

Part 5

5.1 - Members' Code of Conduct

This Code applies to Combined Authority Members and voting Co-opted Members (together referred to as Members), in all aspects of public life.

The Combined Authority expects Members to follow this Code when:

- conducting the work of the Combined Authority,
- representing the Combined Authority on any external organisation, and
- otherwise acting in their official capacity.

The Code does not apply to purely private and personal life.

1. General Principles of Conduct

- 1.1 Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, Members and Combined Authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles - see further Annex 1.
- 1.2 In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty,
 - I act lawfully,
 - I treat all persons fairly and with respect, and
 - I lead by example and act in a way that secures public confidence in my role as a Member.
- 1.3 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community,
 - I do not improperly seek to confer an advantage or disadvantage on any person,
 - I avoid conflicts of interest,
 - I exercise reasonable care and diligence, and
 - I ensure that public resources are used prudently in accordance with the Combined Authority's requirements and in the public interest.

2. Application of the Code of Conduct

- 2.1 This Code of Conduct applies to you as soon as you are appointed as a Member. It continues to apply to you until you cease to be a Member.
- 2.2 This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:
- you misuse your position as a Member,
 - your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

- 2.3 The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings,
 - at online or telephone meetings,
 - in written communication,
 - in verbal communication,
 - in non-verbal communication,
 - in electronic and social media communication, posts, statements and comments.
- 2.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting in your official capacity.
- 2.5 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

3. Standards of Conduct

- 3.1 This section sets out your obligations, which are the minimum standards of conduct required of you. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 3.2 Guidance is included (in the footnotes) to help explain the reasons for the obligations and how they should be followed.

Respect

- 3.3 As a Member:
- I treat other Members and members of the public with respect.
 - I treat Combined Authority officers and representatives of partner organisations with respect and respect the role they play.

Bullying, Harassment and Discrimination

- 3.4 As a Member:
- I do not bully any person.
 - I do not harass any person.
 - I promote equalities and do not discriminate unlawfully against any person.

Impartiality of Officers

- 3.5 As a Member:
- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Combined Authority.

Confidentiality and Access to Information

3.6 As a Member:

- I do not disclose information:
 - (a) given to me in confidence by anyone,
 - (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - (i) I have received the consent of a person authorised to give it,
 - (ii) I am required by law to do so,
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:
 - reasonable and in the public interest, and
 - made in good faith and in compliance with the reasonable requirements of the Combined Authority, and
 - I have consulted the Monitoring Officer prior to its release.
- I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.
- I do not prevent anyone from getting information that they are entitled to by law.

Disrepute

3.7 As a Member:

- I do not bring my role or the Combined Authority into disrepute. *Use of Position*

3.8 As a Member:

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Use of Combined Authority Resources and Facilities

3.9 As a Member:

- I do not misuse Combined Authority resources.
- I will, when using the resources of the Combined Authority, or authorising their use by others:
 - (a) act in accordance with the Combined Authority's requirements, and

- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Combined Authority or of the office to which I have been elected or appointed.

Complying with the Code of Conduct

3.10 As a Member:

- I undertake Code of Conduct training provided by the Combined Authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Interests

3.11 As a Member:

- I register and disclose my interests in accordance with Annex 2.
- I comply with any Conflicts of Interest Policy or Protocol agreed by the Combined Authority
- I disclose significant interests in accordance with this Code.

4. Gifts and Hospitality

4.1 As a Member:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Combined Authority or from persons who may apply to the Combined Authority for any permission, licence or other significant advantage.
- I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.
- I follow the Combined Authority's Gifts and Hospitality Policy.

Annex 1 - The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 2 - Interests

1. Registering Interests

1.1 The Monitoring Officer maintains a register of interests of Members, in accordance with statutory requirements. The register is:

- available for inspection at the Combined Authority's offices, and
- published on the Combined Authority's website.

1.2 You must notify the Monitoring Officer of pecuniary and other interests as set out below. The Monitoring Officer will enter them into the register of interests.

2. Disclosable Pecuniary Interests

2.1 A pecuniary interest is any interest of a description set out in the second column of Table 1 below.

2.2 A pecuniary interest is a **disclosable pecuniary interest** if it is a pecuniary interest and either:

- it is an interest of yours, or
- it is an interest of any other relevant person, these being:
 - your spouse or civil partner,
 - a person with whom you live as husband and wife, or
 - a person with whom you live as if you were civil partners,

and you are aware that the other person has the interest.

2.3 You must notify the Monitoring Officer of:

- any disclosable pecuniary interests you have within 28 days of your appointment to the Combined Authority and
- any changes to your disclosable pecuniary interests within 28 days of:
 - the change occurring, or
 - you becoming aware of the change.

3. Other Registerable Interests

3.1 You should also register details of your other registerable interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

3.2 Where you have another registerable interest in any business of the Combined Authority and you have made a decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

4. Non-Registerable Significant Personal Interest

- 4.1 If you believe that you have an interest which you believe that the public, your fellow members or employees should know about, you may have a **non-registerable significant personal interest**.

5. Applications for Any Loan or Grant

- 5.1 You should comply with the Combined Authority's Conflicts of Interest Protocol, including any requirement to notify the Monitoring Officer about, and avoid personal involvement with, any application for any loan or grant in which you may have a conflict of interest.

6. Sensitive Interests

- 6.1 If you have an interest (whether or not a disclosable pecuniary interest or other registerable interest) which is entered in the register and which is such that you and the Monitoring Officer consider that disclosing the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, details of the interest must not be included in:

- any published version of the register, nor
- any copy of the register that is made available for public inspection²¹.

7. Disclosing Interests

- 7.1 If you are present at a meeting of the Combined Authority, or are acting alone on behalf of the Combined Authority, and you are aware that you have an interest:
- If your interest is a **Disclosable Pecuniary Interest**, if you do not have a relevant dispensation you may not:
 - participate, or participate further, in any discussion of or vote on the matter at the meeting, or
 - remain in the room during the discussion or vote on the matter at a meeting, or
 - determine the matter if taking a decision alone.
 - If your interest relates to an **Other Registerable Interest** (as set out in Table 2), you:
 - do not have to disclose the nature of any 'sensitive interest',
 - must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure if the interest is not the subject of a pending notification,
 - at a meeting:
 - must disclose the interest,

- may speak on the matter only if members of the public are also allowed to speak at the meeting,
 - must not vote on the matter,
 - should decide whether to remain in the room or withdraw during consideration of the matter.
- If you have a Non-registerable Significant Personal Interest (that is an interest which is neither a disclosable pecuniary interest or any other registerable interest) but something that you think should be known when the matter is considered you may:
 - disclose the interest, and
 - consider whether to continue participating in or determining the matter,
 - wish to leave the room during consideration of the matter.

8. Dispositions

- 8.1 The Combined Authority may lift the restrictions under Paragraph 11 of this Annex by granting a dispensation in accordance with **Annex 4**.

Table 1: Disclosable Pecuniary Interests

Subject	Description of Disclosable Pecuniary Interests
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Combined Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union.</p>
Contracts	<p>Any contract which is made between you or a relevant person (or a body in which you or a relevant person has a beneficial interest) and the Combined Authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Combined Authority
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Combined Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is the Combined Authority, and</p> <p>(b) the tenant is a body in which you or the relevant person have a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Combined Authority, and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Table 2: Other Registerable Interests

You have an **Other Registerable Interest** where it relates to or is likely to affect:

1. Any body of which you are in general control or management and to which you are nominated or appointed by the Combined Authority.
2. Any body:
 - exercising functions of a public nature, or
 - directed to charitable purposes, or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

Annex 3 - Summary of Criminal Offences and Sanctions**1. Offences**

1.1 A person commits an offence if, without reasonable excuse, the person:

(a) fails to:

- register any disclosable pecuniary interest, or
- disclose a disclosable pecuniary interest not entered on the register, or

(b) participates in any discussion or vote, where they have a disclosable pecuniary interest.

1.2 A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register, the person provides information that is false or misleading and the person:

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is true and not misleading.

2. Sanctions

2.1 A person who is guilty of such offence may be fined up to £5000.

2.2 A court may also disqualify the person for up to five years for being or becoming (by election or otherwise) a Member or co-opted Member of the Combined Authority or any other relevant authority.

Annex 4 - Dispensations

1. Requests

- 1.1 The Combined Authority will consider any requests for a dispensation.
- 1.2 Any request for a dispensation must be made in writing to the Monitoring Officer.
- 1.3 A request will not be granted unless it is made **not less than 10 clear days** before the date of the meeting to which the request relates, except where the Monitoring Officer considers that there are exceptional circumstances.

2. Period

- 2.1 A dispensation must specify the period for which a dispensation has effect, which must not exceed four years.

3. Criteria

- 3.1 The Combined Authority may grant you a dispensation only if, having regard to all relevant circumstances, it considers that:
 - without the dispensation, the number of Members prohibited from participating in any particular business would be so great a proportion of the Combined Authority⁴¹ as to **impede the transaction of the business**,
 - without the dispensation, the **representation of different political groups** on the Combined Authority would be so upset as to alter the likely outcome of any vote on the matter,
 - the dispensation is in the **interests of persons living in the Combined Authority's area**, or
 - it is **otherwise appropriate** to grant a dispensation.
- 3.2 In determining whether to grant dispensation requests, the Combined Authority may consider:
 - whether the nature of the Member's interest is such that to allow the Member to participate would not damage public confidence in the conduct of the Combined Authority's business,
 - whether the interest is common to the Member and a significant proportion of the general public,
 - whether the participation of the Member in the business that the interest relates to is justified by a Member's particular role or expertise, and
 - whether the interest is trivial or remote.

Annex 5 - Gifts and Hospitality Policy

In order to protect your position and the reputation of the Combined Authority, you should **exercise caution** in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

The presumption should always be **not to accept** significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

For the purpose of determining whether any gift or hospitality has a value of over £50, if the exact value is unknown, you should always err on the side of caution. When deciding whether to register any gift below the £50 threshold, you should take into account the **cumulative total** of any gifts received from any single source over the previous 12 months.

You should:

- register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt,
- register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept,
- never actively seek or solicit any gift or hospitality,
- discourage third parties from offering any gift or hospitality to you,
- treat expenses offered to you by any third party as a gift,
- only accept a gift or hospitality from any third party in accordance with these principles, and where acceptance is of some benefit to the Combined Authority,
- where the hospitality is extended to the office holder rather than the individual, eg the Mayor or a Chair of a committee the register entry should make it clear that such gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be 'donated' to a charity or as a raffle prize for example.

You should not accept a gift or offer of hospitality which is any of the following:

- an **inducement or reward** for anything that you do as a Member - this is likely to constitute a criminal offence, from any donor seeking (or which may seek) a decision from (or business with) the Combined Authority,
- in any circumstances which may give rise to a **perceived or actual conflict of interest** or undue influence,

- for any third party including any relative or friend of yours, except where the Monitoring Officer has confirmed in advance that that acceptance is unlikely to be perceived as giving rise to a conflict of interest,
- lavish or over-generous, nor
- where offers from the same donor are **over-frequent**.
- a gift of cash (or items of specific monetary value such as vouchers).

5.2 - Code of Conduct for Officer

1. Purpose

The public are entitled to expect the highest standards of conduct from all officers. The role of officers is to serve the Combined Authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

This document sets out the standards expected of all the Combined Authority's officers. Guidance in relation to the acceptance of gifts and / or hospitality by officers, is detailed in the Gifts and Hospitality Policy which forms part of the Code of Conduct.

2. Objectives of the Code

This code of conduct should:

- provide officers of the Combined Authority with an effective ethical framework within which to work; and
- give the public confidence that the Combined Authority's officers are working on their behalf in an appropriate manner; and
- provide guidance to officers on the possible consequences of breaches of this code.

3. Responsibilities

Officers of the Combined Authority - The Combined Authority expects all officers to be accountable for their actions and to act in accordance with the principles set out in this Code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law.

Line Manager - The role of the manager is to provide support and advice to officers to ensure that the principles of the Code are applied consistently.

Human Resources (HR) -The role of HR is to provide support and advice to managers and officers to ensure that the principles of the Code are applied consistently.

Legal Services - the role of the Monitoring Officer is:

- to review entries in the registers of personal and prejudicial interests and give advice to officers in relation to any implications;
- to advise officers in relation to the application of this Policy, if requested; and
- to maintain the register of officers' personal and prejudicial interests confidentially and in accordance with relevant legislation.

4. Political Neutrality

The Combined Authority expects officers to follow every policy/procedure of the Combined Authority and not to allow their own personal or political opinions to interfere with their work. Where officers are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with those restrictions.

5. Personal Relationships with Members of the Combined Authority (Members), the Public and Other Officers

Mutual respect between officers and members is essential to good working relationships at the Combined Authority and each should handle work matters on a professional basis. Officers of the Combined Authority should deal with the public, Members, and other officers sympathetically, efficiently and without bias.

The Combined Authority endeavours to avoid a situation where officers are either directly managed by, or responsible for, the recruitment and selection of someone with whom they have a personal relationship, eg a member of the same family.

6. Equality and Diversity

All officers and other persons who are acting on behalf of the Combined Authority, including contractors and consultants must comply with the Combined Authority's Equality & Diversity Policy.

7. The Combined Authority Property

Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with standing orders and financial regulations. Officers must not utilise property, vehicles or other facilities of the Combined Authority for personal use unless authorised to do so.

8. Conflict with Duties

Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Officers should abide by the rules of the Combined Authority about the declaration of gifts or hospitality offered to, or received by, them from any person or body seeking to do business with the Combined Authority or which would benefit from a relationship with the Combined Authority.

Officers should not accept benefits from a third party unless authorised to do so by a manager at the appropriate level in accordance with the Gifts and Hospitality Policy.

9. Whistleblowing

Where an officer becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with the Code of Conduct for officers, they should report the matter in line with the Combined Authority's Confidential Reporting ("Whistleblowing") Policy and associated documents. The Whistleblowing

Policy reflects the Public Interest Disclosure Act 1998 which protects officers from dismissal or victimisation if they disclose information about wrongdoing by the Combined Authority or colleagues.

10. Treatment of Information

The Combined Authority encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to:

- a Member,
- a relevant Combined Authority officer,
- other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.

This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

11. Investigations by Monitoring Officer

The role of the Monitoring Officer is a requirement for the Combined Authority. Where the Monitoring Officer is undertaking an investigation in accordance with the Combined Authority's procedure for dealing with allegations, officers must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

12. Comprising the Impartiality of the Combined Authority's Officers

Officers must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Combined Authority, either directly or as a response to pressure from others. An officer should not attempt to force other officers to take action or change advice if doing so would prejudice their professional integrity.

13. Improper Use of Position

Officers must not use, or attempt to use, their position improperly either for their own or anybody else's advantage or disadvantage.

14. Considering Advice Provided

If an officer seeks advice, or advice is offered to them, on aspects of how the Code of Conduct applies, the officer must have regard to this advice.

15. Personal and Prejudicial Interests

The attached guidance in relation to personal and prejudicial interests forms part of this Policy. It explains what these interests are or may be; when and why they must be registered; the internal procedure involved and how the information will be dealt with. Officers must adhere to this guidance.

Registration of any such interest protects the Combined Authority and its officers by giving early warning of any potential areas of conflict of interest. That the Combined Authority has this policy provides assurance to the public that the Combined Authority is acting in the public interest. The Combined Authority requires officers to register personal interests in areas where there are clear grounds for concern, that such an interest could give rise to accusations of bias in decision making and working practice.

An officer may seek to exempt their personal interests from the register if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the officer should discuss the matter with the Monitoring Officer.

In certain circumstances an officer's personal or prejudicial interest may be found to be inappropriate or incompatible with their duties or their role within the Combined Authority. Appropriate steps might be required to be taken. Ultimately, if an officer does not agree to take the appropriate steps required by the Combined Authority, this might result in disciplinary action being taken and could amount to gross misconduct leading to dismissal.

16. Registers of Interests - Legislative Implications

The Combined Authority's registers of officers' personal and prejudicial interests are not matters of public record. The information contained in them will be kept in accordance with the Data Protection Act 1998. However it is possible that the Combined Authority could be compelled to divulge certain information from the registers under the provisions of the Freedom of Information Act 2000.

Officers must advise when their circumstances change to update or remove records from the register.

The register will be reviewed annually by the Monitoring Officer to ensure it is up to date and in compliance with the Information Commissioner's requirements.

17. Gifts and Hospitality

Officers must comply with the Combined Authority's Gifts and Hospitality Policy. Please refer to the guidance available on the legal and governance pages on the Intranet [available here](#).

18. Equality Impact Assessment

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

19. Formal Action

Employees should note that any breaches of this policy may be considered either misconduct or gross misconduct and may lead to action within any Disciplinary, Conduct and Capability Policy and Procedure of the Combined Authority from time to time.

20. Changes to Policy

The Combined Authority reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties.

Any policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined Authority and ensure compliance with relevant legislation.

A written request can be made to review any policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.

Schedule 1 - Notification of Interests

Notification by an Officer of the Hull and East Yorkshire Combined Authority of Financial or Other Interests or an intention to acquire such Interests.

Name of Officer:

Department:

Reports to:

I [intend to]* have the following financial interests: (delete as appropriate)* Please complete the following boxes or put "none" or "n/a" as appropriate.

- (a) Business or other Employment outside the Combined Authority working hours:

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- (b) (Name(s) of my employer(s)) (Name(s) of firm(s) in which I am a partner) (Names(s) of Company/ies of which I am a paid director) (delete whichever do not apply):

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- (c) Name(s) of any company or business having a place of business or land in Hull and East Yorkshire and in which I own or have an interest in a class of shares of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies:

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- (d) Names of any company or business which carries on business with the Combined Authority or which may carry on such business or may or is tendering for contracts from the Combined Authority in which I own or have an interest in any shares at all:

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- (e) Description of any contract for goods, services or works made between the Combined Authority and myself or a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (c) above:

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- (f) Address or other description of any land or buildings other than my own main residence which is in the close vicinity of land or buildings owned by the Combined Authority or another authority or sites where the Combined Authority or that other authority is or may be involved in development relevant to the Combined Authority:

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- (g) Address or other description of any land or buildings where the landlord is the Combined Authority and I am the tenant, or the tenant is a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (d) above:

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- (h) Address or other description of any land the Combined Authority's area in which I have a licence (along or jointly with others) to occupy for 28 days or longer:

--

I [intend to] have the following other interests:

- (i) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the Combined Authority as its representative:

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- (j) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature:

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- (k) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes:

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- (l) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy:

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Request for Exemption from Registration if the officer feels there are good reasons for this information not to be kept on record, such as their personal safety or that of others, they should set out the details below:

I request that the details of my financial or other interest be exempt from registration for the following reasons:

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Date:

Signed:

5.3 - Conflicts of Interest Policy

1. Introduction

- 1.1 The Combined Authority is committed to ensuring that the Members and officers act in line with the **Nolan Principles** of public life, which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 This Conflicts of Interest Policy applies to:
- the Mayor and any other Combined Authority Member,
 - any voting Co-optee on a committee of the Combined Authority,
 - any non-voting Member,
 - any Associate member or Non-Constituent Body Member including members of any advisory board or working group,
 - any officer of the Combined Authority, and
 - any officer of a local authority, Constituent Council or otherwise, who advises the Combined Authority or any of its committees or Boards.
- 1.3 It applies to both local authority and private sector representatives, and their substitutes.
- 1.4 The policy provides an overview of how conflicts of interest are managed, by reference to the procedures which the Combined Authority has in place to maintain high ethical standards and protect its reputation against any allegation of conflicting interests. These include requirements to register and declare interests.
- 1.5 The policy must be followed throughout all decision-making processes the Combined Authority is committed to ensuring that this policy applies to decisions taken at formal meetings or by individuals on behalf of the Combined Authority under delegated authority. It is communicated to everyone involved in decision-making by the Combined Authority, to ensure their commitment to it.
- 1.6 To ensure transparency, decisions are recorded and published in accordance with agreed procedures.

2. Definition

A conflict of interest is a set of circumstances which creates a risk that an individual's ability to apply judgement or act in a role is, or could be, impaired or unduly influenced by a secondary interest of that individual, or of another person.

- 2.1 For example, a conflict of interest would arise where a member of any advisory board has an interest, for instance, as a shareholder in a company that is a potential beneficiary of grant funding, conflicting with the interests of the Combined Authority
- 2.2 Conflicts of interest may inhibit open discussions and may result in irrelevant considerations being taken into account or decisions being taken that are not in the best interests of the Combined Authority.

- 2.3 This policy covers **commercial, personal, actual or potential conflicts of interests**; for the purposes of this policy, the perception of competing interests, impaired judgement or undue influence can also amount to a conflict of interest.

3. General

All Members and officers must **take personal responsibility** for declaring their interests and avoiding perceptions of bias.

Where any conflict of interest arises outside of those which they are specifically required to register or declare, they should **err on the side of caution** and declare these interests in line with the Nolan Principles.

4. Combined Authority Members and Voting and Local Authority Co-optees on any Combined Authority Committee and/or Working Group

- 4.1 These members are required to comply with the **Combined Authority's Members' Code of Conduct** in Part 5 of the Constitution. The Code sets out the procedures for registering and declaring pecuniary and other interests, and managing conflicts which arise at any formal meeting of the Combined Authority, or a committee appointed by the Combined Authority.
- 4.2 The Code of Conduct sets out requirements for declaring pecuniary and other interests at formal meetings, where members are decision-makers. The **Conflicts of Interest Protocol: applications for loans or grants** manages any conflict of interest which may arise when a decision is taken by an officer, in respect of a loan or grant from the Combined Authority.
- 4.3 The Combined Authority's **Procedure for Considering Complaints** alleging a failure to comply with the Members' Code of Conduct in Part 5 of the Constitution sets out the process to be followed if a member is alleged to have failed to comply with the Code.
- 4.4 **Registers of interests** are published on the Combined Authority's website.
- 4.5. Article 12 (Officers) in Part 2 of the Constitution also specifies additional requirements and restrictions in relation to:
- **canvassing for appointments** to the Combined Authority, and
 - **disclosing any relationship** between the member and an officer, or a candidate for employment.

5. Members of any Advisory Boards who are not subject to the Members' Code of Conduct and non-voting Private Sector Members on the Combined Authority's Committees and/or Working Groups

- 5.1. Any member of any Advisory Board and/or Working Group who is **not subject to the Members' Code of Conduct and non-voting private sector members on the Combined Authority's committees and working groups** are still required to act in line with the **Nolan Principles of public life** which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership and **are expected** to

meet the standards of the Members' Code of Conduct as a matter of good governance.

- 5.2. All members of Advisory Boards and Working Groups should treat meetings as if they are a formal committee meeting **for the purposes of disclosing interests and not participating where a member has an interest in any matter**. This approach helps members avoid breaching the principles of conduct set out in the Code relating to selflessness and honesty and integrity.
- 5.3. Similarly, **all non-voting private sector members** should **ensure that any relevant interests are declared and appropriate action is taken** having regard to the Nolan principles and the Members' Code of Conduct when attending committee meetings or other meetings in such a capacity.
- 5.4. Any declaration or non-participation by any member should be recorded in the minutes for the meeting of the Board or committee as appropriate.

6. Officers

- 6.1 Officers of the Combined Authority must comply with the Combined Authority's Officer Code of Conduct and Gifts and Hospitality Policy in Part 5 of the Constitution when they are working for the Combined Authority.
- 6.2 Article 12 (Officers) in Part 2 of the Constitution requires officers of the Combined Authority to disclose any relationship with a member. It also reflects statutory provisions relating to:
 - prohibiting officers from being operators, directors, partners or employees of public passenger transport services, and
 - recording **pecuniary interests in contracts**.
- 6.3 The **Combined Authority's Contracts Standing Orders** in Part 4 of the Constitution addresses potential conflicts of interests arising in respect of **contracts** with the Combined Authority for goods, services or works.

7. Loans or Grants to Businesses

- 7.1 The **Conflicts of Interest Protocol: loans or grants to businesses** in Part 5 of the Constitution, sets out an additional process which the Combined Authority follows to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair, and transparent way outside of formal meetings, by an officer. It provides a safeguard (for the Combined Authority and for applicants) to minimise the risk of reputational damage from any perception of undue influence.
- 7.2 The process requires additional scrutiny of any application where a potential conflict of interest arises.

8. Adult Skills

- 8.1 In accordance with statutory guidance related to devolved Adult Skills Fund, the Combined Authority has approved a Conflicts of Interest Protocol: Adult Education Fund in Part 5 of the Constitution.

5.4 - Conflicts of Interest Protocol: Loans or Grants to Businesses

1. Purpose

- 1.1. The Combined Authority has adopted an overarching Conflicts of Interest Policy which is set out in Part 5 of the Constitution, and which provides an overview of how conflicts of interest are managed by reference to other procedures and requirements including the Members' Code of Conduct and this Conflicts of Interest Protocol: Loans or grants to businesses.
- 1.2. The Members' Code of Conduct in Part 5 of the Constitution addresses how members are required to register and declare pecuniary and other interests at formal meetings where members take decisions.
- 1.3. This **Conflicts of Interest Protocol: loans or grants to businesses** sets out the process which the Combined Authority follows to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair, and transparent way, including where they are considered by officers. It provides an additional safeguard (for the Combined Authority and for applicants) to minimise the risk of reputational damage from any perception of undue influence.
- 1.4. The process requires additional scrutiny of any application where a potential conflict of interest arises.

2. Scope

- 2.1 This protocol should be followed where an application for a loan or grant is made by any business (including a company, social enterprise or a sole trader) to the Combined Authority.
- 2.2 The protocol applies to:
 - the Mayor and any other Combined Authority Member,
 - any voting Co-optee on a committee of the Combined Authority,
 - any member of any Advisory Board and/or Working Group,
 - any non-voting Member including Associate Members and/or Non-Constituent Members.
- 2.3. It applies to both local authority and private sector representatives, and their substitutes.

3. General

- 3.1. This protocol supplements the Conflicts of Interest Policy. It does not replace or alter any requirement of the Members' Code of Conduct, nor any other procedure which addresses conflicts of interest.

Where any conflict of interest arises outside of those specifically required to be registered or declared under the Members' Code of Conduct, a procedure referred to in the Conflict of Interest Policy or this protocol, a Member should declare their interests **erring on the side of caution**, in line with the Nolan Principles.

4. Setting Policies and Strategies Relating to Loans and Grants

- 4.1 Members must follow the Members' Code of Conduct which sets out requirements for registering and declaring interests at meetings. The Code restricts Members' involvement in decision making at formal meetings of the Combined Authority and committees where a conflict of interest arises.
- 4.2 However, to secure the input of suitable expertise and a range of representative views into the decision-making process, appropriate involvement in matters in which Members may have an interest is facilitated by exceptions and dispensations granted under the Code.

Members are not generally precluded from participating in or voting on developing or setting any overarching policy or strategy, including setting criteria against which any application for a loan or grant will be assessed. However, **this is subject to exceptions** such as where a direct financial interest arises.

At any meeting where an item relates to a change of criteria for any loan or grant programme in respect of which a Member (or a business in which they have registered an interest) has applied for a loan or grant during the previous 24 months (successfully or otherwise), the Member should declare the application. Any such declaration should be noted in the minutes of the meeting, but the member may nevertheless participate and vote in the decision, unless otherwise precluded by the Code or the application is still to be determined. A Member may, however, choose not to participate or vote in the item if they are aware that any proposed change in criteria may affect an application which they (or the business in which they have registered an interest) intend to make for the loan or grant.

Members should check with the Monitoring Officer if they are unsure whether they may participate or vote in relation to any particular item.

5. Members to Notify Businesses of their Involvement with the Combined Authority

- 5.1 Any Member who (to comply with a Code of Conduct) has registered an interest in a business, **including any interest of their spouse or civil partner**, must:
- **notify that business of their involvement** with the Combined Authority,
 - **ask the business to declare their involvement** as a conflict of interest when applying for any relevant loan or grant, and
 - **make arrangements for the business to notify them** on any occasion when the business applies for a relevant loan or grant.

6. Applying for a Loan or Grant - Applicant Business

6.1 The application form for a loan or grant to businesses will ask the applicant to declare whether:

- the applicant, any Director, Trustee or employee of the business, or
- their spouse or civil partner is:
 - (a) a member of any Advisory Board or Working Group of the Combined Authority,
 - (b) a Combined Authority Member, or
 - (c) a voting Co-optee on any committee appointed by the Combined Authority, or
 - (d) a non-voting member including Associate Member and/or Non-Constituent Body Member

A business should be advised of any such potential conflict of interest by the relevant Member, under paragraph 5 above. Nevertheless, each business should take such additional steps as are reasonably practicable to ensure that any declaration is full and accurate.

7. Members' Actions Where a Conflict of Interest Arises

7.1 A Member must also:

- (a) **notify the Monitoring Officer** on each occasion where:
 - they apply for a loan or grant, or
 - a business which is registered as an interest on their register of interest applies for a loan or grant,
 - any other interest arises which may be perceived as giving rise to a conflict of interest (for example, where an application is made by a close friend, or family member, or they are related to an officer of the Combined Authority).

The notification to the Monitoring Officer should identify:

- the **name of the applicant**,
- the **type of funding** applied for (including the funding stream if known), and
- the **nature of the potential conflict of interest**.

The date of the application should also be stated (if known).

- (b) so far as reasonably practicable avoid any personal involvement with any application for any loan or grant, or
- (c) where it is not reasonably practicable to avoid personal involvement with an application:

- **declare on any application form their involvement** if they are not a signatory,
- **do not discuss the application verbally** with any officer of the Combined Authority, and
- **communicate only in writing** about the application after it has been submitted.

8. Advising on Loan and Grant Applications

- 8.1 To avoid improper use of “inside information” about the assessment process for applications, where a member’s role includes or has included **advising on individual grant and loan applications from businesses**, no application from them, their spouse or civil partner, or from a business which they have (or should have) registered as an interest under the relevant Code of Conduct shall be considered until **six months** has elapsed since they carried out that role.

9. Considering Loan and Grant Applications

- 9.1 Every application is considered on its own merits, and no applications are granted unless the eligibility criteria for the loan or grant are met.

No Member may participate or vote on any decision-making relating to any application in respect of which they have a conflict of interest.

Members must not seek in any way to improperly influence the outcome of any application which has (or may be) made in which they have an interest.

- 9.2 Where an interest has been declared by an applicant on the application form, and/or a member (or where an interest is otherwise brought to the attention of a relevant Director), the application will not be progressed unless:

(a) the Monitoring Officer has confirmed that:

- the member has registered the business as an interest on their register in accordance with the requirements of the relevant Code of Conduct, and
 - a full declaration of interest by the member has been received in relation to the application in accordance paragraph 7 of this protocol.
- and

(b) the relevant Director has confirmed that:

- the applicant has made a declaration of interest on the application form in accordance with paragraph 6,
- the member did not discuss the application verbally with any officer of the Combined Authority after its submission, nor otherwise seek to improperly influence the application.

- 9.3 Subject to (a) and (b) above, where an interest arises, the application should be referred for determination by:
- the Combined Authority's Chief Executive, or
 - a meeting of the Combined Authority or a relevant committee.
- 9.4 An application may only be granted further to a recommendation from a **relevant Director** who has assessed the application and confirmed that it has been considered on its own merits and meets relevant eligibility criteria.
- 9.5 The decision-maker should take into account any other relevant information which relates to the conflict of interest.
- 9.6 The **record of any decision** about an application where a conflict of interest has arisen must record the conflict of interest declared by the member, and that this protocol has been followed.

10. Reporting

- 10.1 The Monitoring Officer will **annually report** to the Combined Authority's Governance and Audit Committee on the number and outcome of applications considered in accordance with this protocol during the financial year and on any breaches of the protocol.

5.5 – Member, Mayor and Officer Protocol

1. Purpose

- 1.1 The purpose of this protocol is to guide members and officers of the Combined Authority in their relations with one another.

2. Principles

- 2.1 Members and officers must at all times observe this protocol.
- 2.2 The protocol has been approved by the Combined Authority who will monitor its operation.
- 2.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
- 2.4 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 2.5 Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Combined Authority as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Combined Authority's work under the direction of the Combined Authority.
- 2.6 The Combined Authority has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law, namely:
- Selflessness - serving only the public interest.
 - Honesty and integrity - not allowing these to be questioned; not behaving improperly.
 - Objectivity - taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness - giving reasons for decisions.
 - Personal judgement - reaching one's own conclusions and acting accordingly.
 - Respect for others - promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
 - Duty to uphold the law - not acting unlawfully.
 - Stewardship - ensuring the prudent use of a Combined Authority's resources.
 - Leadership - acting in a way which has public confidence.

- 2.7 These principles underpin this protocol. They will also be reflected in a new statutory code of conduct for employees due to be introduced in the near future.
- 2.8 Until such time as a new national code appears, officers are bound by the Combined Authority's own code of conduct for staff and, in some cases, by the codes of their professional associations.
- 2.9 Breaches of this protocol by a member may result in a complaint to the Monitoring Officer if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

3. The Role of Members

- 3.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of the Monitoring Officer.

Role	Potential Conflict
Executive Member	Officer implementation of portfolio responsibilities
Scrutiny Member	Review of own decisions
Representative Members on Outside Bodies	Outside bodies' policies/actions not in line with Combined Authority interests
Political Party Members	Party political beliefs not in line with Combined Authority policy

- 3.2 Collectively, members are the ultimate policymakers determining the core values of the Combined Authority and approving the authority's policy framework, strategic plans and budget.
- 3.3 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

4. Relationships with Officers

- 4.1 Members are not authorised to instruct officers other than:
- through the formal decision-making process;
 - to request the provision of consumable resources provided by the Combined Authority for members' use;
 - where staff have been specifically allocated to give support to a member or group of members; and
 - in the case of political assistants.
- 4.2 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Combined Authority.

- 4.3 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 4.4 Members must respect the impartiality of officers and do nothing to compromise it, eg by insisting that an officer change his/her professional advice.
- 4.5 Members have a duty under their code of conduct:
- to promote equality by not discriminating unlawfully against any person, and
 - to treat others with respect.
- 4.6 Under the code, a member must not when acting as a member or in any other capacity:
- bring the Combined Authority or his/her position as a member into disrepute, or
 - use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

5. The Role of Officers

- 5.1 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 5.2 Under the direction and control of the Combined Authority (including, as appropriate, the Mayor, committees and sub-committees), officers manage and provide the Combined Authority's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 5.3 Officers have a duty to implement decisions of the Combined Authority, the Mayor, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Combined Authority's constitution, and duly minuted.
- 5.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 5.5 Officers must assist and advise all parts of the Combined Authority and the Mayor. They must always act to the best of their abilities in the best interests of the authority as expressed in the Combined Authority's formal decisions.
- 5.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 5.7 Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

6. The Relationship between Members and Officers: General

- 6.1 The conduct of members and officers should be such as to instill mutual confidence and trust.
- 6.2 The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.3 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.4 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.5 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 6.6 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.7 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 6.8 Members will endeavour to give timely responses to enquiries from officers.
- 6.9 An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
- 6.10 Members and officers should respect each other's free (ie non-Combined Authority) time.

7. The Combined Authority as Employer

- 7.1 Officers are employed by the Combined Authority as a whole.

7.2 Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment, and
- hearing and determining appeals.

7.3 Members shall not act outside these roles.

7.4 If participating in the appointment of officers, members should:

- remember that the sole criterion is merit
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

7.5 A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

8. Mayor, Combined Authority Members and Officers

8.1 Officers will respect the position of Mayor and provide appropriate support.

8.2 Combined Authority Members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the decisions of the Mayor and the Combined Authority.

8.3 In addition to the Mayor and individual members of the Combined Authority, senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Mayor and the Combined Authority as a whole or to individual Combined Authority Members for consideration.

8.4 Senior officers and the Mayor and Combined Authority Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Mayor and the Combined Authority Members will seek appropriate professional advice including, without exception, the Monitoring Officer and designated S73 Chief Finance Officer, and will not direct officers in the framing of recommendations.

8.5 Before any formal decisions with a financial implication are taken by the Mayor and/or the Combined Authority, the s73 Chief Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

8.6 An individual Combined Authority Member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that the Mayor and other Combined Authority Members and officers who need to know of

the matter are so informed. There is a particular requirement to involve the Mayor and other Combined Authority Members on cross-cutting issues.

- 8.7 The Mayor and all Combined Authority Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 8.8 Officers taking decisions under their delegated powers must consider the advisability of informing the Mayor and relevant Combined Authority Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious or has wider policy implications.

9. Overview and Scrutiny Members and Officers

- 9.1 Chairmen and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 9.2 An overview and scrutiny committee or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 9.3 When making requests for officer attendance, overview and scrutiny members shall have regard to the workload of officers.
- 9.4 It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Mayor or another part of the Combined Authority on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere - from the Combined Authority's dedicated Scrutiny Officer or externally.
- 9.5 Subject to 9.4 above, officers should be prepared to justify advice given to the Combined Authority, the Mayor, or other committees and sub-committees even when the advice was not accepted.
- 9.6 Officers must also be prepared to justify decisions they have taken under delegated powers.
- 9.7 In giving evidence, officers must not be asked to give political views.
- 9.8 Officers should respect members in the way they respond to members' questions.
- 9.9 Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 9.10 Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and members need to make a distinction between

reviewing the policies and performance of the Mayor and/or the Combined Authority and its services and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

- 9.11 In exercising the right to call-in a decision of the Mayor and/or the Combined Authority, overview and scrutiny members must seek the advice of the Monitoring Officer if they consider the decision is contrary to the Combined Authority's approved plans, policies or frameworks, or is unlawful.

10. Members of other Committees or Sub-Committees and Officers

- 10.1 The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen, and spokesmen of committees and subcommittees.
- 10.2 Senior officers (including the Monitoring Officer and the designated S73 Chief Finance Officer) have the right to present reports and give advice to committees and sub-committees.
- 10.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct officers to act.
- 10.4 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

11. Party Groups and Officers

- 11.1 Senior officers may properly be asked to contribute to deliberations of matters concerning Combined Authority business by party groups.
- 11.2 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Combined Authority business. Officers must not be involved in advising on matters of party business and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 11.3 Party group meetings are not empowered to make decisions on behalf of the Combined Authority, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Combined Authority business and must not be interpreted as doing so.
- 11.4 Where officers provide factual information and advice to a party group in relation to a matter of Combined Authority business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Combined Authority.

- 11.5 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 11.6 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 11.7 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 11.8 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 11.9 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 11.10 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 11.11 An officer who is not a senior officer shall not be invited to attend a party/ group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
- 11.12 An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 11.13 No member will refer in public or at meetings of the Combined Authority to advice or information given by officers to a party group meeting.
- 11.14 At party group meetings where some of those present are not members of the Combined Authority, care must be taken not to divulge confidential information relating to Combined Authority business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Combined Authority information as members.

12. Members' Access to Documents and Information

- 12.1 This part of the protocol should be read in conjunction with the Access to Information Rules in the Combined Authority's constitution.
- 12.2 Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Combined Authority's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.

- 12.3 The Mayor and every member of the Combined Authority, an overview and scrutiny committee/ commission, and/or any other committee or sub-committee has a right to inspect documents about the business of that overview and scrutiny committee, other committee or subcommittee or the Combined Authority.
- 12.4 A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
 - where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members' code of conduct.
- 12.5 Information given to a member must only be used for the purpose for which it was requested.
- 12.6 It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 12.7 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 12.8 When requested to do so, officers will keep confidential from other members advice requested by a member.
- 12.9 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

13. Media Relations

- 13.1 All formal relations with the media must be conducted in accordance with the Combined Authority's agreed procedures and the law on local authority publicity.
- 13.2 Press releases or statements made by officers must promote or give information on Combined Authority policy or services. They will be factual and consistent with Combined Authority policy. They cannot be used to promote a party group.
- 13.3 Officers will keep relevant members informed of media interest in the Combined Authority's activities, especially regarding strategic or contentious matters.
- 13.4 Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
- 13.5 Likewise, officers will inform the Combined Authority's press office of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 13.6 If a member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (eg as ward member, in a personal capacity, as an Executive member, on behalf of the Combined Authority, or on behalf of a party group);

- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Combined Authority's press office
- consider the likely consequences for the Combined Authority of his/her statement (eg commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

14. Correspondence

- 14.1 If an officer wishes to share correspondence between an individual member and an officer with another member, regardless of the reason, they must first seek and receive the permission of the first member. If an officer considers that he/she has a legal obligation to share correspondence between a member and an officer with a member (other than a member who the member correspondent has copied into the correspondence) then the officer must inform the member whose correspondence is proposed to be shared that he/she intends to share it and refer the member to the relevant legal provision. In the event that agreement to share the correspondence is not provided, the decision upon sharing the correspondence will be referred to the Monitoring Officer for determination. The presumption is that correspondence between a member and an officer will not be shared with another member unless the originator gives express permission for it to be so shared. This applies to both paper-based and electronic correspondence.
- 14.2 Official letters written on behalf of the Combined Authority should normally be in the name of the relevant officer. It may be appropriate in some circumstances (eg representations to a Government Minister) for letters to appear in the name of an Executive member or the chairman of an overview and scrutiny committee.
- 14.3 The Mayor may initiate correspondence in his/her own name.
- 14.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Combined Authority should never be sent in the name of a member.
- 14.5 When writing in an individual capacity as a ward member, a member must make clear that fact.

15. Access to Premises

- 15.1 Officers have the right to enter Combined Authority land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

15.2 Members have a right of access to Combined Authority land and premises to fulfil their duties.

15.3 When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the ward member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

16. Use of Combined Authority Resources

16.1 The Combined Authority provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Combined Authority. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

16.2 Members should ensure they understand and comply with the Combined Authority's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Combined Authority's expense;
- in relation to any locally-agreed arrangements, eg payment for private photocopying; and
- regarding ICT security.

16.3. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Combined Authority;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Combined Authority; and
- support to a member in his/her capacity as a member of another local authority.

17. Interpretation, Complaints and Allegations of Breaches

- 17.1 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
- 17.2 A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - never make a criticism in public, and
 - take up the concern with the officer privately.
- 17.3 If direct discussion with the officer is inappropriate (eg because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
- 17.4 A serious breach of this protocol by an officer may lead to an investigation under the Combined Authority's disciplinary procedure.
- 17.5 An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct.

5.6 - Anti-Fraud, Bribery and Corruption Policy

1. Introduction

This policy aims to ensure that Hull and East Yorkshire Combined Authority (the Combined Authority) has an effective anti-fraud culture and an effective framework to manage the risk of fraud, bribery and corruption.

Fraud, bribery and corruption are serious criminal acts that can damage the finances of organisations and undermine confidence in public services. Such acts are the antithesis of the Combined Authority's values. Criminal penalties for breaching the law in this area can be severe and there are some specific points where the Combined Authority itself could potentially face prosecution if there is an insufficient framework in place. The policy is therefore important in protecting the organisation from financial and reputational harm, as well as providing greater clarity on the actions to take if Members, officers, customers, partners or other stakeholders suspect or believe that fraud, bribery or corruption are happening.

2. Definition and Scope

This policy applies to all Members (whether voting or non-voting, Associate Members, Non-Constituent Body Members, officers, contractors and agents of the Combined Authority, except where agents have their own policy and procedures in place that already provide at least an equivalent and sufficient framework.

This Policy and the associated procedures outline the Combined Authority's approach to countering fraud, bribery and corruption risks.

- Fraud is a term that describes acts or omissions that are undertaken dishonestly and with the intention of making a gain for the perpetrator or another person, and/or to cause loss for someone else.
- Bribery and corruption involve the offering or accepting of a reward (bribe) for someone to perform their duties improperly.

These terms are generally associated with financial and property matters, but they have wider application. For example, false statements on application forms for school places could constitute fraud, whilst corruption might include enabling a friend to jump the queue for a planning application, even if there was no monetary bribe and no attempt to skew the final decision.

The policy is also intended to cover other acts of a similar character to fraud, including, but not limited to, theft, abuse of disabled parking concessions, and tax evasion.

This policy should be read in conjunction with the following policies and associated guidelines:

- Code of Conduct for Officers
- Member Code of Conduct
- Confidential Reporting (Whistleblowing) Policy
- Human Resources policies, notably in relation to recruitment and selection, and the Disciplinary Policy

- Procurement Rules and Financial Procedures.
- Anti-Money Laundering Policy

3. Policy Statement

The Combined Authority will not tolerate, and is committed to combatting, fraud, bribery, corruption and other dishonest wrongdoing in all of its activities.

The Combined Authority expects its members and officers to follow their respective Codes of Conduct and demonstrate the Principles of Public Life, (in particular the highest standards of honesty and integrity), at all times. It also expects third parties, such as customers, suppliers and partner agencies to act with honesty and integrity in their dealings with the Combined Authority.

The Combined Authority is therefore determined to identify fraud, bribery and corruption by any party, including: officers who abuse their positions of trust; contractors who abuse their relationship with the organisation; or customers who attempt to obtain assets or services to which they are not entitled.

The Combined Authority will continuously review its systems and procedures, to ensure fraud risks are managed through robust and proportionate controls to prevent, deter and detect fraud, bribery and corruption.

The Combined Authority will encourage officers, councillors and other stakeholders to raise any concerns about fraud, bribery and corruption. For officers, this can usually be done via line managers, but if that is not appropriate due to sensitivity or closeness to the malpractice, there are other ways for officers to raise concerns including use of the Confidential Reporting policy.

Fraud, bribery and corruption are serious offences. The Combined Authority will:

- Investigate alleged instances, including referral to the police or other relevant authorities (such as the Department for Work and Pensions or Her Majesty's Revenue and Customs) where appropriate.
- Instigate disciplinary action where officers are involved.
- Seek prosecution where criminal offences can be proven.
- Seek reimbursement, compensation and costs as appropriate where public funds or assets have been defrauded or misappropriated.
- Review policies, systems and procedures where cases occur, with the aim of continuous improvement and preventing repetition.

The Combined Authority fully supports the work of the police and other agencies in the fight against fraud, bribery and corruption within the public sector and the wider economy.

The policy will be implemented through the strategy and procedures set out in this document.

4. Legal and Regulatory Framework

The principal legislation relating to fraud, bribery and corruption is:

- Fraud Act 2006
- Theft Act 1968
- UK Bribery Act 2010
- Specific legislation relating to particular activities, including:
 - The Procurement Act 2023 and subsequent amendments including Procurement Policy Notes
 - S117 Road Traffic Regulation Act 1984 (RTRA) (re abuse of disabled parking concessions)
- Proceeds of Crime Act (POCA) 2002
- Anti-Money Laundering and Terrorist Financing legislation comprising:
 - Terrorism Acts 2000 and 2006
 - Criminal Finances Act 2017
 - Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
 - Money Laundering and Terrorist Financing (Amendment) Regulations 2019 and 2022

Where the Combined Authority undertakes criminal investigations, these are undertaken within the parameters of legislation governing their conduct, including:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedures Investigation Act 1996 (CPIA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Data Protection Act 2018

Copies of this legislation can be found at www.legislation.gov.uk and the main offences are summarised at Appendix A.

5. Managing the Risk of Fraud, Bribery and Corruption

The Combined Authority's approach is based on principles set out in CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption in Local Government:

- Acknowledging responsibility for countering fraud and corruption (see above);
- Identifying fraud and corruption risks;
- Developing an appropriate counter-fraud and corruption strategy;
- Providing resources to implement the strategy; and
- Taking action in response to fraud and corruption

6. Roles and Responsibilities

Members have a responsibility for setting the tone of the organisation, to be aware of the risks of fraud, bribery and corruption, and to act with honesty and integrity. They have a responsibility to report, via the Monitoring Officer, any concerns they may have.

The Chief Executive as Head of Paid Service is responsible for setting the internal tone of the organisation so that an anti-fraud culture is maintained. The Head of Paid Service is also ultimately responsible for the management of the organisation, including compliance with the financial control systems that are determined by the S73 Officer.

The S73 Chief Finance Officer is responsible for determining systems of financial control including those in relation to fraud, bribery and corruption.

Senior Managers have responsibility for maintaining an effective system of internal control so as to manage the risk of fraud, bribery and corruption in their service areas.

Managers have a key role in supporting their Senior Managers by maintaining controls in their areas of responsibility. They are also responsible for ensuring their staff understand their role in upholding Combined Authority values and the Principles of Public Life (which are set out in the Code of Conduct for Officers) - in particular their duty to behave with honesty and integrity. Managers need to be aware of the procedures to follow under this policy in the event that their staff or third parties report concerns about fraud, bribery or corruption.

All officers and agents of the Combined Authority have responsibility for being aware of the risks of fraud, bribery and corruption, and acting with honesty and integrity in their work. They also have a responsibility to report to management any concerns they may have.

The Audit and Governance Committee has responsibility for monitoring and reviewing the effectiveness of internal controls and governance arrangements, including the ongoing development of the arrangements set out in this document.

The Head of Internal Audit has responsibility to:

- Review the Combined Authority's arrangements for managing the risk of fraud, bribery and corruption, and evaluate their effectiveness in preventing and detecting such activity.
- Prepare and maintain this policy.
- Promote an anti-fraud culture by raising awareness of fraud issues and through the provision of training.
- Assist services with identifying fraud risks and appropriate mitigating actions.
- Undertake proactive audit work to review the arrangements in place in specific services.
- Support Directors with investigations into alleged frauds perpetrated against the Combined Authority.

The External Auditor has a responsibility to report on any concerns arising from his work to as regards the adequacy of the Combined Authority's arrangements in place for the prevention and detection of fraud, bribery and corruption.

7. Risk Identification

The Combined Authority identifies risks by reference to:

- National data, reports and surveys which flag emerging themes at similar organisations.
- Networking with other organisations in the sector and beyond, including other councils, Tenancy Fraud Forum, National Anti-Fraud Network (NAFN), Police and the Authority's bankers.
- Discussion between service areas and the Head of Internal Audit.
- Analysis, such as targeted audit work to evaluate risks in specific areas.

8. Anti-Fraud and Corruption Strategy

The Authority's Anti-Fraud and Corruption Strategy is based on a comprehensive series of inter-related procedures designed to deter, frustrate and prevent fraud and corruption from occurring; and where it does occur, to facilitate effective detection, investigation, action and follow up.

Corporate Framework

The corporate framework comprises:

- This policy and complementary policies as noted in Section 2.
- Full support from all members, the Chief Executive and Directors.
- The Combined Authority's Constitution and Codes of Conduct for Members and officers.
- A Confidential Reporting (Whistleblowing) Policy.
- A Corporate Feedback scheme to record and respond to complaints, comments, compliments and concerns.
- An effective risk management and internal control framework.
- Effective internal and external audit arrangements.
- An effective Head of Internal Fraud.
- Effective workforce strategies.
- A process for investigating complaints against Members.
- An effective scrutiny process.
- Clear rules on travel and expenses.
- Clear procurement rules.
- Guidance on gifts and hospitality and a process for recording them.

Prevention

Within the corporate framework there are a number of key processes that contribute to the prevention of fraud and corruption, that is to say they make the offences more difficult to undertake:

- Internal controls, especially the separation of duties and procedural checks in systems that are inherently susceptible to fraud.
- Controls over officer recruitment and conduct, in particular due diligence prior to confirming appointments, induction processes, and an established processes to disclose potential conflicts of interest.
- Code of Conduct and policies that communicate the Principles of Public Life and make it absolutely clear that fraud and bribery are not only criminal acts but also gross misconduct.
- Contracts Standing Orders and pre-contract due diligence of new suppliers.
- Robust controls over IT access and physical access controls to offices that contain sensitive records.
- Learning from others through networking and best practice.

Detection and Investigation

There are also a number of key processes that facilitate the ongoing monitoring of fraud risks, detection where frauds may occur and effective investigation where fraud or corruption is suspected:

- Budget monitoring and control.
- Management checks to verify that controls are functioning effectively.
- Internal audit assurance work to appraise that the overall system of internal controls for particular service areas and functions.
- Data matching checks, including internal and external data sets. This includes mandatory National Fraud Initiative (NFI) data matching exercises, which aim to identify anomalies that are indicative of fraud.
- Sharing of information, (with appropriate data protection protocols), to give early warning of new types of fraudulent activities so that appropriate detection methodologies can be put in place.
- Well established procedures to record and process reports of fraud in systems that are inherently at risk (such as CTRS)
- Procedures for officers and Members to report suspicious activity.
- Publicity, such as posters in public buildings which advise members of the public how to report suspicious activity.
- A Head of Internal Audit to:
 - Undertake compliance work that clears up low value irregularities in systems such as CTRS, thereby preventing these evolving into material frauds;

- Investigate frauds in relation to systems such as CTRS that are inherently at risk of fraud;
- Assist Heads of Service with investigations into internal frauds, which are usually undertaken under the auspices of the Authority's Disciplinary Policy;
- Provide advice to support the ongoing development of the framework.
- Appropriate referral to (and, where appropriate, joint investigations with) other agencies, such as the DWP, HMRC and Police.

Sanctions, Prosecution and Follow Up

Where investigations conclude that fraud has occurred, appropriate sanctions are imposed, including:

- Disciplinary hearings (usually leading to dismissal) if officers have committed fraud.
- Prosecution or alternative sanctions (such as Administrative Penalties) as set out in the relevant legislation for the type of fraud concerned. Decisions as to the appropriateness of sanctions are taken in consultation with Legal Services and with reference to the weight of evidence and Public Interest considerations.
- Legal recovery of losses where feasible.

If the investigation identifies control weaknesses, internal audit work is usually commissioned to appraise the extent of those weaknesses and assist management in addressing them.

Deterrence

Measures are in place to deter potential fraudsters from committing or attempting fraudulent or corrupt acts. These include:

- Acting robustly when fraud or corruption is suspected.
- Taking action to effect maximum financial recoveries for the Authority.
- Having an effective internal control framework.
- Publicising prosecutions and more generally that the Authority does not tolerate fraud or corruption and will seek to prosecute.

9. Training

The Head of Internal Audit will provide relevant training, including eLearning materials and tailored training for services that are considered at risk of exposure to fraud, bribery and corruption. This will be specified in consultation with Senior Officers and will include refresher training where required.

10. Review

This policy will be reviewed by the Audit & Fraud team in consultation with internal stakeholders at least once every two years, to keep pace with changes in legislation and practice.

11. Procedure/Fraud Response Plan

This procedure explains the actions to be taken where fraud, bribery or corruption is suspected.

Notification - Officers and Third Parties/Members of the Public

Officers should report any issue that suggests fraud, bribery, corruption, or other financial irregularity or impropriety. Reports should normally be submitted via your line manager, who should inform a senior manager, ie your Head of Service or Director.

The Combined Authority also encourages members of the public and contractors etc, who suspect fraud, theft or corruption to contact it. They will generally use publicised contact details that ensure the matter is reported to the Head of Internal Audit for further consideration.

Notification - Members

Members should refer any relevant issues to the Monitoring Officer in their absence, the Head of Internal Audit.

If Members become aware of conduct by another Member that conflicts with the Member Code of Conduct, they must consider whether to make a written report to that effect: this is done by addressing the complaint to the Monitoring Officer.

Alternative Notification Procedure (Whistleblowing)

If you feel it is not appropriate to inform your line manager, or to make the senior managers in your section aware of your concerns, you may instead file a report using the Confidential Reporting (Whistleblowing) Procedure. This is overseen by the Monitoring Officer, who will commission an appropriate investigation.

Response

Reports of 'routine' frauds will be assessed against criteria to determine how they should be taken forward. This may involve compliance work, a full investigation, or referral to another agency, (for example, CTRS frauds often involve welfare benefit claims as well and the legal powers to investigate benefit fraud now rest with the DWP). The Head of Internal Audit will make that assessment.

Reports through the Confidential Reporting Procedure will be dealt with in accordance with that procedure. Normally this will involve an investigation led by the Head of Internal Audit or Human Resources depending on the circumstances. The Monitoring Officer will determine the form of investigation in each case.

In all other cases, Directors have a duty to respond to any allegation of fraud or corruption by immediately informing the Head of Internal Audit to determine the next steps. Credible allegations will require investigation and the relevant Director will assign a senior manager to serve as Lead Investigation Officer. The Head of Internal Audit will support the investigation officer:

- Investigations into gross misconduct which involve alleged fraud, theft, bribery, corruption or other financial irregularities will normally be undertaken jointly by the designated service area manager, Human Resources and the Head of Internal Audit.
- Investigations into other (non-financial) gross misconduct will normally be undertaken by a service area manager and Human Resources.
- Investigations into other forms of misconduct will be dealt with by the service area concerned with appropriate involvement of the Human Resources team.

If, during the course of a 'non-financial' investigation, matters come to light in relation to financial control, risk management or governance, then the service area manager should immediately inform the Head of Internal Audit.

All investigations, regardless of the route, nature and type, will be conducted to standards that encompass:

- A professional and systematic approach
- Compliance with relevant policies, procedures and legislation (PACE, CPIA, RIPA and DPA)
- Maintaining the confidentiality of confidential or sensitive information that emerges during the investigation.

The Lead Investigation Officer will ensure that the following people are kept informed at appropriate stages as the investigation progresses:

- S73 Chief Finance Officer (or in their absence the Monitoring Officer)
- Relevant Director
- Head of Paid Service (if officer fraud or corruption is suspected).
- The Head of Internal Audit if weak financial controls or procedures have played a part in allowing the fraud or corruption to be committed.

Lead Investigation Officers will ensure that any actions determined by the S73 Chief finance Officer and/or the Monitoring Officer will be carried out, including possible referral to the police, regulatory bodies, the Authority's insurers or other agencies depending on the circumstances.

Referral to the police or other agency does not inhibit action under the disciplinary policy. However, any ongoing internal investigation will need to be co-ordinated with the relevant external agency to preserve the integrity of the external agency's investigation.

If an internal and/or criminal investigation concludes that fraud or other financial crime has occurred and led to financial losses, the Director will also consult the Monitoring Officer to determine appropriate action to seek recovery of those losses.

Guidance and Support

If you require further guidance with the interpretation of these procedures, please contact:

- Head of Internal Audit
- Monitoring Officer
- S73 Chief Finance Officer

Appendix A - Summary of Fraud and Similar Offences Set Out in UK Legislation

Fraud Act 2006

The Fraud Act defines a general offence of fraud and three ways it can be committed. In each case there must be: dishonesty; and an intent to make a gain or cause loss; and:

- Fraud by false representation - where someone makes a statement which they know to be untrue or misleading.
- Fraud by failing to disclose information - where someone fails to disclose information they are under a legal duty to disclose.
- Fraud by abuse of position - where someone is expected to safeguard the financial interests of another person and abuses that position.

The Fraud Act defines further offences of:

- Possession of articles for use in frauds – such as other people's credit card details or software for producing blank utility bills.
- Making or supplying of articles for use in frauds – such as supplying information or manufacturing devices to be used in frauds by other people.
- Fraudulent trading - such as inflating bills or charging for work not done.

Theft Act 1968

- Theft - eg of money or assets
- False accounting - falsification or concealment of financial records or use of such records for dishonest purposes.

Bribery Act 2010

- Offer or promise of a bribe
- Request or acceptance of a bribe
- Bribing a foreign public official to secure business or advantage in the conduct of business
- Failure by an organisation to prevent bribery committed on its behalf. It is hard to envisage circumstances where bribery would be committed on the Authority's behalf and the robust framework as described in this policy should provide a defence if this offence was ever alleged.
- Obstruction of authorised officers.

Prevention of Social Housing Fraud Act 2013

This defines specific offences in relation to the sub-letting of social housing stock. It also provides investigators with similar powers to those under the CTRS Regulations but in respect of investigations into tenancy fraud.

The Public Contracts Regulations 2015 and Related Matters

These set out parameters for the way in which public bodies should procure goods and services. A breach of the Regulations would not, in itself, be a criminal offence. However, potential contractors who are disadvantaged may seek remedies through the courts. This could have serious financial, operational and reputational consequences. Also, if a breach was intentional and/or dishonestly motivated, the circumstances could give rise to offences under other legislation, such as the Fraud Act or the Bribery Act. This is particularly the case regarding Regulation 24, which requires effective measures to prevent conflicts of interest distorting competition.

Road Traffic Regulation Act 1984

S117 of the Act defines offences concerning the wrongful use of disabled persons badges.

Criminal Finances Act 2017

This gives law enforcement agencies and partners further capabilities and powers to recover the proceeds of crime, tackle money laundering, tax evasion and corruption, and combat the financing of terrorism.

Part 3 of the Act defines corporate offences of failure to prevent the facilitation of tax evasion. Given the nature of the Authority's transactions, it is hard to envisage circumstances where the Authority or its agents would facilitate tax evasion and the robust framework as described in this policy should provide a defence if this offence was ever alleged.

Anti-Money Laundering Legislation

Various legislation that deals with offences in relation to money laundering and the financing of terrorism. Money laundering involves the processing, dealing with, concealing or converting the proceeds of crime or terrorism and/or funds to be used for terrorism. The impact of this legislation in the Authority's context is described in the Authority's Anti-Money Laundering Policy, together with guidance on the actions to take if officers become aware or suspicious that money laundering is taking place.

5.7 - Whistleblower Policy and Procedure

1. Scope

This policy applies to all employees and officers of the Combined Authority. Other individuals acting as 'workers' within the Combined Authority, such as casual workers and agency workers, are also able to use this policy. It is acknowledged that members of the public may also contact the Combined Authority with their concerns and they will be investigated using this procedure.

This policy and procedure is not intended to form part of the contract of the employment of any individual officer.

2. Aims

The official term for whistleblowing is 'making a disclosure in the public interest'; however it is much more commonly called 'blowing the whistle' or 'whistleblowing'. It means that if you believe there is wrongdoing in your workplace or within the public services provided by the Combined Authority (eg corruption or wrongdoing such as improper, illegal or negligent behaviour) you can report this by following the correct processes, and your employment rights are protected.

The policy aims to:

- Encourage individuals to feel confident in raising concerns and to question, and act, upon concerns.
- Provide various avenues for individuals to raise those concerns and receive a response to them together with feedback on any action taken.
- Reassure officers and others making a whistleblowing report that they will be protected from possible reprisals or victimisation, including dismissal, if they have a reasonable suspicion that wrongdoing is occurring, has occurred or is likely to occur; and make a disclosure about it using this procedure, believing it to be in the public's interest.
- Enable the Combined Authority to identify poor or inadequate practice and take corrective action.

3. Roles and Responsibilities

Within this policy the following roles and responsibilities are adopted:

The Monitoring Officer

Is responsible for:

- The overall whistle blowing process.
- Determining any misuse of the process.
- Liaising with the Independent Person upon the outcome of investigations into whistle blowing complaints.

- Ensuring that the Chief Executive is made aware of whistleblowing complaints where following investigation action is required.
- Reporting annually to Audit and Governance Committee upon the process.

The Customer Feedback Team Leader (Hull City Council)

Is responsible for:

- Managing receipt and progression of a whistleblower referral.
- Notifying the Independent Person of receipt of a whistleblowing allegation.
- Consulting the responsible Director upon the allegation, unless the allegation is about that individual.
- Consulting the Independent Person upon whether the complaint should be progressed to investigation.
- Determining whether a referral falls within the definition of a whistleblowing allegation and whether an investigation is required.
- Allocating the investigation to the appropriate service area to appoint an investigator.
- Where an investigation is undertaken, liaising with the investigating officer(s) to ensure that it is undertaken in a timely manner.
- Reporting to the Monitoring Officer upon the reasons for whistleblowing matters not being progressed to investigation and the Independent Persons advice in relation thereto.
- Liaising with the Monitoring Officer upon whistleblowing matters which are referred for investigation.

Internal Audit and Human Resources

Internal Audit ordinarily conduct investigations and report on findings to the Monitoring Officer. However, where a complaint primarily relates to a staffing management issue, Human Resources can be called upon to organise the appointment of an investigator.

The Chief Executive

Takes responsibility for ensuring that, if a systemic failure or serious operational issue is identified as a result of investigation findings, the recommended service change occurs.

The Independent Person

- Reviews and comments to the Customer Feedback Team Leader upon the approach proposed to be followed in relation to individual whistleblowing referrals.
- Comments to the Monitoring Officer upon the proposed outcome of whistleblowing referrals.

The Audit Committee

Under the Combined Authority's Constitution, the Audit and Governance Committee are responsible for review of the Whistleblower policy and procedure.

Officers

It is the duty of officers to:

- Report any incidents of malpractice, suspected theft, fraud or anything that may bring the Combined Authority into disrepute in accordance with this procedure to the Monitoring Officer.
- Only make a disclosure if they reasonably believe that a disclosure to be in the public interest, having regard to the criteria set out in paragraph 5.2 below.
- Keep their disclosure confidential.

4. Procedure

Introduction

Hull and East Yorkshire Combined Authority takes whistleblowing seriously. The Combined Authority is committed to maintaining an honest, fair and open culture with the highest standards of honesty and accountability. In line with that commitment, we expect officers, members, and others with whom we deal, who have concerns about any aspect of the Combined Authority's work to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage. Any matter raised will be dealt with promptly and thoroughly investigated by an appropriate person in the Combined Authority. The whistleblowing procedure is described later in this document. The whistleblowing procedure process flow can be found at Appendix 1.

Raising a Concern

Whistleblowing reports can be made in a verbal, written form and can be anonymous. Anyone wishing to raise a concern can do so through the Combined Authority's Monitoring Officer.

A Whistleblower's Report form on which details in connection with the concern can be recorded (Appendix 2) is available on the intranet and via the electronic form on the Combined Authority's website.

To progress an investigation the following information is needed:

- Details of the activity being reported and why it is of concern.
- Details about where the activity is taking place.
- Details about who is involved.
- Details about when the activity took place.
- Details of any evidence, eg receipts or other documents you might hold which evidence your concerns.

Once this information is captured, the form should be submitted to the Monitoring Officer.

Initiating Action

Following receipt of a referral:

- Where the identity of the whistleblower is known, acknowledge receipt in writing to the whistleblower within 3 working days.
- Make initial enquiries to determine the need for investigation.
- Confer with the independent person to inform a decision upon whether an investigation is required.
- Where investigation is required, refer the matter for investigation to the appropriate service area, Internal Audit or the Human Resources service.

The Investigation

The appointed investigator will:

- Agree the timeframe for the investigation with the Customer Feedback Team Leader, depending on the complexity of the case.
- Undertake the investigation within that timescale.
- Involve others as required in the investigation, eg other service areas in the Combined Authority, or other agencies such as the Police.
- Where the whistleblower is known, consider whether contact with the whistleblower is required to clarify the information (see paragraph 4.6).
- Where allegations are made against an individual, ensure that the processes adopted provide the opportunity for that individual to respond to the allegations made against that individual.
- Produce an investigation report.
- Where appropriate, identify lessons learnt for discussion with the Monitoring Officer and the Chief Executive.

Feedback

Feedback to members/officers will be undertaken through the Monitoring Officer and Governance and Audit Committee.

Involvement of the Whistleblower

The information provided on the Whistleblowing Report form, if sufficient, will allow a full investigation to take place. The amount of contact needed between those investigating the concerns and the whistleblower will depend on the nature of the issues raised and whether or not there is sufficient information with which to undertake the investigation. The whistleblower's identity will, so far as it is possible, be kept confidential.

Should further information be required in connection with the concern raised, you have the right, if you are a Combined Authority officer, to be accompanied at meetings/interviews by a trade union representative or work colleague.

Taking the Matter Further

This procedure is intended to satisfy the concerns of whistleblowers, and the Combined Authority hopes that the whistleblower will be satisfied with any action taken. If you are not, or you feel it is right to take the matter outside the Combined Authority, further independent advice is available from Public Concern at Work, Citizens Advice Bureau, Community Legal Advice Centre (CLAC), Trade Unions and The Local Government and Social Care Ombudsman.

Review of Findings

The Chief Executive will liaise with senior officers as appropriate to discuss and agree any required service actions together with timescales. Senior Officers will ensure that their teams learn from feedback, implementing action plans to correct and improve service practice.

5. Protection for Whistleblowing

Who is Protected?

When an officer or worker makes a “qualifying disclosure” to their employer, the only condition of the Act for the qualifying disclosure to be protected is that the disclosure is made in the public interest.

Where the “qualifying disclosure” is made to someone other than the employer, further conditions apply, namely that the whistleblower believes that the information disclosed, and any allegation contained in it, are substantially true and the whistleblower does not make the disclosure for purpose of personal gain.

What is a “Qualifying Disclosure”?

A “qualifying disclosure” is defined as being the disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail, to comply with any legal obligation to which he is subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be, endangered.
- That the environment has been, is being or is likely to be damaged, or;

- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately, concealed.

When is a Whistleblower not Protected?

The protection available to a whistleblower is available where in the reasonable belief of the worker making the disclosure, the disclosure is made in the public interest. From existing case law it is considered that a disclosure will be held not to fall within this where:

- The allegation is known by the whistleblower to be false (unless the allegation was so serious that the whistleblower properly felt obliged to make the disclosure in the public interest in case they are wrong), or;
- The allegation arises from a predominant ulterior motive which, in all the circumstances of the case, makes the belief of the whistleblower that the disclosure is in the public interest unreasonable.

What is in the Public Interest?

The public interest can take many forms for example there is a public interest in transparency and accountability, to promote public understanding and to safeguard democratic processes. There is a public interest in good decision-making by public bodies, in upholding standards of integrity, in ensuring justice and fair treatment for all, in securing the best use of public resources and in ensuring fair commercial competition in a mixed economy. This is not a complete list; the public interest can take many forms.

What are the Protections?

The person will be protected from any reprisals or victimisation or from being dismissed as a result of having made a protected disclosure. The Combined Authority will take responsibility for any detrimental acts of a worker such as harassment or bullying towards another who has blown the whistle.

6. Relationship with the Complaints Procedure

The Whistleblowing Policy does not provide an avenue for further complaint for complainants who have exhausted the Combined Authority's complaints procedure. Officers will seek to identify complaints that fall within the scope of the Whistleblowing Policy and refer those through for management under that policy where appropriate. It is not envisaged that a complaint that has been progressed through the Combined Authority's complaints procedure and in relation to which the complainant remains dissatisfied will fall within the contemplation of this policy.