

## Agenda

**Councillors: Herefordshire:** Brigadier P Jones  
**Worcestershire:** Mr P A Mould,

**Independent Members:** Dr M Mylechreest, Mr R Rogers.

**1. Named Substitutes (if any)**

To receive details of either of the designated substitutes nominated to attend the meeting in place of the two Councillors on the Committee.

**2. Election of Chair**

To elect a Chair.

**3. Appointment of Vice-Chair**

To appoint a Vice-Chair.

**4. Declaration of Interests (if any)**

To invite any Member of the Committee to declare any interest in any of the items on this Agenda.

**5. Minutes**

To confirm the Minutes of the meeting held on 5 March 2004. (copy attached – pink pages)

**6. Committee On Standards In Public Life Tenth Report "Getting The Balance Right: Implementing Standards Of Conduct In Public Life" (p.1-6)**

To note the recommendations of the Committee's Tenth Inquiry launched in January 2004.

**7. Code of Conduct for Members Review (p.7-11)**

To seek the Committee's views in relation to the National Review of the Code of Conduct for Members.

**8. Code of Corporate Governance (p.12-15)**

To consider compliance with the Code of Corporate Governance for the Authority for 2004/2005.

**9. Review of Confidential Reporting (Whistleblowing) (p.16-21)**

To note the revised Service Policy and Instruction (SPI) on Confidential Reporting ("Whistleblowing").

**10. External Auditors Audit Letter**

To discuss the Committee's role in relation to the annual audit letter.

**11. Members' Training Programme (p.22-23)**

To provide an update on Training for Members of the Authority.

## **Minutes**

### **Present**

**Councillors:** Herefordshire: Brigadier Peter Jones CBE.  
Worcestershire: Mr Philip Mould

**Independent Members:** Dr Murray Mylechreest (Chair), Mr Robert Rogers

### **Officers in attendance:**

Mr Martin Rehorn, (Director of Finance)  
Ms Marie Rosenthal (on behalf of the Clerk)  
Mrs Lucy Tye (Director of Corporate Services)  
Mrs Kate Quinn (Corporate Services Administrator)  
Mr Tim Brown (Committee Services)

### **Available Papers:**

- A. The agenda paper and appendices referred to (previously circulated).
- B. The Minutes of the meeting held on 19 September 2003. (previously circulated)
- C. Supplementary Report relating to Agenda item 5: Code of Corporate Governance.

(A copy of the agenda papers will be attached to the signed minutes).

#### **20. (Agenda item 1) Apologies for Absence**

None

#### **21. (Agenda item 2) Named Substitutes**

None

#### **22. (Agenda item 3) Declaration of Interests**

There were no declarations of interests.

#### **23. Minutes**

**RESOLVED: That the minutes of the meeting held on 19 September 2003 be confirmed as a correct record and signed by the Chairman, subject to deleting the word "a" on page 4 of the Minutes, paragraph 2 line one.**

#### **24. (Agenda item 5) Code of Corporate Governance**

Further to Minute no 14 the Committee considered progress regarding its responsibilities to monitor particular elements of the Code of Corporate Governance and compliance with those elements.

The Director of Corporate Services presented a supplementary report, circulated at the meeting, setting out those elements of the Code which, on

the Committee's recommendation, the Authority had agreed in September 2003 were within the Committee's remit to monitor and the progress made.

In the course of discussion the following principal points were made:

- That it was important that the Committee was satisfied that it had sufficient evidence supplied to it to enable it to judge whether there was compliance with the relevant elements of the Code. It was also important that it was clear to others on what basis it had made its judgment and the extent of the Committee's responsibility.
- In relation to Members' training (section 3f of the Code) it was noted that a proactive programme was proposed but not yet in place. It was suggested that the Committee's responsibility was limited to confirming a programme was to be put in place rather than assessing the detail of any programme.
- In relation to section 3 m of the Code it was requested that clarification be provided on the intention underlying that provision. It remained unclear to the Committee that the Code of Conduct for Members was the appropriate measure of compliance.
- It was noted that whilst the Brigade Training Centre had Investors in People accreditation there were no plans to roll this out across the Brigade. The Brigade did, however, have Charter Mark status.
- That it would be helpful if the supporting information on comments, complaints and appeals was available for inspection by the Committee when considering compliance in future.

**RESOLVED: That the Authority be found compliant with those aspects of the Code of Corporate Governance which the Committee was responsible for monitoring.**

## **25. (Agenda item 6) Role of Monitoring Officer**

The Committee considered a proposed description of the role of the Monitoring Officer.

The report noted that the Committee had previously requested that the Code of Corporate Governance should reflect a role for the Committee in reviewing the operation of the role of the Monitoring Officer. It was suggested that, in pursuance of this, although the role was prescribed in Statute it would be useful for the role to be set out. A list of functions was appended to the report.

The Committee noted that not all the roles set out in the appendix were statutory responsibilities, although they were associated responsibilities, and requested that the distinction be made explicit.

It was reported that legislation regarding the power to conduct investigations was yet to be confirmed. It was also advised that the Monitoring Officer role was supported by a Service Level Agreement and that appropriate resources

to support the role were being made available in accordance with the duty upon the Authority.

The Committee noted the extent to which the Monitoring Officer's role was supported by a Service Level Agreement.

**RESOLVED: That the Authority be recommended to endorse the description of the role of Monitoring Officer as set out in the appendix to the report, as amended.**

**26. (Agenda item 7) Protocol for Member/Officer Relations**

The Committee considered a protocol for Member/Officer relations.

When considering the code of Corporate Governance in September 2003 the Committee had suggested that rather than relying on provisions contained in a number of separate documents, a freestanding Code of Conduct on Officer and Member relations should be prepared. A draft was appended to the report.

The Committee requested that the drafting of the Code be refined to make explicit the expectations upon Members conveyed by the use of the word "you".

**RESOLVED: That the Authority be recommended to approve the protocol for Member/Officer relations as appended to the report, as amended.**

**27. (Agenda item 8) Training Matters**

The Committee confirmed that the joint training day with the Standards Committees of the constituent authorities had been worthwhile.

It was considered that no more training was required at this stage and that the matter should be reviewed in a year's time.

**28. (Agenda item 9) Third Annual Assembly of Standards Committees**

The Committee noted the Programme for the Third Annual Assembly of Standards Committees and that places would be booked for Members at their request.

**29. (Agenda item 10) Dates of Future Meetings**

The Committee reaffirmed its view that the Committee should hold an annual meeting, scheduled for July, but would otherwise meet as required.

The afternoon of Friday 16 July, 2004 was provisionally proposed as the date of the next meeting.

The meeting ended at 3.25 pm.

Chair

## 6. COMMITTEE ON STANDARDS IN PUBLIC LIFE TENTH REPORT "GETTING THE BALANCE RIGHT: IMPLEMENTING STANDARDS OF CONDUCT IN PUBLIC LIFE"

### Purpose of Report

1. To note the recommendations of the Committee's Tenth Inquiry launched in January 2004 which looked at a number of areas including the management and enforcement of codes of conduct including declarations of interest across local government, the national health service and other public bodies.

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### Background

2. The Committee on Standards in Public Life was established in October 1994 by the then Prime Minister in response to concerns about standards in public life. It was given wide ranging terms of reference to examine current concerns about the standards of conduct of all holders of public office. The Committee has published nine reports covering virtually all elected and appointed public office holders.
3. The Committee's Tenth Inquiry was launched in January 2004 to examine the administrative procedures which flow from the implementation of the various recommendations of the Committee since it was established a decade earlier. The Committee wished to know whether the procedures and processes set up have been "effective, proportional and not excessive to the objects of the exercise".
4. The selected areas for inquiry were:
  - Appointments and re-appointments to public bodies (not the civil service);
  - The management and enforcement of codes of conduct including declarations of interest across local government, the national health service and other public bodies; and
  - Whether the seven principles of public life are being embedded into organisational culture and what steps are being taken to ensure that this involves the appropriate use of training and development and is more than a box-ticking exercise.

### The Ethical Standards Framework for Local Government

5. The published Summary of the Tenth Report will be circulated separately to members of the Committee. However, the Report concludes:

*The Committee on Standards in Public Life have concluded that although improvements can and should be made to the existing system for handling complaints under the Model Code of Conduct, the framework must move to locally based arrangements for the initial handling, investigation and*

*determination of all but the most serious cases. Only by local ownership and involvement can issues of ethical organisational culture be properly addressed and the overall regulatory framework for standards in local government made proportionate and strategic.*

6. The Committee have made 32 recommendations in relation to the ethical standards framework for local government and they are reproduced in the Appendix to this Report for the Committee's consideration.

### **Recommendation**

**The Clerk recommends that the publication of the Tenth Report of the Committee on Standards in Public Life and the series of recommendations in relation to local government be noted.**

### **Background Papers**

None

### Chapter 3: The ethical standards framework for local government

RECOMMENDATION	MECHANISM	TIMEFRAME
<p><b>NORTHERN IRELAND</b></p> <p>R15. Following the review of public administration, and upon the restoration of the Assembly in Northern Ireland, a Statutory Code of Conduct for Councillors should be introduced with a proportionate and locally-based framework for enforcement, drawing upon experience of other parts of the UK.</p>	Legislation	Upon restoration of the Assembly
<p><b>ENGLAND</b></p> <p>R16. Parish councils should remain with the ethical framework for England: the same principles of conduct should apply to all locally-elected representatives, irrespective of the size of authority (or the powers of that authority) to which they were elected.</p>	N/A	N/A
<p>R17. The Government should announce its intention to amend Part III of the Local Government Act 2000 in the parliamentary session 2005/06 to enable the sifting of complaints to be undertaken by local Standards Committees.</p>	Government Response to this Report	Immediate
<p>R18. The amendment to Part III of the Local Government Act 2000 should:</p> <ul style="list-style-type: none"> <li>• Place a duty on the Standards Board for England to delegate the responsibility for initial sifting of complaints to individual local Standards Committees. The delegation should be subject to the operation within a national framework prescribed by the Standards Board (and based upon criteria used by the Standards Board in sifting and referrals) by which local Standards Committees can decide: <ul style="list-style-type: none"> <li>(i) whether to investigate a complaint or not (and if not whether mediation or conciliation between parties or general action in relation to awareness and understanding of the Code is appropriate);</li> <li>(ii) which complaints are of such potential seriousness they should be referred for national investigation;</li> <li>(iii) whether, following a local investigation, a complaint should be referred to the Adjudication Panel; or</li> <li>(iv) to hear and determine the case, with an appropriate penalty where necessary; or</li> <li>(v) accept that no breach has occurred; or</li> <li>(vi) to instruct the monitoring officer and/or Standards Committee chair to instigate mediation or conciliation between parties or general action in relation to awareness and understanding of the Code.</li> </ul> </li> <li>• Introduce a requirement for Standards Committees to report annually to the Standards Board and full Council on the operation of the ethical framework;</li> </ul>	Amendment to Part III of the Local Government Act 2000	During parliamentary session 2005/6 and implemented from January 2007

<ul style="list-style-type: none"> <li>• Introduce a requirement for each Standards Committee and the Standards Boards to determine and publish targets for the completion of each stage in the complaints-handling process they are responsible for and to report on these as part of their respective annual reports; and</li> <li>• Provide a power for the Standards Board to audit the operation of the framework by a local Standards Committee and, if necessary following the audit, to remove the delegation until satisfied that necessary remedial action has been undertaken.</li> </ul>		
<p>R19. The Government should introduce, as a matter of urgency, secondary legislation to require a majority of independent members and an independent chair for Standards Committees and sub-committees in England. This is a critical element of our proposals to improve the existing system and to lay the ground for the subsequent introduction of the locally-based system.</p>	Secondary Legislation	Immediate
<p>R20. Prior to the introduction of the locally-based system, all complaints assessed by the Standards Board as not requiring any investigation should also be sent to the local monitoring officer and Standards Committee so that they:</p> <ul style="list-style-type: none"> <li>(i) are fully aware of complaints made within their jurisdiction;</li> <li>(ii) can become familiar with the criteria used to decide whether an investigation is justified or not; and</li> <li>(iii) judge whether the complaints indicate that some informal mediation between members or parties might be required or general awareness raising or training.</li> </ul>	Standards Board's Operations	Immediate
<p>R21. That the Standards Board should take steps to communicate more robustly and publicly to complainants, members and the public more generally, those minor, trivial, vexatious and politically inspired complaints which are inappropriate to be dealt with under the ethical framework (following the example of the Local Government Ombudsman for Wales).</p>	Standards Board's Operations	Immediate
<p>R22. The Committee welcomes the steps taken by the Standards Board to resolve delays and backlogs in investigations. These measures should be further bolstered by taking full advantage of the new s66 regulations to refer to a local level a steadily increasing proportion of complaints judged worthy of investigation. In light of our recommendations to enable initial complaints-handling to be done at the local level, the experience of operating the s66 regulations over the next two years should be used by the Standards Board to develop the framework within which local Standards Committees will decide whether to refer a complaint for investigation by the Standards Board.</p>	Standards Board's Operations	Immediate

<p>R23. The Standards Board should review its Human Resource Management policies, including pay scales, to ensure that it puts a priority on secondments and transfers from local authorities to the referral and investigations units, thereby increasing and refreshing the level of local government experience.</p>	Standards Board's Operations	Immediate. Implemented before January 2007
<p>R24. The general principles, currently contained in a separate Order, should be incorporated into the Model Code. This will add clarity about the fundamental purpose of the Code and help provide a context for members behind some of the more detailed provisions in the Code. It will also make the Model Code more relevant to members of the public and assist in providing a route into the Code when considering making a complaint.</p>	Standards Board's review of the Model Code of Conduct	April 2005
<p>R25. The phrase "in any other circumstance" should be removed from the Model Code in England (paragraphs 4 and 5 of schedule 1) so as to add clarity to the distinction between private and official conduct.</p>	Standards Board's Review of the Model Code of Conduct	April 2005
<p>R26. Failure to register an interest (financial or other) should normally be treated as a matter for local investigation and determination. This should be reflected in the operation of the new s66 regulations, and in the new locally-based system.</p>	Standards Board's review of the Model Code of Conduct, Standards Board referral criteria	April 2005
<p>R27. The following principles should apply where members are appointed, or nominated, to an outside body by their local authority (or have their membership approved by their local authority); are a member of another relevant authority; or are a member of another public body in which they hold a position of general control or management. They should be free to speak but not vote, subject to:</p> <ul style="list-style-type: none"> <li>(i) the declaration of a personal interest;</li> <li>(ii) the matter before the Council/Committee does not relate to an application by the outside body for any licence, consent or an approval or any objection to such matters or to any statutory order or regulation to be made by the local authority; and</li> <li>(iii) any representations must be made in an open and transparent manner.</li> </ul>	Standards Board's review of the Model Code of Conduct and, if necessary, primary legislation	April 2005
<p>R28. In planning decisions the ability of elected members to represent constituents' interests where they have personal and prejudicial interests has been unnecessarily diminished. This should be changed to give any elected member the right to speak (but not vote) for their constituents at a planning committee meeting or at any other quasi-regulatory meeting, provided:</p> <ul style="list-style-type: none"> <li>(i) a declaration of personal interest is made, including the nature of the interest;</li> <li>(ii) the representations are made in an open and transparent manner; and</li> </ul>	Standards Board's review of the Model Code of Conduct and, if necessary, primary legislation	April 2005

(iii) the member making the representations (whether a member of the Committee or not) withdraws at the completion of their representations.		
R29. The three principal regulators (Standards Board for England, Local Government Ombudsman for Wales, and Standards Commission for Scotland) should put in place formal arrangements for the sharing of experiences and best practice. This should be extended to include the body with designated responsibility for enforcement of a new statutory framework in Northern Ireland.	The three principal regulators	Immediate
R30. Prior to the introduction of the locally-based system consideration should be given as part of the review of the Code of Conduct to amend the duty to report a possible breach of the Code so that it becomes a “duty to report a possible breach to the monitoring officer and Standards Committee chair” who would then be responsible for deciding whether a formal complaint to the Standards Board should be made.	Standards Board’s review of the Model Code of Conduct	April 2005
R31. All local authorities should consider using the Audit Commission/Standards Board Ethical Governance Audit tool and facilitated workshop to self-assess their arrangements for ensuring ethical standards.	Local authorities and Audit Commission	Immediate
R32. The Standards Board should develop model training and development materials that can be used to provide monitoring officers and Standards Committee members with the key competencies required to sift, investigate and determine complaints under the ethical framework. All monitoring officers and Standards Committee members should have undertaken training using this material by January 2007.	Standards Board’s Operations	Immediate
R33. The Standards Board should develop further the concept of regional forums to facilitate regional support networks for monitoring officers and Standards Committee members.	Standards Board’s Operations	Ongoing

## **7. CODE OF CONDUCT FOR MEMBERS REVIEW**

### **Purpose of Report**

1. To seek the Committee's views in relation to the National Review of the Code of Conduct for Members.
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### **Background**

2. The Code of Conduct for Local Government was introduced three years ago and the legislative framework is now in place including local hearings and local investigations.
3. The Standards Board for England have been asked to conduct a review of the content of the Code by the Right Honourable Nick Raynsford MP, Minister of State for Local and Regional Government. The Board state that they

*“aim to ensure that the Code of Conduct is an easily understood living document that takes into account the realities of serving local communities as a member of a local authority.”*

### **Consultation Process**

4. The Standards Board for England are seeking responses to the consultation by the 17 June 2005 to enable them to make recommendations for change to the Government over the summer.
5. A leaflet has been prepared for Standards Committee Members which has already been circulated to Members of the Committee for comment. A formal consultation paper is enclosed separately for Members of the Committee.
6. The consultation seeks views on the 29 aspects of the Code which are set out in the Appendix together with a proposed response.

### **Recommendation**

**The Clerk recommends that the Committee considers and approves the draft response as set out in the appendix to the report.**

### **Background Papers**

None

Standards Board for England Consultation on the Local Government Code of Conduct  
18 February 2005

NO	ISSUE	PROPOSED RESPONSE
<b>The general principles</b>		
1	Should the ten general principles be incorporated as a preamble to the Code of Conduct?	Agreed – this will reinforce and assist in interpreting standards.
2	Are there any other principles which should be included in the Code of Conduct?	No.
<b>Disrespect and freedom of speech</b>		
3	Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?	The broad test is appropriate.
4	Should the Code of Conduct include a specific provision on bullying? If so, is the Acas definition of bullying quoted in the full consultation paper appropriate for this?	Yes.
<b>Confidential information</b>		
5	Should the Code of Conduct contain an explicit public interest defence for members who believe they have acted in the public interest by disclosing confidential information?	No – these are matters for mitigation should a breach be found.
6	Do you think the Code of Conduct should cover only information which is in the law “exempt” or “confidential”, to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully?	No – again, these are matters for mitigation should a breach be found.
<b>Disrepute and private conduct</b>		
7	Should the provision relating to disrepute be limited to activities undertaken in a member’s official capacity or should it continue to apply to certain activities in a member’s private life?	It should continue to apply to certain activities in a members’ private life.
8	If the latter, should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged?	Broad provision.

	<b>Misuse of resources</b>	
9	We believe that the Code should prohibit breaches of the publicity code, breaches of any local protocols, and misuse of resources for inappropriate political purposes. Do you agree?	Yes.
10	If so, how could we define “inappropriate political purposes”?	By reference to S2 of the LGA 1986 which prohibits political propaganda.
11	Is the Code of Conduct right not to distinguish between physical and electronic resources?	Yes.
<b>Duty to report breaches</b>		
12	Should the provision of the Code of Conduct that requires members to report breaches of the Code by fellow members be retained in full, removed altogether, or somehow narrowed?	We would suggest narrowed to avoid minor breaches.
13	If you believe the provision should be narrowed, how would you define it? For example, should it apply only to misconduct in a member’s public capacity, or only to significant breaches of the Code?	It should only apply to significant breaches.
14	Should there be a further provision about making false, malicious or politically-motivated allegations?	No.
15	Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately?	No further provision needed.
<b>Personal interests</b>		
16	Do you think the term “friend” requires further definition in the Code of Conduct?	No.
17	Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an authority’s area?	No.

18	Should a new category of “public service interests” be created, relating to service on other public bodies and which is subject to different rules of conduct?	Yes.
19	If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared at meetings?	Yes.
20	Do you think paragraph 10(2)(a-c), which provides limited exemption from the prejudicial interest rules for some members in certain circumstances, should be removed from the Code of Conduct?	No.
21	Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?	Yes.
<b>Prejudicial interests</b>		
22	Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?	Yes, but only to give views to constituents (if any).
23	Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote?	Yes.
<b>Registration of interests</b>		
24	Should members employed in areas of sensitive employment, such as the security services, need to declare their occupation in the public register of interests?	No
25	Should members be required to register membership of private clubs and organisations? And if so, should it be limited to organisations within or near an authority’s area?	Yes.

<b>Gifts and hospitality</b>		
26	Should the Code of Conduct require that the register of gifts and hospitality be made publicly available?	Yes.
27	Should members also need to declare offers of gifts and hospitality that are declined?	No.
28	Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration? How could we define this?	Use an annual threshold.
29	Is £25 an appropriate threshold for the declaration of gifts and hospitality?	Yes.

## **8. CODE OF CORPORATE GOVERNANCE**

### **Purpose of Report**

1. To consider compliance with the Code of Corporate Governance for the Authority for 2004/2005.
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### **Background**

2. The Standards Committee is responsible for monitoring compliance with certain aspects of the Authority's Code of Corporate governance.
3. A matrix updating the Committee on compliance with the relevant aspects of the Code is attached at appendix 1.

### **Recommendation**

**The Chief Fire Officer and the Clerk to the Authority recommend that the Committee consider compliance with the Code of Corporate Governance as indicated.**

### **Background Papers**

None

**Hereford & Worcester Fire and Rescue Authority  
Code of Corporate Governance  
Standards Committee Monitoring 2004/2005**

The table below updates the Committee on progress regarding its responsibilities to monitor particular elements of the Authority's Code of Corporate Governance

Code Requirement Reference	Progress to Date
<b>Dimension 3</b>	
<p><b>3(a) – ‘put in place clearly documented protocols governing relationships between Members and Officers’</b></p> <p><b>Brigade Standing Orders for Business</b></p> <p><b>Code of Conduct for Members</b></p> <p><b>Code governing Member / officer relations</b></p> <p><b>Brigade Policies &amp; Instructions</b></p>	<p><b>Approved Autumn 2002. Due for review during 2005; to be reported to September 2005 FRA.</b></p> <p><b>Circulated to Members Autumn 2003. Being reviewed at March Standards Committee meeting</b></p> <p><b>Code in place following March 2004 FRA.</b></p> <p><b>Whistleblowing policy reviewed January 2005 – (see agenda item 9 on this agenda)</b></p>
<p><b>3(b) – ‘ensure that the relative roles and responsibilities of Members and senior officers are clearly defined’</b></p> <p><b>Code governing Member/Officer relations</b></p> <p><b>Monitoring Officer role description</b></p> <p><b>Financial regulations</b></p>	<p><b>See 3(a)</b></p> <p><b>Adopted at March 2004 FRA</b></p> <p><b>Revised regulations which define CFO/CE, Clerk and Treasurer roles adopted at December 2004 FRA</b></p>

<p><b>3(f)</b> <i>‘Put in place arrangements to ensure that Members are properly trained for their roles and have access to all relevant information, advice and resources as necessary to enable them to carry out their roles effectively’</i></p> <p><b>Members Training programme</b></p>	<p><b>Members training programme established for 2004/05 (see agenda item 11 on this agenda). Proposed 2005/06 programme to be submitted to June FRA following Worcestershire elections. This will include an induction for new Members, consideration of the Good Governance Standard, the Service’s Emergency Cover Review (FSEC) and Equality and Diversity issues.</b></p>
<p><b>3(k)</b> <i>‘Ensure that a senior officer is made responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.’</i></p> <p><b>Monitoring Officer role</b></p>	<p><b>Role description adopted at March 2004 FRA.</b></p>
<p><b>3(m) Code of Conduct for Members</b></p>	<p><b>Standards Board consultation to be considered at March 2005 Standards Committee meeting (see agenda item 7 on this agenda)</b></p>
<p><b>Dimension 5</b></p> <p><b>5(a)</b> <i>‘Develop and adopt formal codes of conduct defining the standards of personal behaviour to which individual Members, officers and agents of the Authority are required to subscribe and put in place appropriate systems and processes to ensure that they are complied with.’</i></p> <p><b>Code of conduct for Members</b></p> <p><b>Code governing Member / officer relations</b></p> <p><b>Code governing Members use of resources</b></p> <p><b>Standing Orders for the Conduct of Business</b></p>	<p><b>Standards Board consultation to be considered at March 2005 Standards Committee meeting (see agenda item 7 on this agenda)</b></p> <p><b>In place following March 2004 FRA.</b></p> <p><b>It is intended to adopt the Herefordshire model which is still under development.</b></p> <p><b>To be reviewed during 2005, report due to September FRA.</b></p>

<p><b>Confidential Reporting ‘whistleblowing’ policy</b></p> <p><b>Brigade Policies &amp; Instructions</b></p>	<p><b>1 report received under this policy</b></p> <p><b>Reviewed policy presented to March 2005 Standards Committee</b></p>
<p><b>5(b)</b> <i>‘Put in place arrangements to ensure that Members and employees of the Authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice’</i></p> <p><b>Brigade Policy on Hospitality</b> <b>Hospitality Register</b></p> <p><b>Standing Orders for the Conduct of Business</b></p>	<p><b>Register available for inspection at March 2005 Committee</b></p> <p><b>As above 5 (a)</b></p>
<p><b>5(c)</b> <i>‘Put in place arrangements to ensure that their procedures and operations are designed in conformity with appropriate ethical standards and to monitor their continuing compliance in practice.’</i></p> <p><b>Confidential Reporting policy</b> <b>Complaints, grievances, appeals</b></p>	<p><b>1 report received under this policy</b> <b>Complaints reported to FRA</b></p>
<p><b>5(d)</b> <i>‘Put in place arrangements for Whistleblowing to which staff and all those contracting with the Council have access’</i></p> <p><b>Confidential Reporting policy</b> <b>Complaints, grievances, appeals</b></p>	<p><b>As above – 5(c)</b></p>

## **9. REVIEW OF CONFIDENTIAL REPORTING (WHISTLEBLOWING)**

### **Purpose of Report**

1. To inform Members of the revised Service Policy and Instruction (SPI) on Confidential Reporting (“Whistleblowing”).
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### **Background**

2. It is good practice in any organisation to have policies and procedures which enable employees to voice concerns they may have about any aspect of the organisation’s work, particularly if they appear to point to serious malpractice. Guidance on Corporate Governance indicates the need for appropriate policies in this area and to update where necessary. The policy which has recently been revised for the Service aims to give Members, employees and others acting on the Authority's behalf the means to raise any concerns confidentially, without fear of victimisation, subsequent discrimination or disadvantage.
3. A copy of the Service Policy and Instruction (SPI) on Confidential Reporting is attached for Members’ information. The policy has been the subject of consultation with the appropriate representative bodies and with auditors.
4. The policy
  - sets out the Authority’s commitment to high standards of openness, probity and accountability
  - indicates the steps that should be taken in the event of a concern
  - sets out how the matter will be dealt with
  - gives details of a number of sources of further advice.
5. This policy complements the complaints and statutory reporting procedures which are already in place for service users and non-employees, and it is hoped that it will encourage and enable anyone to raise any concerns they might have about the way the Authority and in turn Hereford & Worcester Fire and Rescue Service, conducts its business. The policy also supports compliance with dimensions 3a, 5a, c and d of the Code of Corporate Governance, as referred to in agenda item 8 on this agenda.

### **Recommendation**

**The Chief Fire Officer recommends that the report be noted.**

### **Background Papers**

None

## Confidential Reporting (Whistleblowing)

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## Confidential Reporting (Whistleblowing)

### 1. Introduction

It is often people working within organisations, who are the first to realise that there may be something seriously wrong in their place of work. They may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice. Hereford & Worcester Fire and Rescue Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others working at or for the Fire and Rescue Authority (FRA) who have serious concerns about any aspect of the Services' work to come forward and voice those concerns.

### 2. Aims of the Policy

2.1 This policy is designed to encourage and enable you to be able to raise concerns you might have about the way the FRA and in turn the Fire and Rescue Service, conducts its business. It does this by providing you with an opportunity to raise concerns which you reasonably believe point to serious malpractice within the FRA and employees of the Fire and Rescue Service in a confidential way, without fear of victimisation, subsequent discrimination or disadvantage. Your concerns may relate to the improper, unethical or illegal conduct of employees, Officers, Members of the Fire and Rescue Authority or others acting on behalf of the FRA. Some examples of serious malpractice include:

- conduct which is an offence or a failure to comply with a legal obligation;
- disclosures on miscarriages of justice;
- endangering the health and safety of members of the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse;
- any concern over the welfare of work experience children/young people; and
- other unethical conduct.

This list is not exhaustive.

2.3 Victimisation or harassment of anyone using this policy or if anyone tries to discourage others from coming forward will be considered a disciplinary matter.

2.4 This policy complements complaints and statutory reporting procedures already in place for service users and non-employees. It is not designed to be used for concerns you may have over your own personal circumstances. If you have concerns of this nature, please use the Service's Grievance Procedure (Service personnel only), a copy of which is available from the Personnel Department at Headquarters.

### **3. Who is covered by the Policy?**

The policy applies to you if you are an employee, a Member of the Fire and Rescue Authority, contractor or anyone working for or on behalf of the FRA.

### **4. Who is Responsible for the Policy?**

The Chief Fire Officer and the Clerk to the Authority or delegated Officer have overall responsibility for the maintenance and operation of this policy. Their role is to ensure that all matters raised are investigated properly and to maintain a record of concerns raised, together with outcomes; they will report as necessary to the FRA without jeopardising confidentiality.

### **5. How to Raise a Concern**

#### **5.1 Step 1**

5.1.1 If you have a concern about malpractice, the FRA hopes that you will be able to raise the matter with your immediate Manager or his/her Line Manager or directly with the Personnel Department. Concerns may be raised verbally and/or in writing. If you wish to make a written report, the FRA recommends that you include in your letter the background and history (giving relevant dates) and give the reason why you are particularly concerned about the matter.

5.1.2 However, if you feel unable to raise the matter with your Line Manager due to the seriousness and sensitivity of the issues involved or if you believe that your Senior Manager may be involved or you are not an employee and do not have a Line Manager within the FRA, you should approach the Personnel Department for guidance.

5.1.3 If you are personally involved in the matter raised, please inform the FRA at the outset. You may invite your Trade Union representative, a member of staff from Personnel or a work colleague to be present during any meetings or interviews (which may be arranged away from your normal workplace if you so wish) in connection with the concerns you have raised.

#### **5.2 Step 2**

If you have followed these channels and you still have concerns or you feel you are unable to discuss the matter with any of the nominated Officers listed above, please contact either the Clerk to the Authority or the Director of Corporate Services.

## 6. How will we Handle the Matter?

6.1 The FRA will respond promptly to your concerns by assessing what action ought to be taken. This may involve an internal investigation or a more formal inquiry. We will tell you who is handling the matter (the Responsible Officer), how you can contact them and whether any more assistance from you will be required. Within seven working days of a concern being raised, the Responsible Officer will write to you acknowledging that your concern has been received. The letter will also inform you of any relevant staff support mechanisms.

6.2 Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this may be taken before any investigation is conducted.

6.3 Thereafter, the Responsible Officer will keep you informed of progress and the outcome of any investigations or decisions on the matter.

6.4 The FRA will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the FRA will arrange for you to receive advice about the procedure.

## 7. Step 3 – Raising a Concern Externally

7.1 Whilst it is hoped that this policy gives you the confidence to raise your concern with Service Officers, we would prefer that you raised your concern with the proper external regulator rather than not at all.

7.2 If you act in good faith and genuinely and reasonably believe that the malpractice falls within the remit of a regulator and the information disclosed is substantially true, you may also contact the following prescribed regulators:

- the Health and Safety Executive for health and safety dangers;
- the Environment Agency for environmental dangers;
- the Audit Commission or External Auditor for concerns associated with conduct of business, value for money, fraud and corruption; or
- the Information Commissioner (formerly the Data Protection Registrar).

7.3 Finally, in circumstances where you genuinely believe that the matter cannot or will not be dealt with externally because either your complaints have been ignored, you believe that information will be concealed or destroyed or you will be subjected to victimisation and have evidence to back up your concern, you may consider it appropriate to contact a non-regulatory external body, for example the Police. You may wish to seek independent advice before you raise any issue outside the FRA. A list of contacts is given in the section to follow entitled 'Further Advice and Contacts'.

7.4 Please refer to Service Policy/Instructions No. 1, Section D, Part 1, Part 1.9 'Fraud and Corruption Policy' (Section 2) – The Chief Internal Auditor is responsible to the Treasurer for advising the Director of Financial Services on financial investigations and (if appropriate) carrying out investigations.

## 8. Confidentiality

The FRA will make every effort to protect your identity and we will not disclose it without your consent. If the situation arises where it is not possible to pursue your concern without revealing your identity (for example, the need to give evidence in court or at a disciplinary hearing), we will discuss with you how and if we can proceed.

## 9. Untrue Allegations

If you make an allegation in good faith but it is not substantiated by the evidence produced during the investigation, no action will be taken against you. If, however, you are an employee or statutory office holder and you make an allegation maliciously or for personal gain, this may result in disciplinary action taken against you. If you are a contractor or you are employed by another organisation but working on behalf of the FRA and you make an allegation maliciously or for personal gain, this may result in you being removed from the approved list of contractors or the FRA may discontinue using your services.

## 10. Further Advice and Contacts

10.1 You may of course seek advice from any of the following:

The Clerk to the Authority, the Treasurer to the Authority, the Internal Auditor, the External Auditor or Assistant Chief Officer Human Resources, the Director of Corporate Services or the Director of Financial Services at Headquarters.

<b>Clerk to the Authority</b> Mr N M Pringle (The Chief Executive) Herefordshire Council PO Box 240 Hereford HR1 1ZT Tel: (01432) 260000	<b>Treasurer to the Authority</b> Mr M Weaver Worcestershire County Council County Hall Spetchley Road Worcester WR5 2NP Tel:(01905) 763763
<b>Chief Internal Auditor</b> Mr A R Dipple Worcestershire County Council Internal Audit Division County Hall, Spetchley Road Worcester WR5 2NP Tel: (01905) 763763	<b>External Auditor</b> PricewaterhouseCoopers Chartered Accountants Cornwall Court 19 Cornwall Street Birmingham B3 2DT Tel: (0121) 2003000

10.2 However, if you want independent advice at any time you may contact your Trade Union or the independent charity, "Public Concern at Work" on 020 7404 6609 or email them at [helpline@pcaw.demon.co.uk](mailto:helpline@pcaw.demon.co.uk). Their lawyers will give you free confidential advice at any time on how to raise a concern about serious malpractice at work.

## **11. MEMBERS' TRAINING PROGRAMME**

### **Purpose of Report**

1. To update Members on the proactive programme of Member training which has been undertaken during 2004/05 as part of the Authority's commitment to improve the support available to Members in undertaking their duties.
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### **Background**

2. In reviewing elements of the Code of Corporate Governance in March 2004 the Standards Committee noted that a proactive training programme would be developed to actively support Members in undertaking their duties.
3. The 2004/05 programme is attached at appendix 1.
4. A programme for 2005/06 is being developed and will be presented to the May 2005 FRA meeting following elections in Worcestershire.

### **Recommendation**

**The Chief Fire Officer recommends that the Authority's Members' training programme be noted.**

### **Background Papers**

None

**MEMBER'S TRAINING PROGRAMME 2004/2005**

<b>2004/05</b>	
<b>September 2004</b>	<b>Risk Management</b>
<b>October 2004</b>	<b>Comprehensive Performance Assessment and the Fire &amp; Rescue Service/Verification Audit</b>
<b>November 2004</b>	<b>Modernisation</b> <ul style="list-style-type: none"> <li>▪ <b>Fire Services Act 2004</b></li> <li>▪ <b>National Framework</b></li> </ul>
<b>December 2004</b>	<b>Human Resources</b> <ul style="list-style-type: none"> <li>▪ <b>Appointments and Promotions</b></li> <li>▪ <b>Disability</b></li> <li>▪ <b>Disciplinary Regulations</b></li> <li>▪ <b>Equality and Diversity</b></li> </ul> <b>Finance</b> <ul style="list-style-type: none"> <li>▪ <b>Financial Planning &amp; Budget setting</b></li> </ul>
<b>January 2005</b>	<b>Service Delivery</b> <ul style="list-style-type: none"> <li>▪ <b>Integrated Risk Management Plan</b></li> <li>▪ <b>Fire Service Emergency Cover (FSEC)</b></li> <li>▪ <b>New Dimensions/Emergency Planning</b></li> </ul>