance with your line manager or with Organisational Development, Human Resources and Performance on 01475 712740.

APPENDIX 1 - Access by political groups to the advice of employees

Guidelines

Introduction

It is recognised that there is a need for regular contact regarding matters affecting the Council involving the Chief Executive, Corporate Directors and other Chief Officers with the Leadership of the Political Groups and Committee Convenors.

In dealings with Political Groups and individual Councillors, all employees must treat them in a fair and even-handed manner and must at all times maintain Political neutrality.

It is accepted that it is common practice for Political Groups to give preliminary consideration to matters of Council business and employees may properly be called upon to support and contribute to such deliberations emphasising that this support must not extend beyond providing information and advice in relation to matters of Council business.

Normally only the Chief Executive or a Corporate Director will be expected to attend Political Group meetings and write reports or carry out other work relating to Council business (including drafting notices and motions) for a Party Political Group. Subject to the discretion of the Chief Executive or Corporate Director as appropriate, other Senior employees may be invited to attend meetings it being understood that such invitations will be issued by the Group Leader or Group Secretary to the Chief Executive or Corporate Director.

Employees must respect the confidentiality of any Political Group discussions at which they are present and should not relay the contents of such discussions to another Political Group.

APPENDIX 2 - Politically Restricted Posts

Guidelines

1. Background

- 1.1 The Local Government and Housing Act 1989 (c.42) (LGHA 1989) identified a number of politically restricted posts in a local authority. It further identified certain categories of post deemed to be politically restricted on the basis of one or more defined characteristics and introduces the requirement for every local authority to prepare and maintain a list of such posts.

One of the characteristics defined in section 2(2) of LGHA 1989 was that any post, the remuneration of which was at or exceeded a level determined from time to time by Scottish Ministers, was politically restricted. That restriction based on remuneration was repealed by the Local Governance (Scotland) Act 2004 (LGSA 2004) with effect from 28 February 2007.

Being employed in such a post prevents an employee from being a candidate for any of the four tiers of government (Scottish Parliament/ House of Commons/ European Parliament/ any local authority), from acting as an agent for such a candidate, being an officer of any political party or branch if that work involves management of the branch or gives the person a public profile outside the party. The restrictions also cover publishing work appearing or intending to affect public support for a political party.

A list of posts politically restricted by Inverclyde Council is listed in the Politically Restricted Posts Policy and Procedures (available from Organisational Development, Human Resources and Performance and published on ICON).

2. Politically Restricted Posts

- 2.1 The posts listed below are politically restricted in terms of the Local Government and Housing Act 1989.

- All Chief Officer posts
- Corporate Communications Officer
- Monitoring Officer (appointed in terms of Section 5 of the Act)
- Political Assistants (appointed in terms of Section 9 of the Act)
- Persons to whom the Council has delegated certain powers to be exercised on behalf of the Council.
- Posts where the duties involve:
 - (a) giving advice on a regular basis to any committee or sub-committee of the Council or to any joint committee on which the Council are represented; and/or
 - (b) speaking on behalf of the Council on a regular basis to journalists or broadcasters.

Note: Chief Officers of Community Justice Authorities are not employees of local authorities and therefore do not fall within the scope of this Guidance, unless they are on a secondment from a local authority for a period of up to two years, as permitted by the legislation.

2.2 Appointees to posts which fall into any of these categories are restricted to the extent that they are:

- Prohibited from announcing candidature for election to a Local Authority, Joint Board, the House of Commons, Scottish Parliament or the European Parliament.
- Prohibited from acting as an election agent or sub agent for a candidate for election as a member of a body mentioned in above.
- Prohibited from acting as an officer of a political party or branch if his/her duties would include participation in the general management of the party and/or acting on behalf of the party.
- Prohibited from canvassing (speaking or writing publicly) on behalf of a political party or candidate for a political party, or body mentioned above.
- Prohibited from speaking to the public at large with the intention of raising public support for a political party.
- Further guidance on the application of these Regulations and / or the appeals process is available from Human Resources.

3. Statutory Exemptions from Political Restriction

There are two exemptions from political restriction provided by statute.

- The holders of teaching posts (head teachers, principals, teachers and lecturers) are not to be regarded as being in politically restricted posts, even if, in other respects, their posts would appear to be included in one of the groups above. They, therefore, do not have to be included in the list of such posts maintained by the local authority.
- Secretarial, clerical and support staff, even if they report to the Chief Executive or to a Chief Officer, are not regarded as Chief or Deputy Chief Officers for the purposes of political restriction. They may, however, be deemed to be in politically restricted posts if their duties fall within the scope of section 2(3) of LGHA 1989.

APPENDIX 3 - Hospitality and Acceptance of Gifts

Guidelines

The following examples give general guidance on acceptable and unacceptable hospitality and the acceptance of gifts.

1. **Hospitality - Generally Acceptable**

A working lunch provided to allow the parties to discuss business, though it should be remembered that lavish provision could well raise questions.

Attendance in an official capacity at functions to which invitations have also been sent to representatives of other organisations.

Attendance in an official capacity at functions arranged by Joint Boards, public utilities and public authorities.

2. **Hospitality - Generally Unacceptable**

The provision of holiday or weekend hospitality.

The use of a company flat or hotel suite.

Lunch with a developer, organisation etc. whose application or decision is awaiting consideration by the Council.

An invitation to join other company guests at events (including hospitality lounges, tent etc. at sporting events).

Repeat invitations by the same organisation/individual.

3. **Gifts - Generally Acceptable**

Small gifts given on the conclusion of a visit to a factory, firm, community organisation or voluntary group of a type normally given by the organisation concerned and when such gifts are made to a number of people on the same occasion.

4. **Gifts - Generally Unacceptable**

Gifts of alcohol, hampers of food or other articles which could be misinterpreted by the public or assume a more serious importance in any form of future enquiry or investigation, should not be accepted.

APPENDIX 4 - Policies, procedures and regulations relevant to the Code of Practice

1. Financial Regulations
2. Disciplinary Procedures
3. Grievance Procedures
4. Policy on Bullying & Harassment
5. Confidential Reporting Policy - Whistleblowing
6. Information Technology Security Code & Internet and Email Acceptable Use Policy
7. Corporate Health & Safety Policy
8. Recruitment and Selection Policy and Procedures
9. Managing Attendance at Work
10. Alcohol Policy
11. Drugs Policy
12. Professional bodies and codes, such as SSSC, GTC.
13. PVG Scheme.

Organisational Development, Human Resources and Performance

Confidential Reporting Policy (Whistleblowing)

Version 3

Produced by:
Policy Development Unit, OD & HR & Performance
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INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER

**THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT, BRAILLE, ON
AUDIOTAPE, OR CD.**

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DOCUMENT CONTROL

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INTRODUCTION

It is in the interests of all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This includes the interests of Inverclyde Council, its employees, any person(s) who is/are the subject of such disclosures, and the person making the disclosure.

Confidential Reporting, also known as Whistleblowing, is the disclosure or communication of information about possible malpractice by individuals, services, government bodies, corporations or public and private organisations (including contractors, etc.), either internally or externally to an outside authority. The term malpractice has equal validity in relation to breaches of civil and criminal law.

This policy takes into account the requirements of the Public Interest Disclosure Act 1998. The Act, which introduces specific rights into the Employment Rights Act 1996, provides an employee or worker with potential protection from victimisation and dismissal for making a 'qualifying disclosure'. However, the Act encourages workers to raise matters internally with their employers initially and disclosures will only be protected if they meet strict legal requirements (See Annex A for further details).

This policy is complementary to and forms part of the Council's ***Code of Conduct for Employees***.

The Council has made it clear to employees through the ***Code of Conduct***, the standards of propriety and good practice expected of them.

This policy is wider in scope than the 'qualifying disclosures' of the Public Interest Disclosure Act, and an employee's concern about malpractice, may in this context include a reasonable belief that one or more of the following has occurred or is likely to occur:

- conduct which is a criminal offence or breach of law
- disclosures related to miscarriage of justice
- dangerous procedures risking Health and Safety, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct

Employees are often the first to realise that there may be something seriously wrong within their Service or the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, their managers 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.

Inverclyde Council is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, it expects employees and others with whom it deals, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy compliments the Council's Anti-Fraud and Irregularity Policy and makes it clear that any employee can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within their Service/Council rather than ignoring a problem or 'blowing the whistle' outside to the media or external bodies.

This 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, residential care homes.

These procedures are in addition to the Council's **Complaints Procedure** and other statutory reporting procedures operating in certain Services.

Managers are responsible for making service users aware of the existence of these procedures.

1 AIMS AND SCOPE OF THE POLICY

This policy aims to:

- Encourage an employee to feel confident in raising serious concerns and to question and act upon concerns about malpractice
- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Ensure that an employee receives a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure the employee that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith

There are existing procedures in place to enable an employee to lodge a grievance relating to their own employment. This Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other Council **Grievance Policy & Procedures**. These include:-

- conduct which is an offence or a breach of civil law
- disclosures related to miscarriages of justice
- Health and Safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients; or
- other unethical conduct

Thus, any serious concerns that an employee has about any aspect of service provision or the conduct of elected members or officers of the Council or others acting on behalf of the Council can be reported under this **Confidential Reporting Policy**. This may be about something that:

- makes an employee feel uncomfortable in terms of known standards, their experience or the standards the employee believes the Council subscribes to; or
- is outwith the scope of the Council's Standing Orders, or other policies or procedural arrangements
- falls below the established standard of practice; or
- amounts to improper conduct

This policy does **not** replace the Council's **Complaints Procedure**.

2 SAFEGUARDS FROM HARASSMENT OR VICTIMISATION

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

The Council recognises that a decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee. This does not mean that these procedures will be halted as a result of an employee's disclosures.

3 CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal the identity of an employee if he/she so desires. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence. Further, at an appropriate time, an employee may need to come forward as a witness.

4 ANONYMOUS ALLEGATIONS

This policy encourages employees to put their names to allegations whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

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

5 UNTRUE ALLEGATIONS

In the event that no conclusion can be drawn, and the employee making the report acted in good faith and not maliciously, the senior officer will advise the employee of the outcome of the investigation, highlighting the discrepancy between the initial report and the findings. The employee will not suffer any detriment as a result of the allegation made.

Where it is proved that false allegations are made deliberately or maliciously, this will be viewed seriously and the complainant may be liable to action being taken under the Council's Disciplinary Procedures.

6 HOW TO RAISE A CONCERN

For minor issues already covered by the Council's **Code of Conduct for Employees** (e.g., personal use of Council equipment, abuse of flexi-time), employees should raise concerns with their immediate supervisor.

If an employee wishes to report a matter which falls into one of the categories outlined in Section 2, the employee should contact their Head of Service, Corporate Director, or, the Chief Executive. Where this is not appropriate contact should be made with the Council's Monitoring Officer. The initial contact can be made either in writing or in person.

Alternatively, an employee may utilise the Whistleblowing Hotline or email address operated by Internal Audit as follows:

01475 712184

Email: Whistleblower@inverclyde.gov.uk

If an employee phones the Whistleblowing Hotline then the employee may not wish to make any further contact or divulge his/her identity. However, anyone considering contacting the Whistleblowing Hotline should appreciate that providing personal details can be beneficial for the following reasons:

- If Internal Audit can advise management that the name of the Whistleblower is known, then they are likely to take the report more seriously
- Further information may be needed from the caller to assist with conducting a proper investigation

The earlier the concern is expressed, the easier it is to take action.

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

Advice and guidance on how matters of concern may be pursued can be obtained from the Head of Organisational Development, Human Resources and Performance.

An employee may consider discussing their concerns with a colleague first, on the grounds that he/she may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

Employees may invite their Trade Union representative or an appropriate member from their professional organisation to be present at any meetings or interviews in connection with the concerns they have raised.

7 HOW THE COMPLAINT WILL BE HANDLED

The manager receiving the report will then arrange an initial interview to make an assessment of the issues. The interview will be conducted either by the manager to whom the report was made, or a nominated senior officer, and will be confidential. Where reporting is via the Whistleblowing Hotline, Internal Audit will deal directly with the matter, where it is clear that it is not related to fraud or irregularity, the Head of Service will be contacted directly to look into what is more likely to be an operational matter and HR should be involved if there is the potential for the disciplinary process to be invoked.

At this stage the employee will be given an undertaking about confidentiality. In the event that anonymity cannot be guaranteed, the employee will be given assurances about protection from victimisation or harassment as a result of having made this disclosure. Support will be available at all times from Organisational Development, Human Resources and Performance.

The employee may also be asked to make a written statement if this has not already been done.

The employee will also be advised of the name of the nominated officer who will conduct the investigation into the information received.

Within 10 working days of the interview, the investigating officer will submit a report to the manager/senior officer who will advise the employee what further action will be taken. If no further action is to be taken, the employee will be notified and given reasons in writing for this decision. A copy of the initial report and recommendations will be given to the Head of Service.

If a more detailed investigation is required, the investigating officer will discuss with the manager/senior officer how this would best be handled. A decision will be made as to whether the subject(s) of the complaint should be advised at this stage.

On conclusion of the further investigation, the findings will again be assessed by the manager/senior officer who will consider what appropriate action should be taken. A copy of the final report and recommendations will be given to the Head of Service. If the Head of Service wishes the matter to be investigated under the disciplinary procedures, HR must be notified.

Thereafter, the manager/senior officer will contact the employee and advise him/her in writing of the outcome of the investigation. If the matter will be referred to HR for an investigation under the disciplinary procedures then HR should be contacted before the employee is advised of the outcome. Should the employee have concerns at these findings, he/she may submit these to the Chief Executive. Once the Chief Executive has made a determination, if the employee feels that the concerns have not been addressed she/he should refer the matter to the Council's Monitoring Officer.

The employee may request an update from the manager/senior officer at any stage of the investigation.

This policy is intended to provide employees with a way to raise concerns within the Council. If an employee feels it is appropriate to take the matter outwith the Council,

then the Council may provide advice and guidance to the employee on their rights, etc., under the Public Interest Disclosure Act 1998. The following are possible contact points:

- the external auditor
- the Trade Unions
- relevant professional bodies or regulatory organisations
- the Police
- the Health & Safety Executive
- the employee's solicitor
- the employee's local elected Member (if the employee lives in the area of the Council)
- Member of Parliament or Member of Scottish Parliament

If employees do take the matter outwith the Council, they need to first ensure that they are not disclosing confidential or privileged information. This can be checked with the Head of Organisational Development, Human Resources and Performance in consultation with the Head of Legal & Democratic Services, who will advise on ways to proceed.

8 THE RESPONSIBLE OFFICER

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

9 TRADE UNIONS

This policy has been discussed with the relevant Trade Unions and has their support.

10 FURTHER ADVICE

Further advice on the application of the policy can be obtained from the Head of Organisational Development, Human Resources and Performance

11 ANNEX A - PUBLIC INTEREST DISCLOSURE ACT 1998

Introduction

The Public Interest Disclosure Act (PIDA), took effect on 2nd July 1999. Its provisions protect persons who disclose certain types of information, to certain individuals in certain circumstances.

Workers

Individuals covered by the Act include employees, casual/sessional workers, freelancers and agency staff. PIDA also extends the meaning of workers to include individuals working under training contracts.

Qualifying Disclosures

A qualifying disclosure is a disclosure which in the reasonable belief of the worker relates to one or more of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed;
- That a person has failed, is failing, or is likely to fail to comply with a particular legal obligation;
- A miscarriage of justice has occurred, is occurring, or is likely to occur;
- The health and safety of any individual has been or is likely to be compromised;
- The environment has been, is being, or is likely to be damaged; or
- Information indicating the occurrence of any of the above has been, is being, or is likely to be deliberately concealed.

Exclusions

Workers who make disclosures will not qualify for protection if either: the person commits an offence by making it, e.g. a breach of the Official Secrets Act, or, it is a disclosure in respect of which legal professional privilege would apply.

Qualifying Procedures

The worker making a protected disclosure must make it in one of the six specified circumstances to remain protected under PIDA. The circumstances can be categorised as:

- disclosure to employer, or person legally responsible or an appropriate individual authorised by the employer to receive disclosures.
- disclosure to a legal advisor.

- disclosure to a government minister, where the worker's employer is appointed by a minister.
- disclosure to a prescribed person.
- disclosure to an individual unconnected with the organisation (external disclosures), e.g., police or media.
- disclosure in exceptionally serious cases (all disclosures must be made "in good faith" with the exception of a disclosure to a legal advisor).

Disclosure to Prescribed Persons

Prescribed persons or bodies prescribed by an order made by the Secretary of State. PIDA currently lists more than 30 regulatory bodies to whom protected disclosures may be made. These include the Data Protection Register, the Environment Agency and the Health and Safety Executive.

External Disclosures

Workers will only be protected if they have previously raised the matter with the employer or prescribed person, or have not done so because they reasonably believe they will be victimised. If there is no prescribed person, there must be a reasonable belief that a complaint to the employer would result in evidence being concealed or destroyed. Alternatively, the worker has already disclosed this information to the employer or prescribed person. The worker must also make the disclosure in good faith, in the reasonable belief that the allegations are substantially true, and must not act for personal gain. It must also be "reasonable in all the circumstances" of the case to make the disclosure.

The Act stipulates that the following factors should be taken into account when assessing reasonableness:

- ◆ the identity of the person to whom the disclosure is made.
- ◆ the seriousness of the concern.
- ◆ whether the matter is continuing or is likely to occur in the future.
- ◆ whether the disclosure is made in breach of a duty of confidentiality owed by the employer to another person, e.g., to protect client confidentiality

Further details and guidance regarding this Act can be obtained from Human Resources.