

PART 5 | SECTION 7 – OFFICERS’ CODE OF CONDUCT

1. SECTION 7 – OFFICERS’ CODE OF CONDUCT

The public is entitled to expect the highest standards of conduct from all employees who work for the Council. This Code of Conduct outlines the existing rules and conditions of service which apply to you as a Council employee and is designed to provide clear guidance to assist you in your day-to-day work.

The Code sets out the standards which are expected of you and provides a framework which will help to promote best practice. Reference should also be made to Nolan’s Seven Principles of Public Life in section 5.1. All employees of the Council are required to observe and uphold the standards of the Code and all policies and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action, including dismissal.

You should therefore read the document carefully, and if you are uncertain about any aspect of its contents, please contact your immediate manager or supervisor.

2. Standards and Attitude

- 2.1 All employees of the Council 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.
- 2.2 Your attitude in dealing with people reflects on the Council so it is important that you are helpful, polite and courteous.
- 2.3 All employees are expected to report, in the first instance, to their manager or supervisor any illegality, impropriety, breach of procedure or policy of the Council.
- 2.4 There are a number of mechanisms available to employees to do this including the Council’s complaints procedure and also the Confidential Reporting Code.
- 2.5 In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct which may give rise to suspicion.

3. Confidentiality and Disclosure of Information

- 3.1 The law requires that certain types of information must be available to Councillors, auditors, government services, service users and the public. Different rules apply in different situations. If you are in any doubt as to whether you can release any particular information,

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always check with your manager or supervisor first.

- 3.2 The confidentiality of information received in the course of your duties should be respected and must never be used for personal or political gain. Also, of course, you should not knowingly pass information on to others who might use it in such a way.
- 3.3 You should not communicate confidential information or documents to others who do not have a legitimate right to know. Information must only be disclosed in accordance with the requirements of the Data Protection Act 1998, which covers computerised and manual information held on individuals. All staff need to bear in mind that an e-mail is as legally binding as a letter and informal messages sent internally can be used in evidence in court proceedings.
- 3.4 Information given in the course of your duties should be accurate and fair and never designed to mislead.
- 3.5 Any particular information received by an employee from a councillor which is personal to that councillor should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required by law.

4. Political Neutrality

- 4.1 Employees serve the authority as a whole. It follows that you must serve all Councillors equally and ensure that the individual rights of all Councillors are respected.
- 4.2 From time to time, some employees may also be requested to advise a full meeting of a political group or its executive. You must do so in ways which do not compromise your political neutrality and inform the Chief Executive in advance.
- 4.3 Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work.

5. Relationships

5.1 Councillors

Mutual respect between employees and Councillors is essential for good local government. Some employees need to work closely with Councillors. 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.

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5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the authority.

5.3 Contractors and Suppliers

- 5.3.1 All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to your appropriate manager or supervisor at the earliest opportunity.
- 5.3.2 Orders and contracts must be awarded in accordance with the Council’s Contract Procedure Rules and no special favour should be shown to anyone, particularly businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.

6. Appointment and Other Employment Matters

- 6.1 It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. If you are involved in making appointments you should do everything possible to ensure that these are made on the basis of merit and in accordance with the Council’s policy.
- 6.2 In order to avoid any possible accusation of bias, you must not become involved in any appointment if you are related to an applicant, or have a close personal relationship with him or her.
- 6.3 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments in respect of any other employee who is a relative or with whom you have a close personal relationship; nor should you attempt to influence such decisions.
- 6.4 Senior officers (i.e. Head of Service and above) must disclose to the Head of Law and Democracy any relationship known to exist between them and any person they know who is a candidate for an appointment with the Council.
- 6.5 If you apply for promotion or are seeking another job in the Council, you must not approach any Councillor for a reference. Issues relating to your conditions of service, working arrangements or grading should be raised with your manager or supervisor and not with Councillors.

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7. Outside Commitments

- 7.1 Your off-duty hours are your own concern, but you should make sure that you do not allow yourself to get into a position where your private interests come into conflict with your contractual obligations or are detrimental to the interests or reputation of the Council.
- 7.2 Employees subject to Green Book conditions and paid from Spinal Point 29 are required to devote their whole-time service to the work of the Council and obtain written consent before taking any outside employment. The Council will not unreasonably stop Officers from undertaking additional employment, but this employment must not, in the Council’s view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.
- 7.3 Even if you are not subject to the Green Book provisions you should ensure that none of your outside activities are detrimental to the Council’s interests.
- 7.4 If you write a book or article for payment on subjects relating to your work for the Council, you must seek the permission of the Council through your manager or supervisor. The general presumption would be that any fee or royalty payable would be passed over to the Council.
- 7.5 You must not undertake private or personal work of any description in working hours or in the office unless you have been given specific permission by your manager or supervisor.
- 7.6 Private use of Council facilities and equipment, such as stationery and fax machines, is not allowed. Personal use of the telephone is permitted within reason, provided that calls are properly logged and charges paid back to the Council. Also, you should not arrange to receive correspondence, telephone calls and fax messages in the office related to outside work or private interests.

8. Personal Interests

- 8.1 You must declare to your manager or supervisor any financial or non-financial interests which could bring about conflict with the Council’s interests.
- 8.2 If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed.

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- 8.3 You must not make, or become involved with any official or professional decisions about matters in which you have a personal interest.
- 8.4 Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Council in which you have a pecuniary interest. Such declarations should be sent to the Head of Law and Democracy. It is a criminal offence to fail to comply with this provision which is set out in full at *Annex A*.
- 8.5 You must declare to the Head of Law and Democracy *membership of any organisation* not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the freemasons. A definition of such an organisation appears at *Annex B*. Such declarations should be sent to the Head of Law and Democracy.

9. Equality

- 9.1 All members of the local community, customers and other Council employees have a right to be treated fairly and equally. You should become familiar with and observe all Council policies relating to equality issues, e.g. the Council’s Equal Opportunities Policy, in addition to the requirements of the law.

10. Tendering Procedures

- 10.1 Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.2 If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, you must declare that relationship to your manager or supervisor.
- 10.3 If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.
- 10.4 All employees must ensure that no special favour is shown to current, or recent former, employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

11. Corruption

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- 11.1 Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for them to receive or give any gift, loan or reward or advantage in their official capacity “for doing, or not doing, anything”, or “showing favour, or disfavour to any person”. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. The relevant statutory rules appear at *Annex C*.
- 11.2 For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your Chief Officer.

12. Possible Inducements

12.1 Introduction

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence. There is a checklist to help you at the end of this section.

12.2 Gifts Generally

- 12.2.1 Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Bribery Act 2010. Nevertheless, with the exceptions listed below, you should decline any personal gift offered to you or your partner, or to a member of your family, by any person or organisation having dealings with the Council.
- 12.2.2 Any such offer should be reported to your manager or supervisor (or to the Head of Law and Democracy if you are a Chief or Deputy Chief Officer).
- 12.2.3 When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately to your manager or supervisor or the Head of Law and Democracy as appropriate.

12.3 Gifts to Employees with a Caring Role

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- 12.3.1 There are sometimes special problems encountered by employees who have a “caring” role, or provide a direct personal service to vulnerable people.
- 12.3.2 It is not unusual for residents of residential care homes, or for people receiving support at home from Council employees, or their relatives to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their Will.
- 12.3.3 It is most important in such situations that employees and the Council are protected from any suggestion of improper motives or conduct. For the avoidance of doubt, therefore, members of staff and their families are not allowed to accept gifts or legacies from clients.
- 12.3.4 If you are made aware that a client is considering making a gift to you or including you in their Will, or has actually done so, then you should immediately report the matter to your Manager who will take it up with the client.
- 12.3.5 Similarly, you should never become involved with making Wills for clients nor act as an Executor in a client’s Will.
- 12.3.6 For the purposes of this section of the Code “client” means any current or former client.

12.4 Exceptions

- 12.4.1 Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices, but only if it bears the company’s name or insignia.
- 12.4.2 Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.

12.5 Hospitality

- 12.5.1 Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.
- 12.5.2 Hospitality is sometimes offered to representatives of the Council in an official or formal capacity. Normally the only Officers who would attend would be Chief Officers and appropriate Heads of Service.

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- 12.5.3 If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc., who may stand to benefit from the goodwill of the Council.
- 12.5.4 You should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality.
- 12.5.5 In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself. When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.
- 12.5.6 All offers of hospitality should be reported to your Chief Officer, or to the Head of Law and Democracy if you are a Chief Officer or Deputy Chief Officer.

12.6 Checklist

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- 12.6.1 Is the donor, or event, significant in the community or area? If so, is the refusal likely to cause offence?
- 12.6.2 Are you expected to attend because of your position in the community or area?
- 12.6.3 Will the event be attended by others of a similar standing in the community or in other communities?
- 12.6.4 What do you think is the motivation behind the invitation?
- 12.6.5 Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- 12.6.6 Could you justify the decision to the Council, press and public?

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- 12.6.7 Is the extent of the hospitality, or the nature of the gift reasonable and appropriate?
- 12.6.8 Are you likely to be expected to respond to the hospitality, and if so, how?
- 12.6.9 Are you comfortable about the decision?

13. Sponsorship – Giving and Receiving

- 13.1 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.
- 13.2 Where the Council 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 their Chief Officer of any such interest. Similarly, where the Council 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.

14. Financial Procedure Rules

- 14.1 All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Council’s Financial Procedure Rules.
- 14.2 They 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.

Any breaches of these instructions may lead to disciplinary

Action and could lead to dismissal.

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ANNEX A

LOCAL GOVERNMENT ACT 1972, SECTION 117

1. If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has an pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section, an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

2. An Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
3. Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
4. References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

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ANNEX B

ORGANISATIONS NOT OPEN TO THE PUBLIC

(See paragraph [7.5] of the Code)

Any lodge, chapter, society, trust or regular gathering or meeting (other than a professional association), which:-

1. is not open to members of the public who are not members of that lodge, chapter, society or trust; or
2. includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society or gathering or meeting; or
3. includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

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ANNEX C

BRIBERY ACT 2010

The Bribery Act 2010 creates offences making it unlawful to give or receive financial or other advantages in return for the improper performance of a relevant function or activity. The Act applies to functions and activities of a public nature which an individual is expected to perform in good faith, impartially or in a position of trust.