

## Part 4 – Section 2 – Officer Code of Conduct

### 1 INTRODUCTION

- 1.1 The public are entitled to expect the highest standards of conduct from all officers who work within local government. This Code of Conduct outlines existing laws, regulations and conditions of service, and provides officers with guidance to assist them in their day-to-day work.
- 1.2 The purpose of the Code is to help ensure that the Council's activities, through the actions of its officers, are conducted to the highest standards, as expected of Local Government, by:
  - 1.2.1 detailing existing laws, regulations and conditions of service;
  - 1.2.2 providing further guidance to assist officers in their day-to-day work; and
  - 1.2.3 specifying standards and procedures which will help protect both the Council and its officers from misunderstanding and undue criticism.
- 1.3 The Council's values support this code, by providing further guidance in relation to how officers need to conduct themselves in the workplace. Further information on these values is in a number of policies, procedures, guidelines and service standards which the Council has developed, to be read in conjunction with this Code.
- 1.4 The adopted Code applies as part of the conditions of service of all officers working under a contract of employment with the Council. It also applies to staff in schools where the Code has been adopted by the Governing Body as the employer. All officers are expected to read, understand and accept the Code, and abide by the standards of behaviour expressed within it. The standards specified in the Code should also be adhered to by officers in any activities undertaken as members of companies, voluntary organisations or any other body and in their personal lives generally.
- 1.5 The Code does not replace, negate or remove any of the conduct issues set out in the various national terms and conditions, or in legislation such as the Local Government and Housing Act 1989 and the Local Government Act 1972 and Local Government Act 2000, but seeks to clarify and consolidate all such conduct issues within a locally adopted code.
- 1.6 This Code sets out the minimum standards that apply to officers. It may be supplemented and clarified by Directorate or other corporate guidance as appropriate.
- 1.7 The following core principles underpin the concept of public service and apply to all officers of the Council regardless of the nature of the job they do:
  - 1.7.1 **Selflessness:** Holders of public office should take decisions solely in the terms of the public interest.

- 1.7.2 **Integrity:** Holders of public office should not place 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.
  - 1.7.3 **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
  - 1.7.4 **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.
  - 1.7.5 **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.
  - 1.7.6 **Honesty:** Holders of public office should be truthful.
  - 1.7.7 **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.
  - 1.6.8 **Duty:** You must uphold the law and act in accordance with the council's constitution and the public trust placed in you. You have a duty to act in the interests of the council as a whole and all communities served by the council.
  - 1.6.9 **Respect:** You must respect all other officers, members, partners and the public. You must not act in a disrespectful way towards any individual because of a protected characteristic or for any other reason.
- 1.8 Officers are expected to follow the standards of behaviour set out in the Code, and should be aware that failure to meet these standards may lead to action being taken by the Council under its Disciplinary and / or Capability Procedure. This Code supplements, and does not replace any code or recognised standards of conduct endorsed by any professional body of which an officer is a member. If officers have any queries or are uncertain about its content, they should contact their line manager for advice.

## 2 GENERAL PRINCIPLES

- 2.1 Where it is part of their duties to advise, officers must provide any advice impartially. This includes advice to Councillors, colleagues, customers, contractors and the public.
- 2.2 If an officer becomes aware of activities which they consider to be illegal, improper, unethical or otherwise inconsistent with this Code, they must report it to their manager (or next appropriate manager) as soon as possible. Information on whistleblowing is also available on the Council's website.

- 2.3 Responsibility is placed on every employee to disclose to an appropriate manager any potential conflict of interest which may affect them in their job role.
- 2.4 Officers must not misuse their position, council information or any Council resources or equipment to further their own or others personal interests.
- 2.5 It is not enough for officers to simply avoid a breach of this Code. At all times, officers must act in such a way to avoid any occasion for suspicion and any appearance of improper conduct. This includes activities both in and outside of the normal place of work, and includes work related functions e.g. leaving celebrations. It also includes occasions outside of work where an employee makes themselves identifiable as an employee of this Council e.g. social media activities, wearing a uniform, driving a Council vehicle etc.

### **3 DISCLOSURE AND CONFIDENTIALITY OF INFORMATION**

- 3.1 The Council is required by law to make certain types of information available to Councillors, auditors, government departments, service users, regulators and the general public. However, prior to the release of any data or information an employee must consider and be confident that this is not in breach of data protection legislation, or other legal or Council requirements for confidentiality. If in any doubt, officers must check with their manager prior to the release of the information.
- 3.2 Personal data obtained in the course of employment should always be treated confidentially and only be disclosed in accordance with data protection legislation or other legal or Council requirements.
- 3.3 Officers must comply with all current legislation, such as the Data Protection Act and Freedom of Information Act regarding the disclosure of information and the Council's associated policies and procedures. Further information and advice on responsibilities under the Act are available from the Council's Data Protection Officer.
- 3.4 Officers should not use any information obtained in the course of their work for personal gain or benefit, nor should they pass it on to others who might use it in such a way. If officers receive specific information, from whatever source, in the course of carrying out their duty, they should not divulge it, except where such disclosure is required or sanctioned by the law.
- 3.5 Officers should not disclose, without express permission, information relating to exempt agenda items and reports. No reports relating to staffing, financial, commercial, disciplinary, political or other confidential matters should be disclosed to any unauthorised person without the prior express permission of the Council, or the Chief Executive.
- 3.6 Officers should be aware that in the course of their work, they may have access to personal or otherwise confidential information, some of which may fall within the scope of the Data Protection Legislation. The Council expects officers to respect the confidentiality of all information, both during and subsequent to a period of employment with the Council, in accordance with its **Data Protection Policy**.

- 3.7 The leaking of confidential or exempt information to a third party may be viewed as a disciplinary matter, and may also result in legal action being taken.

#### **4 POLITICAL NEUTRALITY**

- 4.1 Officers serve the Council as a whole, and must serve all Councillors equally and ensure that the individual rights of Councillors are respected. Officers must not allow their personal or political opinions to interfere with their work or their behaviour at work.
- 4.2 Where an employee is requested to advise a full meeting of a political group or its executive, the Chief Executive must be informed by the employee in advance of the meeting. In providing the advice, political neutrality must be maintained. In addition, any advice given should be made available to all political groups, if requested.
- 4.3 Certain officers hold politically restricted posts. If your job is politically restricted, you will be notified, and you will be prevented from taking up certain roles, for example becoming a member of a local authority (other than parish councils); becoming an MP or MEP; holding office in a political party, and canvassing, speaking in public or writing on party political matters.

#### **5 RELATIONSHIPS AT WORK**

- 5.1 Officers must declare to their manager any situation where their impartiality, objectivity, or honesty may be compromised due to them being related to, or having a close personal relationship with someone at work.

##### **Councillors**

- 5.2 Mutual respect between officers and Councillors is essential. Some officers work closely with Councillors, and all communication should be dealt with in a polite, impartial and efficient manner. Officers are expected to inform elected members on relevant issues in a timely manner. Close personal familiarity between officers and individual Councillors must be avoided at all times to prevent damage to the relationship and embarrassment to individuals and the Council.

##### **The Local Community and Service Users**

- 5.3 Officers should always remember their responsibilities to the community and ensure a polite, impartial and efficient service delivery to all groups and individuals within that community.

##### **Contractors / Suppliers / Procurement / Tendering**

- 5.4 All relationships of a business or personal nature with external contractors or suppliers must be declared to the employee's line manager at the earliest opportunity. Arrangements for any appropriate steps to be taken to manage any conflict of interest will then be made.
- 5.5 Orders and contracts must be awarded in accordance with the Council's procedures and no special favour must be shown to businesses or individuals.

- 5.6 Officers whose work involves the procurement, appointment or supervision of contractors must disclose any former or current private or official relationships with contractors to their Line manager.
- 5.7 Officers must not make official professional decisions about matters in which they have a personal involvement. Officers must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others.
- 5.8 When a conflict of interest is disclosed, the Council reserves the right to remove the employee from any areas of direct or indirect involvement in the matter concerned.

## **6 APPOINTMENTS AND OTHER EMPLOYMENT MATTERS**

- 6.1 Appointment and employment decisions must be made in accordance with Council policies and procedures.
- 6.2 To avoid accusations of bias, officers must not be involved in appointment processes where they are related to or have a close personal relationship with an applicant.
- 6.3 All officers are required to disclose to their Assistant Director any relationship known to exist between them and any person who they know is a candidate for an appointment with the Council..
- 6.4 Officers should not be involved in other employment related decisions for officers who are a relative or with whom they have a close personal relationship, nor should they attempt to influence such decisions. This includes decisions on matters such as discipline, promotion or pay adjustments.

## **7 OUTSIDE COMMITMENTS**

- 7.1 Officers must not allow their personal interests to conflict with or be detrimental to their duties or Council business.
- 7.2 All Officers, irrespective of hours worked, must not engage in any other business or take up any additional employment or other appointments without the agreement of the Council. Officers requesting such agreement should contact their line manager who will discuss and seek agreement with the Assistant Director or individual nominated within the service area. .
- 7.3 The Council will not unreasonably prevent officers from taking additional employment, but in accordance with their obligations as an employer, however, the Council will not approve any additional employment that, in the view of the Council, has the potential to conflict with, or be detrimental to the Council's interest or in any way weaken public confidence in the conduct of its business or is contrary to any legal provision or obligation on the part of the Council as employer including ensuring compliance with Working Time Regulations.
- 7.4 Officers are not permitted to carry out private trading in relation to goods, services or any form of intellectual property on the Council's premises nor may they do so elsewhere whilst on Council duties.

## **8 PERSONAL INTERESTS**

- 8.1 All officers, regardless of their SCP, must declare to their Assistant Director, any financial or non-financial interests which they consider could bring about conflict with the Council's interests.
- 8.2 It is a legal requirement for officers to formally declare any contracts with the Council in which they have a pecuniary interest. Such declarations should be sent to their relevant Executive Director. It is a criminal offence to fail to comply with the provision.
- 8.3 Officers must not make official professional decisions on behalf of the Council about matters in which they have a personal involvement.

## **9 EQUALITY**

- 9.1 All members of the community, customers and officers have the right to be treated with fairness and equality. Officers must behave in a way that supports equality, dignity and respect and must observe the Council's Equality Scheme and other employment policies outlined in the Employee Handbook.
- 9.2 Unlawful discrimination, harassment and victimisation on any basis including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex; and sexual orientation will not be tolerated and will be dealt with through disciplinary procedures.

## **10 SEPARATION OF ROLES DURING TENDERING**

- 10.1 Officers involved in a tendering process and/or dealing with contractors must ensure they carry out their duties in a clear, transparent and fair way.
- 10.2 There must be a clear separation of client and contractor roles. Senior officers who have both a client and contractor responsibility must ensure clear accountability, transparency and openness.
- 10.3 Officers in contractor or client services must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 10.4 Officers who have access to confidential information on tenders or costs relating to either internal or external contractors must not disclose that information unless there is clear and specific authorisation to do so.
- 10.5 Officers must declare any relationship which may have the potential to conflict with the tendering process or could be perceived by others as a potential reason for bias.

## **11 FRAUD OR CORRUPTION**

- 11.1 It is a serious criminal offence for officers to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or refraining from doing something, or to show favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly given or received. This applies equally to bodies already holding contracts as to those seeking to secure contracts.

- 11.2 Officers must declare any personal or pecuniary interests in contracts which the Council is proposing to enter into, in accordance with the procedures set out in Sections 7 and 8, and observe the procedures for dealing with gifts and hospitality in Section 13.
- 11.3 Officers should be aware that any departure from these standards will be treated as a most serious matter, both under the terms of the Council's disciplinary procedures, and where necessary, through the processes of law.

## **12 USE OF FINANCIAL RESOURCES**

- 12.1 Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. Officers should always strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 12.2 To support officers in this, the Council has developed financial rules and procedures, and information is also set out in the Financial Procedure Rules set out in this Constitution.

## **13 HOSPITALITY AND GIFTS**

- 13.1 A potential source of conflict between officers' private and public interests is the offer of gifts, hospitality or benefits in kind to officers in connection with their official duties. At all times an employee must consider whether the gift or offer of hospitality would lead a member of the public to question whether their dealing with a matter may be prejudiced by a gift.

### **Gifts**

- 13.2 An employee should refuse any personal gift offered to him or her, or to any family member, by any person or organisation who has dealings with the Council. There is a limited number of exceptions to this, as set out in paragraph 22.6 below. Any offer of such a gift should be reported to their Assistant Director. An employee should show tact and courtesy when refusing a gift, including explaining why they are unable to accept.
- 13.3 If the gift is delivered to an employee's place of work there may be a problem returning it, in which case it should be reported to the appropriate Chief Officer immediately using the Employees' Code of Conduct form. The gift should not be used unless specific authorisation is received.
- 13.4 Particular issues can be encountered by officers in a "caring" role or delivering a direct personal service. For example, it is not unusual for people receiving support at home from paid staff or their relatives to wish to express their thanks and gratitude to care staff by offering gifts, money or even by making an employee a beneficiary in their Will. It is essential that officers avoid any suggestion of improper motives or conduct. The general principle must be that gifts or money should be politely and tactfully refused with an appropriate explanation. If it is not possible to return a gift, the details of the gift and the reason why it is not returned must be reported immediately to the manager who will give further guidance. The gift must not be utilised unless explicit authorisation is received.

- 13.5 If an employee becomes aware that they have been made a beneficiary in an individual's will, they must immediately report this to their manager. The manager will then visit the individual to ensure that the bequest represents the genuine wishes of the individual and has not been improperly influenced by the employee. Following this, the manager will notify the Chief Officer who will determine the appropriate course of action. In some cases an employee may be unaware that they are a beneficiary until after the death of the client. As soon as an employee is made aware of such a bequest they must notify their Chief Officer who will determine the appropriate course of action.
- 13.6 The following are exceptions, and do not need to be declared to the Chief Officer (however, if there is any cause for concern, an employee is responsible for discussing the matter with their line manager):
- 13.6.1 A modest gift of a promotional nature given to a wide range of people, such as calendars, diaries, pens and other such articles which are common in the office and can be considered to form part of the general mailings of a company.
- 13.6.2 A modest gift where refusal would cause needless offence and the giver is not seeking a business decision, but it is merely an expression of thanks for service e.g. box of chocolates or a standard bottle of wine.
- 13.7 An employee must not on any occasion accept the offer of money.

### **Hospitality**

- 13.8 The guiding principle is that it is important not to create an appearance of improper influence which can then undermine public confidence. In general terms, it will often be more acceptable to join in hospitality offered to a group than to accept something on an individual basis.
- 13.9 Hospitality is sometimes offered and accepted by officers where it is reasonable in all the circumstances, and there is a legitimate requirement to attend. Approval by an appropriate manager is required. Caution is needed where the host is seeking to do business with the Council or to obtain a decision from it. It is important to avoid any suggestion of improper influence.
- 13.10 Care must be taken when considering attending exhibitions, seminars or visiting manufacturers, etc. Such visits can be linked to a major sporting events, shows, concerts etc. and can be an attempt to legitimise offers of hospitality in the guise of business activities.
- 13.11 When a particular person or body has a matter currently in issue with the Council, e.g. an arbitration arising from a contract or ongoing planning application, then clearly common sense dictates that offers of hospitality be refused even if in normal times they would be regarded as acceptable.
- 13.12 All offers of hospitality should be reported to the Chief Officer concerned or, if the offer is made to a Chief Officer or Deputy Chief Officer, to the Chief Executive on Employees' Code of Conduct form.



13.13 The following checklist of questions may help to determine if an offer of hospitality or gift should be accepted or tactfully rejected.

- Is the donor or event significant in the community or in your Council's area?
- Is there an expectation that a Council representative attends because of their role?
- 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 an employee under pressure in relation to any current or future issue?
- Could the decision to attend be justified to the Council, press and public?
- What is the hospitality or the nature of the gift and is it reasonable and appropriate in all of the circumstances to accept?
- What are the concerns about accepting the hospitality?

#### **14 SPONSORSHIP – GIVING AND RECEIVING**

14.1 If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

14.2 If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the council gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest