

Part 5 Codes and Protocols

5.2 Employees Code of Conduct

1 Standards

- 1.1 As a local government employee you are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to Councillors and fellow employees with impartiality. You should have regard to the Principles of Public Life namely, Selflessness, Honesty/Integrity, Objectivity, Accountability, Openness, Personal judgment, Respect for others, Duty to uphold the law, Stewardship and Leadership.
- 1.2 You must report to the appropriate manager any wrong doing or legal, or ethical, breaches of procedure. Alternatively, you can use the procedure outlined in the Whistleblowing Policy.

2. Disclosure of information

- 2.1 You must get permission from your Director / Assistant Director before you:
- Give any information to the media
 - Take part in any broadcast (radio or TV/filmed)
 - Publish any article
 - Use any Council provided equipment for outside purposes
 - Using official experience/knowledge for outside purposes
- 2.2 You must not be influenced by improper motives (for example, secret profit or gain for yourself or anyone close to you).
- 2.3 You must get prior written permission of the Chief Executive or your Director or Assistant Director before you give any confidential information you have as a result of your official duties or position to anyone else.
- 2.4 You must not disclose any information regarding an officer's or Councillor's private affairs to anyone outside the Council, unless the person concerned has already given you their consent.
- 2.5 When requested, you must give the Director of Finance or his authorised representative, access to all records, documents and correspondence relating to any financial and other transactions of the Council.

3. Political neutrality

- 3.1 You must serve all Councillors equally regardless of their political beliefs.
- 3.2 If you are asked to advise one of the political groups, you must do so in an impartial way and only with the prior approval of the Chief Executive.
- 3.3 You must follow every Council Policy and not let your own personal or political opinions interfere with your work.

4. Relationships

- 4.1 **Councillors:** Mutual respect between employees and Councillors is essential to the Council. You must avoid having close personal friendships with individual Councillors. These can damage official relationships and prove embarrassing to other employees and Councillors.
- 4.2 **The local community and service users:** You should always remember your responsibilities to the local community and provide a polite, efficient and impartial service to everyone.
- 4.3 **Contractors:** You must tell your manager of any business or private relationships you have now, or have had, with any external contractor. Orders and contracts must be awarded on merit, by fair competition against other tenders. You must not grant any special favours to businesses run by, for example, friends, partners or relatives. You should not discriminate against anyone.
- 4.4 You must give your Director or Assistant Director notice in writing of any direct or indirect financial interest you have in a contract the Council has entered into, or is proposing to enter into. Your Director or Assistant Director will pass the information to the relevant line manager/and Monitoring Officer. An indirect interest is one where your spouse or partner with whom you live, or another immediate family member, stands to gain if they are awarded the contract.

5. Appointment and other employment matters

- 5.1 If you are involved in appointments you must ensure that these are made on the basis of merit. It is illegal for you to make an appointment which is based on anything other than the ability of the candidate to do the job. In order to avoid any possible accusation of bias, unless the employment is of a temporary or ad-hoc nature, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 In principle, the Council will not allow individuals to be directly or indirectly in authority over a relative or someone with whom you have close personal ties, unless the employment is of a temporary or ad-hoc nature, nor will we allow employment of someone which may give rise to a conflict with someone already employed within the council due to them being a relative or because of close personal ties or they are related to a Member of the Council. A relative can include, for example, father or mother, husband or wife, son or daughter, brother or sister, or common-law partner. This factor may be taken into account in any recruitment and selection process. If this situation arises during employment, the individuals involved must report this to their Line Manager. The Council would work with the individuals to take action to resolve this situation. This may include redeployment or, in some cases, dismissal. Dismissal will only be considered once every other avenue has been exhausted.

6. Outside commitments

6.1 As an employee you should be clear about your contractual obligations and you should not take any outside employment, which conflicts with the Council's interests. You are advised to discuss the matter with your Manager if you have any doubts at all. You should not act as agent for people pursuing planning matters within the Council's area.

6.2 It is also a requirement that employees graded above (SCP 30) must speak to their Director if they wish to engage in any other business or to take up any other additional appointment Directors have the right to consent to, or refuse, any such request.

7. Personal interests

7.1 You must declare in writing to your Director any financial or non-financial interests, including friendships with Council contractors, you or your family have which could conflict, in your Director's opinion, with those of the Council. If you, your family or personal friends have jobs, own a house or other property or have an interest in a business or community group who might benefit from Council activity, then you are expected to declare this for your own protection. There are forms for these declarations which are available from HR. A central register is maintained by Democratic Services.

7.2 You must also declare in writing to your Director, membership of any private organisation which does not have a formal membership but has a commitment of allegiance and secrecy about its rules, membership or conduct, including freemasonry. A form for this declaration is available from Democratic Services. Democratic Services also maintain the central register.

7.3 An annual reminder will be sent out to ensure that all declarations are regularly reviewed. Those on SCP31 or above must either confirm that there are no changes or provide an updated form.

8. Intellectual property

- 8.1 When you produce work as part of your job, the copyright of it or any invention will belong to the Council as your employer, unless you have a written agreement that says the opposite.
- 8.2 You must follow Council guidance to make sure that you do not break copyright regulations, as financial penalties could follow for the Council.

9. Equality issues

- 9.1 You must make sure that you abide by the Council's policies and the law on equality issues. You must treat everyone fairly and with equal respect.

10. Separation of roles during tendering

- 10.1 You must treat all customers, suppliers, other contractors and subcontractors, whether internal or external, fairly and impartially.
- 10.2 You must not disclose any confidential information on tenders or costs for either internal or external contractors to any unauthorised party or organisation.
- 10.3 If you are intending to carry out a management buy-out you must inform your manager and withdraw from the contract awarding process.
- 10.4 You must make sure 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 a senior or relevant managerial capacity.

11. Bribery and corruption

- 11.1 You must not do anything to benefit or show favouritism towards or against anyone. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. Individuals guilty of offences are liable to be punished by the court with heavy fines and/or imprisonment.
- 11.2 There is also a corporate offence under Section 7 of failure by a commercial organisation [this can include the Council] to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. The Council, if convicted under sections 1, 2 or 6 will also face the same level of fines and, if guilty of an offence under section 7, is liable to an unlimited fine.
- 11.3 11.3 It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this Code
- engage in activity in breach of this Code or Council policy.

11.4 Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

11.5 Bribery is a serious offence against the Council and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case.

11.6 Any suspected fraud should be reported initially to your Director or Assistant Director. If this is not appropriate, for example, if they may be involved, then you should contact either the Section 151 Officer or Monitoring Officer instead.

11.7 **Whistleblowing:** The Council is aware of the difficulties and conflicts that may arise for staff who suspect a colleague of fraud, theft or corruption. It is nevertheless essential that all instances be reported without delay. Staff should report any suspicions related to the workplace. Our Whistleblowing Policy outlines the details and procedures for employees. Whistleblowing is protected by law provided it is in the public interest.

12. Use of financial resources

12.1 You must make sure that you use any public funds you are responsible for in a lawful and responsible manner. You must aim to get value for money and to avoid legal challenge against the Council.

12.2 You must only use Council facilities and resources in connection with Council work and not for personal use, unless you are allowed to do so in accordance with written guidance issued on behalf of the Council.

13. Acceptance of gifts and hospitality

- 13.1 Democratic Services keep a central register of all offers of gifts, hospitality or sponsorship accepted by employees and authorised by their line manager. Any gifts, hospitality or sponsorship which is accepted must be entered into the register by the employee. If you are ever faced with difficulty over whether or not to accept gifts and hospitality the guidelines 13.2 to 13.10 should help you make a decision.
- 13.2 The general approach of the Prime Minister's Committee on the Local Government Rules of Conduct to the problems of gifts and hospitality is expressed as: "Another particular source of conflict between the private and public interest is the offer of gifts, hospitality or other benefits in kind to councillors in connection with their official duties. A nice exercise of judgement may sometimes be necessary to decide how the public interest, and the authority's good name, may be best served. A reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the authority's relationships should be cordial. But an appearance of improper influence is easily created and with it encouragement of cynicism about the motives of those who serve in local government." In applying this judgement you are strongly advised to err on the side of caution and to consult with your manager if you are in any doubt.
- 13.3 You may run the risk of your actions being misinterpreted simply because you have a close working relationship with a donor. You must report to your manager any offer of any gifts or hospitality and write a letter of thanks to the donor. If possible you should try to pool (share out) any gifts which you accept, or donate them to the Chair's nominated charity.
- 13.4 **Gifts:** The acceptance of gifts is a dangerous practice and the general rule should be to refuse tactfully, all such offers from organisation or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (for example, a planning application).
- 13.5 Exceptions from the general rule would include modest gifts of no more than £10 in value, which may be of promotional character (for example, calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm). Such exceptions relate only to modest gifts, an expensive gift would raise questions, even if it would otherwise fall within the categories in section 13.6. It is impossible to be more precise in saying what are and are not acceptable gifts, this is down to your judgement and that of your Director.
- 13.6 **Hospitality:** When to accept hospitality is also a matter for your own judgement. You are not expected to refuse all invitations for social involvement with individuals or organisations which have, or want to have, business links with the Council. What is important is to avoid any situation if it could be suggested that the donor has gained

improper influence or that you are acting in a personal rather than professional capacity.

- 13.7 The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group, than to accept something unique to yourself.
- 13.8 When deciding whether or not to accept hospitality you should think about what other people might think if you did accept. You should be particularly cautious if the donor is currently negotiating with the Council.
- 13.9 The following checklist of questions should help in deciding whether to accept a gift or an offer of hospitality or tactfully reject it:
- Is the donor, or event, significant in the community or District?
 - Are you expected to attend because of your position in the community?
 - Will the event be attended by others of a similar standing in the community or in other communities?
 - What is the motivation behind the invitation?
 - 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?
 - Could you justify the decision to the Council, press and public?
 - Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
 - How will you respond to the hospitality?
 - Are you comfortable with the decision?
- 13.10 **Sponsorship – giving and receiving:** When an outside organisation wishes to sponsor, or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. You must take particular care when dealing with contractors or potential contractors.
- 13.11 If you, your partner, spouse or any relative would benefit from any proposed Council sponsored event or service, you must tell your Manager in full of your interest.
- 13.12 Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that you have no conflict of interest.