

# ETHICAL GOVERNANCE FRAMEWORK

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# Anti-Fraud and Anti-Corruption Strategy

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# **ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY**

## **1. INTRODUCTION**

- 1.1 We (Cleveland Fire Authority) employ approximately 563 Employees and have a budget of approximately £39 million. As with other large organisations, the size and nature of our services puts us at risk of loss due to fraud and corruption both from within the Fire Authority and outside it.
- 1.2 The stewardship of public money is a fundamental responsibility for both elected Members and Employees. We are committed to making sure that the opportunity for fraud and corruption is reduced to the lowest possible risk. Where there is the possibility that fraud, corruption or other irregularities have occurred, we will deal with the issue in a firm and controlled manner.
- 1.3 An important part of Cleveland Fire Authority's approach is introducing an anti-fraud and anti-corruption strategy, which we will use to advise and guide Members and Employees on our approach to the serious issues of fraud and corruption. This document provides an overview of our strategy in this matter and includes a 'fraud response plan' which provides more detailed guidance on how to deal with instances of potential fraud and corruption.
- 1.4 In administering its responsibilities the Fire Authority is committed to the prevention of fraud and corruption. This strategy statement emphasises to all Employees the importance placed by the Fire Authority on probity, financial control and honest administration. The main message is that we expect all Members, Employees, Consultants, Contractors, and others, to be fair and honest, and to give us any help, information and support we need to deal with fraud and corruption.
- 1.5 The strategy set out in this document covers the following areas:
- Our written rules;
  - How we expect our Members and Employees to behave;
  - Preventing fraud and corruption;
  - Detecting and investigating fraud and corruption;
  - Training.

## **2. OUR WRITTEN RULES**

- 2.1 We have a number of procedures and rules to make sure that our financial, working and organisational procedures are properly controlled. These are an important part of our internal control process, and it is important that all Members and Employees know about them.

- 2.2 The most important of these are as follows:
- Financial Procedure Rules )
  - Standing Orders ) Constitution
  - Contract Procedure Rules )
  - Delegation Scheme )
  - Code of Conduct for Members)
  - Code of Conduct for Employees
  - Disciplinary and Grievance Procedures
  - Employees' Conditions of Service
  - Values and Behaviours Framework

- 2.3 The Fire Authority also recognises the high level of public scrutiny of its affairs by a variety of bodies including;
- Internal and External Audit
  - The Home Office
  - HM Revenue & Customs
  - The General Public;
  - Local and National Media.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services

The Fire Authority will positively respond to such scrutiny, demonstrating its commitment to this process, by effective liaison with External Audit and other statutory agencies to ensure that it achieves the required standards of probity.

- 2.4 Individual departments have also introduced their own measures, which are designed to control their activities. Examples include accounting control procedures, working manuals and operating procedures.
- 2.5 Senior Officers and Management must make sure that all Employees have access to these rules and regulations and that Employees receive suitable training.
- 2.6 Members and Employees must make sure that they read and understand the rules and regulations that apply to them, and act in line with them.
- 2.7 If anyone breaks these rules and regulations we may take formal action against them. This may include, in particular circumstances, ending their employment with the Fire Authority in respect of Employees and referral to the Legal Adviser and Monitoring Officer following receipt of a complaint in respect of Members. It will be the responsibility of the Monitoring Officer to deal with matters amounting to any infringement of the Code of Conduct, in conjunction with adopted procedures (Constitution).

### **3. HOW WE EXPECT AUTHORITY MEMBERS AND EMPLOYEES TO BEHAVE**

- 3.1 We expect all people and organisations that are in any way associated with us to be honest and fair in their dealings with everyone. We expect our Members and Employees to lead by example in these matters.
- 3.2 Our separate Codes of Conduct for Members, and Employees, set out an approach to work that is both honest and fair. Members and Employees must act in line with the Codes at all times.
- 3.3 Cleveland Fire Authority Members and Employees have an important part to play in our anti-fraud and anti-corruption arrangements. We encourage our Employees and Members to inform us if they suspect a case of fraud. We will endeavour not to reveal the names of the people who gave us the information. We will deal with all information fairly and confidentially. Our Fraud Response Plan (Appendix 1) gives more advice on this issue for Employees.
- 3.4 Members and Employees are required to record both their financial and other interests and any receipt and offering of hospitality or gifts. At formal meetings, Members are required to declare any interests in the matters under discussion, where the interest is personal and prejudicial.
- 3.5 The Localism Act 2011 mandated 7 principles of public life, that apply to people who serve the public. The Relevant Authorities (General Principles) Order 2001 set out an additional three guiding principles which the Authority have incorporated into their Ethical Governance Framework. We will develop our working behaviour around these 10 principles, as outlined at Appendix 2.
- 3.6 Separate guidance has been issued on gifts/hospitality and the Fire Authority's framework which is detailed at Appendix 5.
- 3.7 We expect our Senior Officers and Managers to deal firmly and quickly with anyone who is responsible for fraud or corruption. The Treasurer and Head of Internal Audit in consultation with the Monitoring Officer may refer matters to the Police if they suspect any criminal activity has been carried out.
- 3.8 We must ensure that any investigative process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations, may be dealt with as a disciplinary matter.

### **4. PREVENTING FRAUD AND CORRUPTION**

- 4.1 To address the potential challenge of fraud and corruption, we must endeavour to prevent it from happening in the first place. It is essential that we have clear rules and procedures, to provide a framework within which Members, Employees, Consultants and Contractors can work. These include the main corporate rules, which are set out in Appendix 2.

- 4.2 We will regularly review and update our written rules.
- 4.3 Senior Officers and Managers must make sure that suitable levels of internal checks are included in working procedures, particularly financial procedures. It is important that duties are organised so that no one person can carry out a complete transaction without some form of checking process being built into the system.
- 4.4 To ensure the effective use of audit resources a 4 year Strategic Plan and Annual Internal Audit Activity Plans are in operation. These plans ensure that the challenge of potential fraud is appropriately addressed through;
- regular reviews of controls within the main financial systems;
  - protective audit visits to Fire Authority establishments to ensure appropriate standards of financial administration are in operation;
  - detailed probity work using computer interrogation techniques.

By its nature, corruption is difficult to identify and prosecute successfully. The Fire Authority's approach is to have in place a robust framework of procedures and subject them to regular review.

- 4.5 We must follow our procedures when employing new Employees. If possible, we must check the previous employment records of anyone we are considering employing. This applies to both temporary and permanent Employees. The role that Employees are expected to play in ensuring effective internal control will be included within Employees induction procedures when they begin their employment. This will be followed up with training as appropriate.
- 4.6 We are committed to working and co-operating with other organisations to prevent organised fraud and corruption. Wherever possible, we will be prepared to help and exchange information with other Fire Authorities and organisations to deal with fraud.
- 4.7 We will participate in computerised data matching initiatives, co-ordinated by External Audit and we will abide by Codes of Practice covering such processes. This kind of work needs to be tightly controlled particularly in relation to data protection issues.
- 4.8 We will make sure that full details of arrangements for reporting concerns are widely published to the public, Members and Employees through: -
- Cleveland Fire Authority Internet Site – [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk)
  - CFB SharePoint
  - Members Handbook.

All information received in this way will be acted on and investigated in all appropriate circumstances.

- 4.9 The Terrorism Act 2000, Bribery Act 2010, Proceeds of Crime Act, 2002, and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, as amended, have broadened the definition of money laundering, and increased the range of activities caught by the statutory framework. Accordingly, the Authority is required to implement working procedures and undertake risk assessments designed to prevent the use of its services for money laundering. Reference is to be

made to any policy of the Authority relating to anti-money laundering, and also to applicable guidance as issued by HM Customs & Excise, The Law Society and the Solicitors Regulatory Authority as a supervisory body. The policies and procedures of the Authority's Legal Services are set out within this Anti-Money Laundering Policy document at Appendix 6. Employees should therefore familiarise themselves with the requirements and procedures as set out herein.

## **5. DETECTING AND INVESTIGATING FRAUD AND CORRUPTION**

- 5.1 The array of preventative systems, particularly internal control systems, within the Fire Authority has been designed to provide indicators of any fraudulent activity, although generally they should be sufficient in themselves to deter fraud. You should read this section in conjunction with our fraud response plan (Appendix 1) and our Prosecution Policy (Appendix 4).
- 5.2 Under the Code of Conduct and Financial Procedure Rules, Employees should report any suspected cases of fraud and corruption to the appropriate manager, or, if necessary, direct to the Head of Internal Audit. Reporting cases in this way is essential to the anti-fraud and corruption strategy and makes sure that:
- suspected cases of fraud and corruption are investigated properly;
  - the fraud response plan is properly carried out;
  - there is a standard process for dealing with all suspected cases of fraud and corruption;
  - people's rights, and authority interests are properly protected.
- 5.3 The Fire Authority's Whistleblowing Policy (Appendix 3) is intended to encourage and enable Employees and others to raise serious concerns of misconduct. Employees reporting concerns in this way are afforded certain protection against discrimination through legislation (Public Interest Disclosure Act 1998).
- 5.4 The Head of Internal Audit will work with the Monitoring Officer and Treasurer to the Authority and Senior Officers and Managers to determine the type and course of any investigation. This will include referring cases to the Police where necessary. We will instigate prosecution of offenders and we will carry out our disciplinary procedures where appropriate. We will ensure that any internal proceedings do not prejudice any criminal case.

## **6. TRAINING**

- 6.1 Introducing and operating a successful anti-fraud and anti-corruption strategy requires that all Members and Employees possess levels of knowledge, skills and understanding that enable them to operate competently within the required parameters. Training will be programmed as necessary to meet individual development needs in this area.
- 6.2 Cleveland Fire Authority is committed to continuing personal development for all Employees. Those who are involved in operating or managing, internal control systems must consider their responsibilities during periodic development reviews and ensure that identified development needs are addressed.

- 6.3 Development opportunities for Employees, who may be involved in investigating fraud and corruption, will be provided to ensure that each individual possesses the right knowledge, skills and understanding to operate competently.

## **7. CONCLUSION**

- 7.1 We are committed to tackling fraud and corruption whenever it happens. Our response will be effective and organised and will rely on the principles included in this document. The Fire Authority has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.
- 7.2 To this end, the Fire Authority maintains a continuous overview of such arrangements through, in particular, its Treasurer, and its Internal and External Auditors.

# **FRAUD RESPONSE PLAN**

## **1. INTRODUCTION**

- 1.1 Cleveland Fire Authority is committed to the highest possible standards of openness, probity and accountability in all its affairs. It is determined to develop a culture of honesty and opposition to fraud and corruption.
- 1.2 In line with that commitment, the Fire Authority's Anti-Fraud and Anti-Corruption Policy outlines the principles we are committed to in relation to preventing, reporting, investigating and managing fraud and corruption.
- 1.3 This Fraud Response Plan reinforces the Fire Authority's robust approach by setting out the ways in which Employees or members of the public can voice their concerns about suspected fraud or corruption. It also outlines how the Fire Authority will deal with such complaints.

## **2. WHAT DO WE WANT TO KNOW ABOUT?**

- 2.1 This Plan is intended to be implemented where suspicions of fraud or corruption have been raised.

Fraud is defined as:

"The intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the mis-appropriation of assets or otherwise for gain".

Corruption is defined as:

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

- 2.2 Concerns or allegations which fall within the scope of other, existing procedures eg discrimination issues will normally be referred for consideration under those procedures.
- 2.3 Fraudulent or corrupt acts may include:
- Systems Issues i.e. where a process/system exists which is prone to abuse by either employees or the public;
  - Financial Issues i.e. where individuals or companies have fraudulently obtained money from the Fire Authority e.g. invalid invoices/work not done;
  - Equipment Issues i.e. where Fire Authority equipment is used for personal use e.g. unauthorised/inappropriate personal use of Fire Authority vehicles;
  - Resource Issues i.e. where there is a misuse of resources e.g. theft of materials;
  - Other Issues i.e. activities undertaken by Employees of the Fire Authority which may be: unlawful; against the Fire Authority's Rules of Procedure or policies, falls below

established standards or practices; or amounts to improper conduct e.g. receiving inappropriate hospitality.

- 2.4 This is not an exhaustive list. If you are in any doubt about the seriousness of your concern, advice and guidance can be obtained from the Head of Internal Audit on 01429 523173.

### 3. SAFEGUARDS

**Harassment or Victimisation** – The Fire Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the possible fear of reprisal from those responsible for the malpractice. The Fire Authority will not tolerate harassment or victimisation and will take action to protect those who raise a concern in good faith.

**Confidentiality** – The Fire Authority will do its best to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence.

**Anonymous Allegations** – This policy encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Treasurer and Monitoring Officer to the Authority. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

**Untrue Allegations** – If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If, however, individuals make malicious or vexatious allegations, action may be considered against the individual making the allegation.

## 4 WHAT SHOULD AN EMPLOYEE DO IF THEY SUSPECT FRAUD OR CORRUPTION?

- 4.1 Employees may be the first to realise that there is something seriously wrong within the Fire Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Fire Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 4.2 The Fire Authority's Whistleblowing Policy is intended to encourage and enable Employees to raise legitimate concerns within the Authority rather than overlooking a problem or blowing the whistle to the media or other external bodies. This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.

- 4.3 A full copy of the Whistleblowing Policy is provided on the Service Intranet and can be obtained from your Human Resources department or your Trade Union Representative.
- 4.4 In essence, Employees should approach the relevant line manager, who, if they find the claim to be substantiated, then in accordance with the Whistleblowing Procedure, the Head of Paid Service, Treasurer or alternatively the Head of Internal Audit should be informed. The nature of the complaint will determine the Fire Authority's course of action.
- 4.5 Internal Audit can be contacted by phone on 01429 523173, or by writing to the Head of Internal Audit, Level 3, Civic Centre, Hartlepool.

## **5. WHAT SHOULD A MEMBER OF THE PUBLIC DO IF THEY SUSPECT FRAUD OR CORRUPTION?**

- 5.1 The Fire Authority encourages members of the public who suspect fraud and corruption to contact the Monitoring Officer, the Treasurer to the Fire Authority or the Head of Internal Audit in the first instance.
- 5.2 The Internal Audit Section is a unit, which operates independently of all other Fire Authority Services, whose work includes reviewing procedures with the following aims:
- To develop an anti-fraud culture.
  - To deter, prevent, detect and investigate fraud and corruption.
  - To see appropriate action taken against those who commit or seek to commit some sort of fraud or corruption.
- 5.3 Internal Audit can be contacted by phone on 01429 523173, or by writing to the Head of Internal Audit, Level 3, Civic Centre, Hartlepool.

## **6. HOW WILL ALLEGATIONS OF FRAUD OR CORRUPTION BE DEALT WITH BY CLEVELAND FIRE AUTHORITY?**

- 6.1 For issues raised by Employees or members of the public, the action taken by the Fire Authority will depend on the nature of the concern. The matters raised may be investigated internally or referred to the Police.
- 6.2 Within 10 working days of a concern being received, the Monitoring Officer or Treasurer to the Fire Authority or designated officer will write to the complainant:
- acknowledging that the concern has been received;
  - indicating how it is proposed the matter will be dealt with;
  - giving an estimate of how long it will take to provide a final response;
  - telling them whether any initial enquiries have been made; and
  - telling them whether any further investigations will take place, and if not, why not.
- 6.3 The Fire Authority accepts that those people who reported the alleged fraud or corruption need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation.

- 6.4 Investigations will be reviewed by the Treasurer or Monitoring Officer to monitor the quality and effectiveness of investigations. A summary of investigations and outcomes will be reported to the Audit and Governance Committee.
- 6.5 Where losses arise from fraud or corruption the Fire Authority will take action to recover all losses; sanctions and/or redress will be proportioned to the effects of the fraud. Reports will be presented to the Audit and Governance Committee on monitoring and recovery of losses.

## 7. ALTERNATIVE METHODS FOR TAKING A COMPLAINT FORWARD

- 7.1 If either a member of the public or an Employee feels it is right to take the matter outside these processes, the following are possible ways forward:
- Elected Members of the Cleveland Fire Authority. If you are unsure how to contact them, call the CFA on 01429 874008 or visit [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk) for advice.
  - the External Auditors (Forvis Mazars LLP) – who are the organisation appointed to scrutinise the Fire Authority’s finances and performance. By law, they must be completely independent from the Authority.
  - Trade Union – Employees may invite their Trade Union to raise a matter on their behalf
  - the Police – suspicions of fraud or corruption may be reported directly to the Police.
  - the Local Government & Social Care Ombudsman – this is an independent body set up by the Government to deal with complaints against Authority’s in the UK.
  - Protect (formerly Public Concern at Work) – [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)
  - Mr Peter Devlin, Legal Adviser & Monitoring Officer - 01429 872311 – [pdevlin@clevelandfire.gov.uk](mailto:pdevlin@clevelandfire.gov.uk) (breach involving Member’s Code of Conduct)
  - Mrs Kristine Ward, Clerk to the Authority (ACFOSPPR) 01429 872311 – [kward@clevelandfire.gov.uk](mailto:kward@clevelandfire.gov.uk)
  - Mr Chris Little, Treasurer to the Authority, 01429 872311 [clittle@clevelandfire.gov.uk](mailto:clittle@clevelandfire.gov.uk)

# THE GENERAL PRINCIPLES OF PUBLIC LIFE

## Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **1. SELFLESSNESS**

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

### **2. 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 declare and resolve any interests and relationships.

### **3. OBJECTIVITY**

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

### **4. 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.

### **5. 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.

### **6. HONESTY**

Holders of public office should be truthful.

### **7. 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.

The Authority has resolved to incorporate the following additional principles:

### **8. RESPECT FOR OTHERS**

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

## **9. DUTY TO UPHOLD THE LAW**

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a co-opted Member to the Authority.

## **10. PERSONAL JUDGEMENT**

Members may take account of the view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions. As a Member your conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

# **WHISTLEBLOWING POLICY**

## **PUBLIC INTEREST DISCLOSURE ACT 1998 GUIDANCE FOR EMPLOYEES AND OFFICERS ON THE PROCEDURE RELATING TO CONFIDENTIAL REPORTING**

### **1. INTRODUCTION**

- 1.1 Employees are often the first to realise that there may be something seriously wrong with the Fire Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Fire Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Fire Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Fire Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This procedure document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This confidential reporting procedure is intended to encourage and enable Employees to raise serious concerns within the Fire Authority rather than overlooking a problem or 'blowing the whistle' outside.*
- 1.4 The procedure applies to all employees and those Contractors working for the Fire Authority on Fire Authority premises. For example, agency employees, builders, drivers. Further guidance can be found within the Ethical Governance Framework at Section 2 – Standards and Partners
- 1.5 These procedures are in addition to the Fire Authority's complaints procedures and other statutory reporting procedures. You are responsible for making service users aware of the existence of these procedures.
- 1.6 This procedure has been discussed with the relevant Representative Bodies and has their support.

### **2. AIMS AND SCOPE**

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

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The confidential reporting procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:-

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

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of Employees or Members of the Fire Authority or others acting on behalf of the Fire Authority can be reported under the confidential reporting procedure. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Fire Authority subscribes to; or
- is against the Fire Authority's Procedural Rules and policies, or
- falls below established standards or practice, or
- amounts to improper conduct

2.4 This procedure does not replace the existing complaints procedure.

### **3. SAFEGUARDS**

3.1 Harassment or Victimisation.

3.2 The Fire Authority is committed to good practice and high standards and wants to be supportive of Employees.

3.3 The Fire Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your Employer and those for whom you are providing a service.

3.4 The Fire Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## **4. CONFIDENTIALITY**

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

## **5. ANONYMOUS ALLEGATIONS**

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

## **6. UNTRUE ALLEGATIONS**

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

## **7. HOW TO RAISE A CONCERN**

- 7.1 As a first step, you should normally raise concerns with your immediate Line Manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that Management is involved, you should approach the Monitoring Officer to the Fire Authority (Mr Peter Devlin - 01429 872311), Chief Fire Officer and Head of Paid Service (Mr Peter Rickard - 01429 872311), Assistant Chief Fire Officer Service Delivery (Mr Simon Weastell – 01429 872311) or the Assistant Chief Fire Officer Strategic Planning, People and Resources (Ms Kristine Ward - 01429 872311). In matters arising out of paragraphs 2.2.5 of the Fire Authority's Financial Procedure Rules, the Treasurer (Mr Chris Little - 01429 872311) or alternatively, the Head of Internal Audit should be informed, namely: - (Mr Noel Adamson - 01429 523173)

*"The Treasurer is responsible for investigating promptly any fraud or irregularity brought to their attention and report to the Head of Paid Service.*

- 7.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:-
- the background and history of the concern (giving relevant dates)
  - the reason why you are particularly concerned about the situation

- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Obtain advice/guidance on how to pursue matters of concern from:-
- Employer Internal Source (Head of Finance and Procurement, Mrs L Younger – 01429 872311)
  - Prescribed Person External Source (J Collins, Forvis Mazars LLP, External Auditors – 0191 3836302)
- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7 You may invite your Trade Union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 7.8 Protect (formerly Public Concern at Work) is an independent charitable body which provides confidential advice and on-going support to individuals (020 311172520)

## **CONTACT NUMBERS**

- **Mr. P. Devlin, Monitoring Officer to the Fire Authority, and Designated Officer: Tel.no. 01429 874000, email: [pdevlin@clevelandfire.gov.uk](mailto:pdevlin@clevelandfire.gov.uk)**
- **Mr. C. Little, Treasurer to Cleveland Fire Authority: tel. no. 01429 874000 email: [clittle@clevelandfire.gov.uk](mailto:clittle@clevelandfire.gov.uk)**
- **Ms. K. Ward, Assistant Chief Fire Officer Strategic Planning and Resources: tel 01429 874005, email: [kward@clevelandfire.gov.uk](mailto:kward@clevelandfire.gov.uk)**
- **Mr. S. Weastell, Assistant Chief Fire Officer: tel: 01429 874004, email: [sweastell@clevelandfire.gov.uk](mailto:sweastell@clevelandfire.gov.uk)**
- **Mr. J. Collins, Director, Public Services, Forvis Mazars (External Auditor): tel. no. 07881283527 Email: [James.Collins@mazars.co.uk](mailto:James.Collins@mazars.co.uk)**
- **Mr. N. Adamson, Head of Internal Audit: tel. no. 01429 523173 email: [noel.adamson@hartlepool.gov.uk](mailto:noel.adamson@hartlepool.gov.uk)**
- **Safecall, Independent Reporting Line, 0800 915 1571 or access their ePortal at [www.safecall.co.uk/report](http://www.safecall.co.uk/report).**

## **8. HOW THE FIRE AUTHORITY WILL RESPOND**

- 8.1 The Fire Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:-
- be investigated by management, Internal Audit or through the disciplinary process
  - be referred to the Police or other agency
  - be referred to the External Auditor
  - form the subject of an independent enquiry
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Fire Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the recipient of your written allegations will write to you.
- acknowledging that the concern has been received
  - indicating how we propose to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supplying you with information on employees support mechanisms
  - telling you whether further investigations will take place and if not, why not, and
  - will inform the Responsible Officer (paragraph 9) of the concern being raised and the action taken
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Fire Authority will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Trade Union or a Professional Association Representative or a friend.
- 8.8 The Fire Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Fire Authority will arrange for you to receive advice about the procedure.
- 8.9 The Fire Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

- 9.1 The Assistant Chief Fire Officer Strategic Planning, People and Resources (Ms K Ward - 01429 872311) has overall responsibility for the maintenance and operation of this procedure. That Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Fire Authority.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1 This procedure is intended to provide you with an avenue within the Fire Authority to raise concerns. The Fire Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Fire Authority, the following are possible contact points:-

- the designated Independent Person or organisation (External Auditor)
- your Trade Union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the Police

- 10.2 If you do take the matter outside the Fire Authority, you should ensure that you do not disclose confidential information in breach of the Data Protection Act 2018 and the General Data Protection Regulation.

## **PROSECUTION POLICY**

Cleveland Fire Authority is committed to preventing fraud and corruption and has developed an 'Anti-Fraud and Anti-Corruption Strategy' in order to minimise its occurrence.

The Fire Authority will constantly monitor its systems and amend procedures as required.

This policy does not supersede other internal disciplinary codes implemented by the Fire Authority and internal offenders (e.g. Fire Authority Employees or Members) will be liable to general disciplinary procedures as well as prosecution.

### **General**

The Fire Authority's policy on fraud is to:

- deter it in the first instance;
- detect it quickly;
- investigate it efficiently; and
- prosecute offenders when appropriate.
- Recover all losses

In most cases, the Treasurer and Head of Internal Audit, in consultation with the Monitoring Officer will be involved in deciding if reporting the matter to the Police is appropriate. In exceptional circumstances the Monitoring Officer/Head of Internal Audit may refer matters to the Police direct without prior consultation.

In deciding whether a fraud should be reported to the Police the following factors will be taken into account.

1. The extent of the fraud/corruption in financial terms
2. The sufficiency and appropriateness of evidence
3. Whether the public interest will be served

In general, all cases, where there is evidence of a criminal act, will be reported to the Police.

## **GUIDANCE FOR EMPLOYEES AND MEMBERS ON GIFTS AND HOSPITALITY**

### **1. INTRODUCTION**

- 1.1 The following guidelines supplement the Fire Authority's Finance and Contract Procedure Rules and the National and Voluntary Codes of Conduct for Members.
- 1.2 These guidelines are intended to assist Employees and Members to exercise the correct judgement when faced with circumstances where gifts or hospitality are involved. However, if a Member or Employee is in any doubt about the right course of action to take, appropriate advice should be sought from the Fire Authority's Legal Advisor, Chief Fire Officer or Treasurer.

### **2. GIFTS**

- 2.1 The acceptance of gifts by Employees and Members from persons who have, or may seek to have, dealings with the Fire Authority can be viewed by the public with suspicion and can expose the individual(s) vulnerable to criticism. A distinction exists between significant personal gifts from contractors and outside suppliers which would not be acceptable and where criticisms could potentially be justified, and those insignificant items of token value which Members and Employees can accept:
- small gifts under £5 in value, often given by way of trade advertisements e.g. calendars, diaries, and similar office/articles
  - small gifts under £5 in value, given on the conclusion of a courtesy visit e.g. to a factory or other premises
- 2.2 With the exception of those items specifically referred to in section 2.1, Employees or Members of the Fire Authority should tactfully refuse any personal gift which is offered to him/her or to a member of their family by, or indirectly attributable to, any person or body who has dealings of any kind with the Fire Authority.
- 2.3 Whether gifts are accepted or not, the matter should be recorded in the registers of gifts and hospitality in operation for Members and for Employees.
- 2.4 In the event of a Member or Employee receiving a gift without warning, which does not fall in any of the exemptions mentioned in 2.1 above, the matter should immediately be reported to the Chief Fire Officer, Assistant Chief Fire Officer Strategic Planning, People and Resources or the Authority's Legal Advisor. The Chief Fire Officer or Assistant Chief Fire Officer Strategic Planning, People and Resources will be responsible for deciding whether the gift should be returned, donated to The Firefighters' Charity or forwarded to a charitable deserving cause. In such cases, the donor must be informed about what has happened to the gift and why, and be asked if they will kindly not send gifts in the future.

### **3. GIVING AND RECEIVING HOSPITALITY**

- 3.1 Any hospitality given by Employees/Members should be justified as in the Fire Authority's interest. The hospitality given should be on a scale appropriate to the occasion and extravagance should be avoided.
- 3.2 Concerning offers of hospitality there should be no cause for concern if the offer is made by another non-commercial public body, but in all other cases, offers of hospitality must be treated with caution.
- 3.3 Employees/Members must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from, the Fire Authority, particularly where the offer is to an individual Employee/Member.
- 3.4 Where hospitality is offered or accepted the matter must be recorded in the respective registers of gifts/hospitality maintained for Members and Employees. If there are any suspicious circumstances, the matter should be notified to the Treasurer to the Fire Authority and the Chief Fire Officer.
- 3.5 All Gifts and hospitality to the value of £50 or more should be disclosed and registered in accordance with the Members and Employees' Codes of Conduct.

### **4. POLICY**

- 4.1 Although it is not possible to define all circumstances in which gifts/hospitality may be involved, the former government agency, the Audit Commission did provide guidance as illustrated in the attached schedule of some of the common types of gift and hospitality as set out in the following table together with an initial classification by the Fire Authority as acceptable or not:

# **ANTI-MONEY LAUNDERING POLICY**

## **1. INTRODUCTION**

The Terrorism Act 2000, Bribery Act 2010, Proceeds of Crime Act, 2002, and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations, 2017, as amended, have broadened the definition of money laundering, and increased the range of activities caught by the statutory framework. Accordingly, the Authority is required to implement working procedures and undertake risk assessments designed to prevent the use of its services for money laundering. Reference is to be made to any policy of the Authority relating to anti-money laundering, and also to applicable guidance as issued by HM Revenue & Customs, The Law Society and the Solicitors Regulatory Authority as a supervisory body. The policies and procedures of the Authority's Legal Services are set out within this Anti-Money Laundering Policy document, and Employees should therefore familiarise themselves with the requirements and procedures as set out herein.

## **2. THE TERRORISM ACT, 2000**

- The definition of money laundering under this Act and the offence created is set out in Section 18(1). A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property by concealment, by removal from the jurisdiction, by transfer to nominees or any other way.
- It is a defence for a person charged with an offence under sub-section (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property. (S18(2))
- The failure to disclose an offence in S21A of the Act only applies in the regulated sector (see below). A person commits an offence under Section 21A if each of three conditions is satisfied.
- The first condition is that he knows or suspects or has reasonable grounds for knowing or suspecting that another person has committed an offence under any of Sections 15 to 18 of the Terrorism Act, 2000. These sections cover fund raising (s.15), use and possession (s.16), funding arrangements (s.17) and money laundering (s.18).
- The second condition is that the information or other matter on which knowledge or suspicion is based or which gives reasonable grounds for such knowledge or suspicion, came in the course of business in the regulated sector.
- The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him.

### **3. THE BRIBERY ACT 2010**

- 3.1 The Act will make it easier for agencies such as the Serious Fraud Office to prosecute bribery and corruption offences. Upon conviction companies face unlimited fines with individuals facing up to ten years imprisonment.
- 3.2 If bribes are paid by or on behalf of an organisation, that entity can be automatically prosecuted for a new strict liability offence of failing to prevent bribery. The only defence applicable would be to demonstrate that the organisation has “adequate procedures” in place to prevent corrupt business practices. Some of the suggested steps to cover “adequate procedures” would include, by way of example; management responsibility for the organisation’s anti-corruption programme, appointment of a Senior Officer with responsibility for compliance with cognisance to a publicised anti-corruption code, adequate risk assessment, reporting and investigation procedures.

#### **3.3 The Offences**

- 3.3.1 The legislation covers certain primary offences of “active” and “passive” bribery. Active bribery will be committed through the giving of a bribe or offering or promising to do so. Whilst passive bribery is the requesting, or agreeing to receive or accepting a bribe, there is also a new offence of bribing a ‘foreign public official’. The bribe must not be “legitimately due” and the giver must have the intention of influencing the recipient in the performance of their public duties. Accordingly, certain “facilitation payments” will now have to be scrutinised, to ensure that such payments are permitted or required under the relevant law of the relevant country.
- 3.3.2 The Act also introduces a new corporate offence of negligently failing to prevent the giving of bribes by its employees or agents. It will be a defence, if a business can show it had adequate procedures in place to prevent bribery taking place albeit those systems have failed in the individual instance. Clearly, the intention behind this new offence is to encourage businesses to adopt and embrace anti-corruption policies and strategies more seriously and to put in place appropriate measures to eradicate unethical business practices.

#### **3.4 Enforcement**

- 3.4.1 The Serious Fraud Office will be the responsible prosecuting authority and are also to issue guidance, in addition to that provided through the Ministry of Justice. It should also be noted, that the provisions under the Bribery Act, 2010, replicate those found under the Fraud Act, 2006, which cover sophisticated frauds, particularly through ever evolving technologies. The Fraud Act, 2006, in turn, building upon the provisions contained within the Theft Acts, 1968-1978. In addition the ‘Sentencing Guidelines Council’ has also indicated appropriate penalties relating to the overall culpability of individuals/organisations who commit and are convicted of such fraudulent activities.

## 4. THE PROCEEDS OF CRIME ACT, 2002

### 4.1 What is money laundering?

Money laundering means;

- concealing, disguising, converting, transferring criminal property or removing it from the United Kingdom (section 327 of the Act);
- entering into, or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of, criminal property by or on behalf of another person (section 328 of the Act);
- acquiring, using or possessing criminal property (section 329 of the Act);

These are the primary money laundering offences and thus prohibited acts under the legislation.

The legislation is designed to shift the burden for identifying acts of money laundering away from government agencies and more towards public bodies and their employees. Further, the legislation prescribes potentially very high penalties, including imprisonment, for those who are convicted of breaking the law.

Potentially, any Member or Employee could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it. It is therefore important to be aware of the legislation and its provisions. If you feel you may commit one of these primary money laundering offences, by fulfilling a client's instructions, then you will have a defence if you receive appropriate consent (official permission to continue with the transaction) from the Serious Organised Crime Agency (SOCA).

## 5. THE MONEY LAUNDERING, TERRORIST FINANCING AND TRANSFER OF FUNDS (INFORMATION ON THE PAYER) REGULATIONS, 2017 AS AMENDED

- The Regulations provide for various steps to be taken by the financial services sector and other persons to detect and prevent money laundering and terrorism financing. Obligations are imposed on "relevant persons" (defined in regulation 3 and subject to the exclusions in regulation 154), who are credit and financial institutions, auditors, accountants, tax advisers and insolvency practitioners, independent legal professionals, trust or company service providers, estate agents, high value dealers and casinos. Otherwise known as the "Regulated Sector.
- Relevant persons are required, when undertaking certain activities in the course of business, to apply customer due diligence measures through risk assessment and controls where they establish a business relationship, carry out an occasional transaction, suspect money laundering or terrorist finance or doubt the accuracy of customer identification information.

## 5.1 What are the obligations on the Authority?

Organisations conducting “relevant business” must;

- Appoint a Money Laundering Reporting Officer (MLRO) to receive disclosures from employees of money laundering activity (their own or anyone else’s);
- Implement a procedure of controls to enable the reporting of suspicions of money laundering;
- Maintain client identification procedures in certain circumstances;
- Assess the risks of money laundering and terrorist financing; and
- Maintain record keeping procedures

Not all of the Authority’s business is “relevant” for the purposes of the legislation. In the main, it will cover accountancy and audit services undertaken by the Authority and the various financial, company and property transactions undertaken by the Authority. However, the most prudent way to ensure compliance with the law is to apply the requirements of the legislation to all areas of work undertaken by the Authority’s financial and legal services.

## 5.2 Disclosure Procedure

Where you know or suspect that money laundering activity is taking place/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under sections 327-329 of the Proceeds of Crime Act 2002 (see above), you must disclose this as soon as practicable to the MLRO. The Authority’s nominated Officers for this purpose are to be arranged. It should be noted, that as well as the offences prescribed under sections 327-329 of the Proceeds of Crime Act 2002, this will also encompass any attempt, conspiracy or incitement to commit such an offence; or aiding, abetting, counselling or procuring such an offence. The term “criminal property” is also widely defined, encompassing property representing a person’s benefit from criminal conduct, where you know or suspect that that is the case. It includes all property (situated in the United Kingdom or abroad) real or personal, including money and also includes an interest in land or a right in relation to property other than land. It should be noted that disclosure to the MLRO should be made as soon as practicable when information comes to your attention and should not be subject to any delay or prevarication. Should a disclosure not be made, then you may be liable to prosecution.

## 5.3 Failure to Report Money Laundering Offences

A failure to report offences is committed, where in the regulated sector in the course of conducting relevant business, you know or suspect or have reasonable grounds to do so (even if you did not actually know or suspect) that another person is engaged in money laundering and you did not disclose this as soon as was reasonably practicable to the MLRO. However, an offence is NOT committed where you have a reasonable excuse for non-disclosure, nor where you are a **professional legal advisor** and the information came to you in **privileged circumstances** i.e.;

- By a client (or their representative) in connection with the giving of legal advice;
- By a person (or their representative) seeking legal advice;
- By a person in connection with legal proceedings (existing or contemplated);

But NOT where the information was given with the intention of furthering a criminal purpose. Consequently, if information comes to a professional legal advisor outside the privilege arena, then they may commit an offence by non-disclosure.

**NOTE:** There are two ‘third party’ offences – failure to disclose one of the three principal offences as noted above and ‘tipping off’ which now has application to an offence committed in the regulated sector (see below). Tipping off is where someone informs a person or people who are, or are suspected of being, involved in money laundering, in such a way as to reduce the likelihood of their being investigated, or prejudicing an investigation.

**NOTE:** The Law Society has issued guidance as approved by HM Treasury ‘Anti-money laundering guidance March 2018’ incorporating amendments made through the 2017 Regulations and which details areas of good practice.

[\(https://www.lawsociety.org.uk/policy-campaigns/articles/anti-money-laundering-guidance/\)](https://www.lawsociety.org.uk/policy-campaigns/articles/anti-money-laundering-guidance/)

No disclosures whatsoever should be made without the specific prior approval of the MLRO. Such disclosures to the MLRO will be protected in that they will not be taken to be in breach of a restriction on the disclosure of information.

#### 5.4 **Tipping Off Offences**

Under section 333A of the 2002 Act, there is an offence of “**tipping off**” where a person, knowing or suspecting a disclosure has been made, makes a disclosure which is likely to prejudice any investigation which might be conducted and the information on which the disclosure is based came to the person in the course of business in the regulated sector.

However, a tipping off offence is NOT committed where;

- The person did not know or suspect that the disclosure was likely to be prejudicial;
- The disclosure is made in furtherance of their enforcement functions regarding the Act or similar criminal conduct legislation;
  - They are a professional legal advisor and the disclosure was to a client (or their representative) in connection with the giving of legal advice; or
  - is made for the purpose of dissuading the client from engaging in conduct amounting to an offence; or
  - to any person in connection with legal proceedings (existing or contemplated);

**But NOT when the information was given with the intention of furthering a criminal purpose.**

#### 5.5 **Legal Professional Privilege**

Privilege will attach to;

- advice given on how to stay within the law and avoid committing a crime;
- warning a client that proposed actions may attract prosecution;
- a pending criminal prosecution.

Privilege will not attach to;

- information coming to you in connection with affecting a transaction, e.g. a property matter;
- a client account ledger;
- an appointments diary or time record;
- attendance notes;
- notes of open court proceedings, conversations, correspondence of meetings with opposing lawyers;
- any documents which themselves form part of a criminal or fraudulent act;
- advice sought by a client who intends to carry out a criminal offence (even where the lawyer is unaware of this purpose).

**NOTE:** Communications cannot be subject to legal professional privilege if they are created with the intention of furthering a criminal purpose. It is irrelevant whether the intention is that of the client, the lawyer or any third party.

## 5.6 Procedural Requirements

As indicated, the legislation imposes specific obligations and those carrying out “relevant business” requiring them to;

- Obtain sufficient knowledge to ascertain the true identity of clients and maintaining “**customer due diligence**” measures and ongoing monitoring;
- Ensure that “**record keeping procedures**” (e.g. evidence of identity obtained, details of transactions undertaken, etc) are maintained and adhered to;
- Maintaining internal controls through ie, audits, risk assessment and overall management.

**NOTE:** Where the client is acting or appears to be acting for someone else, reasonable steps must also be taken to establish the identity of that other person (although this is unlikely to be relevant to the Authority).

The law states that particular care must be taken when the client is not physically present when being identified; this is always likely to be the case with the Authority, given that its relevant business can only be undertaken with other local authorities and designated public bodies (not individuals) and therefore instructions will usually be given in writing. However, there are a limited number of exceptions where identification evidence does not need to be obtained, these are unlikely to ever be relevant to the Authority, given that it can only act for other public authorities and designated public bodies.

Satisfactory evidence of identity is that which;

- is capable of establishing, to the satisfaction of the person receiving it, that the client is who they claim to be; and
- does in fact, do so.

It is suggested that fairly rigorous identification checks should be made, for example, in relation to an organisation, that evidence should be obtained as to the identity of key individuals within the organisation along with evidence of the identity of the business

entity and its activity. The following factors suggest a minimum level of client identification procedure would be appropriate; namely –

- (i) for internal clients – where a detailed awareness of individuals and their location has been established through previous dealings.
- (ii) for external clients – where the body, is heavily regulated by their very nature or there has been repeated dealings between the Authority and such bodies thereby establishing knowledge in terms of people and the business address.

## **5.7 Record Keeping Procedures**

Signed, written instructions should enable us to have confidence in accepting instructions from a known client. If instructions are obtained from a new client, then you may also wish to seek additional evidence, for example;

- checking the organisation’s website to confirm their business address;
- asking the key contact officer to provide evidence of their personal identity and position within the organisation, for example, written confirmation from the relevant head of service/chair of the relevant organisation.

## **5.8 The Penalties**

Money laundering offences may be tried at a Magistrates’ Court or in the Crown Court, depending on the severity of the suspected offence. Trials at the former can attract fines of up to £5,000, imprisonment for up to six months, or both. In a Crown Court, fines are unlimited and sentences of imprisonment (depending on the particular offence) can range from two to fourteen years.

## **6. SUMMARY**

When considering an offence under the money laundering legislation, the Court will consider whether you have followed any relevant guidance. General queries over the legislation can be discussed with the Authority’s Legal Advisor or with the Authority’s MLRO (the Treasurer).

The Law Society’s “Golden Rules” regarding money laundering are;

- know the legislation;
- know the Law Society’s professional guidelines regarding money laundering;
- know your clients;
- know your business;
- train your employees (if you feel you need specific training, please speak to your line manager);
- monitor compliance with procedures by employees;
- don’t cut corners;
- don’t be afraid to ask questions (of a client or colleague);
- approach the procedures with common sense.

## 7. CONCLUSION

Employees and Members within the Authority must at all times be mindful of the legislative requirements as set out herein. As indicated, a failure to comply with such requirements may render an individual liable to prosecution. At all times, prompt, appropriate and proper action should be taken if you have any suspicions as to any money laundering activity, and please be aware that discussion upon this issue can be undertaken with either the Authority's Legal Adviser or through the Authority's Money Laundering Reporting Officer at any time should you have concerns regarding any matter.

The Authority's Money Laundering Reporting Officer is The Treasurer to the Authority who can be contacted at [clittle@clevelandfire.gov.uk](mailto:clittle@clevelandfire.gov.uk) or 01429 872311.

Further guidance notes on the Code of Conduct are available using the following links:

**[www.sra.org.uk](http://www.sra.org.uk)**

**[www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)**

**[www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk)**

**[www.fca.gov.uk](http://www.fca.gov.uk)**

**[www.lawsociety.org.uk](http://www.lawsociety.org.uk)**

The Anti-Fraud and Anti-Corruption Strategy reflects the following strategic priorities and principles.

<b>AUTHORITY'S STRATEGIC PRIORITIES</b>
The Anti-Fraud and Anti-Corruption Strategy contributes to the Service's Purpose: <b>Protecting People, Places and Futures.</b>
<b>CORE PRINCIPLES</b> Extract from CIPFA/SOLACE "Delivering Good Governance in Local Government Framework 2016"
<ol style="list-style-type: none"><li>1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law.</li><li>2. Ensuring openness and comprehensive stakeholder engagement.</li><li>3. Defining outcomes in terms of sustainable economic, social and environmental benefits.</li><li>4. Determining the interventions necessary to optimise the achievement of the intended outcomes.</li><li>5. Developing the entity's capacity, including the capability of its leadership and the individuals within it.</li><li>6. Managing risks and performance through robust internal control and strong public financial management.</li><li>7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.</li></ol>
The sub Principles of good governance are detailed within the Authority's Code of Corporate Governance

# STANDARDS AND PARTNERS

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Cleveland Fire Authority aspires to the highest standards of conduct and governance in the discharge of its roles. This affects the conduct of both members of the Authority, and its officers, in their dealings with the Authority, with the public and with others with whom they have contact in the discharge of the functions of the Authority. It also gives rise to an expectation that organisations and individuals upon whom the Authority relies for the provision of services, or in the discharge of contractual arrangements, will reflect relevant principles in their contact with the Authority, its members and officers and members of the general public with whom they come into contract.

This paper is intended, for the information of contractors, external partners and others who have dealings with the Authority, to summarise the principal elements contributing to the attainment of these objectives. Such parties are expected, so far as reasonably practicable and compatible with their own commercial interests and duties, e.g. to shareholders –

- themselves to act in a manner consistent with the principles set out when undertaking activities on behalf of the Authority
- to bring to the attention of the Authority any failure by a member or officer of the Authority, in their dealings with the contractor, partner etc., to comply with the principles set out.

# **STANDARDS AND PARTNERS**

## **The General Principles**

The Localism Act 2011 mandated 7 principles of public life that apply to people who service the public. The Relevant Authorities (General Principles) Order 2001 set out an additional three guiding principles which the Authority have incorporated into their Ethical Governance Framework. We will develop our working behaviour around these 10 principles, as outlined in the Anti-Fraud and Anti-Corruption Strategy (Part 1).

Of particular potential relevance to an external provider are the requirements

### **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 declare and resolve any interests and relationships.

### **Honesty**

Holders of public office should be truthful.

### **Respect for Others**

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

### **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a co-opted Member to the Authority.

These and the other general principles are then reinforced by the Code of Conduct for Councillors

## **The Code of Conduct for Councillors**

Members of the Authority are bound by a Code of Conduct (see Part 3) which requires them, amongst other things –

- to treat others with respect
- to promote equality and not to discriminate unlawfully
- not to use their position to their own advantage or that of their friends, families etc.
- not to use authority resources for their own benefit or that of their friends, families etc.
- not to conduct themselves in a manner which brings the authority or their office as a member of the authority into disrepute
- not to bully or harass any person.
- to promote equalities and not discriminate unlawfully against any person
- not to bring your role or that of the Authority into disrepute

## **Financial Probity**

The Authority, as a custodian of public funds, must adhere to the principles of financial probity at all times. To this end, it has adopted Financial Regulations which seek to ensure that financial transactions of the Authority are conducted in an acceptable manner and that the financial records of the Authority are maintained accurately and expediently and in accordance with current accountancy practices. Though contractors, partners, etc have no cause to be familiar with Financial Regulations, they should be alert to any actions on the part of representatives of the Authority which give rise to concerns regarding financial probity. Any concerns in this regard can be raised with the Treasurer of the Authority who will be able to consider the issue in the context of the Financial Regulations.

## **Civil Liberties and other legislation**

As a public authority, Cleveland Fire Authority is subject to legislation which is designed to protect others and prevent abuse of their rights and liberties. Examples relevant to the Authority's relationship with contractors, partners etc. are:

- Health & Safety at Work Act 1974
- Equality Act 2010
- Data Protection Act 2018 and GDPR
- Human Rights Act 2000

These and other relevant enactments cast upon the Authority an obligation not to infringe the rights and liberties of others. Certain aspects, such as health and safety, and data protection, may be dealt with specifically in contractual documentation between the Authority and the contractor, partner etc. In that case, the contractual provisions will prevail but in the absence of express provisions, it is the expectation of the Authority that those who discharge functions on behalf of the Authority will act only in a manner which assists the Authority in complying with relevant legislation and does not expose the Authority to criticism or sanction for breach.

## **Protection against victimisation**

A natural concern on the part of a contractor, partner etc, who might consider making a referral is the potential for their interests to be prejudiced by doing so. The Authority extends to such parties the same guarantee against victimisation as is offered to their employees making a referral under the Whistleblowing Policy – for employee purposes adopted under the Public Interest Disclosure Act 1998 – and for the purpose of the protections of the policy, extends the procedures incorporated in the policy to contractors, partners etc. as though they were employees of the Authority.

## **Notification of misconduct**

If a contractor, partner etc. or any of their employees become aware of misconduct on the part of a representative of the Authority, they are urged to bring the matter to the attention of the Authority or other appropriate agency. A referral should be made as soon as evidence exists which raises a reasonable belief that misconduct has taken, or is taking, place.

The nature of the misconduct may determine whether the matter is brought to the attention of the Authority or another agency. The following guidelines are offered to assist a party considering making a referral.

<b>Conduct</b>	<b>Point of referral</b>
Member misconduct, not amounting to a serious criminal offence	Monitoring Officer or Treasurer
Officer (Strategic Management) misconduct not amounting to serious criminal offence	Monitoring Officer
Officer misconduct, not amounting to a serious criminal offence	Chief Fire Officer
Member or officer conduct amounting to serious criminal offence	Police
Financial impropriety not amounting to fraud	Treasurer or Monitoring Officer Internal / External Audit
Fraud	Police

## **Relevant contacts for referrals**

Mr P Devlin, Monitoring Officer 01429 872311	Cleveland Fire Brigade Headquarters Endeavour House Queens Meadow Business Park, Hartlepool, TS25 5TH
Mr C Little, Treasurer to the Authority 01429 872311	As above
Mr P Rickard, Chief Fire Officer 01429 872311	As above
<b>Mr Simon Weastell, Assistant Chief Fire Officer SD 01429 872311</b>	
Mrs K Ward, Assistant Chief Fire Officer SPPR 01429 872311	As above
Mrs L Younger, Head of Finance 01429 872311	As above
Mr N Adamson, Head of Internal Audit 01429 523173	Hartlepool Borough Council Hartlepool, TS24 4AY
James Collins, External Auditor 0191 3836302	Forvis Mazars LLP The Rivergreen Centre Aykley Heads, DURHAM, DH1 5TS

**THE 10 GENERAL PRINCIPLES ADOPTED BY THE AUTHORITY ARE DETAILED  
WITHIN THE ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY AT PART 1**

# MEMBERS CODE OF CONDUCT

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## INTRODUCTION

This code applies to you as a member of Cleveland Fire Authority and when you act in your role as a Member it is your responsibility to comply with the provisions of this code. The code will also have application to voting co-opted Members and to those Independent Persons appointed to the Audit and Governance Committee.

You are a representative of this Authority and the public will view you as such therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code is adopted through the requirement for Cleveland Fire Authority to promote and maintain high standards of conduct by its members, under Section 27 of the Localism Act, 2011. The Code has application to those “principles of public life” as set out below under paras 1 – 7 as specified under the Localism Act, 2011 and the Authority has decided to incorporate the additional principles as set out within paras 8 – 10.

## PRINCIPLES OF PUBLIC LIFE

### Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **1. SELFLESSNESS**

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

### **2. 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 declare and resolve any interests and relationships.

### **3. OBJECTIVITY**

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

### **4. 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.

### **5. 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.

### **6. HONESTY**

Holders of public office should be truthful.

### **7. 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.

### **8. RESPECT FOR OTHERS**

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

### **9. DUTY TO UPHOLD THE LAW**

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a co-opted Member to the Authority.

### **10. PERSONAL JUDGEMENT**

Members may take account of the view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions.

As a Member your conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.

- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority’s decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority’s policies, protocols and procedures, including on the use of the Authority’s resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

*[Extracted from the Local Government Association ‘Template Code and Guidance Note on Conduct’.]*

## **Interpretation**

In this Code;

“Disclosable Pecuniary Interest” has the meaning and description as detailed in the Schedule to this Code of Conduct.

“Meeting” means any meeting of;

- (a) the Authority;
- (b) any of the Authority’s Committees, Sub-Committees or Joint Committees;
- (c) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

“Member” includes a co-opted Member and any appointed Member.

## **GENERAL OBLIGATIONS**

### **1. When acting in your role as a Member of the Authority;**

1.1 You must treat others with respect.

1.2 You must not conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct amongst its Members.

- 1.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe or are reasonably aware, is of a confidential nature, except where –
- (i) you have the consent of the person authorised to give it;
  - (ii) you are required by law to do so
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is –
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
    - (c) you have consulted with the Authority’s Monitoring Officer prior to its release.
- 1.4 You must not prevent any other person from gaining access to information to which that person is entitled by law.

### 1.5 **Bullying, harassment and discrimination**

You must not bully or harass any person.

You must promote equalities and not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims

### 1.6 **Disrepute**

You must not bring your role or that of the Authority into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and your Authority and may lower the public's confidence in you or your Authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute.

You are able to hold the Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Authority whilst continuing to adhere to other aspects of this Code of Conduct.

## **2. When using or authorising the use by others of the resources of the Authority;**

- 2.1 You must act in accordance with the Authority's reasonable requirements including the requirements of the Authority's applicable information technology policy and those related policies copies of which have been provided to you and which are deemed to have read;
- 2.2 You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 2.3 You have regard to any applicable Code of Recommended Practice on local authority publicity issued under Section 4 of the Local Government Act, 1986.

## **INTERESTS**

- 3.1 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a Member, you should act solely in terms of the public interest and should not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2. You are required to register "pecuniary" and such other interests as determined by the Authority through this Code of Conduct. A failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.
- 3.3. There will be a requirement for you to formally declare any gift and/or hospitality to the Monitoring Officer over £25. *Further, you should also have regard to the following considerations;*
  - *you should not accept any gift or hospitality which might interfere with or be perceived as impacting on the Authority's business or services,*
  - *you should not accept significant personal gifts from any contractor and/or outside suppliers or agents thereof,*
  - *you should only accept hospitality if there is a genuine need to impart information or to represent the Authority (or a body to which you are appointed by the Authority) in the community*

- *you should also be particularly sensitive to receiving gifts and/or hospitality which may relate to the timing of a decision which the Authority may be taking which affects those from whom the gift and/or hospitality was received,*
- *the advice of the Authority’s Monitoring Officer should be obtained where necessary or desirable.*

**(i) Notification of Interests**

(1) You must, within 28 days of –

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

(2) You have a personal interest in any business of your authority where either –

(a) it relates to or is likely to affect –

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest, notify the Monitoring Officer of the details of that new interest or change.

**(ii) Disclosure of Interests**

(1) Subject to sub-paragraphs (2) to (4), where you have a personal interest described in paragraph (2) above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your authority

- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(B) In sub-paragraph (2)(A), a *relevant person* is –

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in paragraph (i) (2)(a)(i) or (ii) above.

- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph (i) (2)(a)(i) or (i) (2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest but, by virtue of paragraph (iv), sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(iii) **Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

(iv) **Sensitive interests**

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

(v) **Non participation in case of pecuniary interest**

- (1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business –

- (a) affects your financial position or the financial position of a person or body described in paragraphs (i) (2) or (ii) (2) above or
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4) below, where you have a pecuniary interest in any business of your authority –
- a) You may not participate in any discussion of the matter at the meeting.
  - b) You may not participate in any vote taken on the matter at the meeting.
  - c) If the interest is not registered, you must disclose the interest to the meeting.
  - d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

**Note:** In addition Standing Order 19 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of –
- (i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (ii) an allowance, payment or indemnity given to members;
  - (iii) setting council tax or a precept under the Local Government Finance Act 1992.

### **Pre-Determination or Bias**

- (5) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (6) When making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

### **Offences**

- (7) Under Section 34 of the Localism Act, 2011, a person commits an offence if, without reasonable excuse, that person fails to comply with an obligation imposed on them in respect of the disclosure of pecuniary interests on taking office and must disclose that interest (other than in the case of certain sensitive interests, to which a different

procedure applies) or participate in any discussion or votes or takes any steps in contravention of the above. The person will therefore commit an offence if they provide information that is false or misleading and the person knows that that information is false or misleading or is reckless as to whether the information is true and not misleading.

A person guilty of an offence under this Section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000) and a Court may order the disqualification of that person from being or becoming a Member or Co-opted Member of a relevant authority for a period not exceeding five years.'

## **SCHEDULE**

A “disclosable pecuniary interest” is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, ‘M’ means you and ‘relevant person’ means you and your partner, as above)

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession of 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 relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant 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 relevant authority.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant 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>

[Extract from 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012]



# CLEVELAND FIRE AUTHORITY

## LOCALISM ACT, 2011

### THE CODE OF CONDUCT

For the purpose of compliance with the requirements of the Localism Act, 2011, you are asked to read the Code of Conduct adopted by the Authority on 9 June 2023 carefully, and sign and date the following declaration.

I, \_\_\_\_\_,

confirm that I have read and understood the Authority's Code of Conduct.

**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

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Please return to:

ELT Support Team Cleveland Fire Brigade  
Headquarters Endeavour House  
Queens Meadow Business Park  
Hartlepool  
TS25 5TH

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***For office use***

*Received:*

*Date:*

# REGISTER OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS



2025/26

## Register of Members' Disclosable Pecuniary Interests

I, (FULL NAME), .....

a member of Cleveland Fire Authority, give notice that I have set out below under the appropriate headings my pecuniary interests which I am required to declare in accordance with the Authority's approved Code of Conduct and in accordance with applicable regulations and any amendments thereto.

(Please complete all sections indicating "None" or "N/A" as appropriate.)

1. EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION
You should show every employment, office, trade, profession or vocation carried on for profit or gain
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.....
.....
.....
<b>NOTES - Give a short description of the employment etc. concerned</b>
<ul style="list-style-type: none"> <li>• Employees should give the name of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.</li> <li>• Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school governing body.</li> <li>• If you are a partner in a firm, give the name of the firm.</li> <li>• If you are a remunerated director, give the name of the organisation</li> </ul>

**2. SPONSORSHIP**

You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments: only the name of the person or body making them.

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**NOTES** - This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act, 1992.

- Employees should give the name of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.
- Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school governing body.
- If you are a partner in a firm, give the name of the firm.
- If you are a remunerated director, give the name of the organisation

**3. CONTRACTS WITH THE AUTHORITY**

(a) You should describe all contracts, of which you are aware, which are not fully discharged, and which are:  
(i) contracts for the supply of goods, services or works to the authority or on the authority's behalf and

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.....

(ii) between the authority of which you are a member, and either yourself or a company in which you have a beneficial interest or of which you are a director.

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**NOTES** - You need not say what the financial arrangements are, but should say for how long the contract is.

**4. LAND IN THE AREA OF THE AUTHORITY**

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.....

**NOTES** - You should include any land in the area of the authority in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it. If you live in the authority's area you should include your home under this heading as owner, lessee, or tenant.

You should also include any property from which you receive rent, or of which you are the mortgagee.

"Land" includes any buildings or parts of buildings.

**5. LICENCES TO OCCUPY LAND**

You should include land in the area of the authority which you have a right to occupy (alone or jointly with others), but neither own nor have a tenancy of and which licence is for a month or longer.

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**NOTES** - You should give the address or a brief description to identify it.  
"Land" includes any buildings or parts of buildings.

**6. CORPORATE TENANCIES**

You should list any tenancies of property of which you are aware where the landlord is the authority of which you are a member, and the tenant is a body in which you have a beneficial interest.

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**7. SECURITIES**

You should list the names of any body that (to your knowledge) has a place of business or land in the authority's area and in which you have a substantial interest. You do not need to show the extent of your interest.

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**NOTES** -

You have a substantial interest if you own shares or other securities in the body with a nominal value of more than £25,000 or more than 1/100th of the issued shares or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes.

The requirement also covers shares and securities held in the name of other people in which you have a beneficial interest.

**8. OTHER INTERESTS**

You should give the names of any other bodies of which you are a member, or are in a position of general control or management.

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.....  
.....

**NOTES -**

- a body to which you are appointed by the authority as its representative.
- a public authority or body exercising functions of a public nature
- a company, industrial and provident society, charity, or body directed to charitable purposes
- a body whose principal purposes include the influence of public opinion or policy, and a trade union or professional association

**9. INTERESTS OF CLOSE RELATIONS (RELATED PARTY DISCLOSURE)**

You should disclose the existence of any interests that close relations may have with any body that (to your knowledge) are active in the authority’s area in which you have a substantial interest. A ‘close relation’ would be considered as a spouse, civil partner or someone living in a common household. Further, it will also include; a grandparent, non dependent child, brother or sister, the spouse or domestic partner of a child, a parent in law, a brother in law or a sister in law.

.....  
.....  
.....  
.....

**I recognise that it can be a criminal offence to:**

- (1) fail to comply with an obligation to disclose a pecuniary interest
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to bring up to date information given in this notice.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# GIFTS AND HOSPITALITY

## GIFTS AND HOSPITALITY GUIDANCE

This guidance is for members of the Authority and independent and co-opted members (voting and non-voting).

### 1. General Caution

- Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.
- Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality
- The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

### 2. Criminal Law

- It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Authority.
- The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

### 3. Limits of Guidance

This guidance does not apply to:-

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

#### **4. Meaning of Gifts and Hospitality**

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:-

- The free gift of any goods or services.
- The opportunity to acquire goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts includes pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

#### **5. Appropriate Gifts and Hospitality**

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts.

#### **6. Principles to apply in relation to Gifts and Hospitality**

In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:-

- Do not accept gifts or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- 'Reward' includes remuneration, reimbursement or fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:-
- From parties involved with the Authority in a competitive tendering or other procurement process.

- From parties in legal proceedings with the Authority.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence
- Do not solicit any gift or hospitality and avoid giving any perception of so doing

## **7. Registration of Gifts and Hospitality**

- The new revised Code of Conduct for Members provides that ‘you have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person for whom you have received a gift or hospitality with an estimated value of at least £50’.
- This interest must be registered in the register of members’ interests. You should register the interest as soon as possible after acceptance of the gift or hospitality and by no later than 28 days of acceptance. The registration should include the source and nature of the gift or hospitality. A form is available for this purpose and is available both hard copy and electronically from our internet site.
- You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Authority at which business is considered to which the interest relates (i.e. business relating to the interests of the person or body giving the gift or hospitality). The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.
- Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £50, members are encouraged to register any significant gift or hospitality they receive below this value. There is however no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £50 in value.

## **8. Reporting of Inappropriate Gifts and Hospitality Offered**

- It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.
- You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- You may thereafter be required to assist the Police in providing evidence.

## **9. Enforcement**

- The Authority’s Audit and Governance Committee has responsibility for overseeing compliance with this guidance.
- Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.



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**FIRE AUTHORITY**

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**DECLARATION OF GIFTS AND HOSPITALITY**

The following gift/hospitality was received and disposed of as follows:-

GIFT/HOSPITALITY	RECEIVED FROM	RETAINED BY

**NAME:** .....

**SIGNATURE:** .....

**DATE** .....

# ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT, 2011

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## 1. Background

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this Authority has failed to comply with the Authority’s Code of Conduct and sets out how the Authority will deal with allegations of a failure to comply with the adopted Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place “arrangements” under which allegations that a member or co-opted member of the Authority, or of a Committee or Sub-Committee of the Authority, has failed to comply with that Authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a member against whom an allegation has been made.

## 2. The Code of Conduct

The Authority has adopted a Code of Conduct for members, which is outlined at Section 3 of the Ethical Governance Framework and available for inspection on the Authority’s website [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk) and on request from Reception at Cleveland Fire Brigade, Headquarters, Endeavour House, Queens Meadow Business Park, Hartlepool.

The Authority’s Code of Conduct will have application when a Member acts in their official capacity, namely where they are conducting the business of the Authority or otherwise acting, claiming to act, or giving the impression that they are acting as a representative of the Authority. Further, that at the time of the alleged misconduct, they were an elected or co-opted member of the Authority.

### **3. Making a complaint**

If you wish to make a complaint, please write or email to –

Mr P J Devlin  
Legal Adviser & Monitoring Officer  
Cleveland Fire Authority, Cleveland Fire Brigade Headquarters  
Endeavour House, Queens Meadow Business Park,  
Hartlepool, TS25 5TH  
[pdevlin@clevelandfire.gov.uk](mailto:pdevlin@clevelandfire.gov.uk)

The Monitoring Officer is a senior officer of the Authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the Authority's website and is available on request from Reception at the Cleveland Fire Brigade, Headquarters (see Appendix 1).

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

### **4. Publicity**

The Monitoring Officer will request both the complainant and the subject member do not make public the complaint until the Monitoring Officer (in unison with the Independent Person) has decided how the matter should be dealt with and until any investigation is formally completed. Should the complainant and/ or the subject member disclose details of the complaint or any part of the investigation prior to its conclusion, then this would be a material consideration as to the confidentiality behind that item when it is formally reported to the relevant Council Committee, following the completion of that investigation. Any consideration as to whether that disclosure of information was in the public interest will be determined by the Monitoring Officer at that time, and included as a reference within that report.

## 5. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, they will inform you of their decision and the reasons for that decision (see Assessment Criteria at Appendix 3).

Where they require additional information in order to come to a decision, they may come back to you for such information, and may request information from the member against whom your complaint is directed.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority.

Where the member or the Authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and other regulatory agencies.

### **Vexatious Complaints**

A complaint is unlikely to be referred for investigation where the complaint is either habitual/repeated or is vexatious in nature, or is otherwise the unreasonable pursuit of a complaint. The Authority shall keep under review those complaints that have been determined to be either habitual, repeated or vexatious and for the avoidance of doubt, will not disregard any new issues which are so significantly different from the original complaint that they need to be addressed as a separate complaint. However, it will be unlikely that a matter would proceed for investigation in the following circumstances:

- A persistence in pursuing a complaint where the local assessment and determination process has been fully and properly implemented and exhausted.
- Where the complainant has persistently changed the substance of a complaint or raises identical or similar issues or otherwise seeks to prolong unreasonably the matters of complaint through further concerns or questions whilst the original complaint is being addressed.
- The complaint is unreasonable or disproportionate in the amount of time expended and those matters of complaint are considered to be unreasonable as to impose a significant burden in terms of time and cost to be expended by the Authority, if such matters were pursued.
- Is a matter of complaint which can fairly be characterised as being obsessive or manifestly unreasonable through, for example, repetitive allegations.

- The matter of complaint is politically motivated and where press and other publicity has been attracted to the matter of complaint before the same have been reported to the Authority's Monitoring Officer and which the Monitoring Officer in unison with the Independent Person reasonably believes is not in the public interest to warrant an investigation. It will be also be a consideration as to whether independent evidence is likely to be obtained and the nature of seriousness of complaint which may not warrant any further action being taken.

## **6. How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Authority, an officer of another Authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide them with a copy of your complaint, and ask the member to provide their explanation of events, and to identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

## **7 Timescales**

If a complaint has been referred for investigation it will be conducted and completed as expeditiously as possible, and this generally will be within six months of the start of the investigation.

If an investigation is likely to exceed this six months timescale then an update report will be brought before the Audit and Governance Committee to explain why an extension to the six months is required.

## **8 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider their report.

## **9 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Sub Committee or, after consulting the Independent Person, seek local resolution.

### **9.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Governance Committee for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

### **9.2 Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Sub-Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Authority has agreed a procedure for local hearings, which is attached at Appendix 2.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Sub-Committee may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Sub-Committee. The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why they consider that they did not fail to comply with the Code of Conduct.

If the Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Sub-Committee will then consider what action, if any, the Hearings Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

**10 What action can the Hearings Sub-Committee take where a member has failed to comply with the Code of Conduct?**

The Audit and Governance Committee has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:

- 10.1 Publish its findings in respect of the member's conduct;
- 10.2 Report its findings to the Authority for information;
- 10.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the Authority or to Committees) that they be removed from any or all Committees or Sub-Committees of the Authority;
- 10.4 Instruct the Monitoring Officer to arrange training for the member;
- 10.5 Remove from all outside appointments to which they have been appointed or nominated by the Authority;
- 10.6 Withdraw facilities provided to the member by the Authority, such as a computer, website and/or email and Internet access; or
- 10.7 Exclude the member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

**NOTE**

The Hearings Sub-Committee has no power to suspend or disqualify the member or to withdraw members' basic or special responsibility allowances.

## **11 What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee, and send a copy to you, to the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Authority.

## **12 Who are the Hearings Sub-Committee?**

The Hearings Sub-Committee is a Sub-Committee of the Authority's Audit and Governance Committee with a minimum of three members. The Audit and Governance Committee has decided that it will comprise a maximum of five members of the Authority and comprising members drawn from at least 2 different political parties. Subject to those requirements, a Member is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Authority.

The Independent Person is invited to attend all meetings of the Hearings Sub-Committee and their views are sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **13 Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the Authority.

A person cannot be "independent" (subject to transitional arrangements) if they –

- 13.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*
- 13.3 Is a relative, or close friend, of a person within paragraph 13.1 or 13.2 above. For this purpose, "relative" means –
  - 13.3.1 Spouse or civil partner;
  - 13.3.2 Living with the other person as husband and wife or as if they were civil partners;
  - 13.3.3 Grandparent of the other person;
  - 13.3.4 A lineal descendent of a grandparent of the other person;
  - 13.3.5 A parent, sibling or child of a person within paragraphs 13.3.1 or 13.3.2;

- 13.3.6 A spouse or civil partner of a person within paragraphs 13.3.3, 13.3.4 or 13.3.5;  
or  
13.3.7 Living with a person within paragraphs 13.3.3, 13.3.4 or 13.3.5 as husband and  
wife or as if they were civil partners.

#### **14 Revision of these arrangements**

The Authority may by resolution agree to amend these arrangements, and has delegated to the Hearings Sub-Committee the right to depart from these arrangements where the Sub-Committee considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

#### **15 Appeals**

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Sub-Committee . If you feel that the Authority has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman.

Appendix 1	Complaint Form
Appendix 2	Procedure for Hearings
Appendix 3	Assessment Criteria



## COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

*(Delete as appropriate)*

- The Member (s) you are complaining about
- The Monitoring Officer of another Authority (where applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an Authority
- An Independent Person of the Audit and Governance Committee
- Member of Parliament
- Local Authority Monitoring Officer
- Other Authority officer or employee
- Other ( )

### Making your complaint

Anyone who considers that a Member of the Authority may have breached the Code of Conduct may make a complaint through the Monitoring Officer. The Audit and Governance Committee are required to promote and maintain high standards of conduct by elected and co-opted Members of the Authority. In addition a Hearings Sub-Committee is established to determine (where necessary) whether a Member has breached the Code, and where appropriate, what action should be taken in relation to that Member.

Consequently, a complaint is initially directed to the Monitoring Officer who will determine in conjunction with an Independent Person whether or not to refer the matter for investigation or whether other action (for example, training, conciliation, instituting changes to procedures) should be taken or that no action should be taken. The aim is to complete this initial review within an average of 20 working days.

Guidance on 'Arrangements for dealing with standards allegations under the Localism Act, 2011, can be found on the Authority's website [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk).

3. Please provide us with the name of the Member (s) you believe have breached the Code of Conduct and the name of their authority:

Title	First Name	Last Name	Authority

4. Please explain in this section (or separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account in the decision whether to take any action on your complaint.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and natural justice, members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- Disclosure may lead to intimidation either of yourself as a complainant or a witness
- Disclosure could prejudice an investigation
- Lead to evidence being compromised or destroyed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer in conjunction with the Independent Person will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

### **Additional Help**

6. Complaints must be submitted in writing, this includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 1995, as amended, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

If you require this document in an alternative language, large print or Braille, or support in completing this form, please let the Legal Adviser and Monitoring Officer know as soon as possible on 01429 872311 or [pdevlin@clevelandfire.gov.uk](mailto:pdevlin@clevelandfire.gov.uk)

إذا كنت تحتاج إلى هذا المستند بلغة بديلة أو مطبوع بأحرف كبيرة أو بطريقة برايل، فلا تتردد في الاتصال بنا.

আপনার#যদি#এই#নথিটি#একটি#বিকল্প#ভাষা/#বড়#হরফের#মুদ্রন#বা#ব্রেইলে#প্রয়োজন#  
হয়/#আমাদের#সাথে#যোগাযোগ#করতে#দ্বিধা#করবেন#না।#

Pokud potřebujete tento dokument v alternativním jazyce, velkém tisku nebo Braillově písmu, neváhejte nás kontaktovat.

اگر این نوشتار را به زبانی دیگر، با چاپ درشت یا خط بریل لازم دارید، لطفاً با ما تماس بگیرید.

Kung nangangailangan ka ng dokumentong ito sa isang alternatibong wika, malaking print o Braille, mangyaring huwag mag-atubiling makipag-ugnay sa amin

Eger tu vê belgeyê bi zimanê Kurdî, çapa bi tîpên mezin an Xetê Brîl dixwazî bi hetim bi me ra têkilliyê bigir.

如果您需要本文件的其他语言版本、大字版本或盲文版本，请随时与我们联系

Jeśli chcieliby Państwo otrzymać ten dokument w innym języku, w wersji dużym drukiem lub pisany alfabetem Braille'a, prosimy o kontakt z nami.

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਬਦਲਵੀਂ ਭਾਸ਼ਾ, ਵੱਡੇ ਅੱਖਰਾਂ ਜਾਂ ਬ੍ਰੇਲ ਵਿੱਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਵਿੱਚ ਇਜ਼ਾਜ਼ਤ ਮਹਿਸੂਸ ਨਾ ਕਰੋ।

உங்களுக்கு இந்த ஆவணம் ஒரு மாற்று மொழியில், பெரிய அச்சு அல்லது பிரெயிலில் தேவைப்பட்டால், எங்களைத் தொடர்பு கொள்ள தயங்க வேண்டாம்.

یہ دستاویز اگر آپ کو کسی دیگر زبان، بڑے حروف کی چھپائی یا بریل میں درکار ہو تو براہ  
مہربانی بلا جھجک ہم سے رابطہ کریں

## **HEARING PROCEDURES FOR THE AUDIT AND GOVERNANCE COMMITTEE**

### **Definition and Interpretation**

'Member' means the Member of the authority who is the subject of the allegation being considered by the Audit and Governance Committee, unless stated otherwise. It also includes the Member's nominated representative.

'Investigator' means the Monitoring Officer or other Investigating Officer, and their nominated representative.

'Committee' also refers to 'a sub-committee' of the Council's Audit and Governance Committee.

'Legal Adviser' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer or the Deputy Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

### **Representation**

The member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person.

### **Legal Advice**

The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the member and the investigator if they are present.

### **Setting the scene**

After all the Members and everyone involved have been formally introduced, the Chair should explain how the Committee is going to proceed with the hearing.

### **Preliminary procedural issues**

The Committee should seek to resolve any issues or disagreements about how the hearing should be conducted, prior to the formal hearing process.

## **Making findings of fact**

After dealing with any preliminary issues, the Committee should then consider whether or not there are any significant disagreements about the facts contained in the investigator's report.

If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.

If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the investigator.

The Member should then have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.

### **NOTE**

At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Member.

If the Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in their or her absence. After considering the Member's explanation for not raising the issue at any earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigator's report;
- (b) allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present or for the investigator to be present if they are not already.

The Committee will usually move to another room to consider the representations and evidence in private.

On their return, the Chair will announce the Committee's findings of fact.

### **Did the Member fail to follow the Code?**

The Committee needs to consider whether or not, based on the facts it has found, the Member has failed to follow the Code of Conduct.

The Member should be invited to give reasons why the Committee should not decide that they have failed to follow the Code.

The Committee should then consider any verbal or written representations from the investigator.

The Committee may, at any time, question anyone involved on any point they raise in their representations.

The Member should be invited to make any final relevant points.

The Committee will then move to another room to consider the representations.

On their return, the Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.

### **If the Member has not failed to follow the Code of Conduct**

If the Committee decides that the Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the authority.

### **If the Member has failed to follow the Code**

If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the Member as to:-

- (a) whether or not the Committee should recommend action to be taken; and
- (b) what form any action should take.

The Committee will then move to another room to consider whether or not to impose a sanction on the Member and if so, what the sanction should be.

The Chair will announce the Committee's decision.

### **Recommendations to the Authority**

After considering any verbal or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among Members.

### **The written decision**

The Committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision within 5 working days from the conclusion of the hearing.

## **AUDIT AND GOVERNANCE COMMITTEE ASSESSMENT CRITERIA FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT, 2011**

### **Assessment Criteria**

Before commencing an assessment of a complaint, it needs to be satisfied that:-

1. It is a complaint against one or more named Members of the Authority.
2. The named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. The complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of the above requirements it cannot be investigated as a breach of the code and the complainant will be informed that no further action will be taken in respect of the complaint.

### **Decisions to refer a complaint for investigation**

A complaint is likely to be investigated when it meets one or more of the following criteria:-

- It is so serious, if proven, to justify in the public interest a formal investigation of the complaint.
- It is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it, other than by investigation.

**Note:** In considering the above points, consideration will be given to the time that has passed since the alleged conduct occurred.

### **Decisions not to refer for investigation**

A complaint is unlikely to be referred for investigation where it falls into any of the following categories:-

- The complaint appears to be vexatious, malicious, politically motivated, relatively minor or insufficiently serious,
- The same, or substantially similar, complaint has already been the subject of an investigation and there is nothing more to be gained by further action being.
- The complaint concerns acts carried out in the Members private life, when they are not carrying out the work of the authority or have not misused their position as a Member.

- It appears that the complaint concerns, or is really about dissatisfaction with a Authority decision, or policy rather than a breach of the Code.
- There is not enough information currently available to justify a decision to refer the matter for investigation.
- The complaint is about someone who is no longer a member of the Authority.
- A significant period of time has elapsed since the events the subject of the complaint occurred.
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter.

### **Other Considerations**

- Training for the Member concerned is considered to be a more appropriate way of dealing with the matter.
- The Monitoring Officer in conjunction with the Independent Person believe that a breakdown in relationships has occurred which may be effectively dealt with by conciliation/mediation and the member complained of and the complainant are amenable to engaging in such alternative action.
- An investigation is not the most cost effective way of resolving the matter and the Monitoring Officer is able to deal with it informally.
- Some other action is more appropriate e.g. a review and/or change to the Authority's policies and procedures.
- The conduct complained of is not so serious that it requires a substantive investigation.

### **Decisions to refer the complaint to another Authority**

The Monitoring Officer is likely to refer complaints to another Authority where:-

- The Complaint is about someone who is no longer a Member of the Authority, but is a Member of another Authority. In such cases the Monitoring Officer may refer the complaint to the Audit and Governance Committee of that other Authority.

### **Anonymous Complaints**

The Monitoring Officer will only consider anonymous complaints if there is independent evidence to substantiate them. There must be documentary, photographic or other evidence which supports the substance of the anonymous complaint. However, even if such evidence has been provided, the Monitoring Officer in consultation with the Independent Person is unlikely to consider a complaint that is minor in nature, or appears to be malicious or politically motivated.

If the subject member requests to know the identity of the complainant, then representations will be sought from the Complainant and the Subject Member and thereafter this information will be reported to the Audit and Governance Committee as to whether or not there should be disclosure of the complainants name to the Subject Member.

### **Considering Requests for withholding a complainant's details**

The Monitoring Officer and where required a Hearing Sub-Committee will need to determine whether or not the complainant's details should be withheld from the subject member. Rarely is

it in the public interest not to disclose the complainant's details. This could be on the basis that disclosure could prejudice an investigation, may lead to intimidation of the complainant or indeed, any witnesses involved, or could lead to evidence being compromised or destroyed. This will necessarily involve undertaking an assessment of the potential risks against the wider connotations of procedural fairness and the principles of natural justice.

### **Withdrawing Complaints**

A complainant may ask to withdraw their complaint prior to any investigation being undertaken.

In such circumstances, and before coming to a decision on the request, consideration will need to be given to;

- whether the public interest in taking action about the complaint (eg because of its seriousness) outweighs the complainant's wish for the matter to be withdrawn;
- if the complaint can be actioned e.g. investigated, without the complainant's participation or assistance;
- the actual reasons given (if any), and what other reasons there appear to be, for the request to withdraw and whether those reasons would support a decision to agree to the withdrawal of the complaint.

# MEMBERS ALLOWANCE SCHEME

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## CLEVELAND FIRE AUTHORITY - MEMBERS' ALLOWANCE SCHEME

This is the Cleveland Fire Authority Members Allowance Scheme, covering the allowances which can be claimed by Members (including Co-opted Members) of Cleveland Fire Authority.

### Contents

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Updated 31 October 2019 – currently under review

## **SECTION 1: THE SCHEME AND SUMMARY OF ALLOWANCES PAYABLE**

### **1.1 The Scheme**

- 1.1.1 This is the Cleveland Fire Authority Members' Allowance Scheme ["the Scheme"] for the payment of Members' Allowances. The Scheme is based on and conforms with the provisions contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 as may be amended from time to time ["the Regulations"]. It also has regard to relevant Government guidance. At a meeting on 18 October 2019, the Cleveland Fire Authority ["the Authority"] after having regard to the recommendations made by an Independent Remuneration Panel approved a Scheme to take effect from 1<sup>st</sup> April 2019.
- 1.1.2 The Scheme shall have effect without time limit and may be amended or revoked in accordance with the Regulations. Sections 4, 8 and 9 of this document and any other content included in this document for information may be updated, supplemented or deleted as appears appropriate. Any such alterations shall not be treated as amendments to the Scheme.
- 1.1.3 The Scheme shall have effect and be construed in accordance with the Regulations. In the event of any inconsistencies between the Scheme and the Regulations, the Regulations shall prevail.
- 1.1.4 Any procedures or requirements of the Regulations which are not expressly incorporated in the Scheme are hereby deemed to have been so incorporated.
- 1.1.5 A reference herein to a Schedule shall be deemed to be a reference to a Schedule in the Scheme unless there appears to be a contrary intention. A reference to a Member or a Co-optee shall be to a Member or Co-optee of the Authority.
- 1.1.6 Allowances will be reviewed following Members calling of an IRP.

### **1.2 Summary of Allowances payable and Amendments to the Scheme**

- 1.2.1 Section 2 of the Scheme provides for the payment of an annual Basic Allowance for each Member of the Authority.
- 1.2.2 Section 3 of the Scheme provides for annual Special Responsibility Allowance for those Members who have special duties and/or hold particular posts.
- 1.2.3 It is outside the powers of the Authority, under the current Regulations, to approve Dependants Carers' Allowance.

- 1.2.4 Section 5 and 6 of the Scheme provide for Travelling and Subsistence Allowance for all Members and Co-opted Members of the Authority and explain how claims should be made.
- 1.2.5 Section 7 of the Scheme provides for annual Co-optees' Allowance. As the Authority has no Co-optees at this time no allowance has been set.
- 1.2.6 Where an amendment is to be made by the Authority to the Scheme which affects an Allowance payable in the year in which the amendment is made, the Authority may decide that the entitlement to that Allowance is to apply with effect from the beginning of the year in which the amendment is made, i.e. to backdate the amendment to that extent.
- 1.2.7 Provision has been made, in accordance with the power conferred by the regulations, to make annual adjustments to allowances by reference to specified indices. The index for inflation to be adopted for the purpose of this Scheme is the Harmonised Index of Consumer Prices (HICP) or Consumer Prices Index (CPI) as it is referred to in the UK. Any change arising only from such annual adjustment shall not be deemed to be an amendment to the scheme.

### **1.3 Tax and Insurance**

- 1.3.1 Section 8 and 9 of the Scheme mention liability to Income Tax and the insurance arrangements for Members and Co-optees of the Authority. These sections do not deal with entitlements under the Scheme and are only brief summaries for information. The Authority does not guarantee that they are necessarily accurate or appropriate for individual Members or Co-optees. It is for Members and Co-optees to satisfy themselves personally that their tax and insurance arrangements are in order and they should consult their own advisers as they think fit about these matters.

### **1.4 Responsibility to Submit Accurate Claims**

- 1.4.1 It is important that Members and Co-optees are aware of their responsibility to submit accurate claims and to be able to demonstrate that they did incur any expenditure for which they are claiming.

### **1.5 Public Record of Payments and Availability of the Scheme**

- 1.5.1 The Authority maintains a record showing payments made to Members and Co-optees in accordance with the Scheme. The record is kept available for public inspection during normal office opening hours at the Authority's principal office Cleveland Fire Brigade Headquarters, Endeavour House, Queens Meadow Business Park, Hartlepool.

The record may be inspected free of charge by any local government elector for the areas of Hartlepool, Middlesbrough, Stockton on Tees and Redcar and Cleveland Borough Councils, these being the areas within which the Authority exercises its functions. A copy of the record will be supplied to any person who so requests.

- 1.5.2 Copies of the Scheme are made available for inspection by the public at the Authority's principal office, Cleveland Fire Brigade Headquarters, Endeavour House, Queens Meadow Business Park, Hartlepool during normal office opening hours. A copy will be supplied to any person who so requests. Any person wishing to inspect the record of payments or the Scheme should contact the ELT Support Team.

## **1.6 Foregoing Entitlement to Allowances**

- 1.6.1 A Member or Co-optee may elect to forgo entitlement to all or any part of their entitlement to allowances under the Scheme, by notifying the Treasurer in writing. In practice this relates to the Basic Allowance, Special Responsibility Allowance and Co-optees Allowance, which are the allowances which will otherwise be paid automatically.

## **1.7 Advice & Queries**

- 1.7.1 Any Member or Co-optee requiring advice about how best to maintain records to authenticate claims or with any other queries about the Scheme should contact the ELT Support Team.
- 1.7.2 In the case of an unresolved dispute in relation to any claim, the ELT Support Team shall refer the matter to the Treasurer to the Authority who shall be the final arbiter.

## **SECTION 2: BASIC ALLOWANCE**

- 2.1 Basic Allowance is paid to all Members of the Authority at the same rate. It is intended to recognise the requirement for Members to attend various meetings of the Authority as part of their duties. It is also to recognise the role Members perform within the community.
- 2.2 The amount and payment of Basic Allowance are as stated in Schedule 1. Part Year entitlement will be assessed in accordance with Schedule 2.
- 2.3 Co-optees are not eligible for Basic Allowance. Allowances for Co-optees are set out in Section 7.

- 2.4 Any allowance may be withheld where a Member ceased to be a Councillor or is otherwise unable to discharge the role (other than in the case of illness), the Treasurer in conjunction with the Legal Adviser and Monitoring Officer can withhold allowances, if reasonable to do so. Members have the right to appeal as outlined in the Corporate Governance Framework
- 2.5 Basic Allowance is subject to Income Tax and National Insurance Contributions (see Section 8).

### **SECTION 3: SPECIAL RESPONSIBILITY ALLOWANCE**

- 3.1 Special Responsibility Allowances enable payments to be made to Members who have special duties and/or hold particular posts and can be of different amounts. The categories of special responsibilities are set out in the Regulations.
- 3.2 The amounts and payment of Special Responsibility Allowances are as stated in Schedule 1. Part Year entitlement will be assessed in accordance with Schedule 2.
- 3.3 Co-optees are not eligible for Special Responsibility Allowance.
- 3.4 Only one Special Responsibility Allowance is payable per Member. If more than one such allowance appears to be payable, the Member may elect which allowance shall be paid. In the event of failure to elect, the Member will be deemed to have elected to receive the Special Responsibility Allowance which is the greatest.
- 3.5 Special Responsibility Allowance is subject to Income Tax and National Insurance Contributions (see Section 8).

### **SECTION 4: DEPENDANTS CARERS' ALLOWANCE**

- 4.1 It is outside the powers of the Authority to approve Dependants Carers' Allowance under the present Regulations.

### **SECTION 5: TRAVELLING AND SUBSISTENCE ALLOWANCE**

#### **5.1 Travelling Allowances**

- 5.1.1 Members, including Co-optees, may claim travelling expenses for travel undertaken in connection with Approved Duties. Details of the Travelling Allowances which may be claimed are set out in Schedule 3. The duties which are Approved Duties for which a claim may be made are set out in Schedule 4
- 5.1.2 Please note that proper VAT receipts for expenses including parking fee tickets are needed in order for the Authority to validate claims and to reclaim VAT. Members should ask for/keep these and attach them to claim forms. Failure to supply a receipt may result in non-payment of a claim.

- 5.1.3 When travelling by train Members should obtain a rail warrant so that the Authority can take advantage of preferential rates. In the first, instance please contact the ELT Support Team at Cleveland Fire Brigade Headquarters for guidance on obtaining a travel warrant as soon as travel arrangements have been confirmed and the post-holder will arrange for a travel warrant to be issued.
- 5.1.4 Claims for Travel Allowance are generally not subject to deductions for Income Tax and National Insurance (see Section 8)

## **5.2 Subsistence Allowances**

- 5.2.1 Members, including Co-optees, may claim subsistence for costs of refreshments and accommodation necessarily incurred when undertaking Approved Duties. Details of the Subsistence Allowances which may be claimed are set out in Schedule 3. The duties which are Approved Duties for which a claim may be made are set out in Schedule 4.
- 5.2.2 Members are not entitled to claim subsistence to the extent that suitable refreshments are provided for them while they are undertaking the approved duty. In calculating the length of time it has taken to perform an approved duty, such as a meeting, Members are entitled to include reasonable travelling time in getting to and from the meeting place.
- 5.2.3 Members are not entitled to claim subsistence to the extent that suitable accommodation is provided for them while they are undertaking the approved duty. Normally accommodation will be booked for Members and the Authority will pay direct. Members should always consult the ELT Support Team prior to arranging and paying for accommodation themselves.
- 5.2.4 Please note that proper VAT receipts are needed in order for the Authority to validate claims and to reclaim VAT. Members should ask for/keep these and attach them to claim forms. Failure to supply a receipt may result in non-payment of a claim.
- 5.2.5 When a receipt is not provided, claims for Subsistence Allowance are subject to deductions for Income Tax and National Insurance.

## **SECTION 6: HOW TO CLAIM TRAVELLING AND SUBSISTENCE ALLOWANCE**

- 6.1 In this section “Members” includes Co-optees.
- 6.2 Claims for Travelling and/or Subsistence Allowance must be submitted on the standard forms.
- 6.3 The forms include the following declaration which must be completed:-
- “I declare I have incurred expenditure on travelling and/or subsistence for the purpose of enabling me to perform approved duties as a Member or Co-opted Member of Cleveland Fire Authority and that the rates are in accordance with those determined by the Authority. I declare that the statements in my claim are correct. I have not made and will not make any other claim under any enactment for the same travelling and/or subsistence.”
- 6.4 Claim forms are kept by the ELT Support Team, from whom additional forms may also be obtained.
- 6.5 The deadline for processing claims is usually about the 25<sup>th</sup> day of the month and payment is made monthly on or about the fifteenth of the month by direct transfer to bank/building society accounts.
- 6.6 Members should submit claims promptly, in arrears, and by no later than the last day of the calendar month. Claims should be made within three months of the approved duty for which the claim is made.
- 6.7 If any of the rates of Travelling and Subsistence Allowance are increased by the Authority and the increase is backdated to the start of a year, Members may be able to show that claims already processed or being processed should be revised to reflect the increase.
- 6.8 Members should note that it is their responsibility to ensure that any claims submitted are accurate, and that they can demonstrate that they attended meetings for which they are claiming allowances etc. It is suggested that this can best be done by Members maintaining diary records of meetings attended, showing the dates of the meetings and duration. Where there is an attendance book at the meeting, the Members must sign the attendance book. NB, if Members’ allowance payments become the subject of investigation, these records may be required by the investigator.
- 6.9 Members should also note that, as mention in Section 1 above, the Authority has to maintain a record showing payments made to Members which is open to public inspection.

## **SECTION 7: CO-OPTEEES' ALLOWANCE**

- 7.1 Co-optees' Allowance enables payments to be made to Co-optees in respect of attendance at conferences and meetings and can be of different amounts for different Co-optees.
- 7.2 The amounts and payment of Co-optees Allowance are as stated in Schedule 1. Part Year entitlement will be assessed in accordance with Schedule 2. These amounts are in addition to any Travelling or Subsistence Allowance which may be claimed by Co-optees under sections 5 and 6 of the Scheme.
- 7.3 Co-optees' Allowance is subject to Income Tax and National Insurance Contributions (see Section 8).

## **SECTION 8: INCOME TAX & WELFARE BENEFITS**

### **8.1 General**

- 8.1.1 NB – Members must read the paragraph in Section 1 above headed “Tax and Insurance”
- 8.1.2 In this section “Members” includes Co-optees.

### **8.2 Income Tax**

- 8.2.1 Basic, Special Responsibility, Co-optees and Dependant Carers' Allowances are subject to Income Tax as they are payments made in respect of the duties of an office. Travelling and Subsistence Allowance is not normally subject to Income Tax if it is paid in respect of actual costs necessarily incurred in connection with the Approved Duty. Appropriate records should be kept to satisfy the Tax Office. Subsistence Allowance where no receipt is provided is subject to Income Tax.
- 8.2.2 The Inland Revenue is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the Inland Revenue notify the Authority of the appropriate tax code for each Member.
- 8.2.3 Some expenses incurred by Members in the course of Authority duties as Members may be deductible against tax. Any member who believes that some of their expenses as a Member may be tax deductible, should contact the Tax Office.
- 8.2.4 The Authority's Tax Office is :  
HM Revenue & Customs, PO Box 1970, Liverpool, L75 1WX

### **8.3 National Insurance Contributions**

- 8.3.1 Basic and Special Responsibility Allowance payments will attract National Insurance (NI) contributions at levels which vary depending on the total earnings of Members.
- 8.3.2 Some Members may not be liable to any NI Contributions on Allowances if they fulfil any of the following criteria:
- (a) Their total earnings are less than the specified amount mentioned in 8.3.3 (a) below
  - (b) They are men at state pension age
  - (c) They are women at state pension age
  - (d) They are already paying the maximum NI Contributions on their employment earnings mentioned in 8.3.3 (b) below
- 8.3.3 There is no NI liability if either (a) total earnings are less than the specified minimum, currently £719 per month or (b) NI contributions at maximum rate are paid on employment earnings.
- 8.3.4 Some Members, who are married women or widows who have elected to pay reduced rate contributions for NI, may also need to have their NI Contributions on allowances calculated at a reduced rate.
- 8.3.5 Members who are self-employed may also be subject to different levels of NI Contributions.
- 8.3.6 Members who believe that they fall into any of the above categories should contact the Head of Finance who will seek to obtain further information to assist with the query. Members should also obtain the appropriate certificates from the Department of Work and Pensions (DWP).

### **8.4 Social Security Benefits**

- 8.4.1 The receipt of allowances may affect Members who are receiving Social Security Benefits. All allowances should be declared to the DWP who will be able to advise Members about the way in which allowances affect benefits such as Income Support.
- 8.4.2 Members should note that failure to disclose any allowances to the DWP may result in prosecution.

## **SECTION 9: INSURANCE FOR MEMBERS**

- 9.1 NB – Members must read the paragraph in Section 1 above headed “Tax and Insurance”
- 9.2 In this section “Members” includes Co-optees.
- 9.3 The Authority provides some insurance cover for Members when they are engaged on business which relates to their activities for the Authority. The insurance does not cover Party Political activities.
- 9.4 The insurance covers certain risks in the following broad categories:
- Public Liability
  - Officials Indemnity
  - Libel and Slander
  - Employers Liability
  - Personal Accident Insurance
  - Business Travel Insurance
  - Legal Expenses Insurance

For further details relating to the extent of this cover please contact the Service’s Head of Finance

- 9.5 Please note that the Authority's motor insurance does not extend to Members' own vehicles, even if these vehicles are used on Authority business. Members should ensure that they have advised their own insurers and they are suitably covered if their own vehicles are to be used on Authority business.

## SCHEDULE 1

### RATES OF ALLOWANCES

<b>Allowance</b>	<b><u>Amount</u></b>
Basic	£2,238 a year
Special Responsibility	
(a) Chair of the Authority	£8,952.a year
(b) Vice Chair of the Authority	£4,476 a year
(c) Chair of Audit and Governance Com	£2,797 a year
(d) Co-optees	No rate set.

### Payments

- 1.1 Payments shall be made, in respect of Basic and Special Responsibility and Co-optees Allowances, in arrears in instalments of one-twelfth of the amount specified in the Scheme on or about the fifteenth of the month by direct transfer to bank/building society accounts (unless otherwise notified).
- 1.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic, Special Responsibility or Co-optees Allowance would result in a Member or Co-optee receiving more than the amount to which they would be entitled, the monthly payments shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled in any one financial year.

## SCHEDULE 2

### PART-YEAR ENTITLEMENT

- 1.1 **The following will apply if in the course of a year,**
  - (a) the scheme is amended or
  - (b) a Member (excluding any Co-optee) becomes, or ceases to be a Member, or
  - (c) a Member (excluding any Co-optee) accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable or
  - (d) a Co-optee becomes, or ceases to be a Co-optee.

## **1.2 Amendments to the Scheme**

- 1.2.1 If one or more amendments to the Scheme are made which take effect during the year in question and change the amount(s) of any Allowance to which Members are entitled, the effect on Members' entitlement will be as follows.
- 1.2.2 If the amendment is backdated to the start of the year, Members' entitlement shall be adjusted accordingly.
- 1.2.3 Otherwise the Members' entitlement shall reflect the changes in the rate of Allowance and the period(s) during which each rate was in force.

## **1.3 Members for part Year only**

- 1.3.1 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, their entitlement to Basic Allowance shall be to the payment of the appropriate proportion of the Basic Allowance
- (a) for the number of days during which their term of office as a Member subsists and
  - (b) at the rate or rates applicable to that Allowance whilst their term of office as a Member subsists.

## **1.4 Members performing Special Responsibilities for part Year only**

- 1.4.1 Where a Member carries out any special responsibility such as entitles him/her to a Special Responsibility Allowance during part only of a year, their entitlement shall be to payment of the appropriate proportion of the Special Responsibility Allowance
- (a) for the number of days during which that Member has such special responsibility and
  - (b) at the rate or rates applicable to that Allowance while the Member had such special responsibility.

## **1.5 Co-optees for part Year only**

- 1.5.1 Where the appointment of a Co-optee begins or ends otherwise than at the beginning or end of a year, their entitlement to Co-optees' Allowance shall be to the payment of the appropriate proportion of the Co-optees' Allowance
- (a) for the number of days during which their appointment as a Co-optee subsists and
  - (b) at the rate or rates applicable to them as a Co-optee whilst their appointment as a Co-optee subsists.

## SCHEDULE 3

### TRAVELLING AND SUBSISTENCE RATES

#### Public Transport

The Authority will reimburse actual cost of coach travel or standard class rail fares, or the cheapest alternative. First class rail travel will only be allowed where as a result of possessing a rail card, a reduction, equal to second class rail travel is achieved.

When travelling by train Members must obtain a rail warrant so that the Authority can take advantage of preferential rates. In the first, instance please contact the ELT Support Team for guidance on obtaining a travel warrant as soon as travel arrangements have been confirmed and the post holder will arrange for a travel warrant to be issued. If Members/Co-optees have to purchase their own rail tickets they should produce their receipt or ticket when claiming reimbursement.

Travel by air may be appropriate in certain cases. This will be arranged by the ELT Support Team.

Travel by public transport is encouraged for long distance journeys but may be undertaken by private car where this is expedient. If so the Authority will pay Members/Co-optees the appropriate car mileage allowance shown below, not exceeding an amount equivalent to the standard second class rail fare.

For local travel Members may choose either the appropriate car or motorcycle mileage allowance shown below. Local travel is defined as any journey within a 60 mile radius of Fire Service HQ which takes in the perimeter of Regional Service HQ's.

Taxi fares may be claimed but only (a) in cases of urgency or (b) for meetings outside normal working hours (8.30 a.m. - 6.30 p.m.) and, in either case, where no suitable public transport is available. Receipts should be produced. Please contact the ELT Support Team whenever possible prior to booking taxis as preferential rates may be available.

#### Car Mileage Allowances

##### Capacity

Basic rate for cars	up to 999cc	45.0p per mile
	1000cc to 1199cc	45.0p per mile
	1200 and above	45.0p per mile
Motorcycle Allowance	up to 150cc	9.5p per mile
	151 to 500cc	13.7 per mile
	Exceeding 500cc	18.1 per mile

HMRC have set an Approved Mileage Allowance Payment (AMAP) rate of 45p for the first 10,000 miles and 25p thereafter for Members/Co-optees using their own cars. Any tax due will be deducted at source through the payroll.

## Day Subsistence

The amounts below are the maximum which can be claimed. Receipts should be produced for all subsistence claimed.

Eligibility is based on the time of day meals are taken and time away from home, as follows: -

Breakfast allowance	-	it is necessary to leave home before 7.00am for a minimum period of four hours	£5.57
Lunch allowance	-	minimum four hours' absence including 12 noon – 2.00pm	£7.70
Tea allowance	-	minimum four hours' absence Up to and including 8.30pm	£3.04
Evening Meal allowance	-	minimum four hours' absence returning after 8.30pm	£9.54
Out of Pocket Expenses		for an overnight stay	£4.89
General	-	Tea and evening meal allowances cannot be claimed in respect of the same evening.	

## Overnight Subsistence

Overnight subsistence may be appropriate for meetings with an early start and a significant travelling distance. Each case will be judged on merit. Please contact the ELT Support Team for guidance and to enable the Authority to book accommodation to take advantage of preferential rates.

## SCHEDULE 4

### APPROVED DUTIES

The Authority specifies as approved duties for the purpose of the payment of Travelling and Subsistence Allowance:-

1. Attendance at any meeting of the Authority or any of its Committees and Sub-Committees/Panels.

2. Attendance at any meeting of any bodies to which the Authority makes appointments or nominations, including any Committee or Sub-Committee of such a body.
3. Attendance at any other meeting
  - (a) the holding of which is authorised by the Authority, or any of its Committees or Sub-Committees, or by any Joint Committee (or Sub-Committee thereof) of the Authority and any other authority and
  - (b) which is a meeting to which Members of at least two political groups of the Council have been invited

(Without restricting the freedom to add to this list, the following meetings are approved under this category

- i) Members tours of the Authority's area.
  - ii) Training sessions for the induction of Members or for the better performance of their duties and responsibilities or to enable better understanding of the Authority's functions.
4. Attendance at any meetings of any association of authorities of which the Authority is a member.
  5. Performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are open.
  6. Performance of any duty in connection with any function of the Authority conferred by or under enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
  7. Any other duty, or class of duty, approved by the Authority for the purpose of or in connection with the discharge of the functions of the Authority or any of its Committees or Sub-Committees. For this purpose, the Chief Fire Officer or The Clerk to the Authority (Assistant Chief Fire Officer Strategic Planning, People and Resources) in either case after consultation with the Chair of the Authority, may approve any duty or class of duty on behalf of the Authority.

# CODE OF CORPORATE GOVERNANCE

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## 1. INTRODUCTION

- 1.1 Cleveland Fire Authority comprises of 16 Elected Members from the Borough Councils of Hartlepool (3 Members), Middlesbrough (4 Members), Redcar and Cleveland (4 Members) and Stockton on Tees (5 Members). The Members are appointed by their Constituent Council on a politically proportional basis and although appointed by their constituent authorities they are accountable in their decisions to the Fire Authority rather than their individual borough councils.
- 1.2 The Authority is a corporate body and for many purposes, has the status, rights and duties of a local authority under the Local Government Act 1972 and other local government legislation. It is funded from Government Grants and precepting the constituent authorities of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton on Tees.
- 1.3 The Fire and Rescue Services Act 2004, Civil Contingencies Act 2004 and the Regulatory Reform Order (Fire Safety) 2005, are key pieces in the legislative framework in which the Authority provides its Fire and Rescue services.
- 1.4 The Authority is committed to having an effective Constitution which sets out how the Authority operates, how decisions are made and the procedures and legislation followed to ensure transparency, accountability and value for money to the community it serves.

## 2. STRATEGIC DIRECTION AND VALUES

- 2.1 The Authority's new Strategic Plans outline our plans and priorities and how we can make a real difference to the lives of the people in our communities. Purpose as outlined on page 2 was developed through extensive consultation and gives focus to what we want to achieve by 2030.
- 2.2 The Code of Corporate Governance enhances the delivery of the Authority's vision. The core values are the blueprint of our culture and the internal drivers which inspire and motivate people to achieve this vision.
- 2.3 Cleveland Fire Brigade has adopted a clear organisational purpose:  
**"Protecting People, Places and Futures."**
- 2.4 This replaces the previous vision and mission statements and was developed through engagement with staff, who suggested and voted on the wording.

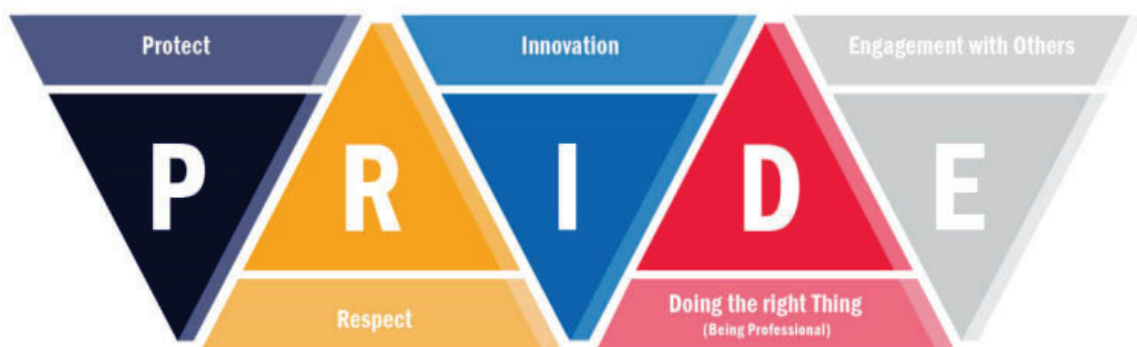
2.5 Our purpose provides a simple, meaningful statement that guides decision-making, priorities and behaviours across the organisation, ensuring we remain focused on what matters most to our communities. The Fire Authority supports this purpose and ensures that its strategic decisions and oversight align with delivering against it.

## 2.6 Core Values and Behaviours

Our Values are what makes us unique; they are the core things that we believe are essential to our culture and which motivate us to come to work. Our Values drive the way that we all behave and respond to others at work - so they underpin everything that we do.

Behaviours describe the attitudes and approaches that we take to work, which is how we demonstrate our values. Our Values drive our behaviours, which impact the extent of our success at every level of the organisation. **Our values should be at the heart of everything we do, decision making, leadership, designing new ways of working, recruitment, induction, development and progression.**

**PRIDE** is an acronym for our five core values – the building blocks upon which our culture is built.



**P**rotect – putting safety first, protecting ourselves, the community, the organisation and the environment from all avoidable harm

**R**espect – respect ourselves; our colleagues; our community; our heritage; our property; our organisation and our environment

**I**nnovation – improving performance through learning from our own and others' experiences and innovative business solutions

**D**oing the Right Thing – Being Professional – making decisions and undertaking our work in the most efficient and effective way

**E**ngagement with others – understanding and working with our colleagues, partners and communities to provide the best delivery of services

### **3. CORPORATE GOVERNANCE**

- 3.1 Corporate Governance comprises of the systems, processes, cultures and values by which an Authority is directed and controlled and through which it is accountable to, engages with and supports the communities it serves.
- 3.2 In other words it is about how the Authority ensures that it is doing the right things, in the right way, for the right people.
- 3.3 Good Corporate Governance requires Authorities to carry out their business in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality, inclusivity and efficiency.

### **4. CLEVELAND FIRE AUTHORITY’S GOVERNANCE**

- 4.1 Cleveland Fire Authority fully supports the fundamental principles of good Governance and the Authority’s governance arrangements encompass the guidance and best practice as outlined in the “Delivering Good Governance in Local Government Framework (2016 edition)” published by the Chartered Institute of Public Finance and Accountancy (CIPFA) and The Society of Local Authority Chief Executive’s (Solace).
- 4.2 The Authority is committed to being at the forefront of those Fire and Rescue Authority’s that are effective and efficient, and this Code draws strongly on the good practices already established and outlines the way in which the Authority will meet that commitment, and how these arrangements will be monitored and reviewed.
- 4.3 The Authority recognises that good governance should be robust and effective, leading to good management, attainment of good performance and overall proper stewardship of public monies. It has a Constitution in place which is aimed at ensuring that we are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 4.4 The Authority will report regularly on activities, performance and the Authority’s financial position. The Executive Leadership Team will ensure the delivery of this information in a timely, objective and understandable manner regarding the Authority’s activities, achievements, performance and financial position.

- 4.5 Full details of the Governance Arrangements, including the decision making structure, terms of reference, Standing Orders, Financial Procedure Rules, Delegated Powers, Ethical Governance Framework, Roles of Members are outlined within the Constitution displayed on the Service website.  
<https://www.clevelandfire.gov.uk/about/fire-authority/documents-publications/strategic-reports/>

## **5. THE CORPORATE GOVERNANCE STATEMENT**

- 5.1 Each year the Authority will publish an Annual Governance Statement as part of the Authority's Annual Financial Report which provides an overall assessment of the Authority's Governance arrangements and an appraisal of the key controls in place to manage the Authority's principal governance risks. The Statement also provides details of where improvements need to be made and is scrutinised and approved by the Audit and Governance Committee, incorporating the Authority's duties to publish an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2015.
- 5.2 The Authority also produces an Annual Statement of Assurance which provide assurance on financial, governance and operational matters.

## **6. CORE PRINCIPLES**

The following 7 core principles provide a framework and visual overview of the various arrangements that the CFA have in place to meet their responsibilities to ensure that business is conducted in accordance with the law and proper standards. The underlying purpose of this "Code of Corporate Governance" is to provide a statement of the Authority's commitment to proper and effective governance and outlines the key documents evidencing the Authority's compliance.

## 6.1 Core Principle 1

<b>Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law</b>	
<p>Local government organisations are accountable not only for how much they spend but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.</p>	
<b>Sub Principles</b>	<b>Evidence</b>
<p><b>BEHAVING WITH INTEGRITY</b></p> <p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</p> <p>Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan principles)</p> <p>Leading by example and using the above standard operating principles or values as a framework for decision making and other actions</p> <p>Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</p>	<ul style="list-style-type: none"> <li>• The Constitution</li> <li>• Anti-Fraud and Anti-Corruption Strategy</li> <li>• Members and Employees Codes of Conduct</li> <li>• Member Development Plan</li> <li>• A&amp;G terms of reference</li> <li>• Register of Members Interests on website</li> <li>• Independent Persons</li> <li>• Internal Audit Ethical audit</li> <li>• Corporate and Ethical Governance frameworks</li> <li>• Code of Corporate Governance</li> <li>• Annual meeting Governance</li> <li>• Declaration of Interests is a standard agenda item</li> <li>• Values and Behaviour Framework</li> </ul>
<p><b>DEMONSTRATING STRONG COMMITMENT TO ETHICAL VALUE</b></p> <p>Seeking to establish, monitor and maintain the organisation's ethical standards and performance</p> <p>Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation</p> <p>Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</p> <p>Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</p>	<ul style="list-style-type: none"> <li>• CRMP</li> <li>• CFA Values and Behaviours</li> <li>• Member and Officer Training</li> <li>• Anti-Fraud &amp; Anti-Corruption Strategy</li> <li>• Very low level of Member complaints</li> <li>• Modern Slavery Statement</li> <li>• Delegation Scheme</li> <li>• Member and Employee Codes of Conduct</li> <li>• EDI Policy &amp; EIA</li> <li>• Regular review of governance &amp; policies</li> <li>• Website - How to do Business</li> <li>• Standards and Partners</li> </ul>

**RESPECTING THE RULE OF LAW**

Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations

Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements

Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders

Dealing with breaches of legal and regulatory provisions effectively

Ensuring corruption and misuse of power are dealt with effectively

- The Constitution
- Ethical Training for Members/ Officers
- Declaration of Interests is a standard agenda item
- Anti-Fraud and Anti-Corruption Strategy
- Whistleblowing Policy
- Members and Employee Codes of Conduct
- A&G Hearings Sub Com.
- External Compliments and Complaints
- Independent Persons
- Disciplinary Procedure

## 6.2 Core Principle 2

<b>Ensuring Openness and comprehensive stakeholder engagement</b>	
Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.	
<b>Sub Principles</b>	<b>Evidence</b>
<p><b>OPENNESS</b></p> <p>Ensuring an open culture through demonstrating, documenting and communicating the organisation’s commitment to openness</p> <p>Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</p> <p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequents of those decisions are clear</p> <p>Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/courses of action</p>	<ul style="list-style-type: none"> <li>• All policies/procedures</li> <li>• Corporate and Strategic documents on website</li> <li>• Comply with: Publication Scheme; Local Government Transparency Code</li> <li>• CFA reports/minutes on website and justification if they are marked “not for publication”</li> <li>• Public notices displayed and email notification of meetings</li> <li>• All CFA reports and minutes on website and justification if they are not published</li> <li>• CRMP consultation &amp; EIA's on policy documents</li> <li>• Terms of Reference for CFA &amp; ELT/TU negotiations/meetings</li> </ul>
<p><b>ENGAGING COMPREHENSIVELY WITH INSTITUTIONAL STAKEHOLDERS</b></p> <p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</p> <p>Developing formal and informal partnerships to allow for resources to be used more effectively and outcomes achieved more effectively</p> <p>Ensuring that partnerships are based on: trust, a shared commitment to change; a culture that promotes and accepts challenge among partners and that added value of partnership working is explicit</p>	<p><i>(N.B. institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.)</i></p> <ul style="list-style-type: none"> <li>• CRMP consultation 2026-2030</li> <li>• Collaboration with Police and other partners in place</li> <li>• Memorandums of Understanding are in place with partners</li> <li>• EIA's/PIA's</li> <li>• Regular and various social media communications</li> </ul>

**ENGAGING WITH INDIVIDUAL CITIZENS AND SERVICE USERS EFFECTIVELY**

Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes

Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement

Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs

Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account

Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity

Taking account of the impact of decisions on future generations of taxpayers and service users

- CRMP 2026-30 consultation
- CRMP 2026-30 & EIA
- The Constitution
- Community Safety Strategy
- Values and Behaviours Framework
- Annual Performance report
- Regular social media communications
- Numerous prevention campaigns

### 6.3 Core Principle 3

<b>Defining outcomes in terms of sustainable economic, social and environmental benefits</b>	
<p>The long term nature and impact of many of local government’s responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stake holders, including citizens, service users and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p>	
<b>Sub Principles</b>	<b>Evidence</b>
<p><b>DEFINING OUTCOMES</b></p> <p>Having a clear vision which is an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation’s overall strategy, planning and other decisions.</p> <p>Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer.</p> <p>Delivering defined outcomes on a sustainable basis within the resources that will be available.</p> <p>Identifying and managing risks to the achievement of outcomes.</p> <p>Managing service users’ expectations effectively with regard to determining priorities and making the best use of the resources available.</p>	<ul style="list-style-type: none"> <li>• CRMP 2026-30</li> <li>• Service Plan</li> <li>• Values &amp; Behaviour Framework</li> <li>• Annual Performance and Efficiency Report</li> <li>• Corporate Risk Register</li> <li>• Strategic Planning Framework</li> <li>• Community Safety Strategy</li> <li>• Efficiency and Productivity Plan</li> </ul>
<p><b>SUSTAINABLE ECONOMIC, SOCIAL AND ENVIRONMENTAL BENEFITS</b></p> <p>Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service providers.</p> <p>Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation’s intended outcomes and short-term factors such as the political cycle or financial constraints.</p> <p>Ensuring fair access to services</p> <p>Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible.</p>	<ul style="list-style-type: none"> <li>• Values and Behaviour Framework</li> <li>• CRMP</li> <li>• Service Plan</li> <li>• PRIDE - Our Values</li> <li>• Community Safety Strategy</li> <li>• Equality Impact Assessments</li> <li>• Strategic Planning Framework</li> <li>• Integrated Strategic Risk and Financial Planning Cycle</li> </ul>

## 6.4 Core Principle 4

<b>Determining the interventions necessary to optimise the achievement of the intended outcomes</b>	
<p>Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision –making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.</p>	
<b>Sub Principles</b>	<b>Evidence</b>
<p><b>DETERMINING INTERVENTIONS</b></p> <p>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided.</p> <p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people skills, land and assets and bearing in mind future impacts.</p>	<ul style="list-style-type: none"> <li>• CFA reports and minutes</li> <li>• CRMP</li> <li>• Scheme of Delegation</li> <li>• Annual Service Plan</li> </ul>
<p><b>PLANNING INTERVENTIONS</b></p> <p>Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets.</p> <p>Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered.</p> <p>Considering and monitoring risks facing each partner when working collaboratively including shared risks.</p> <p>Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances.</p> <p>Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured.</p> <p>Ensuring capacity exists to generate the information required to review service quality regularly.</p>	<ul style="list-style-type: none"> <li>• Strategic Planning Framework</li> <li>• MTFS</li> <li>• Risk Registers</li> <li>• Annual Improvement Plans</li> <li>• Internal Operating Plans</li> <li>• Annual Performance Report</li> <li>• CRMP Planning Process</li> <li>• Treasury Management Strategy</li> <li>• Integrated Strategic Risk and Financial Planning Cycle</li> <li>• Budget Planning and reporting process</li> <li>• The Financial Report</li> <li>• Treasury Management Strategy</li> <li>• Budget Planning and reporting process</li> <li>• Revenue and Capital Outturn quarterly reporting</li> <li>• Performance Management Framework</li> <li>• Integrated Strategic Risk and Financial Management Cycle</li> </ul>

<p>Preparing budgets in accordance with organisational objectives, strategies and the medium term financial plan.</p> <p>Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.</p>	<ul style="list-style-type: none"> <li>• Efficiency and Productivity Plan</li> </ul>
<p><b>OPTIMISING ACHIEVEMENT OF INTENDED OUTCOMES</b></p> <p>Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints.</p> <p>Ensuring the budgeting process is all inclusive, taking into account the full cost of operations over the medium and longer term.</p> <p>Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage.</p> <p>Ensuring the achievement of 'social value' through service planning and commissioning. The Public Services (Social Value) Act 2012 states that this is "the additional benefit to the community ... over and above the direct purchasing of goods, services and outcomes."</p>	<ul style="list-style-type: none"> <li>• Treasury Management Strategy</li> <li>• Budget Planning and reporting process</li> <li>• MTFS</li> <li>• The Financial Report</li> <li>• Financial Procedure Rules</li> <li>• Annual Performance &amp; Efficiency Report</li> <li>• Community Risk Profile</li> <li>• Efficiency and Productivity Plan</li> <li>• Website</li> </ul>

## 6.5 Core Principle 5

<b>Developing the entity’s capacity, including the capability of its leadership and the individuals within it</b>	
<p>Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.</p>	
<b>Sub Principles</b>	<b>Evidence</b>
<p><b>DEVELOPING THE ENTITY’S CAPACITY</b></p> <p>Reviewing Operations, performance use of assets on a regular basis to ensure their continuing effectiveness.</p> <p>Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the authority’s resources are allocated so that outcomes are achieved effectively and efficiently.</p> <p>Recognising the benefits of partnerships and collaborative working where added value can be achieved.</p> <p>Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.</p>	<ul style="list-style-type: none"> <li>• CRMP Planning Process</li> <li>• CRMP</li> <li>• Strategic Planning</li> <li>• Equality, Diversity and Inclusion Policy</li> <li>• Authority and Service Meeting structures</li> <li>• Performance Management Framework</li> </ul>
<p><b>DEVELOPING THE CAPABILITY OF THE ENTITY’S LEADERSHIP AND OTHER INDIVIDUALS</b></p> <p>Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.</p> <p>Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body.</p> <p>Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads the authority in implementing strategy and managing the delivery of services and the other outputs set by members and each provides a check and a balance for each other’s authority.</p>	<ul style="list-style-type: none"> <li>• PDR’s</li> <li>• Delegation Scheme</li> <li>• The Constitution</li> <li>• CFA reports and minutes</li> <li>• Member Development Plan</li> <li>• Staff Induction Programme</li> <li>• CPD Scheme</li> <li>• External and Internal Audit</li> <li>• Audit Completion Report</li> <li>• VFM Conclusion</li> <li>• Self-Assessments and HMICFRS Inspections</li> <li>• PDR’s</li> <li>• Minutes of EHWB and EDIF Meetings</li> <li>• EHWB Group</li> </ul>

<p>Developing the capabilities of members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing policy demands as well as economic, political and environmental changes and risks by:</p> <ul style="list-style-type: none"> <li>• Ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged.</li> <li>• Ensuring Members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis.</li> <li>• Ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weakness both internal and external.</li> <li>• Ensuring that there are structures in place to encourage public participations.</li> </ul> <p>Taking steps to consider the leadership’s own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</p> <p>Holding staff accountable through regular performance reviews which take account of training or development needs.</p> <p>Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.</p>	<ul style="list-style-type: none"> <li>• Code of Conduct for Employees</li> <li>• Public Sector Equality Duty Report</li> </ul>
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## 6.6 Core Principle 6

<b>Managing risks and performance through robust internal control and strong public financial management</b>	
<p>Local government needs to ensure that the organisations and governance structures that it oversees have implemented and can sustain an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.</p>	
<b>Sub Principles</b>	<b>Evidence</b>
<p><b>MANAGING RISK</b></p> <p>Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</p> <p>Implementing robust and integral risk management arrangements and ensuring that they are working effectively</p> <p>Ensuring that responsibilities for managing individual risks are clearly allocated.</p>	<ul style="list-style-type: none"> <li>• Efficiency and Productivity Plan</li> <li>• Risk Management Framework</li> <li>• Strategic Assessment of Risk</li> <li>• CRMP</li> <li>• PDR's and</li> <li>• Corporate Risk Registers</li> <li>• Strategic Planning Framework</li> <li>• Improvements Plans</li> </ul>
<p><b>MANAGING PERFORMANCE</b></p> <p>Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</p> <p>Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risk inherent in the organisations financial, social and environmental position and outlook.</p> <p>Ensuring the effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible (OR, for a committee system) Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making.</p>	<ul style="list-style-type: none"> <li>• The Constitution</li> <li>• CFA reports and minutes</li> <li>• Budgetary Process</li> <li>• Authority Meetings</li> <li>• Annual Performance Report</li> <li>• Risk Management Framework</li> <li>• Key Document Register</li> <li>• Performance Management Framework</li> <li>• Quarterly Performance Reporting</li> <li>• Quarterly PDR's</li> <li>• Improvement Plans</li> </ul> <ul style="list-style-type: none"> <li>• Fire Authority Meetings</li> </ul>

<p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement.</p> <p>Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements)</p>	
<p><b>ROBUST INTERNAL CONTROL</b></p> <p>Aligning the risk management strategy and policies on internal control with achieving the objectives.</p> <p>Evaluating and monitoring the authority’s risk management and internal control on a regular basis.</p> <p>Ensuring effective counter fraud and anti-corruption arrangements are in place.</p> <p>Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor.</p> <p>Ensuring an audit committee or equivalent group or function which is independent of the executive and accountable to the governing body:</p> <ul style="list-style-type: none"> <li>- Provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment</li> <li>- That its recommendations are listened to and acted upon</li> </ul>	<ul style="list-style-type: none"> <li>• Efficiency and Productivity Plan</li> <li>• Annual Governance Statement</li> <li>• Internal Audit Outturn</li> <li>• CRMP</li> <li>• Audit and Governance Committee</li> <li>• Internal Audit reporting and monitoring</li> <li>• Anti-Fraud and Anti-Corruption Strategy</li> <li>• Ethical Governance Framework</li> <li>• The Constitution</li> <li>• External Audit reporting - Annual Audit Letter</li> <li>• VFM Conclusion</li> </ul>
<p><b>MANAGING DATA</b></p> <p>Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data.</p> <p>Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies.</p> <p>Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.</p>	<ul style="list-style-type: none"> <li>• Information Assurance and Governance Policies and Procedures</li> <li>• Audit &amp; Governance (Constitution)</li> <li>• Pay Policy Statement</li> <li>• GDPR</li> <li>• Information Sharing Agreements</li> <li>• Data Quality Framework</li> <li>• Privacy Notices</li> </ul>
<p><b>STRONG PUBLIC FINANCIAL MANAGEMENT</b></p> <p>Ensuring financial management supports both long term achievement of outcomes and short term financial and operational performance.</p> <p>Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.</p>	<ul style="list-style-type: none"> <li>• Efficiency and Productivity Plan</li> <li>• MTFS</li> <li>• Treasury Management Strategy</li> <li>• Financial Procedure Rules</li> </ul>

## 6.7 Core Principle 7

<b>Implementing good practices in transparency, reporting and audit to deliver effective accountability</b>	
<p>Accountability is about ensuring that those making decision and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.</p>	
<b>Sub Principles</b>	<b>Evidence</b>
<p><b>IMPLEMENTING GOOD PRACTICE IN TRANSPARENCY</b></p> <p>Writing and communicating reports for the public and other stakeholders in an understandable style appropriate for the intended audience and ensuring that they are easy to access and interrogate</p> <p>Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.</p>	<ul style="list-style-type: none"> <li>• Website compliant with Local Transparency Code 2015 Regs</li> <li>• Publication Scheme</li> <li>• Guidance Note for the Development and Approval of Policies and Strategies</li> </ul>
<p><b>IMPLEMENTING GOOD PRACTICES IN REPORTING</b></p> <p>Reporting at least annually on performance, value for money and the stewardship of its resources.</p> <p>Ensuring member and senior management own the results</p> <p>Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (annual governance statement)</p> <p>Ensuring that the framework is applied to jointly managed or shared service organisations as appropriate.</p> <p>Ensuring the performance information that accompanies the financial statement is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.</p>	<ul style="list-style-type: none"> <li>• Annual and quarterly Performance and Efficiency reports</li> <li>• Delegation Scheme</li> <li>• Annual Statement of Assurance</li> <li>• Annual budget setting</li> <li>• Internal Audit Reports</li> <li>• MTFS</li> <li>• Annual Governance Statement</li> <li>• Performance Management Framework</li> <li>• Financial Report</li> <li>• CFA meetings and minutes</li> </ul>

## ASSURANCE AND EFFECTIVE ACCOUNTABILITY

Ensuring that the recommendations for corrective action made by external audit are acted upon.

Ensuring an effective internal audit service with direct access to Members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon.

Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations.

Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement.

Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met.

- A&G Committee
- ELT
- CFA
- Annual Performance Report
- Efficiency and Productivity Plan
- Annual Statement of Assurance
- Risk Registers
- Community Risk Profile
- HMICFRS
- Financial Report
- Performance Management Framework
- External Audit
- Internal Audit

## 7. **CFA KEY DOCUMENTS**

The following documents demonstrate the Authority's compliance:

### 7.1 **The Constitution**

- Governance
- Terms of Reference and Delegated Powers
- Scheme of Delegation
- Financial Procedure Rules
- Standing Orders for the regulation of proceedings and business
- Contract Procedure Rules
- Ethical Governance Framework which includes the:
  - ✓ Anti-Fraud and Anti-Corruption Strategy (this outlines how we want our Members and Officers to behave) which includes the Fraud Response Plan; General Principles of Public Life; Whistleblowing Policy; Prosecution Policy; Gifts and Hospitality Guidance; and Anti-Money Laundering Policy
  - ✓ Standards and Partners
  - ✓ Code of Conduct for Members
  - ✓ Register of Members Interests – this is displayed on the website.
  - ✓ Gifts and Hospitality
  - ✓ Complaints Process for Members
- Members Allowance Scheme
- Code of Corporate Governance

### 7.2 **Key Documents**

1. Corporate Plan 2026 - 2030
- 2.
3. CRMP 2026 - 2030
- 4.
5. The Financial Report and Medium Term Financial Strategy
6. Strategic Assessment of Risk
7. Annual Governance Statement
8. External Auditor reports
9. Compliments and Complaints
10. Year End Performance and Efficiency Report
11. Pay Policy Statement
12. Annual Statement of Assurance
13. Transparency, Accountability and Assurance Policy and Strategy
14. Strategic Planning Framework
15. External and Internal Auditor reports
16. ICT and Information Governance Policies and Procedures
17. Annual Service Plan
18. Equality, Diversity and Inclusion Policy
19. The Publication Scheme
20. Member Development Plan
22. Values and Behaviours Framework
23. Whistleblowing Policy
24. Grievance and Disciplinary Procedures
25. Community Risk Profile
26. Internal Audit Reports
27. Gender Pay Gap Report

28. PSED annual report
29. Integrated Strategic Risk and Financial Planning Framework
30. Code of Conduct for Employees
31. Efficiency and Productivity Plan

## 8. MONITORING AND REVIEW

- 8.1 A full review of the Code of Corporate Governance was undertaken in April 2023 in line with the Authority's Corporate Document Framework. A light touch review of the Authority's Governance arrangements will be carried out annually to ensure compliance and provide assurance that the governance arrangements are operating effectively.
- 8.2 The preparation and publication of the Annual Governance Statement will meet the statutory requirement of the Accounts and Audit Regulations that requires Organisations' to "conduct a review at least once a year on the effectiveness of its system of internal control" and to prepare a statement on internal control "in accordance with proper practices". As such the Governance Statement will be prepared in accordance with the timetable for the preparation of financial statements in accordance with the Accounts and Audit Regulations.
- 8.3 The Authority is responsible for the review and monitoring of the Authority's Constitution, which includes the annual review of the Pay Policy Statement and the Annual Statement of Assurance. The Audit and Governance are responsible for monitoring and reviewing the Authority's arrangements whose principle remits are to:
- provide independent assurance of the performance and risk management framework and associated control environment
  - scrutiny of financial and non-financial performance issues
  - scrutinise the Authority's performance in achieving its objectives and monitoring of progress and performance against the annual strategic plan of the Authority (CRMP)
  - external and internal Audit
  - advise the Authority upon the adoption of a Code of Conduct and any revisions to that Code through monitoring its operation and overall effectiveness
  - promote good ethical governance and maintain high standards of conduct from members of the Authority and to assist them in observing the Codes of Conduct
  - provide such advice, guidance and training as may be required in relation to the duty to promote and maintain high standards of conduct by elected and co-opted members
  - make recommendations to the Authority in relation to the promotion and maintenance of high ethical standards within the Authority and to contribute to issues of governance at its discretion
  - undertake matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a Hearing Sub-Committee and to take any action required. Powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate

- grant dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct
- scrutiny of the Annual Statement of Assurance

8.4 Through the above Committee the Authority will ensure that these arrangements are kept under continual review by:

- The work of Internal Audit;
- Reports prepared by managers with responsibility for aspects of the Code of Corporate Governance;
- External Audit opinion;
- Other review agencies and Inspectorates;
- Opinion from the Authority's Proper Officers (Statutory Officers)

## 9. TRANSPARENCY AGENDA

1. All Cleveland Fire Authority reports and minutes are displayed on the internet with the exception of exempt information.
2. Notices of meetings are sent to be displayed on the four constituent Council public notice boards.
3. Members Registers of Interests are displayed on the Service website.
4. Complaints Procedure displayed
5. All transactions over £250 are itemised on the website
6. Adhere to the Local Government Transparency Code 2015
7. Comply with the Trade Union Facility Time Regulations
8. Adhere to the Publication Scheme

## 10. CONTACTS

Please contact the following Authority Officers for further information regarding the Authority's governance arrangements:

**Peter Devlin, Legal Adviser & Monitoring Officer**

Cleveland Fire Brigade Headquarters, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH  
Telephone 01429 872311

**Kristine Ward, Assistant Chief Fire Officer Strategic Planning, People & Resources** - Cleveland Fire Brigade Headquarters, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH  
Telephone 01429 872311

**Chris Little, Treasurer to the Authority,**  
Cleveland Fire Brigade Headquarters, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH  
Telephone 01429 872311

If you would like this document in an alternative language, large print or braille, please do not hesitate to contact [communications@clevelandfire.gov.uk](mailto:communications@clevelandfire.gov.uk)