

EMPLOYEES' CODE OF CONDUCT

(a) Introduction

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines the effect of existing laws and regulations, conditions of service, provides further guidance for employees and lays guidelines which will help maintain and improve standards and protect employees from misunderstanding or criticism.

The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment of local government.

(b) Status of the Code

The Code is based on guidance produced by the Local Authority Associations and the Employers' Organisation and has been approved by the Council following consultation with local union representatives.

(c) Who the Code is Aimed At

The Code covers all employees but inevitably some of the issues covered by it will affect senior, managerial and professional employees more than it will others. Activities carried out by employees acting as members of companies or voluntary organisations will be subject to the minimum standards set out in the Code.

(d) Standards

Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Similarly, the public is entitled to demand of them conduct of the highest standard. Public confidence in an employee's integrity would be shaken were the least suspicion to arise, that they could be influenced by improper motives.

Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management, any deficiency in the provision of service. Employees must report to the appropriate manager, or if they prefer, to the Audit Services or the Monitoring Officer (Head of Legal, Democracy and HR), an impropriety or breach of procedure.

(e) Disclosure of Information

It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.

Employees should not, either during their employment or after it has terminated, use confidential or commercially sensitive information obtained in the course of their employment for personal gain or benefit. Nor should they pass such information on to others who might use it in this way.

Any confidential information received by an employee from a Councillor which is personal to that Councillor and does not belong to the authority, should not be

divulged by the employee without the prior approval of the Councillor, except where such disclosure is required or sanctioned by the law.

(f) Political Neutrality

Employees serve the authority as a whole. It follows that they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.

Any employee who may be required to advise political groups must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

If in doubt, employees should contact the Monitoring Officer (Head of Legal, Democracy and HR).

(g) Relationships

Councillors - Employees are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

The Local Community and Service Users - Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

Employees who engage or supervise contractors or have any official relationship with contractors and have previously had, or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager and in the register maintained by the Monitoring Officer (Head of Legal, Democracy and HR). Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

(h) Appointment and Other Employment Matters

Employees involved in appointments should ensure that they are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to the applicant, or have a close personal relationship outside work with them.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

(i) Employees Using Council Services

Many employees will also be users of the Council's services.

For routine transactions this creates no difficulties. However in any areas where discretion is involved such as the allocation of a tenancy or the granting of benefits, it is vital to be able to demonstrate that the cases have been dealt with impartially. Staff employed in these work areas must refer cases involving other staff members to senior management.

Employees of the Council making applications or claims to the Council or in other ways dealing with their own situation will be expected to display the highest standards of integrity.

In particular, so far as planning applications are concerned, if an employee intends to submit, or have submitted on their behalf, applications for planning permission, approval of matters reserved as a condition of planning permission, or for consent to display advertisements, then they must notify the Head of Economy and Planning in writing. This is because applications from employees have to be considered by the Planning Committee, rather than being determined by the Head of Economy and Planning.

(j) Outside Commitments

Employees' off-duty hours are their personal concern, but it is essential that they should not subordinate their duties to private interest or put themselves in a position where their duties and private interests conflict.

The Council will generally not attempt to preclude employees from undertaking additional employment but any such employment must not, in the view of the Council, conflict with, or act detrimentally to the Council's business. Employees are advised those graded Scale G and above may not engage in any other business or take any additional appointment without the express consent of the appropriate Head of Service and Human Resources.

All employees are advised that they should not, in a private capacity, either directly or indirectly become involved, on behalf of a third party, in matters (e.g. applications for planning permission or building regulation approval, conveyancing, etc.) which require consideration by the Council or which could in any way lead to a conflict of interests. Employees must also refrain from using officials time, accommodation, stationery or equipment for matters not connected with their official duties. Such cases would be dealt with in accordance with the Council's disciplinary procedure.

(k) Personal Interests

Employees must declare to an appropriate manager any financial or non financial interests which they or close relatives have which they consider could bring about conflict with the authority's interests.

Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. If in doubt, employees should obtain a copy of the organisation's rules.

Any interests declared under this section must be recorded in a register maintained by the Monitoring Officer (Head of Legal, Democracy and HR).

(l) Separation of Roles During Tendering

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility, must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates, in awarding contractors to businesses run by them or employing them in a senior or relevant managerial capacity.

Employees of the Council shall not use any contract or other procurement arrangement entered into by the Council for their own personal use, benefit or gain other than with the prior written approval of the Head of Corporate Finance.

(m) Corruption and Bribery

Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for them to offer, promote or give financial or other advantage with the intention of inducing another person to perform improperly a “relevant function or activity” or to reward that person (bribing another) and to agree a request, receive or accept a financial or other advantage with the intention that a “relevant function or activity” should be performed improperly (being bribed). Penalties for such offences may be a fine of up to £5,000 or imprisonment for up to 12 months, and on indictment to an unlimited fine and/or imprisonment for up to 10 years. If an allegation is made it is for the employee to demonstrate that such rewards have not been corruptly obtained.

(n) Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

(o) Hospitality

When to accept hospitality is clearly a matter of judgement. It should be transparent, proportionate and reasonable in the particular circumstances. It would be wrong to produce an atmosphere in which even those in a representative capacity for the Council such as Chief and Senior Employees, on official occasions refuse all invitations for social involvement with those who may have business dealings with the Council. Contact established on the social side can be helpful in the Council's interests. What is important is to avoid any suggestion of improper influence or of giving the opportunity for questions of improper influence to be raised.

The following are intended as examples only:

Acceptable

Insignificant gifts of token value for business use.

A working lunch of a modest standard provided to allow the parties to discuss business or following or prior to such discussion.

An invitation to a professional society, dinner or function.

An invitation to join other company guests as Council representatives at sponsored events, cultural, sporting or other public occasions.

Whilst the last three points are permissible arising out of occasional invitations, employees should bear in mind that accepting frequent invitations from the same source could lead to criticism and render the otherwise acceptable, unacceptable.

Unacceptable

Paid holiday or leisure travel or accommodation.

Tickets for premium events which are offered on a personal basis.

Bottles of wines or spirits.

Use of a company flat or hotel suite.

Discounted services, materials, labour, etc. from contractors or suppliers which are not equally available on the same basis to others not having an actual or potential business link with them.

When a particular person or firm has a matter currently in issue with the Council, then clearly common sense dictates a more restrictive approach. An important criterion in exercising judgement is what interpretation others might reasonably put on acceptance.

All offers of hospitality accepted (with the exception of insignificant items of token value) must be entered in the register maintained by the Monitoring Officer (Head of Legal, Democracy and HR)

In case of doubt the Head of Service or Monitoring Officer (Head of Legal, Democracy and HR) should be consulted.

(p) Sponsorship - Giving and Receiving

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

Where the authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where the authority, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

(q) Interest of Employees in Contracts

The Head of Legal, Democracy and HR shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Council under Section 117 of the Local Government Act, 1972, of a prejudicial interest in a contract, and the book shall be open during office hours to the inspection of any Member of the Council.

(r) Reporting on Fraud, Corruption and Bribery

The Council has an Anti-Fraud, Corruption and Bribery Strategy, a copy of which is available on the Intranet or by request from the Fraud Investigation Team or Audit Services. Where there is the possibility of fraud and corruption the Council needs to be able to deal with the matter in a firm and controlled manner.

Suspected fraud or corruption should initially be raised with a Senior Manager or one of the other employees listed in the 'Whistleblowing' arrangements. Strict confidentiality will be maintained in these circumstances and there will be no recriminations against anyone genuinely raising such issues. Where an individual does not feel able to raise the issues in this way, the Council has arranged a confidential reporting facility with an external agency which is available by telephone – 0870 7572550. **A Senior Manager or one of the other employees listed in the 'Whistleblowing' arrangements has the authority to refer cases of fraud to the police.**

This confidential reporting facility is not intended to deal with issues which are covered by other existing procedures such as grievance procedures or staff suggestions. Examples of where it could be used include:

- Conduct which is an offence or a breach of the 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, corruption and bribery.
- Sexual or physical abuse of clients and other members of staff.
- Racial incidents and harassment.
- Action contravening the Council's equal opportunities policy, or
- Other unethical conduct or situation which could have a serious impact on the Council's reputation.

(s) Breaches of Conduct

Breaches of this Code or of Council Procedure Rules or Financial Procedure Rules will be treated very seriously and will be dealt with under the Council's Disciplinary Procedure.

APPENDIX TO EMPLOYEES' CODE OF CONDUCT

Officer's Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the categories of gifts or hospitality listed as 'acceptable' in the Employees' Code of Conduct (in the Council's Constitution)?	
Did you take advice from the Monitoring Officer before accepting it?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact with the person or organisation providing the gift or hospitality in your role as a member of the Council's staff?	
Signed	Date

Completed form to be submitted to the Monitoring Officer who will maintain a record of declarations.