



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: WEDNESDAY, 14 NOVEMBER 2012

TIME: 5:30 pm

**PLACE: THE FOUNTAIN ROOM - GROUND FLOOR, TOWN HALL,
TOWN HALL SQUARE, LEICESTER**

Members of the Committee

Councillor Waddington (Chair)

Councillors Grant, Shelton and Sood

Ms Amanda Fitchett (Independent Member)

Mr Desmond Henderson (Independent Member)

Ms Joanne Holland (Independent Member)

Ms Glynis Middleton (Independent Member)

One Vacancy (Independent Member)

Standing Invitees:

Mr David Lindley (Independent Person)

Ms Caroline Roberts (Independent Person)

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

Elaine Baker

for the Monitoring Officer

Officer contact: Elaine Baker
Democratic Support, Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
(Tel. 0116 229 8806 Fax. 0116 229 8819)

INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

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There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

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If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

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There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Elaine Baker, Democratic Support on 0116 229 8806 or email Elaine.Baker@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 0116 252 6081

AGENDA

1. APOLOGIES FOR ABSENCE

2. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair of the Committee for the remainder of the 2012/13 municipal year.

3. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

4. MINUTES OF PREVIOUS MEETING

Appendix A

The minutes of the meeting held on 1 October 2012 are attached and Members are asked to confirm them as a correct record.

5. MATTERS ARISING FROM THE MINUTES

To consider any matters arising from the minutes of the last meeting not covered elsewhere on the agenda.

6. INVESTIGATION OF MEMBER MISCONDUCT

Appendix B

- a) Attached at Appendix B1 is a colour copy of the flowchart explaining how complaints about Member conduct are dealt with. The Committee is recommended to note this.
- b) The Monitoring Officer was asked by the Standards Committee at its last meeting to revisit the range of sanctions available to it under the new "Arrangements" following the investigation of member misconduct. This has been done and is attached at Appendix B2. The Committee is recommended to receive and consider the Monitoring Officer's advice and to make any recommendations for changes to the "Arrangements" considered necessary.

7. POLITICAL CONVENTIONS

Appendix C

Revisions to the Council's Political Conventions are being prepared. The Committee is recommended to receive and current draft and comment as appropriate.

8. DISCLOSURE STRATEGY FOR LEICESTER CITY COUNCIL

Appendix D

The Monitoring Officer submits a report setting out the Council's strategy in respect of disclosures that may be made by a range of people about the

conduct of Local Authority staff. The Committee is recommended to note the approach to be taken and comment as appropriate.

9. WORK PROGRAMME

Appendix E

The Committee is asked to consider the Programme and make comments and/or amendments as it considers necessary.

10. ANY OTHER URGENT BUSINESS

11. PRIVATE SESSION

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual.

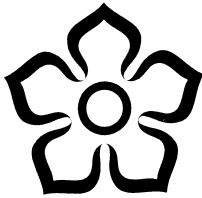
Paragraph 2

Information which is likely to reveal the identity of an individual.

12. COMPLAINT AGAINST COUNCILLORS - UPDATE

Appendix F

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: MONDAY, 1 OCTOBER 2012 at 5.30pm

P R E S E N T :

Councillor Waddington (Chair)

Councillor Grant
Councillor Shelton

Councillor Sood

Also present:

Ms Amanda Fitchett
Ms Joanne Holland
Mr David Lindley
Ms Caroline Roberts

Independent Member
Independent Member
Independent Person
Independent Person

* * * * *

1. WELCOME

The Chair welcomed everyone to the meeting and introduced herself.

All present were then invited to introduce themselves.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Desmond Henderson (Independent Member) and Glynis Middleton (Independent Member).

3. MEMBERSHIP OF THE STANDARDS COMMITTEE

The City Barrister and Head of Standards reminded the Committee that the law had changed in July 2012. This had required the Standards Committee to be reconstituted to comprise Councillors, who were voting members of the

Committee, and Independent Members, who were non-voting members of the Committee.

A new role prescribed by law was that of Independent Person. The Council's Independent Persons were not members of the Committee, but had a standing invitation to attend. Their role was to work with the Monitoring Officer at the early stages of complaints, to decide how they should proceed, and advise the Committee on handling complaints at later stages of the process.

It was noted that the Independent Members and Councillors were also members of the Standards Advisory Board.

4. APPOINTMENT OF VICE-CHAIR

It was suggested that it could be appropriate to appoint a Councillor as Vice-Chair of the Committee, as they were the only Committee members who could vote. Members were reminded that no financial allowance was available for this post.

RESOLVED:

That the appointment of a Vice-Chair of the Committee for the remainder of the 2012/13 municipal year be deferred to the next meeting of this Committee.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 7 March 2012 were be approved as a correct record, subject to the Chair of the meeting being amended to Kate McLeod, (not Sheila Brucciani).

7. TERMS OF REFERENCE

The Committee noted that it was required to appoint a Standards Advisory Board to consider the more serious allegations of Councillor misconduct. The same four Councillors as were members of the Committee would be members of that Board.

The Independent Members would be co-opted members of the Standards Advisory Board, (with voting rights) and one of them would chair it. The Independent Persons would not be members of the Board, as their role was to work with the Monitoring Officer to progress cases. They therefore would have a role advising the Committee on how cases could be progressed.

It was noted that a meeting of the Standards Advisory Board would be needed soon, to consider Investigating Officers' reports on some cases that had been

started under the previous standards regime.

RESOLVED:

- 1) That the appointment of a Chair of the Standards Advisory Board be deferred to enable those eligible to consider if they wish to be considered; and
- 2) That the City Barrister and Head of Standards be asked to consider how the first bullet point of paragraph 11 of the Terms of Reference can be amended to clarify the role of the Independent Persons.

8. CODE OF CONDUCT FOR MEMBERS

The Committee received the Code of Conduct for Members, noting that it had been agreed by Council on 28 June 2012, (minute 13 referred).

It was noted that the first seven principles underpinning the Code, (set out in section 2, "Principles"), were required by law. The other two principles, ("Respect for others" and "A commitment to uphold the law"), had been included in the previous Code and it was felt that it would be useful to also include them in this one.

Members of the Committee asked if conduct while social networking should be included in the Code. In reply, the City Barrister and Head of Standards advised that it had been hoped to keep the Code very general, so that it did not cross-reference too many specific policies, which could make it difficult to read and/or find things in.

RESOLVED:

That the report be noted.

9. ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS UNDER THE LOCALISM ACT 2011

The Committee noted that, at the Council meeting held on 28 June 2012, approval had been given to new arrangements for dealing with Standards complaints against Members and co-opted Members of the Council, (including the City Mayor), in response to changes imposed by the Localism Act 2011, (minute 13 referred.) Details of these arrangements were presented to the Committee.

The City Barrister and Head of Standards advised that, although some of the core elements of the new arrangements were derived from the Localism Act 2011, councils had had some freedom to agree arrangements to meet local needs. For example, one significant criticism of the previous system had been that there was no filtering of complaints, so they all had to be submitted to a committee meeting. Under this Council's new arrangements, it was recognised that the most appropriate person to filter the complaints was the Head of Standards, working with the Independent Persons.

The Committee noted that the City Barrister and Head of Standards would submit a report to each Committee meeting giving feedback on complaints against Councillors reviewed and/or determined since the previous meeting and providing an update on progress with outstanding complaints against Councillors.

The City Barrister and Head of Standards reported that a few complaints had been received and processed since the new arrangements had been introduced. This had led to a query from an Independent Person about how complaints should be dealt with if a complainant contacted an Independent Person directly and whether this contact would compromise that Independent Person's role. It was noted that this was an issue that was being discussed nationally and so would be monitored.

It was questioned whether the procedures enabled relevant complaints to be referred to the Police. In reply, the City Barrister and Head of Standards confirmed that this would happen, advising that a key part of his role would be to refer complaints to either this Committee or other agencies as needed.

In considering the arrangements, Members expressed the view that it was unfair that a recommendation that a Councillor who was not a member of a Group on the Council be removed from a committee would have to be considered by full Council, while such a recommendation for a member of a Group would be considered by that Group. There also was the possibility that a member of a Group could want that recommendation considered by full Council, but they did not appear to have that option under these arrangements. The City Barrister and Head of Standards advised that this situation had arisen because of the way that the law, and therefore the Council's Constitution, had been drawn up.

In reply to questions, the City Barrister and Head of Standards confirmed that:-

- A hearing committee could recommend that a Councillor apologised for their actions;
- The withdrawal of facilities provided to a Member referred to privileges beyond the facilities needed by that Member to carry out their role as a Councillor, (for example, the removal of access to office accommodation);
- The sanction of instructing a Councillor found to have breached the Code of Conduct to undergo training was no longer available; and
- An Independent Person would be invited to attend all meetings of the Hearings Panel to advise on how to proceed, but that Panel could accept or decline that advice.

RESOLVED:

- 1) That the City Barrister and Head of Standards be asked to consider whether:

- the Council can delegate the power to remove a member from a Committee when that member has been found to have breached the Code of Conduct; and
 - a sanction can be added to section 5 of the arrangements for dealing with standards complaints, (“Outcomes”), of a letter being sent a Councillor found to have breached the Code of Conduct inviting them to resign a committee position; and
- 2) That the City Barrister and Head of Standards be asked to amend the flowchart appended to the arrangements for dealing with standards complaints to illustrate that the Independent Person will be invited to attend all meetings of the Hearings Panel, but that Panel can accept or decline their advice.

10. CHANGES TO CONSTITUTION - STANDARDS COMMITTEE

Details of the changes to the Constitution agreed at the Council meeting held on 13 September 2012 that related to this Committee were received.

The City Barrister and Head of Standards drew attention to the current vacancy for an Independent Member, suggesting that there currently were enough Independent Members to enable the work of the Committee to be undertaken.

RESOLVED:

That the vacancy for an Independent Member be not filled at present, but that this position be reviewed if further vacancies arise.

11. STANDARDS COMMITTEE WORK PROGRAMME

The Committee considered whether it should establish a work programme and, if so, what issues should be included.

The City Barrister and Head of Standards reminded the Committee that the Council’s Political Conventions covered Councillor and officer relationships. These currently were being redrafted.

The Committee agreed that there was a role for social media in the work of Councillors, as it could provide a good way to connect with the public and to make public statements. However, it needed to be used properly, so it would be useful for guidance on this to be available.

RESOLVED:

That a work programme for this committee be established, including the following items:-

- Monitoring of the Council's Political Conventions as they are redrafted;
- Training on disclosure of interests;
- The Council's Annual Corporate Governance Statement;
- Use of social media by Councillors. (Councillor Grant to work with the Monitoring Officer on this); and
- Any other policies impacting on Standards, (for example, the Employee Code of Conduct, Whistleblowing).

12. DATES OF FUTURE MEETINGS

RESOLVED:

- 1) That meetings of the Standards Committee continue to be held in the early evening;
- 2) That the Democratic Services Officer be asked to contact all members of the Committee, Independent Members and Independent Persons to confirm their availability for revised dates of meetings for November 2012, January 2013 and March 2013; and
- 3) That the frequency of meetings of this Committee be reviewed as the year progresses and amended as necessary.

13. PRIVATE SESSION

RESOLVED:

that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and, taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information:-

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

14. COMPLAINTS AGAINST COUNCILLORS - UPDATE

The Monitoring Office tabled an update on progress with complaints against Councillors reviewed and/or determined since the last meeting of the Committee and updating the Committee on progress with outstanding complaints against Councillors.

It was noted that there currently was no requirement for the Council to publish information on complaints received, but if the Committee so wished an annual report could be prepared, possibly for submission to Council.

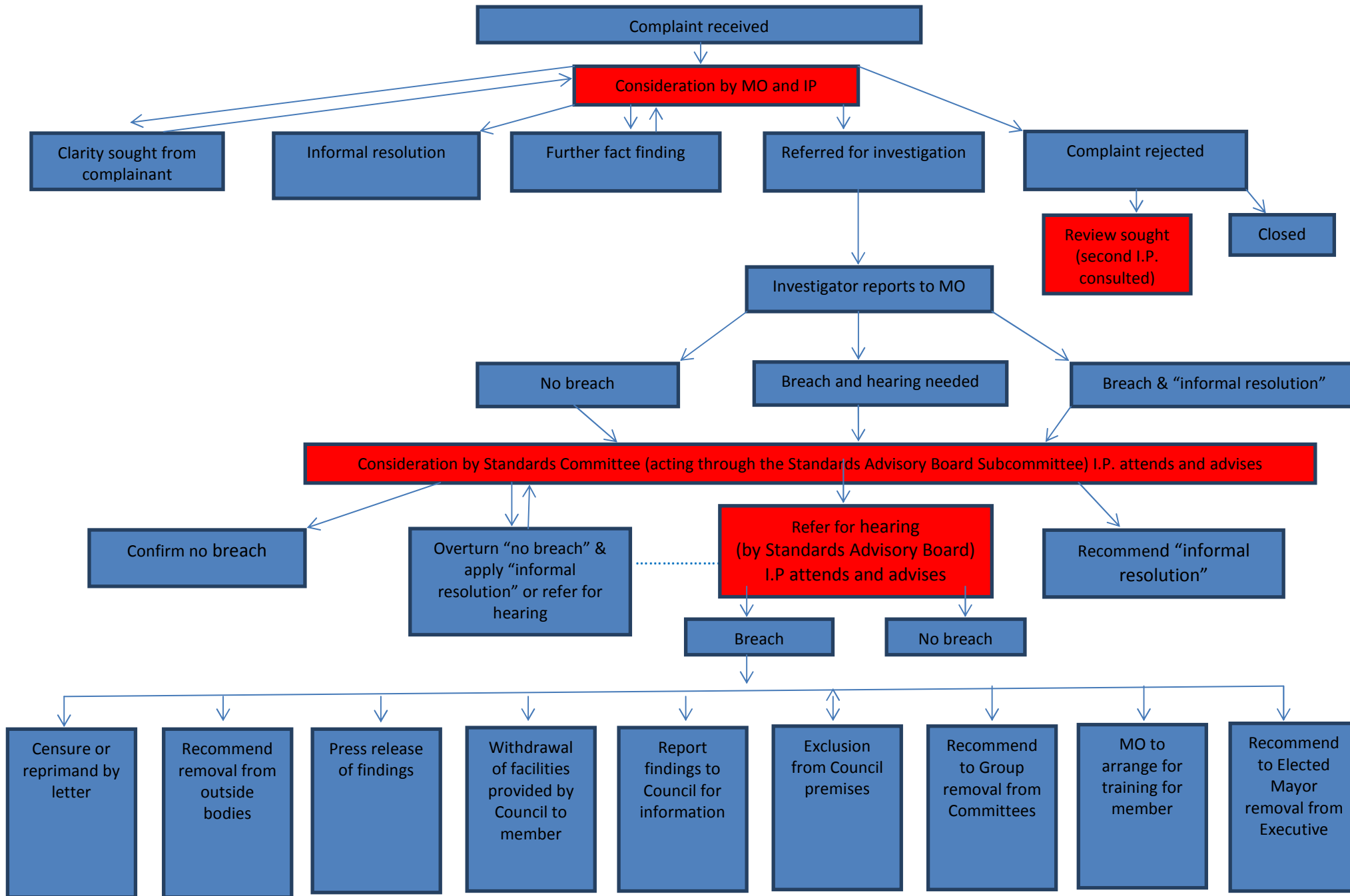
RESOLVED:

That the report be noted.

15. CLOSE OF MEETING

The meeting closed at 6.49 pm

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Appendix B2

MATTERS ARISING – FOLLOW UP FROM STANDARDS COMMITTEE – 1 OCTOBER 2012

SUBMITTED BY THE MONITORING OFFICER

I was asked by the Standards Committee to take a fresh look at the range of sanctions available to it under the new “Arrangements” following the investigation of member misconduct. The Committee were concerned that I have noted that for grouped members, their removal as a sanction from any sub-committee / scrutiny committee of the Council would be a matter for the Group whereas for ungrouped members this would be a matter that fell to full Council. The concern was that this discriminated against ungrouped members because their misdemeanour would be aired before full Council, whereas in other cases the sanction would be applied in the privacy of a group meeting. They queried, therefore, whether Council could delegate to the Standards Committee the power to remove a Councillor who had defaulted in breach of the Code of Conduct, from a committee/commission. The answer is not as simple as it sounds:

Firstly we have to be clear what appointments are actually made by Council and which are made by other limbs of the authority (City Mayor, Director of Delivery, Communications and Political Governance, Monitoring Officer, Groups, Group Whips etc). For example, appointments to the Police Authority are made by the City Mayor under our Constitution (Part 3). Appointments of members under joint arrangements with other local authorities are determined by the City Mayor (Article 12). Miscellaneous appointments are the responsibility of Miranda Cannon in consultation with Group Whips (Part 3, para 16 of the Local Choice Functions). Appointments to Employees Committee are apparently made by the Monitoring Officer in consultation with the City Mayor or political Group Whips (Terms of Reference, Part 3 of the Constitution, page 53). Furthermore, whilst under Rule 35 of the Council Procedure Rules, committees and sub-committees, the appointment of chairs and vice-chairs, the identification of the number of total members and the terms of reference and the schedule of meetings are determined by full Council, the actual makeup of members of committees, other than the chair and vice chair, is not determined by full Council but by Groups. In the case of ungrouped members, we have recently had to face this dilemma and have not quite got this right. If they do not agree a reasonable allocation of seats between them, then ‘lots’ have been drawn in the past.

The point, however, is that all these other appointments are not ratified by full Council at any point and nor do they need to be. Therefore, if we are to propose the delegation of powers to the Standards Sub-committee we must logically only be able to delegate those powers which Council had in the first place (section 101 LGA 1972). These are limited as we can see from the above list.

In respect of the Committee’s other request which is that they be permitted to write to members or relevant appointing bodies for the recommendation of the removal of a member from a position of authority, I see no problem with this. A letter does not act as a decision and is no more than a different format of censure. It is still for the legitimate appointing body (be it City Mayor or a Group Whip etc) to make the ultimate decision about removal of a member. I also see nothing wrong in the

Committee writing to the individual members themselves exhorting them to withdraw from membership.

Coming back to ungrouped members, Council must have the power to remove regular (i.e. those who don't get an SRA) members from a committee (bearing in mind what is mentioned above about who appoints in the first place) because fundamentally the committees are committees of Council. Council can arrange for the discharge of its functions by a committee or subcommittee (s.101 LGA 1972 and specifically in relation to Standards by s.54 Local Government Act 2000). There is a point about parity of treatment of ungrouped members, and perhaps this can be dealt with by requiring that even removals by Groups are reported to Full Council?

Kamal Adatia
City Barrister & Head of Standards

1 November 2012

PART 5 – CODES & PROTOCOLS Appendix C

CONVENTIONS FOR CITY MAYOR / COUNCILLORS / OFFICER RELATIONSHIPS

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Note: Where the term 'Member' is used it will apply to Councillors and the City Mayor

INTRODUCTION

The Council is democratically accountable and those elected to it may have political affiliations. Officers must serve the whole Council objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective, the City Mayor, Councillors and Officers must have mutual trust and respect for each other's requirements and duties. There must also be transparent consistency in everyday working relationships.

The Council has a Code of Conduct under the Localism Act 2011 (Appendix 1) which sets out the minimum standards Members and co-opted members must observe. These Conventions operate within that framework. A failure to adhere to these Conventions may also entail a breach of one or more of the principles that underpin the Code of Conduct for members (or indeed the separate Code of Conduct for Officers) but will not necessarily do so in every instance.

Members, co-opted members and officers agree to observe the Code and these Conventions, and to be guided by them in the interests of fair treatment and good governance.

Observance of the Code of Conduct is essential to the maintenance of high standards of probity and integrity. The Code and these Conventions covers Members when undertaking duties as a Member or when representing the Council.

Officers of the Council must serve the whole Council objectively and will not seek to give an improper advantage to a Member. Neither will officers seek to exploit their unique access to Members to secure for themselves any improper advantage or bypassing of normal processes/procedures.

Officer advice and support recognises that the City Mayor / Councillors may legitimately act from political perspectives. A party group is entitled to the confidentiality of Officer advice on developing policies. The overall arrangements for Officer advice must be transparent.

DRAFT

1. NEUTRALITY

Convention	Members	Officers
<p>1.1 Every Officer appointment and every employment decision must be on merit alone (by law).</p>	<p>Appoint officers to the following posts and above only: Divisional Directors, other officers who are directly accountable to a Strategic Director / Head of Paid Service for all or most of their duties (excluding officers whose duties are solely secretarial / clerical / support).</p> <p>Have a formal role in certain employment appeals.</p> <p>Party political factors cannot be taken into account.</p>	<p>Uphold HR policies in employment decisions and not be influenced by Councillors other than for posts where Councillors have a legitimate role in those decisions as stated opposite.</p> <p>The Council's employment procedures and Employee Codes of Conduct must be observed. Failure to do so could be a disciplinary matter.</p>
<p>1.2 Certain posts are politically restricted, including many senior posts. Details of such posts are set out in law and are available from the Council's Human Resources Team</p>		<p>Politically restricted Officers cannot be Members or MPs. They cannot <i>"speak or publish written work to the public at large or a section of the public, with the apparent intention of affecting public support for a political party"</i>. They can speak or publish <i>"to such an extent as is necessary for the proper performance of their duties"</i>.</p>
<p>1.3 Officers serve the whole Council and all officers must be politically neutral at work.</p>	<p>Should respect Officers' right to private political opinions. These should not be used against an Officer who remains neutral at work and observes the relevant codes.</p>	<p>Policy support to Members must conform to the <i>"unified advice"</i> principle. It must be for Council, and not for party political purposes. Work which could be open to misinterpretation must be transparent and justified where necessary, particularly at sensitive times (such as a pending election).</p> <p>Officers employed in non-politically restricted roles accept that taking part in political activity outside the scope of their work could lead to a perceptions that this influences their work and will seek to re-assure and show that this is not the case.</p> <p>A briefing to help an Executive Member respond to a question at Council may be in the form of a suggested reply. It</p>

Convention	Members	Officers
		should be confined to factual and professional matters and to explanations of existing policy, leaving the City Mayor / Councillor to add any political comment.
1.4 Any questions about neutrality or improper conduct by an officer should be raised in private with the relevant Director, or the Monitoring Officer.	Public accusation (direct or indirect) is potentially defamatory and such questions should not be raised in public meetings. Advice should be taken before meetings. If an issue arises in a meeting, an adjournment may be appropriate to consider how to deal with it. Challenging a deliberate decision not to declare an interest should also be done off agenda.	Officers must be prepared to correct an inadvertent failure to declare an interest, or to justify a decision not to declare an apparent interest. Prior employment is not automatically a declarable interest, but it may be in certain cases.
1.5 Close personal relationships between Members and Officers should be declared to the relevant Group Whip (where applicable) and the Monitoring Officer Director, and entered in the voluntary register of interests. The test is whether a member of the public might reasonably consider the relationship likely to influence the Member or Officer in their respective roles.	<p>The Member concerned should judge when a personal relationship has formed or whether a family relationship or friendship might reasonably be considered as having influence (depending on domestic arrangements and other circumstances).</p> <p>It should be noted that an Other Disclosable Interest (ODI) might arise in such circumstances.</p> <p>Where a member of a political group, the Group should consider how working contact between the Member and Officer should be avoided or managed to dispel perceived bias, taking advice from the Monitoring Officer if necessary.</p>	<p>The Officer concerned should judge when to make a declaration. The Director should consider how to avoid or manage working contact to dispel perceived bias, taking advice from the Monitoring Officer if necessary.</p> <p>Officers should declare any interests to their manager and record using 'MyView'.</p>

Convention	Members	Officers
1.6 Mutual respect and due courtesy between Members and Officers is expected by the Council.	Unwarranted criticism of Officers should be avoided, particularly when they cannot respond on equal terms, such as at Council meetings. This will not restrict a Member's duty of challenge or of constructive criticism. However bullying by a Member could potentially expose the Council to a claim of constructive dismissal.	Officers should avoid unwarranted criticism of Members and should respect their rights under these Conventions. Officers should not only be neutral, they should appear neutral. Where an officer has concerns that actions may have breached this principle these should be raised with the Monitoring Officer.

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2. BRIEFINGS TO MEMBERS

Convention	Members	Officers
<p>2.1 All Members have a right to request information reasonably required to perform his or her role (the “<i>need to know</i>”) but <u>not</u> where:</p> <ul style="list-style-type: none"> • The information is primarily needed for a non-Council purpose; or • There is a conflict of interest; or • Where a report is exempt or confidential by law • There is an overriding individual right of confidentiality (for example, in a children’s or employment matter); or • The resources needed to supply the information would be unreasonable. 	<p>If asked by officers, Members will give their ‘need to know’ when requesting information, unless one of the restrictions listed applies, in which case the Member should demonstrate their entitlement.</p> <p>Any relevant interests or non-Council capacity should be declared at the time of the request.</p> <p>If dissatisfied with a refusal, the Director should be approached. If still dissatisfied the Monitoring Officer may be asked to determine entitlement.</p> <p>Members with a particular role have a special need to know arising from that role, for example:</p> <ul style="list-style-type: none"> • City Mayor or (Deputy City Mayor where specifically deputising for the City Mayor): matters relating to executive functions of the authority; • Deputy or Assistant City Mayor for matters relating to his or her portfolio; • Scrutiny Chair and Vice-Chair: matters relating to their terms of reference and committee business; • Scrutiny Committee or Commission members: matters directly relating to a review currently in process • Ward Member: matters with special implications for the Ward (ie 	<p>Should assume the Member has a need to know unless one of the restrictions may apply. The Member should then be asked to demonstrate entitlement and, in cases of doubt, the Monitoring Officer may be consulted. An Officer should seek clearance from his or her manager before embarking on a significant amount of work to provide information.</p> <p>May offer “Managed Access” where information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld.</p>

Convention	Members	Officers
	<p>significantly more than the general implications for the City);</p> <p>Working Party Members: matters relating to the role of the Working Party.</p> <p>A Scrutiny Chair or Vice-Chair is not entitled to information in that capacity without it being known to and available to the other.</p>	
<p>2.2 Members are entitled to be briefed in accordance with their need to know, taking account of any particular role they have.</p> <p>Members with a particular role may expect to be briefed about relevant matters without having to make a request.</p>	<p>Should declare any relevant interest when requesting or receiving a briefing. If dissatisfied with a refusal to brief, the Director should be approached. If still dissatisfied, the Monitoring Officer may be asked to determine entitlement.</p>	<p>Should be clear about the capacity in which the Member is being briefed and the implications of any interest. In cases of doubt, the Monitoring Officer may be consulted. The Officer should always make it clear if a briefing is not based on unified advice, (ie is still subject to consultation with other Officers). Otherwise the Member is entitled to assume unified advice is being given.</p>
<p>2.3 Members must respect the confidentiality of information identified as confidential and use only for the purpose it is given (for example, information supplied in confidence to a Executive Member or Scrutiny Chair cannot be used to pursue a special Ward interest).</p>	<p>It is acknowledged that the unauthorised release of confidential information may damage the Council's reputation or entail a breach of the law.</p>	
<p>2.4 Briefings to Party Groups / Independent Members may be given as part of preparation for the decision making process provided:</p> <p>The Chief Operating</p>	<p>Independent Members may request to the Chief Operating Officer that they be treated as a Group for the purpose of receiving briefings.</p>	<p>Officers should note that all briefings must comply with unified advice principle and that any briefings may be disclosable</p>

Convention	Members	Officers
<p>Officer knows of and approves the briefing;</p> <p>All Groups are informed and offered the same briefing;</p> <p>More than one Officer attends;</p> <p>Officers withdraw after briefing and any questions, and before political discussion;</p> <p>Officers do not write reports for Groups, leaving it for City Mayor / Councillors to present draft Committee reports or briefing notes.</p> <p>Independent Members will receive details of any briefings given to Party Groups. Normally such briefings will be given in writing but the Independent Member may request to the Chief Operating Officer that a verbal briefing be given which will be done on the terms defined by the Chief Operating Officer</p>		
<p>2.5 Executive Members, individually and collectively are entitled to regular confidential briefing on matters relevant to their portfolios and in support of the policies they are developing prior to them formulating formal proposals.</p>	<p>The relevant Executive Member or the Executive collectively determines whether confidential briefing material may be released to others for consultation or otherwise. When formal proposals are made supporting Officer advice becomes publishable in conjunction with the proposals.</p>	

3. MEMBER INVOLVEMENT IN CASEWORK & STAFFING ISSUES

Convention	Members	Officers
<p>3.1 Unless operating within the scheme of delegation an individual Councillor cannot take a decision or instruct an Officer to take action. A Members role in relation to casework is:</p> <ul style="list-style-type: none"> • To be briefed or consulted where there is a need to know; • To pursue the interests of individuals by seeking information, testing action taken and asking for the appropriateness of decisions to be reconsidered. • The Member should avoid becoming unduly involved in individual cases and operational detail, except within clear procedures. Involvement in legal proceedings and audit investigations carries special dangers of prejudicing the case, and of personal embarrassment. The District Auditor has warned of the dangers of individual Members intervening in the processes of the Council without full knowledge of the facts. <p>A Member's entitlement to be involved is based on the "need to know" and determined in accordance with these Conventions.</p> <p>Access to files may need to be denied or restricted</p>	<p>Where lobbied on an issue (especially planning policy) Members should explain that any views expressed are personal and they cannot commit or anticipate the Council's decision. Any lobbying should be referred to at meetings to consider the policy.</p>	<p>Officers should take the lead in pointing out where the boundaries lie in particular areas, recognising that:</p> <ul style="list-style-type: none"> • Members legitimately adopt different approaches to case resolution • The special local knowledge of particular Members may be useful to a particular case. <p>Officers should point out to the Member when a restriction on the 'need to know' may apply, explore entitlement with the Member and, in cases of doubt, consult the Monitoring Officer.</p> <p>Directors should ensure that their staff know how to obtain appropriate senior management support (particularly out of hours) when the extent of a Members involvement in an issue needs to be clarified.</p> <p>Officers should not seek to involve Members in operational detail.</p>

Convention	Members	Officers
<p>if one of the circumstances in Convention 2 applies. Any access then allowed may need to be “<i>managed access</i>”.</p>		
<p>3.2 A Member should not act as an individual’s ‘<i>friend</i>’, but may act as a ‘<i>representative</i>’ for a constituent or provide a reference in relation to staffing matters within the Council. They should avoid involvement in staff lobbying outside formal procedures.</p> <p>Members should avoid involvement in individual staffing matters,</p>	<p>The main procedures for Member involvement in staffing matters are the formal machinery for taking individual staffing decisions.</p>	<p>Officers will not seek to give an improper advantage to a Member. Neither will officers seek to exploit their unique access to Members to secure for themselves any improper advantage or bypassing of normal processes/procedures.</p>
<p>3.3 A Member pursuing a Ward matter on behalf of a close family member or friend should declare the relationship and consider whether to ask another Member to pursue the matter.</p>	<p>A close relationship should be judged as in Convention 1.4.</p>	
<p>3.4 Staff may raise issues with Members as citizens. They must not lobby Members on personal employment or budgetary matters.</p>	<p>Members should not allow themselves to be lobbied by staff in relation to personal employment or budgetary matters.</p>	<p>Directors should ensure their staff are aware of these requirements and the proper channels for their views to be put forward.</p>
<p>3.5 A Members right of access to Council premises and to bring in guests is based on the “<i>need to know</i>” (that is, to perform the City Mayor / Councillor’s role). In addition to the general restrictions, it is subject to ensuring:</p> <ul style="list-style-type: none"> • Operational continuity; • Confidentiality; • Compliance with 	<p>When visiting Council premises, a City Mayor / Councillors should:</p> <ul style="list-style-type: none"> • Make prior arrangements whenever possible for visits outside NWC; • Check in on arrival with reception or the site manager; • Observe the site 	<p>Managers should ensure that their staff are aware of these requirements and know how to obtain appropriate senior management support (particularly out of hours).</p>

Convention	Members	Officers
<p>Health & Safety arrangements;</p> <ul style="list-style-type: none"> • Compliance with physical and information security requirements. 	<p>manager's requirements in relation to health and safety and so on.</p> <ul style="list-style-type: none"> • Expect to be denied access or asked to leave in circumstances where compliance with the requirements cannot be guaranteed or the behaviour might bring the Council into disrepute. 	
<p>3.6 Members guests should:</p> <ul style="list-style-type: none"> • Be properly checked in and out; • Explain the purpose of their visit, if requested; • Observe the building manager's (or other appropriate person's) requirements; <p>Not be admitted after normal business hours, except for notified evening meetings and by special arrangement for particular purposes.</p>		<p>Directors should ensure their staff are aware of these requirements and how to obtain appropriate senior management support (particularly after hours). They should also ensure staff are aware exactly when guests may be admitted outside normal opening hours.</p>

4. THE EXECUTIVE

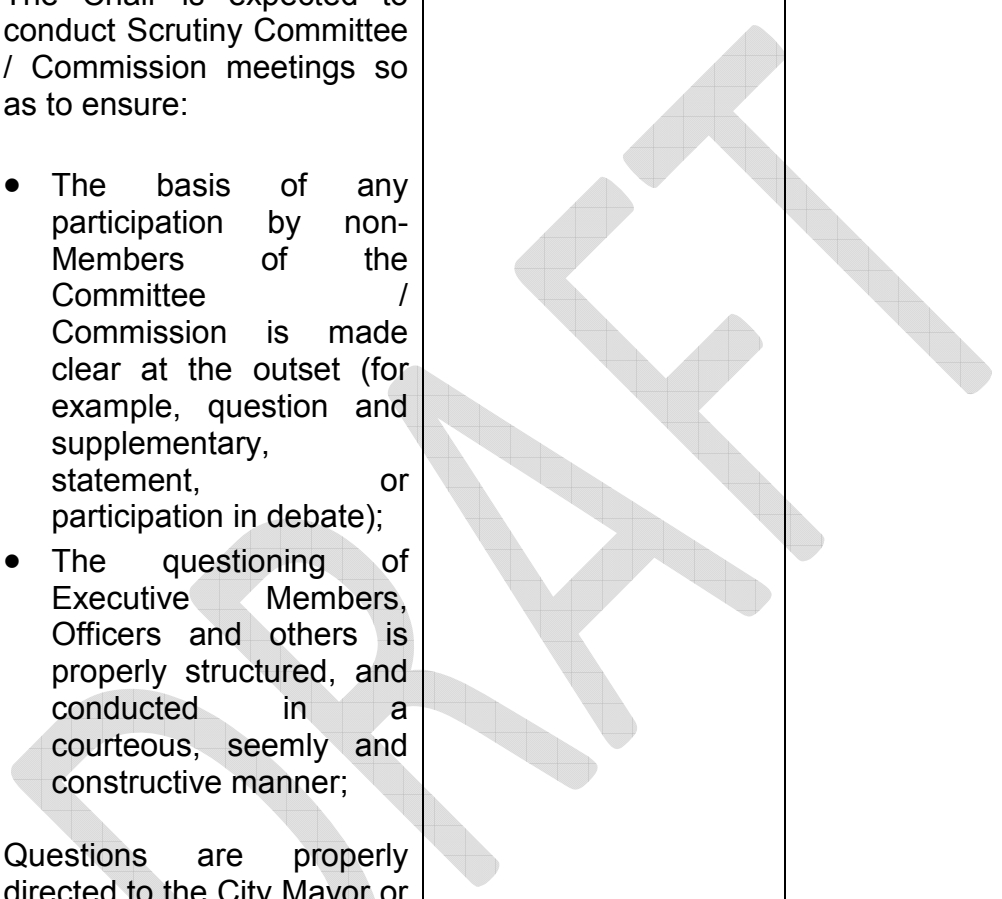
Convention	Members	Officers
<p>4.1 Each report should be in the name of the City Mayor or a Director and be the subject of consultation with the Director of Finance or delegated Finance Officer and ensure that:</p> <ul style="list-style-type: none"> • It is made clear what stage in the process has been reached and what is required from the Executive; • There is a clear recommendation or options presented in a way which enable the Executive to choose between them; • It is clear who is responsible for action and to what timetable (including further reports); • All relevant factors are included and the issues are presented with professional objectivity; • Associated briefings and presentations are also professionally objective. 	<p>Executive Members may introduce reports at Executive. Officer advice should be obtained before the meeting on any alternative recommendation to be moved to ensure that operational, financial and legal factors are taken into account.</p>	<p>The principle of unified advice requires that meaningful and timely consultation is completed before finalising a report (particularly on equalities and financial and legal implications, on which consultees should be named). Officers may take account of policies of the Council. It is not always necessary to recommend the course of minimum risk, provided risks and reasons for taking them are made clear.</p> <p>Reports must follow the prescribed template and follow advice given in the Report Writing Guide and clarify the options considered and the reasons for a recommendation / decision.</p>
<p>4.2 Decisions made by Individual Executive Members will be subject to the relevant statutory provisions and rules defined in the Constitution and these Conventions.</p>		<p>The Monitoring Officer will ensure that all decisions meet criteria laid down in the Constitution or legislation</p>
<p>4.3 Executive Members, individually or collectively, may determine the</p>	<p>Withdrawing or deferring a report is a Executive decision and</p>	<p>A Director will be consulted and may advise on deferring or withdrawing a report.</p>

Convention	Members	Officers
<p>timetable for developing their policies, including:</p> <ul style="list-style-type: none"> • The point at which confidential ideas become formal proposals for publication; • Who to consult and to what deadline; • The timing of Executive reports. <p>The relevant Director must ensure that all essential decisions are requested by necessary deadlines.</p>	<p>responsibility. A Scrutiny Committee / Commission may ask for more time, information or other views before responding to Executive consultation, provided:</p> <ul style="list-style-type: none"> • The City Mayor or Assistant City Mayor agrees to additional time and consultation (these being matters for the Executive); and • The relevant Director agrees that further information can be provided at reasonable cost and use of Officer time. 	<p>Officers will also provide appropriate professional advice on the issue of the timing of Executive reports / proposals.</p>

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5. SCRUTINY

	Convention	Members	Officers
5.1	<p>The Scrutiny and the Executive functions acknowledge their different roles and the need for a partnership approach to benefit the citizens and stakeholders of the City</p>	<p>Whilst reviews should be outward facing scrutiny will seek to avoid actions that risk prejudging outcomes or causing unnecessary public concern</p> <p>All finalised scrutiny reports will be formally responded to by the Executive</p>	<p>Officers will seek to facilitate appropriate engagement and dialogue between Scrutiny and the Executive</p>
5.2	<p>The procedures of Committee / Commission will be defined by the Scrutiny procedure Rules.</p> <p>Recommendations to officers and the Executive are a matter for the collective Committee / Commission</p> <p>Any press releases will be issued in accordance with the Conventions covering 'Media Relations and Published Material' set out in this document.</p>	<p>There is an expectation that the relevant Executive Member and Director will attend the Select Committee or Commission meetings with a view to explaining matters relevant to the agenda. By attendance at formal Scrutiny meetings the appropriate Executive Member will be fully aware of the progress of a review and will seek to facilitate full officer support for the process</p> <p>A Member who has been consulted on an officer decision is accountable to the Scrutiny Committee for the views expressed.</p>	<p>Each Scrutiny Committee/ Commission has a Lead Officer responsible for co-ordinating its overall programme and individual agendas in consultation with:</p> <ul style="list-style-type: none"> • The Chair and Vice-chair; • Relevant Executive Members (in relation to Executive policies in development); • Directors.
5.3	<p>It is for a full Scrutiny Committee / Commission to determine its programme for scrutinising the implementation of decisions.</p>	<p>Where the Executive and a Scrutiny Committee / Commission are considering the same</p>	<p>Work for and evidence to a Scrutiny Committee / Commission is determined by the relevant Director (since the Committee / Commission has no</p>

<p>It is expected that reports commissioned and evidence requested will:</p> <ul style="list-style-type: none"> • Avoid, unless requested by the Executive, cutting across work in support of developing Executive policies; • Involve reasonable cost and use of officer time. 	<p>service area, the City Mayor or Assistant City Mayor, Scrutiny Chairs and Vice-Chairs and Director should agree a joint programme of work and the order in which reports should be consulted upon and presented.</p>	<p>decision-making powers). The Director will keep the Executive Member informed as appropriate. If the Committee / Commission insists on work or evidence the Monitoring Officer should be consulted on how to resolve the impasse.</p>
<p>5.4 The Chair is expected to conduct Scrutiny Committee / Commission meetings so as to ensure:</p> <ul style="list-style-type: none"> • The basis of any participation by non-Members of the Committee / Commission is made clear at the outset (for example, question and supplementary, statement, or participation in debate); • The questioning of Executive Members, Officers and others is properly structured, and conducted in a courteous, seemly and constructive manner; <p>Questions are properly directed to the City Mayor or relevant Deputy or Assistant City Mayor (for example, justifying policy) or Director (for example, progress with implementation), inviting both to attend where necessary.</p>		
<p>5.5 The Chair and Vice-chair should be jointly briefed on questions from the public. After the Chair has responded, the Vice-chair may add comments.</p>		

6. REGULATORY AND COUNCIL COMMITTEES (PLANNING DEVELOPMENT CONTROL, LICENSING, EMPLOYEES, AUDIT & RISK AND STANDARDS)

Convention	Members	Officers
<p>6.1 Development control, licensing (regulatory) and other quasi-judicial matters must be dealt with solely in accordance with the relevant policies and legal requirements, and in particular:</p> <ul style="list-style-type: none"> • The appearance of decisions being based on party political consideration must be avoided; • If Officer recommendations are not accepted, care should be taken to ensure that valid reasons are given and that any departures can be justified and that they are consistent over time. <p>Where a regulatory committee is held in public committee members should clearly introduce themselves to the public.</p> <p>The Guidance to Members on Planning Applications in the appendix must be followed.</p>	<p>Particular care should be taken to declare interests in formal meetings, at site visits and in formal discussion and, if necessary avoid participation. Potential interests should be raised with Officers before meetings. Any Executive Member would have an interest in a planning application by the Council.</p>	
<p>6.2 Only Members who have received appropriate training may participate in decisions relating to regulatory decisions and Employees' Committee Appeal Hearings.</p>	<p>Any untrained Member asked to participate in a decision should request training, which will be fast-tracked if necessary.</p>	
<p>6.3 Reports to Regulatory meetings should comply with these Conventions except that political considerations are inappropriate. The Chair and Vice-chair shall be briefed and guide Committee business and procedure in line with the above convention 4 relating to Scrutiny Committees.</p>		

7. MEDIA RELATIONS AND PUBLISHED MATERIAL

Convention	Members	Officers
<p>7.1 Statements and published material on behalf of the Council (including the Council's website) must not be party political and must comply with the Statutory Code of Practice (See Appendix).</p>	<p>Members, through the Executive, are the Council's principal spokespersons on policy. As individuals, they may make party political comment, but the Council may not publish such comment.</p>	<p>Officers may publish factual, professional and technical comment. Reports, presentations and publications must be professionally objective in language, content and tone. Directors must ensure that Officers who publish statements and material are competent for the role and understand the requirements of these Conventions.</p>
<p>7.2 News releases on behalf of the Council may only be issued through the Communications and Digital Media Team. Official statements to the media should only be made after consultation with the Communications and Digital Media Team. This is to ensure consistency and compliance with the Code.</p>		<p>The Communications and Digital Media Team is responsible for promoting and protecting the Council's overall interests in relation to the media.</p> <p>Directors are responsible for informing Members as relevant when a media statement is proposed.</p>
<p>7.3 The Communications and Digital Media Team will support and issue news releases in relation to the business of the Council. In this it will be guided:</p> <ul style="list-style-type: none"> • Executive matters - by the City Mayor or Deputy or Assistant City Mayor as relevant. • Scrutiny matters - By the Scrutiny Chair and Vice-chair acting unanimously (on Scrutiny matters). Account will also be taken of the Scrutiny protocol in relation to press releases. 	<p>Where a press release addresses a matter of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.</p> <p>Another Councillor from the relevant Scrutiny Committee / Commission may act on behalf of a Chair and Vice-chair member if unavailable.</p>	<p>News releases on behalf of a Scrutiny Committee may include:</p> <ul style="list-style-type: none"> • Their reasons for considering a matter; • Their findings and recommendations; • Majority and minority views; • Advertised consultations <p>All press releases will reflect the guidance given in the 'Code of Recommended Practice on Local Authority Publicity' issued by Government.</p>

8. ELECTION PERIODS

Convention	Members	Officers
<p>8.1 From the notice of a Parliamentary or local election until election day:</p> <ul style="list-style-type: none"> • Nothing should be published (including the Council’s website) on a politically controversial issue, or which identifies views or policies with those of individual Members or party Groups; • In Parliamentary elections, nothing should be published which mentions or includes a picture of any prospective candidate; • Any publicity should be strictly objective, concentrating on facts or explanations; • During local elections, no Council newspaper, corporate or departmental should be published; • Members and Officers should take particular care to keep Officers distant from party political matters. • Members requesting information should make their “<i>need to know</i>” clear and the “<i>need to know</i>” principle should be strictly observed. • Prospective Parliamentary candidates (including 		<p>Subject to this Convention, publicity is permitted of Members speaking on behalf of the Council about an approved policy.</p> <p>External comments should be on strictly factual or professional matters. Care should be taken to avoid being misquoted or inadvertently associated with a particular candidate or political perspective.</p> <p>Where the Council ought to be represented as stakeholder at an event with a potentially political dimension, officers should:</p> <ul style="list-style-type: none"> • Ensure that all contributions to any discussion are factual and based on approved Council policy. • Avoid expressing opinions or views which may be perceived as containing a party political dimension. • Avoid engaging in any media activity relating to the event (that is avoid TV or radio interviews, comment to the media, inclusion in photographs or TV filming).

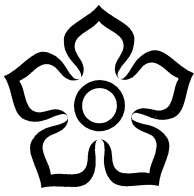
Convention	Members	Officers
<p>current MPs) should be treated equally.</p> <ul style="list-style-type: none"> Officers should avoid even the appearance of political bias. <p>Appropriate guidance will be given in relation to elections not covered within the list above.</p>		
<p>8.2 During such election periods the Town Hall and New Walk Centre shall not be used for political meetings (other than normal private meetings on Council business). This prohibition shall extend to the Town Hall Square Concourse, but the rest of the Town Hall Square may (subject to prior booking) be used for political meetings.</p>		

WHERE PROBLEMS ARISE

Members - should raise unresolved problems with the relevant Assistant Director or Director. If necessary the Group Whip (if applicable) or Monitoring Officer should be consulted.

Officers - should raise any unresolved problem with their Assistant Director or Director who will advise or take the matter up with the City Mayor / Councillor as relevant. If necessary, the Monitoring Officer should be consulted. The Monitoring Officer may involve the relevant Group Whip (if applicable).

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Leicester
City Council

WARDS AFFECTED – ALL

Appendix D

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Strategic Management Board
Audit & Risk Committee
Standards Committee

21st August 2012
27th September 2012
14th November 2012

DISCLOSURE STRATEGY FOR LEICESTER CITY COUNCIL

REPORT OF THE CITY BARRISTER AND HEAD OF STANDARDS

1. PURPOSE OF REPORT

- 1.1 This report sets out the Council's strategy in respect of disclosures that may be made by a range of people about the conduct of Local Authority staff.

2. RECOMMENDATIONS

- 2.1 That the Committee notes the approach proposed within this report for dealing with the Conduct of Local Authority staff, both in terms of the standard set through the Code of Conduct as expressed at Appendix A, and the mechanisms identified through a "suite" of policies as per Appendices B to D and comments as appropriate.

3. SUMMARY

- 3.1 The impetus for this disclosure strategy has come from a number of sources. Elected members, both within and outside of the Audit and Risk Committee, have been keen to see this strategy developed, as have the Executive members. Senior officers have also been behind the drive to co-ordinate a disclosure strategy and in separate dealings with external partners such as the District Auditor, the Monitoring Officer and the Chief Finance Officer have had discussions about our approaches to investigating officer conduct in various scenarios.
- 3.2 Whilst the temptation may be to create a one-size-fits-all single disclosure policy, it is suggested that a multi-stranded disclosure strategy is the best way to address the different concerns and the different responses that are required for different types of disclosures. The danger in not doing so is that the Council ends up having to implement one policy which is compromised

because of its attempt to reach different audiences with different needs. We can either erroneously grant quasi-legal protection to the wrong categories of people, or we can grant the wrong protection to the right groups of people because of the way we have defined qualifying disclosures.

- 3.3 It is also important to bear in mind that the whistleblowing policy itself is merely a gateway to the instigation of other established policies where appropriate and is not an investigatory route-map of itself.
- 3.4 The suite of policies attached combine together to create a robust package/strategy for disclosures being made about Council staff. In a year when the elected members' 'Code of Conduct' and new 'Arrangements' have been revised it is apt to re-launch our Employee Code of Conduct and established policies such as the Grievance and Disciplinary policies.
- 3.5 It is important to bear in mind that the "suite" of policies appended does not purport to be exhaustive of the many policies and procedures which exist for raising concerns and investigating conduct.
- 3.6 City Learning has agreed to be responsible for co-ordinating a campaign of dedicated training on this strategy to relevant tiers of staff over the coming months. This should also be embedded into induction training for all staff.

4. REPORT

- 4.1 The City Council expects high standards of behaviour from all of its staff and recognises that there need to be appropriate routes by which people can make disclosures when it is suspected that standards have been breached. A disclosure strategy needs to address a number of different audiences and questions:
 - What are the expected standards of behaviour of staff? Do they only cover fraudulent type financial activities, or can they be broader?
 - Can members of staff make disclosures against other members of staff? If they do so, will they expose themselves to risk?
 - Can members of the public make disclosures about the suspected conduct of staff? If so, how do they do so?
 - Can elected members raise concerns about the conduct of staff? If so, how do they do so?
 - Are there mechanisms for disclosures to be made only to line management or are there other gateways for the receipt of disclosures, both within and outwith the Council?
 - What is the relevance of existing procedures held in the Council when it comes to dealing with staff who are alleged to have broken the rules or standards of behaviour?

4.2 The above questions raise related but diverse issues. As a result of this no one policy of the Council can sensibly address all of those questions in one place and, therefore, this disclosure strategy sets out the route-map through which different types of disclosures can be channelled.

4.3 The Employee Code of Conduct

4.3.1 Just as the Council defines the standards it expects of its elected and co-opted members, and the arrangements for dealing with alleged breaches thereof, we also set standards for the behaviour of our staff. The employee Code of Conduct has recently been re-launched and is attached hereto as **Appendix 1 (Please note this is a draft document)**

4.3.2 This is the sensible starting point for assessing what standards are expected of our staff and what threshold to apply when those standards are alleged to have been breached.

4.4 The Whistleblowing policy

4.4.1 Whistleblowing is a legal term of art and refers to circumstances in which a member of staff is permitted to raise legitimate allegations about certain types of conduct of other members of staff, and to receive a concomitant level of legal protection against damage or detriment. The purpose of the legal protection is both to:

i. Expressly afford that employee (the whistleblower) a level of protection whilst they remain employees

and also to;

ii. Give that employee a remedy in the Employment Tribunal if they make a claim against their employer as a result of suffering detriment from whistleblowing.

4.4.2 In these respects the term is narrowly defined in law and hence it attaches to a fixed set of 'qualifying disclosures' only. As such, a Whistleblowing policy is not a statement of aspiration as to what conduct the local authority deems to be reprehensible, and neither does a Whistleblowing policy attempt to set out a route for investigating and dealing with such disclosures outside of the established routes.

4.4.3 The Council's proposed whistleblowing policy is attached as **Appendix 2. (Please note this has recently been sent to the Unions, for consultation, so must be treated as a draft document)**

4.5 The City Council's Grievance procedure

4.5.1 The Grievance procedure is an established procedure for dealing with concerns/complaints raised by an employee that relate to their employment.

The grievance procedure is broad in its remit. For example, it is not uncommon for such procedures to encompass, amongst others, complaints relating to all forms of discrimination, bullying and harassment in the workplace. However it is normally good practice for employees to raise issues informally with their line manager in the first instance to see if they can be resolved before resorting to a grievance procedure and many matters are routinely dealt with in this way in the Authority

- 4.5.2 The Council's current Grievance procedure is attached at **Appendix 3**. **(Please note that a new draft of the Grievance Policy is being formulated, and will come to SMB in the near future)**

4.6 The City Council's Corporate Complaints procedure

4.6.1 The Corporate Complaints procedure is the established route for those outside of the Council (i.e. members of the public) raising concerns about any aspect of the Council's business and the services it provides. This includes concerns/complaints raised in relation to the conduct of employees.

4.6.2 Members of the public do not require whistleblowing protection in law because they are not at risk of suffering detriment in the way that an employee is. Any referrals made by members of the public (including elected members) should be dealt with in accordance with the Corporate Complaints procedure.

4.6.3 The Council's Corporate Complaints policy is attached as **Appendix 4** **(Please note that the Policy itself exists as a series of pages on Insite, so the attached is a synopsis of the relevant pages)**

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

i. Financial implications

ii. Legal Implications

The legal implications are addressed throughout the report and detailed legal advice has been obtained in respect of each of the attached policies

iii. Other implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH / REFERENCE WITHIN THE REPORT
Equal opportunities Policy		
Sustainable Environment and Crime and Disorder		
Human Rights Act		

Elderly / people on low income		
Corporate parenting		
Health inequalities impact		

iv. Climate change implications

6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

7. CONSULTATIONS

Fiona Skene, Director of Human Resources
 Miranda Cannon, Director of Delivery, Communications & Political Governance
 Alison Greenhill, Director of Finance
 Steve Charlesworth, Head of Finance
 Paul Atreides, Team Leader & Senior Solicitor Employment Law

8. REPORT AUTHOR

Kamal Adatia, City Barrister and Head of Standards, x29 6302

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1. Policy

The purpose of the Code of Conduct is to set out the standards of behaviour, conduct and approach expected of you as a Leicester City Council employee.

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2. Scope

LINKS WITH OTHER POLICIES

The Code of Conduct is designed to guide you in performing your role in a way which meets the Council's high standards of probity and customer service. As an employee, you are required to familiarise yourself with the contents of the Code and the documents referred to in it. The Code cannot cover every eventuality. If you are in any doubt about the meaning of any aspect of the Code or if you require any additional guidance you should consult your Manager/Human Resources Adviser.

The Code applies to all employees of the City Council. A breach of the Code may lead to disciplinary action – see the disciplinary rules in the City Council's Disciplinary Policy.

This Code encompasses guidelines from the National Code of Conduct.

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3. Serving Leicester City Council

Employees serve the public and the City Council as an entity. As employees we all have the responsibility for implementing policy, delivering efficient services and contributing to the overall effectiveness of the organisation, both as an individual and as a member of a team. Our primary aim is to serve the public to the highest quality of customer care within the resources available; each and every employee has a vital role that contributes to this aim.

Some employees work at a senior level in roles which may involve advising and supporting Elected Members. These Officers must give Elected Members independent and professional advice and should not be influenced by personal political views or preferences.

Managers or professional staff at different levels may require political sensitivity and need to consider the political or media implications involved in their work and brief their own managers, where necessary. Senior managers need to ensure that Members have appropriate and timely information on key issues and decisions.

It is also vital that employees understand that serving Leicester City Council is not just about reality it is also about perception. The public has a right to expect the highest levels of integrity and responsibility from all employees. This integrity and responsibility must be demonstrable and therefore actions which would lead to a loss of confidence through perception are as critical as any others. Therefore you should never put yourself in a position where your personal and professional interests conflict.

4. Political Neutrality

As an employee, you serve the Council as a whole. It follows that you must serve all councillors equally and not just those of the controlling group. If your role requires you to advise political groups, you should not be involved in advising any political

group, nor in attending any of their meetings, in a private capacity, without the express consent of your Director and you must not compromise your political neutrality. As an employee of the City Council you are required to serve the City Council as an entity and cannot, therefore, be accountable to individual Political Groups. You must never allow your personal political opinions to interfere with your work. Where requested to brief one political group, you must also offer to brief the other groups on the same topic.

If you are an officer whose salary falls on spinal column point (SCP) 44 or above, or you are paid less than SCP44 but your post has been determined by the City Council to be “politically sensitive”, then you are precluded from standing for any political post or engaging in certain political activity (such as canvassing or speaking publicly). If this does not apply to you, you are eligible to stand for office as a Member of Parliament and may participate in District, Borough or Parish Council activities, provided any resultant conflict of interest is declared. You are however, ineligible to stand for office as a City Councillor. For further details please check with your Manager/Human Resources Adviser.

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5. Accountability

During the course of your work you should at all times be aware of and comply with the relevant legislation applicable to your role; for example the Health and Safety at Work Act 1974, the Equality Act 2010, the Data Protection Act 1998, Freedom of Information Act 2000, The Computer Misuse Act 1990 and legislation relating to each service area. This list is not exhaustive.

As a City Council employee, you have a duty to safeguard and promote the welfare of children and young people at all times.

You are also responsible for reading the conditions of service under which you are employed, including all local policies. These policies are contained on the Intranet or for further information contact Human Resources.

In particular be sure you are aware of:

- The Grievance procedure, which can be used to raise individual and personal concerns if they cannot be resolved informally by approaching your line manager or Human Resources Adviser.
- The Disciplinary Policy which also contains the disciplinary rules
- The Equality and Diversity Policy

You must comply with Council policies on equalities. All members of the community, clients and other employees have the right to be treated with fairness and equity regardless of gender, religion or belief, race, colour, nationality, ethnic background, age, disability or sexual orientation.

You should ensure that you are aware of and follow the advice and guidance about using 'social media', as contained in the Social Media Policy.

The term 'social media' includes websites, online tools, blogs and other Interactive Communication Technologies (ICT). The Social Media Policy applies to all service areas, employees engaged on council business and employees' personal use of social media where it could be deemed to have a negative impact on the Council's reputation.

The Social Media Policy is available on the Council's internet, and other related policies, including the [ICT Acceptable Use Policy](#), can be viewed on the Council's intranet site. You must also comply with the related legislation and guidance that informs Information Governance.

6. Standards

English is recognised as the official workplace language but if you are working with a customer who is experiencing difficulty in understanding English you should try to get help from someone who can speak to them in a language which they are more comfortable with. The Council has a register of interpreters who may be able to help you. Details are available in the telephone directory.

You should ensure that you are suitably dressed for your duties and responsibilities, including the wearing of appropriate safety clothing and equipment, in accordance with all Health and Safety regulations. In some work areas, particularly if your role involves meeting members of the public, the Council has decided that uniforms should be worn, this forms a condition of your employment and you must wear the uniform provided. If you do not disciplinary action may be taken. If you are not required to wear a uniform, you are expected to wear smart, business dress agreed as appropriate by your line manager. Decisions about acceptability of dress rest with the line manager. Failure to wear appropriate clothing, as determined by your line manager, may result in disciplinary action.

To prevent security breaches the Council has an Identification Card scheme for all employees. You should ensure that you have your ID card with you at all times and if challenged should show the ID card to confirm your identity.

In addition, you should be conscious of, and ensure that you are complying with, any other specific guidelines issued by your Service/Directorate. If you are a member of a professional institute or association then you are also obliged to comply with any professional code and/or standards of practice pertaining to that organisation e.g. GTC Teachers code of conduct or social care codes of conduct.

In addition, if you are a member of an organisation with secrecy rules (e.g. The Masons) then you must declare it to your manager.

Concerns relating to your employment within the council should never be raised with Elected Members either as an employee or as a constituent. This includes personal employment issues, such as remuneration, grievance or working arrangements, as well as issues of an operational nature, for example corporate structure, contractors or suggestions on potential service improvements. These must be raised with your line manager, Human Resources Adviser or via the whistle blowing procedures where appropriate.

Where you have a suggestion for how to improve a council service or process, we have a staff innovation scheme available to all employees to support the development and implementation of new ideas, more information can be found on the [Bright Ideas website](#) available on Incite.

If your role requires you to deal with money in any way, it is important that you read and comply with the Council's financial regulations. Breach of these regulations can lead to disciplinary action.

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7. Dignity at work

Employees

The City Council wishes to create an environment where all its employees are treated with dignity and respect. There should be mutual respect between all employees. The Council has procedures in place to deal with harassment, discrimination, victimisation and bullying.

Councillors

Mutual respect between employees and councillors is essential to effective local government. It is important that this relationship is a professional working relationship. The boundaries between the personal and the professional need to be maintained in order to avoid the potential for compromising either party (e.g. leading to allegations of preferential

treatment, lack of probity or undue influence in certain types of situation). Close personal familiarity (e.g. friendships or sexual relationships) between employees and individual councillors should therefore be avoided. The relationships can be friendly, courteous and positive but should be kept at a professional level. If you have or enter into a personal relationship with a councillor you should declare this to your Line Manager.

The Local Community and Service Users

As a local government employee, you are expected to give the highest possible standard of service to the public and where it is part of your duties, to provide appropriate advice to councillors and fellow employees with impartiality. In carrying out duties and responsibilities, your honesty and integrity must be beyond question. You Employees must never use your authority or position for personal gain, or to enable colleagues, family, friends or others with whom you are acquainted to benefit personally. Your own Service or Directorate may have its own customer care policy in addition to these guidelines. Please also refer to the Council's Corporate Customer Service Policy. Concerns about dishonesty or dangers at work may be addressed through the Council's Whistleblowing Policy, which can be found on the intranet. Concerns or complaints about other employment issues should be raised in the first instance with your line manager and if not resolved, through the Council's Grievance Procedure, which may also be found on the intranet.

Contractors

All relationships of a business or private nature with external contractors or potential contractors of the City Council should be made known to your manager or director. Orders and contracts must be awarded on merit in fair competition with other tenderers and in accordance with the Council's Procurement processes. If you are involved in the client management of Council contracts then you are expected to manage contracts effectively in order to ensure the efficient delivery of services and value for money. No special favouritism should be shown to any contractor and the highest standards of probity must be maintained.

Financial

If you discover that a contract in which you have a financial or other interest has been or could be entered into by the City Council then you are required under Section 117 of the Local Government Act 1972 to advise your Director in writing.

8. Resources

Copyright

All records, documents and other papers relating to the finance and administration of the City Council and which are compiled or acquired by you in the course of your employment are and will remain the property of the City Council, and the copyright in all such cases belongs exclusively to the City Council.

However, in the case of academic work, such as projects undertaken as part of a course to further your professional career, and including books, contributions to books, articles and conference papers, the copyright will belong to you.

Patent

If any matter, item or idea capable of being patented under the Patents Act, which is developed or discovered by an you, alone or together with other colleagues, in the course of your duties, you must disclose this to your manager, and subject to provisions of the Act belongs to the City Council. It is the responsibility of the City Council in the first instance to decide whether to apply for patent or other protection in law for any invention, which belongs to the City Council by virtue of the Patents Act.

Care and Use of City Council Resources

City Council resources, whether tangible assets such as materials, equipment and cash, or business information such as trade secrets, may not be used other than for the proper advancement of the business of the authority.

All equipment belonging to the City Council should be treated with due care and respect. If you wish to use an item of equipment, for example a photocopier, word-processor or printer, for business other than that of the City Council, you must first gain permission from your manager in advance.

Security and use of Computer Data/Equipment

If you have access to computer information at work you will also be issued with an additional document called the Council's IT Security Policy Statement. Please make sure that you read the document and abide by the contents.

The Data Protection Act provides for particular penalties over and above the Council's disciplinary procedure for the unauthorised disclosure of personal information. Under the law you may be personally liable for disclosing personal information. So remember, for example, to take great care of your computer password and any materials you are using, sign off if you are going to leave your terminal unattended, and dispose carefully of any unwanted disks, USB Drives and printouts etc. Take care not to put any personal information on the Internet.

9. Personal Interests

Smoking

The City Council operates a non-smoking policy. This policy aims to protect employees from second hand smoke exposure, to use workplace restrictions to encourage employees to stop smoking and demonstrate the City Council's commitment to its health leadership role. If you would like more information about this policy please consult Insite or your HR contact.

Alcohol/Drugs

The Council has a policy on the Prevention of Alcohol and Drug misuse, which is aimed at ensuring that employees report fit for work and remain fit to perform their duties. The consumption of alcohol is not permitted on City Council premises unless specifically approved by the Manager. The City Council prohibits the use, possession, distribution or sale of drugs at the work-place, or when conducting City Council business (see the Alcohol and Drug Misuse Policy).

Where it is established that there is an alcohol or drug dependency problem, this will be considered as a treatable illness and managers will provide assistance wherever possible. The AMICA counselling service is also available to provide counselling and advice. Where an employee refuses help or drops out of a treatment programme this will not be automatic grounds for dismissal; however any unacceptable behaviour or level of performance thereafter will be subject to appropriate action.

Other Personal Interests

You are required to declare an interest if it comes to your attention that you have a connection or potential connection with any business or organisation (including voluntary bodies) which deals with the City Council, for example, if a relative is a supplier.

Your life away from work is normally your personal concern. You should not however, subordinate your work to your private interests or put yourself in a position where your job, or the City Council's interests and your own personal interests conflict. This includes behaviour, which because of the nature of employment would undermine the City Council's confidence or trust in you. This may potentially, in certain circumstances lead to disciplinary or other management action to resolve the situation.

An example of such behaviour relates to City Council employees facing criminal charges.

Criminal / Driving Offences

If you receive a reprimand, formal warning, caution, bind-over order or conviction for any reason during your employment, or you are arrested or charged with a criminal offence by the Police, you must notify your line manager immediately. Please be aware that disciplinary action up to and including dismissal, may be taken if you do

not comply with this requirement. The bearing of the offence on your employment in your current post will be fully considered and, if necessary, an investigation may be carried out. Appropriate action would then be taken based on the outcome of this investigation.

Driving offences (including speeding and failing to stop at a traffic signal) must be declared if you are required to use your car or a Council vehicle in the course of your duties, even if this is on an infrequent basis."

Additional Employment

The City Council will not prevent you from undertaking additional employment providing it does not conflict with the interests of, or in any way weaken public confidence in the City Council and does not in any way affect performance of your duties and responsibilities whilst you are at work. There must be no conflict between your current position and any other which could confer advantage to your private interest or result in personal gain. If there is a conflict your manager can ask for you to discontinue with the conflicting private business interests.

You have a duty to take reasonable care of your own health and safety. You must inform your Manager if you have or take up additional employment, particularly where this means that your total number of hours worked, exceed an average of 48 hours per week, or which could have a detrimental effect on your health and safety (see the Health and Safety Manual - Working Time Regulations).

10. Registration of Interests

Payments and Gifts

It is contrary to the terms of your contract for you to receive any reward or fee other than your proper remuneration. As a general rule you should tactfully refuse offers of gifts or services from organisations or persons who do or might provide work, goods or services to the City Council or who require a decision from the City Council (for example regarding a grant application).

However, where it is felt that refusal of a small gift or token of appreciation (for example a small box of chocolates) would cause offence or would upset the relationship with a client, the gift may be retained, provided it is recorded in the register provided for that purpose. Similarly, advertising material (for example calendars, diaries, and pens) given to employees may be kept, provided that they are deemed to have been given to the employee as distinct from a personal gift, and provided that their Manager is fully aware of the circumstances.

In the case of you becoming a beneficiary in a Services User's will, you must refuse to accept the legacy/bequest regardless of its size or value if it is as a consequence of your employment. You must also report the legacy/bequest to your Manager/ Director. Acceptance of such legacies/bequests may result in disciplinary action.

The overriding requirement is that the City Council must be able to demonstrate that its employees have not been influenced by improper motives.

Hospitality

It is acknowledged that on occasions the business of the City Council can be progressed through, for example, working lunches or dinners. As a general rule, you should only accept offers of hospitality if there is a genuine need to impart information or represent the City Council in the community. If on the other hand the hospitality offered is primarily a social function, at which business matters are of a secondary concern (for example test matches, rugby internationals or concert performances) then it is unacceptable, and such invitations should normally be refused. When hospitality is declined, those making the offer should be informed of the procedures and standards operating within the City Council.

It is of vital importance that the possibility of you being deemed by others to have been influenced in making a business decision, as a result of accepting such hospitality, should be avoided at all costs, for your own protection.

In taking this advice you should err on the side of caution and, if in any doubt consult your Manager. Each gift, act of hospitality or offer thereof, must be recorded in the register provided in you Directorate or on My View for that purpose.

Promotional Sales/Benefits

Offers from companies of promotional sales should be declined. You should bring such matters to the attention of you manager in order that a decision can be made as to whether it is appropriate to inform the Director of Human Resources and Workforce Development, who can write to the company concerned, indicating that improved discounts are the only form of promotion acceptable to the City Council.

The use of personal loyalty cards whilst making purchases on behalf of the authority or service users is also unacceptable. It may bring into question the impartiality of the use of that supplier.

Any prizes won whilst on City Council business or whilst using City Council funds should be reported immediately to your Manager/ Director who will make a decision as to the acceptability of such a prize.

Sponsorship

Where an external organisation wishes to sponsor or is seeking to sponsor a City Council activity, whether by invitation, tender negotiation or voluntarily, the conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

From time to time the City Council sponsors or gives grants for sporting and cultural events such as exhibitions, plays or performances, or games. The general rule is that you nor any partner, spouse or relative shall receive any benefit from such sponsorship or grant in a direct way without there being full disclosure to your Manager/Director of any such interest. Similarly, where the City Council through sponsorship, grant aid, financial or other means, gives support in the community, you must ensure that impartial advice is given and that there is no conflict of interest involved.

11. Whistleblowing

The Whistleblowing Policy is intended to encourage and enable anybody who works for or on behalf of the Council to raise serious concerns regarding the categories of issues which fall within the Whistleblowing Policy within the Council rather than overlooking a problem. It makes it clear that reporting can happen without fear of reprisal. You are contractually expected to report non-compliance of other employees within the Code.

An employee must not treat another employee of the authority less favourably than other employees because the other employee has used/intends to use or is suspected of using the authority's reporting procedures to report the misconduct of others.

Under the Public Interest Disclosure Act 1998, you are legislatively protected in the event that you raise any concerns which fall within the following categories:-

- Criminal activity
- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal obligation or regulatory requirements
- Bribery
- Financial fraud or mismanagement
- Negligence

- The deliberate concealment of any of the above matters

These concerns should, in the first instance, be raised with your line manager, but if this is inappropriate, it may be raised with the Monitoring Officer.

The Policy sets out how to raise other types of concerns. In essence, if they relate to how you have personally been treated at work, raising them with your line manager in the first instance and, if not resolved, through the Grievance Procedure is advocated. If they relate to concerns about Councillors, the Member Code of Conduct should be used.

For further guidance please refer to the City Council's Whistleblowing Policy on Insite.

Anti-Fraud and Anti-Corruption

We are committed to ensuring the maintenance of high standards in every aspect of our activities. As part of this commitment we will ensure that opportunities for fraud and corruption are identified and actively managed to reduce possible risks. Where there is a suspicion of fraud or corruption we will deal with it in a firm and controlled manner. This has been accepted by the full Council within our Policy.

12. Confidentiality

During the course of employment you will likely come across confidential information. You must understand and comply with Information Governance requirements. This refers to the correct handling and management of information to comply with relevant legislation, confidentiality and security standards.

You should use your discretion to determine the appropriateness of where you hold conversations of a confidential nature, this includes conversations conducted over mobile phones and the internet.

The duty of confidentiality is imposed on all employees no matter what your function or capacity is within the Council. A breach of confidentiality may be considered a disciplinary matter.

Information Governance is the framework of law and best practice that regulates the manner in which information, (including information relating to and identifying individuals) is managed, i.e. obtained, handled, used and disclosed. It is a complex and rapidly developing area and one of the utmost importance since information is central to any organisation and underpins everything we do.

Information concerning an employee's private affairs must not under any circumstances be supplied to any person outside the service of the City Council without the consent of the employee, nor to anyone within the

City Council unless that person has authority or responsibility for such information. Access to personal information is detailed in a separate policy.

You must never use your authority or position for personal gain, or to enable colleagues or others to gain personally. Any particular information received by an employee from a councillor which, is personal to the councillor and does not belong to the City Council must not be divulged by the employee without prior consent of the councillor, except where disclosure is required or sanctioned by law.

If you have any reservations about any request to supply information you should immediately refer the matter to your Manager/ Director.

Media Contacts

You must not make statements to the media, or any other public statement which concerns the business of the City Council unless you have been authorised by their Manager/ Director to act generally as a spokesperson or have been expressly authorised to act as a spokesperson in relation to a particular situation, or are acting as an authorised Trade Union spokesperson.

Appointment of Staff and other Employment Matters

If you are involved in appointments you should ensure that those appointments are made only on the basis of merit. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a personal relationship with them outside of work.

Similarly, you should not be involved in decisions relating to discipline, promotion, recruitment or pay and conditions for any other employee who is a relative, partner or someone with whom you have a personal relationship.

Duty of Trust

You must at all times act in accordance with the trust that the public is entitled to place in you as an employee of the City Council.

You are expected within reason, to be ready and able at the agreed times to carry out your job. Politeness and courtesy should be expressed to the public and to internal and external clients at all times. Customer care and courtesy must be maintained with appropriate professional boundaries and particular attention should be paid when in contact with vulnerable service user groups. In carrying out your duties and responsibilities your honesty and integrity should be beyond question.

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Document Control

Implementation Date	Author	Summary of Changes	Date to be reviewed
TBC	Hannah Panter	New	TBC

Whistleblowing Policy

1. POLICY STATEMENT

1.1 Leicester City Council is committed to conducting its business with honesty and integrity and it expects all staff to maintain high standards of conduct. All organisations, however, face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 The aims of this policy are:

- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.
- (b) To provide staff with guidance as to how to raise those concerns.
- (c) To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

1.3 [This policy does not form part of any employee's contract of employment and it may be amended at any time.]

1.4 This policy aims to explain the law regarding what constitutes a whistleblowing complaint, how to raise one and what protection is afforded to a legitimate whistleblower. It does not set out an investigatory framework (see section 8)

2. WHO IS COVERED BY THIS POLICY?

This policy applies to all individuals working at all levels of the organisation, including chief officers, officers, employees, consultants, trainees, part-time and fixed-term workers, casual and agency staff [and volunteers] (collectively referred to as **staff** in this policy).

3. WHAT IS WHISTLEBLOWING?

3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) miscarriages of justice;

- (c) danger to health and safety;
- (d) damage to the environment;
- (e) failure to comply with any legal obligation or regulatory requirements;
- (f) bribery;
- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) the deliberate concealment of any of the above matters

3.2 A **whistleblower** is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the council's activities (a **whistleblowing concern**) you should report it under this policy.

4. **WHISTLEBLOWING IS NOT**

4.1 This policy should not be used for the following:

- (a) Raising concerns that relate to your own personal circumstances such as the way you have been treated at work. . Such concerns should be raised in the first instance informally with your line manager who will attempt to resolve them for you. If no resolution is possible, the Grievance Procedure, (or other appropriate procedure such as the "Harassment and Discrimination procedure") should be used for this purpose.
- (b) Raising concerns of a serious nature which do not fall within the definitions set out at 3.1 above. The Grievance Procedure, or other procedure as appropriate, should be used for this purpose.
- (c) Raising concerns as a member of the public. The Corporate Complaints Procedure should be used for this purpose.
- (d) Raising concerns about Councillors. The Member Code of Conduct and Arrangements should used for this purpose.

4.2 If you are uncertain whether something is within the scope of this policy you should seek advice from Human Resources.

5. **RAISING A WHISTLEBLOWING CONCERN**

5.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. Where you do not feel you can do this then you should raise your concern with a manager above the level of your immediate manager. In

all cases the manager will log the referral with the Monitoring Officer so that it can be recorded as a “whistleblowing complaint.”

- 5.2 Where the matter is more serious, or you feel that your line manager has not addressed your concern or you prefer not to raise it with them or their superior for any reason, you should raise your concern directly with the Monitoring Officer. Should the Monitoring Officer consider that your concern should not have been raised with them, it will be redirected to your line manager or another appropriate manager. It is, in any event, in most cases, likely that the Monitoring Officer in dealing with your concern will liaise with your line manager regarding its progression. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6. CONFIDENTIALITY

- 6.1 It is hoped that staff will feel able to voice whistleblowing concerns openly under this policy. If, however, you want to raise your concern confidentially, every effort will be made to keep your identity confidential. In these circumstances and if it is necessary for anyone investigating or involved generally in your concern to know your identity, this will be discussed with you prior to your identity being disclosed.
- 6.2 Anonymous disclosures are not encouraged. Proper investigation may be more difficult or impossible if further information cannot be obtained from you. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should raise this at the time that they make their disclosure and appropriate measures can then be taken where appropriate. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

7. EXTERNAL DISCLOSURES

- 7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 7.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern externally. The independent whistleblowing charity, Public Concern at Work, operates a confidential

helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

- 7.3 Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a contractor. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. You are encouraged, however, to report such concerns internally in line with the procedure outlined above.

8. INVESTIGATION AND OUTCOME

- 8.1 Once you have raised a concern, an initial assessment will be undertaken to determine what, if any, steps should be taken. As part of this process, whether your concern falls within the scope of this policy will be considered. You will be informed of the outcome of the assessment. You may be required to attend meetings in order to provide further information. **This initial assessment will not represent the investigation itself, but will merely inform management about what, if any, next steps to take. If further action is warranted, such action will be undertaken under the auspices of one of the investigatory channels that exists in the Council (e.g. the disciplinary process)**
- 8.2 Following the initial assessment an investigator may be appointed. Where appropriate the investigator will have relevant experience of investigations or specialist knowledge of the subject matter. **It may however be perfectly appropriate for a line manager or some other Council officer to undertake an investigation. Questions of potential conflict of interest will be considered in crafting an appropriate response to a valid referral.**
- 8.3 It may be appropriate to instigate a further procedure following the conclusion of any investigation, such as the disciplinary procedure. Any such action falls outside the scope of this policy.
- 8.4 Whilst in most circumstances you will be kept informed of the progress of any investigation and its likely timescale, the need for confidentiality may prevent the provision of information to you including specific details of the investigation or any disciplinary action taken as a result. The investigator will decide what details, if any, should be provided to you regarding the investigation itself and its outcome. You should, however, treat any information about the investigation provided to you as confidential.
- 8.5 If it is concluded that a whistleblower has made false allegations maliciously, in bad faith **(i.e not merely mistakenly)** or with a view to personal gain, the whistleblower will be subject to disciplinary action. **Any such action will follow due process.**

9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or HR immediately who will assess what steps, if any, should be taken. If for any reason you do not believe it is appropriate to raise this with your line manager you should inform the next line of management. Where matters have been disclosed in confidence and anonymously, then you can speak with the Monitoring Officer. If the matter is not resolved to your satisfaction you may raise this using the Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

10. RESPONSIBILITY FOR THE SUCCESS OF THIS POLICY

- 10.1 The Monitoring Officer has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 10.2 The Monitoring Officer has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 10.3 The Monitoring Officer should review this policy from a legal and operational perspective at least once a year. **Trade Unions will be consulted before any changes are implemented.**

Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
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GRIEVANCE AND DISPUTES PROCEDURE

PURPOSE AND APPLICATION

All employees of the City Council have a right to raise any grievance relating to their employment and have it settled fairly and without undue delay. This procedure applies to all employees including trainees involved in youth and adult training schemes and sessional employees, but excludes school based employees for whom separate procedures exist. It applies to all areas of employment, except those for which there is an appeal or complaints procedure, and the Relocation Scheme for newly appointed staff.

The procedure applies to probationary and temporary employees, up to stage 2.

General Principle

1. Any issue will be dealt with quickly and whenever possible by the employee's immediate supervisor. This is to enable the supervisor, particularly if the complaint is about their actions, to put it right.
2. The grievance procedure is intended to protect staff who are the victims of unfair/unacceptable treatment. Supervisors will be expected to deal reasonably and helpfully with an employee's complaint; equally employees will be expected not to challenge reasonable management actions. In most cases it is the intention of this procedure that grievances will be resolved at the informal stage. Where a grievance is referred to the next stage, both the supervisor and employee will be expected to show what steps they have taken to achieve a reasonable solution to the problem. The procedure ensures that an appeal is not heard by the person against whom the grievance was originally submitted.
3. Recognising that raising a grievance can be stressful, the procedure allows an employee to be accompanied by a person of their choice who may be a shop steward/staff representative. Either party may ask for Human Resources to be present.

Where the grievance concerns a larger group of employees they may be represented by their shop steward/staff representative who will normally meet the supervisor on their behalf.

4. Any issues must be dealt with fairly and strictly in accordance with the City Council's established policies, in particular the Equal Opportunities Policy.
5. There will be no victimisation of any employee who raises a grievance.
6. Raising a grievance will not delay any action being taken under the Council's disciplinary or capability procedure.
7. An employee will be given access to information relating to the grievance except where there is a need for confidentiality to be maintained, eg relating to personal information of other employees. Where a request for information is unreasonably denied, this may form part of the grievance.

The Stages

Stage 1 Raising the problem with the supervisor

Stage 2 Referring the problem to the Director

Stage 3 Grounds for Appeal

Stage 4 Disputes only - Conciliation

STAGES OF THE PROCEDURE

Stage 1: Raising the problem with the Supervisor (informal stage)

Any aggrieved employee or group of employees, with a complaint or problem at work should contact their immediate supervisor in writing about it within ten working days of receiving notice of/or the most recent decision or the event. Verbal submissions of a grievance will not be accepted.

The supervisor will try to settle the grievance as quickly as possible ensuring relevant advice is taken from Human Resources and senior management where appropriate and, in any case, must respond within ten working days. Where the supervisor is prevented from resolving the issue within this time limit the employee will be told the reasons for the delay and a deadline will be set for a final response.

The supervisor will respond in writing and, if not satisfied with the answer, the employee may proceed to Stage 2 within five working days.

Complaints may also be referred directly to Stage 2 with the agreement of both parties.

Stage 2: Appeal to the Director

At this stage the employee will write to their Director within ten working days of registering the appeal giving full reasons for their grievance, including reasons why the supervisor's response at Stage 1 is unsatisfactory. An employee may seek assistance in preparing this written statement. Notification of any witnesses to be called must also be given at this stage. The Director (or delegated senior manager) will give this to be the supervisor, who will be required to respond in writing to the Director within 5 working days, with a copy to the employee. Notification of any witnesses to be called must also be given. The hearing will normally take place within 10 days of the employee's case and management's response having been received.

NOTE:

- (1) Where the grievance is directly about the Director, Stage 2 will be heard by the Chief Executive or an officer specifically nominated for the case. A grievance against the Chief Executive will be heard by the Local Appeals Committee.
- (2) Where it is the Director who is aggrieved, the Chief Executive will hear the grievance and any appeal will be to the Local Appeals Committee.
- (3) Time limits in this procedure are expressed in working days. These are deemed to be Monday - Friday in all cases. Except in exceptional circumstances both sides will be expected to adhere to the time limits set. Failure to observe these time limits may result in either party losing their rights under the procedure if there is no acceptable reason.

The Grievance Hearing

The aggrieved employee will explain the problem, followed by the supervisor who made the decision at Stage 1 explaining how this was reached. Each party may call witnesses as appropriate. Both parties will refer to their written statements to try to show that they have tried to reach a reasonable solution to the problem.

Further complaints and/or new evidence will not normally be permitted at this stage.

In reaching the decision the Director or delegated senior manager will normally be advised by Human Resources from within the division involved or, where appropriate, from another division.

After the hearing the employee and the supervisor will be notified of the decision in person whenever possible, and this will be confirmed in writing within ten working days of the hearing. Where a hearing is adjourned for further investigation, or for any other unavoidable reason, the employee must be kept informed of progress and a date set for the resumed hearing. It is not Council policy to issue notes as the official record of hearings.

Stage 3: Grounds of Appeal

Stage 2 shall be the final stage except in the following cases:

- (1) Where the grievance relates to the interpretation or application of one of the Schemes of Conditions of Service which, if not resolved, may be referred to the Appeals Committee, or;
- (2) Where an important issue of principle arises relating to joint agreements and which, with the agreement of the Joint Secretaries of the central consultative body, may be referred to that body.

Procedure and Time Limits for Stage 3 Appeals

Appeals must be registered in writing to the Director within ten days of receiving the decision. A further 5 days will be granted to provide a written statement explaining the grounds of appeal.

Where the Director is satisfied that the grounds of appeal are met, he/she will organise an Appeal Hearing. Where the Director is not satisfied that the grounds for appeal are met he/she will refer the matter to the Joint Secretary for the Employer's Side for decision.

No new evidence or witnesses can be introduced by either side at this stage, except with the prior agreement of the committee hearing the appeal.

Stage 4: Disputes - Conciliation

Where matters referred to the appropriate committees are not resolved, they may be referred by either party to the East Midlands Provincial Council as a formal "difference" or dispute.

In the event of the Provincial Council being unable to settle the matter either party may ask for it to be referred to the appropriate National Joint Committee.

Disputes will not be referred to ACAS until the above procedure has been exhausted.

No form of industrial action (eg "strikes" or "lock-outs") will be taken by either side whilst the relevant grievance/dispute is under consideration within this Procedure.

This procedure will be subject to periodic review.

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Last updated: 28 December 2009 PAWS/SY

Amendments to Stage 1 @ 3 Oct 06

Revised December 1998

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Corporate Complaints Policy

(relevant extracts from Insite)

• **Complaint Types**

- [Complaints involving more than one department or section that are not linked in any way](#)
- [Related complaints from the same complainant, that involve more than one section or department](#)
- [Complaints against Strategic Directors](#)
- [Complaints against the Head of Paid Service](#)
- [Complaints alleging financial impropriety](#)
- [Complaints passed on by a Councillor or MP](#)
- [Complaints made by a Councillor or MP](#)
- [Complaints made about the conduct of a Councillor](#)
- [Insurance claims](#)
- [Anonymous complaints](#)
- [Vexatious complaints](#)
- [Abusive complaints](#)

Complaints involving more than one department or section that are not linked in any way

Complaints that do not appear to be linked in any way, e.g., a park and a housing repair, should be separated and sent to the departments concerned and separate responses sent on each part of the complaint. The complainant should be told to expect separate responses.

Only one letter of acknowledgement should be sent to the complainant, which should include the contact details of all Departmental Complaints Officers involved in the complaint.

Related complaints from the same complainant, that involve more than one section or department

For complaints that involve more than one section or department, establish what issue is the main part of the complaint. The department responsible should take the

lead on the complaint. If more than one department is involved, both Departmental Complaints Officers should be sent a copy of the complaint, and the lead department should provide a coordinated reply.

Complaints against Divisional Directors

Should be sent to the relevant Strategic Director for investigation.

Complaints against a Strategic Director

Should be passed on to the City Mayor for investigation.

Complaints alleging financial impropriety

Should be sent to the Director of Finance for investigation by the Audit Team.

Complaints passed on by a Councillor or MP

It is important that you inform your manager that you have received a complaint from/by a Councillor/MP.

Complaints received from members of the public via their Councillor or MP are dealt with in **5 working days**. The Councillor or MP should request the type of response that they are expecting from the department, e.g. a response directly to the constituent and a copy to the Councillor or MP. However, if this is unclear you should check with them.

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Complaints made by a Councillor or MP

These will normally be sent to a senior manager in your department who will decide on the appropriate person to deal with the complaint.

If you receive a complaint and you are unsure how to deal with it, then always consult with your manager.

A Councillor or MP enquiry is different to a complaint – one is not automatically the other! However, a five-day response time applies to both.

The 5-day response time and monitoring arrangements will apply.

Complaints made about the conduct of a Councillor

Elected Members are subject to a Local Code and any alleged breach should be reported to the Council's City Barrister and Head of Standards (Monitoring Officer), Kamal Adatia, tel:296302, email Kamal.Adatia@leicester.go.uk

Insurance claims

If the person contacting the Council wishes to make an insurance claim for the loss they have incurred, they should be advised to put the full details in writing and send this to Risk Management Services, Finance Department. Alternatively they can ring 252 7000 to arrange for a claims form to be sent to them.

Complaint forms should not be used for insurance claims, as this can slow down the process.

Anonymous complaints

There may be a very good reason why someone does not wish to provide personal details when they make a complaint. Obviously it will not be possible for the complaint to be acknowledged or responded to in this circumstance. However it is important that all anonymous complaints are taken seriously and investigated as far as possible.

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Vexatious complainants

Wherever possible, every effort should be made to find out what someone is complaining about, to investigate and respond. However, on occasion, complaints will be made that clearly do not substantiate claims or even justify further investigation. These types of complaints can be termed “vexatious complaints”. A vexatious complainant is one who does not have sufficient grounds for action and seeks only to annoy.

It is important that the complaints procedure is correctly implemented and all elements of a complaint are considered as even repeated or vexatious complaints may have issues that contain some genuine substance.

Judgement may become difficult on some occasions, however, complainants may be deemed to be vexatious where previous or current contact with them shows that they meet any of the following criteria:

Where a

- Persist in pursuing a complaint after the correct procedure has been implemented and exhausted.
- Continually change the substance of a complaint or raise new issues
- Do not clearly identify the precise issues or identify concerns out of the council’s remit.
- Have threatened or used physical violence towards staff or families or associates.
- Have an excessive number of contacts with the council.
- Have harassed, been abusive or verbally aggressive towards staff.

- Display unreasonable demands or complainant expectations and fail to accept that these may be unreasonable.

If the relevant DCO believes the complaint is vexatious, and the all appropriate avenues of internal review or appeal have been exhausted and the customer continues to contact the council, a case conference should be held. [Read more in the Protocol for case conference on vexatious, repeated and aggressive complainants.](#)

The complaint procedure exists to provide an opportunity for those who are not happy with Council services to express themselves. It is important not to deny this opportunity. However, officer time is valuable, and if it is taken up dealing with vexatious complainants then this may detract from the service offered to the rest of the public.

It is expected that only a very small percentage of complaints will be treated as vexatious.

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Abusive complaints

It is important that you are prepared for some complainants who may approach you in an abusive manner. Whilst it is appreciated that these situations are not easy to deal with, there are techniques that may be able to help you diffuse the situation and actually assist the complainant. The following suggestions may help:

- Try and keep calm – if you get angry this may make the situation worse.
- Be patient – if you allow the complainant time he/she may start to calm down.
- Listen to what is being said – even if the complainant is shouting, you may get enough of an idea as to what the problem is and to help.
- Explain that you want to help them – you could add that there is little that can be done if they don't give you a chance to help.
- Stay silent – and listen. The complainant may actually stop talking when they realize that you have not said anything and give you a chance to speak.

If will not always be possible to manage every situation. Remember that staff are not expected to be subjected to verbal abuse. If all else has failed you should calmly explain that you are not prepared to deal with him/her unless they stop this behaviour. If you are uncomfortable call for a more senior officer or your manager to deal with the situation.

Remedies policy

When a complaint is found to be justified it is important that a remedy is offered. The remedy should reflect the circumstances of the complaint.

When a complaint is found to be justified you should always apologise to the complainant and explain why mistakes were made or why the problem arose. In addition the remedy should seek to do three further things:

1. Put the user back in the position they should have been in if the problem had not arisen

This will usually involve the appropriate section taking corrective action e.g. carrying out repairs, clearing rubbish, correcting benefits. This should be done as soon as possible.

2. Compensate for any distress, inconvenience or loss resulting from the Council's actions

Where there has been loss, for example, damage to property or the need to make excessive telephone calls, then it will be clear what steps can be taken. It may be that some offer in kind e.g. free use of Leisure Centre facilities may be appropriate.

Where the loss is less obvious, in the case of inconvenience and distress, the action to take may not be so clear.

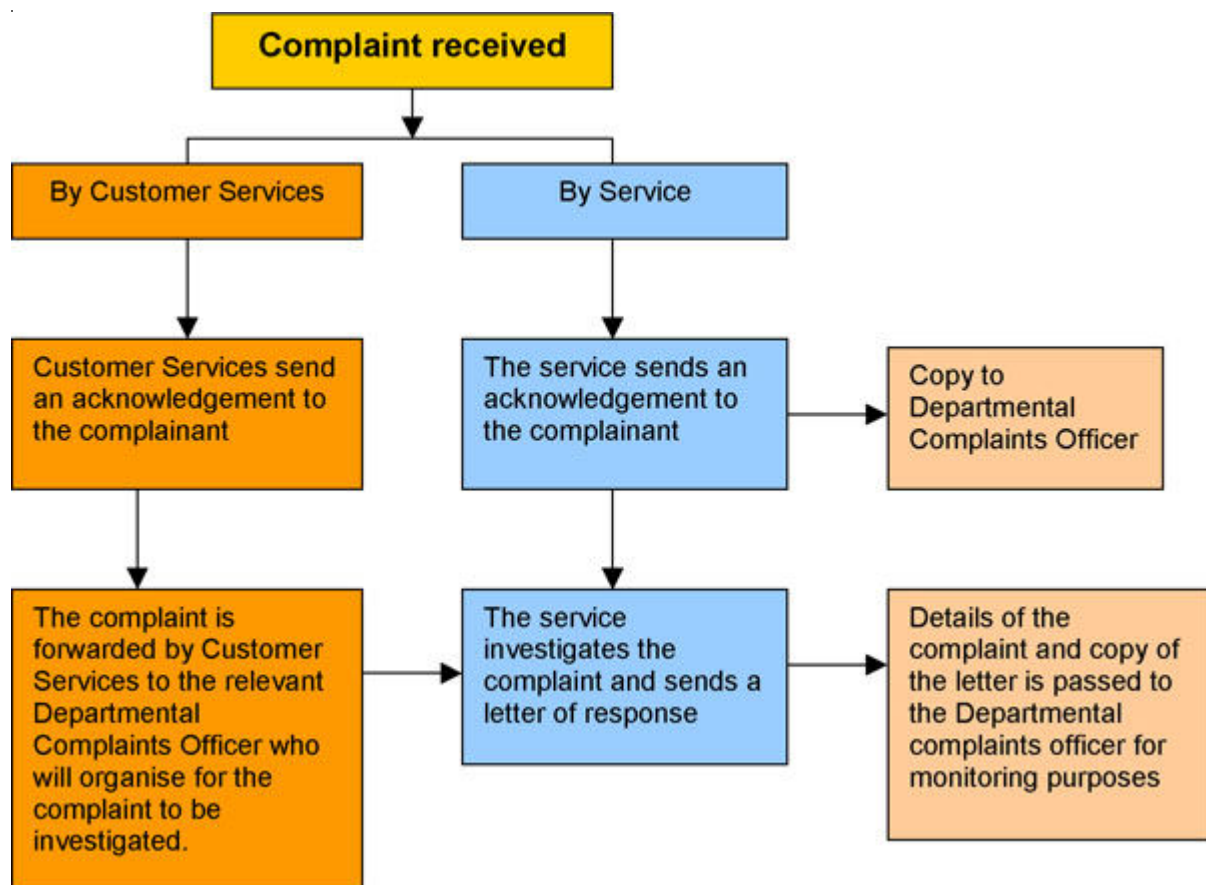
In more serious cases e.g. being wrongly summoned to appear in court, persistent failure to carry out building repairs, the remedy may need to take some form of financial compensation. In such circumstances it is important that officers consult with their managers to clarify their authority for making such payments.

Where there is uncertainty as to the level of a payment, advice should be sought from Legal Services or from the Ombudsman Link Officer

3. Take action to ensure that the problem doesn't arise again

Sections and teams should review their working practices in the light of complaints received with a view to making improvements and so avoiding similar problems arising in the future

- **The Council’s Corporate Complaint Procedure**



There are two stages to the corporate complaints procedure.

Stage one – Making a Complaint

1. A complaint is received: A complaint may be received by post, email, via internet, by phone or face-to-face.

Complainants are asked to provide their contact details, details of their complaint and if relevant what they would like to be done as a result of their complaint.

2. Complaint Acknowledgement: An acknowledgement of the complaint must be sent to the complainant within 24 hours of receipt providing them with a contact name and number (the Departmental Complaints Officer) to be used in the event of any further queries.

Customer Services will issue an acknowledgement for all complaints made via them on behalf of services.

Services receiving complaints directly must send their own acknowledgement letter, see [Template - Standard acknowledgement letter](#).

3.1 For complaints received via Customer Services: The complaint documentation / information will then be passed on to the appropriate Departmental Complaints

Officer who will record the complaint for monitoring and reporting purposes. The Departmental Complaints Officer will then pass the complaint on to the manager of the relevant service in order for the complaint to be investigated and responded to.

3.2 For Complaints received directly by a service: The complaint documentation / information should be passed to the manager of the service in order for the complaint to be investigated and responded to. A copy of the complaint and the letter of acknowledgement should also be passed to the Departmental Complaints Officer for reporting and monitoring purposes.

4. Responding to the complaint: Once a full investigation of the complaint has been undertaken, the team/service manager will produce a response, which is sent to the complainant. The target for responding to complaints is 10 working days from the date of receipt.

5. Details of this response should be provided to the Departmental Complaints Officer for monitoring information to be updated.

Stage Two - Not Satisfied with the Response

In the event that the complainant is unhappy with the response that they have received to their initial complaint then they may ask for their complaint to be reviewed. This is stage 2 of the process.

The process for stage 2 complaints mirrors the procedure for stage 1 complaints, with the following exceptions:

- Full details of why the complainant isn't happy with the response they received to stage 1 of the process should be recorded by the officer receiving the escalated complaint.
- Rather than being passed to the manager of the service being complained about, the Departmental Complaints Manager will pass the complaint for investigation and response to a senior manager in a service not connected with the area involved in the Stage 1 complaint.

As with Stage 1 complaints, the timescales for acknowledging the complaint (24 hours) however stage 2 complaints should be investigated and responded to within 20 working days or earlier wherever achievable.

Please Note: When the complaint is responded to following this investigation the complainant will need to be told how to pursue their complaint further if they remain dissatisfied with the outcome at stage 2.

The response to the complainant should state that Stage 2 is the final stage of the Council's procedure and include advice regarding the Local Government Ombudsman's service. See [The Local Government Ombudsman](#) guidance.

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Appendix E

STANDARDS COMMITTEE WORK PROGRAMME

Committee Meeting Date	Proposed Items	Comments
14 NOVEMBER 2012	Appointment of Vice-Chair	Deferred from 1 October 2012 meeting
	Update on Development of the Council's Political Conventions	
	Complaints Against Councillors – Update	Standing item
JANUARY 2013	Review of Training on Disclosure of Interests provided by the Monitoring Officer	
	Development of Guidelines on the Use of Social Media by Councillors	
	Complaints Against Councillors – Update	Standing item
MARCH 2013	Complaints Against Councillors – Update	Standing item
8 MAY 2013	Complaints Against Councillors – Update	Standing item
TO BE IDENTIFIED	The Council's Annual Corporate Governance Statement	
	Any other policies impacting on Standards, (for example, the Employee Code of Conduct, Whistleblowing)	

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