

PART 4 – CODES AND PROTOCOLS

3. Officer Code of Conduct

CORE PRINCIPLES

The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do.

Selflessness

Employees should take decisions solely in the terms of the public interest. They must not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees must make decisions on merit.

Accountability

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

Honesty

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Respect for Others

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat councillors and other co-opted members of the authority professionally.

Trust

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted

to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

Leadership

Employees should promote and support these principles by leadership and example.

CORE STANDARDS

Our customers, the general public, are entitled to expect the highest standards of conduct from us. The aim of this code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

Departments or services may issue local codes to cover specific service issues and where this is the case, the local codes will form part of your terms and conditions.

You should also be aware of and abide by service specific standards or regulations, especially when working with vulnerable adults and children or working in a school. This code should be read in conjunction with the other standards of conduct that exist within the Council.

Staff who belong to professional associations are expected to apply the standards of their associations no less vigorously than those of this Code.

Gifts and Hospitality

1.1. If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality, please do so courteously and explain that the Council's rules do not allow you to accept.

1.2. You must refuse offers of hospitality where a suggestion of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.

1.3. You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

1.4. It is a criminal offence to receive or give any gift, loan, fee, reward or advantage for doing or not doing something or showing favour or disfavour to any person in their official capacity. If such an allegation is made it is for the employee to demonstrate that any alleged rewards have not been corruptly obtained or provided.

1.5. Whatever gift or hospitality is provided to you (unless it is under the limit of £25 and still in line with the standards of the code) you should report the circumstances and the type to your Director.

! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Director, who will record every offer on the relevant form. Consider the decision checklist in section 4 of the Guidance Notes.

Sponsorship – Giving and Receiving

2.1. If an organisation wants to sponsor a council 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.

2.2. 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.

! You must inform your Director of any personal interest you may have and complete a declaration of interest form.

Use of Financial Resources

3.1. You must ensure that you use public funds entrusted to you in a responsible and lawful manner. You must try to ensure value for money to the local community and avoid the risk of legal challenge to the Council.

! Employees must follow Standing Orders, Finance and Contract Procedure Rules and operating procedures and are generally encouraged to advise management where they consider changes can be made to increase value for money projects.

Use of Council Facilities

4.1. At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.

4.2. There are certain minor exceptions to these rules:

4.3. Private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum.

4.3.1. If necessary, personal fax messages may be despatched to locations within Great Britain and photocopying personal documents may be allowed in limited circumstances.

4.3.2. Employees may use ICT facilities e.g. email, Internet etc for limited personal use but in accordance with the Council's ICT security policy and ICT code of practice.

! If in any doubt permission should be sought from your Line Manager before using equipment for personal use.

Intellectual Property

5.1. Intellectual property means products of the mind, for example, inventions, designs, trademarks, writings, programs and drawings (referred to as 'inventions'). Ownership of all 'inventions' and the copyright of all written material created during work will belong to the Council.

! This is a complex area, further guidance must always be sought from the Legal Services in any particular case.

Political Neutrality

6.1. Employees work for the Council as a whole. You must therefore work for all the Councillors and not just those of any controlling group or particular political party.

6.2. You must follow every lawful policy of the Council and must not allow your own personal or political opinions to interfere with your work.

6.3. Certain employees hold politically restricted posts (PoRPs). These are normally specified posts or sensitive posts. If your job is politically restricted, you will be notified in writing. You are disqualified from membership of any Council other than a parish or community council or from being an MP or MEP and you should not be active in any political party.

6.4. Equipment belonging to the Council should not be used for party political purposes.

! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.

Other Employment and External Activities

7.1. You must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.

7.2. You must obtain the consent of your Director before you undertake any private work.

7.3. If you are granted permission to do private work you must not;

- Do private work during working hours nor on the Council premises nor use council equipment.
- Undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime.
- Undertake private work for any person, firm or company if it will involve the Council.
- Prepare or assist with any applications, for example, planning or building, in any private capacity if you normally deal with these.
- Access council services, unless you declare your employment in writing with your application and submit this via your line manager, for example, if you want to make a planning application personally.
- Undertake private work that needs approval or consent from the Council.
- Undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work.
- Undertake private work for another employee responsible for supervising you or whom you supervise, or for an elected member of the Council.

7.4. Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

! Employees must seek consent from their Line Manager before undertaking other work. All employees must declare an interest where a conflict may arise.

Financial and Non-Financial Interests

8.1. The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.

8.2. If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Director.

8.3. You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive, e.g. a council employee who is an honorary officer of an association and who is involved in dealing with an application for a grant by the association. In such a case you should inform your Director.

8.4. Employees are able to act as a member of another council, a school governor, or member of a community organisation but will still be required to declare their interest.

8.5. Membership of organisations with secrecy about rules, membership or conduct may be incompatible with your work. If, in connection with your employment with the Council, you use such membership for either your own, or someone else's personal or business gain, you will be in breach of the Code.

8.6. Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.

8.7. Employees who during the course of attending a meeting believe they that may be in conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

! Declare an interest on the Declaration form.

Relationships

9.1. Councillors

Mutual respect between employees and councillors is essential. Close personal familiarity between employees and individual councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

9.2. The Local Community and Service Users

You should always remember your responsibilities to the community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

9.3. Contractors

If you have a business or private relationship with external contractors or potential contractors, you should tell your manager. 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.

If you engage or supervise contractors or work with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to the appropriate manager.

! Declare an interest on the Declaration form.

Appointments and other Employment Matters

10.1. If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with them.

10.2. Similarly, you must not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc.

! Declare an interest on the Declaration form.

Tendering and Contracts

11.1. During the tendering process, if you are involved in the 'in-house' bid (except for the Chief Officers and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Director as to how the tender process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.

11.2. Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

11.3. If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.

11.4. If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

! Refer to the appropriate Corporate Procurement rules and guidance.

Private Use of Services of Firms Dealing with the Council

12.1. You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. As this is a difficult and sensitive area you must try to avoid offending anyone and, if necessary, explain the Council's policy.

12.2. If you think that any offer of preferential terms is designed to promote a firm's interest, within the Council, then you should not deal with the firm.

12.3. You should not use your position with the Council to obtain a discount for goods or services. However, you may purchase goods at discount terms under a scheme or arrangement which applies, for example, to your trade union.

! If you require further guidance please refer to the Corporate Procurement Team.

Disclosure of Information

13.1. You must not:

- Use information about work which is confidential, for personal gain or benefit or knowingly pass it on to others who might use it in this way.
- Give information to the media unless you are authorised to do so by the Council.
- Disclose confidential information to someone else, unless it is a request from an approved source, e.g. HMRC, Department of Work and Pensions, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing
- Use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.
- Data Protection Act (Disclosing information)
- You must use personal data held on computer in accordance with the Data Protection Act. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

! If you are unsure, please seek guidance from the Data Protection Officer or Communications Team depending on the nature of the request.

Compliance with the Code

14.1. It is important that employees are exemplary in their conduct at work. It is your responsibility to apply these requirements on every relevant occasion and if you are unclear, advice should be sought from your line manager or Human Resources. Non-compliance with this Code (or Service Code) may be dealt with in accordance with our Disciplinary Code and may be treated as gross misconduct. Legal action may also be taken.

14.2. Employees who consider other employees to be guilty of misconduct must report this to their Line Manager.

14.3. Employees must not treat colleagues who report (or who intend to report or are suspected of reporting) potential misconduct issues any less favourably than other employees.

14.4. If in some instances, the employee cannot make use of the existing procedures, for any reason, then they should raise complaints or genuine matters of concern with the relevant person through the Whistle-Blowing Protocol.

The code will be jointly reviewed in consultation with the trade unions, if any changes need to be made.

! Employees should familiarise themselves with other Codes and Standards, some of which are outlined in section 5.

Associated Forms and Referral Points

The forms can be found on the HR website under the Code of Conduct.

Name	Action taken by	Held By/Refer to
Declaration of interest form – General Disclosures	Employee to Director	Intranet – I-West
Gifts and Hospitality Form	Employee to Director	Intranet – I West
Register of Politically Restricted Posts	N/A	HR
Whistle Blowing Protocol	N/A	Constitution on Intranet

Checklist for Assessing Potential Conflict – Gifts and Hospitality

Employees should consider the following Checklist:

- (a) Have you obtained the prior approval of your Chief Officer?
- (b) Is the donor, or the event, significant in the community or in the Council's area?
- (c) Are you expected to attend because of your position in the Council?
- (d) Will the event be attended by others in the Council or in other councils?
- (e) Have you considered the motivation behind the invitation?
- (f) Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this council?
- (g) Could you justify the decision to the Council, press and public?
- (h) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- (i) How will you respond to the hospitality?