

# **OFFICERS' CODE OF CONDUCT**

## **1. INTRODUCTION**

- 1.1. The public is entitled to expect the highest standards of conduct from all officers who work for the Council. This Code outlines existing laws, regulations and conditions of service, provides further guidance to assist officers in their day to day work with the principles of integrity, honesty, impartiality and objectivity and lays guidelines which will help maintain and improve standards and protect officers from misunderstanding or criticism.

## **2. SCOPE OF THE CODE**

- 2.1. 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.

## **3. WHO THE CODE IS AIMED AT**

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

## **4. GENERAL PRINCIPLES OF CONDUCT**

- 4.1. Local government officers are expected to give the highest possible standard of service to the public, and to provide appropriate advice to Councillors and fellow officers with impartiality. The public is entitled to expect the highest standards of conduct from officers. The role of officers is to serve the Council in providing advice, implementing its policies and delivering services to the community. In performing their duties officers must act with selflessness, integrity, objectivity, honesty and impartiality.
- 4.2. Officers 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. Officers must report to their line manager, or if they prefer, to the Audit and Risk Manager or the Monitoring Officer, an impropriety or breach of procedure.

## **5. DISCLOSURE OF INFORMATION/CONFIDENTIALITY**

- 5.1. In the interests of open government, the law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public. Officers should be aware of the Council's rules concerning the disclosure of information and act accordingly.
- 5.2. Officers 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.

- 5.3. Any confidential information received by an officer from a Councillor which is personal to that Councillor and does not belong to the authority should not be divulged by the officer without the prior approval of the Councillor, except where such disclosure is required or sanctioned by the law.

## **6. POLITICAL NEUTRALITY**

- 6.1. Officers serve the Council 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.
- 6.2. Any officer who may be required to advise political groups must do so in ways which do not compromise their political neutrality. Further information on this can be found in the protocol on Councillor/Officer relations.
- 6.3. All Officers must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

## **7. RELATIONSHIPS**

- 7.1. **Councillors:** Officers are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors. Mutual respect between officers and Councillors is essential to good local government. Close personal familiarity between officers and individual Councillors can damage the relationship and prove embarrassing to other officers and Councillors and should therefore be avoided.
- 7.2. **The Public:** Officers should always remember their responsibilities to the public and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.
- 7.3. **Contractors:** All relationships of a business or private nature with external contractors or potential contractors should be made known to the Line Manager and notified in writing to the Monitoring Officer. Orders and contracts must be awarded on merit, in accordance with the Council's procurement code and no inappropriate favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

## **8. APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 8.1. Officers involved in appointments should ensure that they are made on the basis of merit and in accordance with the Council's recruitment and selection procedures. It is unlawful for an officer 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, officers should not be involved in an appointment where they are related to the applicant, or have a close personal relationship outside work with them.
- 8.2. Similarly, officers should not be involved in decisions relating to discipline, promotion or pay and conditions for any other officer who is a relative, partner or a close friend.

## **9. OFFICERS USING COUNCIL SERVICES**

- 9.1. Many officers will also be users of the Council's services.
- 9.2. 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. Officers employed in these work areas must refer cases involving other officers to senior management.
- 9.3. In particular, so far as planning applications are concerned, if an officer intends to submit, or have submitted on their behalf, applications for planning permission, then they must notify the Head of Economy and Planning in writing. This is because applications from officers have to be considered by the Planning Committee.

## **10. OUTSIDE COMMITMENTS**

- 10.1. Officers' 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.
- 10.2. The Council will generally not attempt to preclude officers from undertaking additional employment but any such employment must not conflict with, or act detrimentally to, the Council's business. Officers 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 the HR and OD Manager.
- 10.3. All officers 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. Officers 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.

## **11. PERSONAL INTERESTS**

- 11.1. Officers must declare to a line manager any financial and or non-financial interests which they or close relatives have which they consider could bring about conflict with the council's interests.
- 11.2. Officers should declare to a line 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, officers should obtain a copy of the organisation's rules.
- 11.3. Any interests declared under this section must be recorded in a register maintained by the Monitoring Officer.

## **12. SEPARATION OF ROLES DURING TENDERING**

- 12.1. Officers involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2. Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 12.3. Officers should ensure that no special favour is shown to current or recent former officers or their partners, close relatives or associates, in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 12.4. Officers 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.

## **13. CORRUPTION AND BRIBERY**

- 13.1. Officers 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 officer to demonstrate that such rewards have not been corruptly obtained.

## **14. USE OF FINANCIAL RESOURCES**

- 14.1. Officers 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.

## **15. HOSPITALITY AND GIFTS**

- 15.1. When to accept hospitality or a gift is clearly a matter of judgement. Officers should follow the same principles that are referred to in the Guidance Note prepared for Councillors on Gifts and Hospitality which shall apply equally to officers.
- 15.2. All offers of hospitality and gifts accepted (with the exception of insignificant items of token value) and rejected must be entered in the register maintained by the Monitoring Officer.
- 15.3. In case of doubt the Head of Service or Monitoring Officer should be consulted.

## **16. SPONSORSHIP: GIVING AND RECEIVING**

- 16.1. Where an outside organisation wishes to sponsor or is seeking to sponsor a council activity, whether by invitation, tender, negotiation or voluntarily, the basic convention concerning acceptance of gifts or hospitality applies. Particular care must be taken when dealing with contractors or potential contractors.
- 16.2. Where the Council wishes to sponsor an event or service, neither an officer nor any partner, spouse or relative must benefit from such sponsorship without there being a disclosure to a line manager of any such interest. Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, officers should ensure that impartial advice is given and that there is no conflict of interest involved.

## **17. INTEREST OF OFFICERS IN CONTRACTS**

- 17.1. 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 pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Councillor.

## **18. REPORTING ON FRAUD, CORRUPTION AND BRIBERY**

- 18.1. The Council has an Anti-Fraud and Corruption Strategy, a copy of which is available on the Intranet or by request from the Fraud Investigation Team or Audit Services.
- 18.2. Suspected fraud or corruption should initially be raised with a line manager or Senior Manager or one of the other officers listed in the 'Whistleblowing' Policy. Strict confidentiality will be maintained in these circumstances and there will be no recriminations against anyone genuinely raising such issues.

## **19. FAILURE TO COMPLY WITH THE CODE**

- 19.1. Breaches of this Code will be dealt with under the Council's Disciplinary Procedure.