

Current Code of Conduct

Local Code of Conduct for Employees

STATUS: This Code is binding on all Council employees other than those based in Schools whose employment terms are determined by Governing bodies. Any breach of the Code and the standards it sets will result in disciplinary action as could be an accessory to such a breach. The Authority requires that all employees operate within the law, as unlawful or criminal behaviour, even away from work, will lead to action against you. A breach of some rules can be so serious as to be deemed to be gross misconduct. This will entitle the Authority to dismiss you for a first offence without notice under the Authority's Disciplinary Procedure.

CONTACT: It is your responsibility to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your line manager or Human Resources. Contact names are given at the end of this Code

CONTENTS

1. Introduction
2. Access to, & Use of, Information
3. Working Relationships
 - With Members (Councillors)
 - With the local community and service users
 - With contractors, suppliers and other partners in service provision
 - With colleagues
4. Interpersonal Behaviour
 - Physical, verbal and non verbal conduct
 - Misuse of position and power
5. Duty to declare personal interests
6. Adherence to Council Policies, Procedures and Operating Guidelines
7. Appointment and Other Employment matters
8. Working with Honesty and Integrity (eliminating theft, fraud and corruption)
9. Working Safely
10. Political Activity, Political neutrality
11. Outside Work
12. Protecting the Council's Business Interests
 - Loyalty Clauses / Intellectual Property Rights
13. Dealing with the Media
14. Non Acceptance of Gifts, Favours, Hospitality or Sponsorship
 - Gifts and favours
 - Visits and conferences
 - Sponsorship
15. Misconduct
16. Procedure for reporting concerns – Whistleblowing
17. Misuse of Council Facilities
18. Conclusion
19. Reference and Contact Guides

CODE OF CONDUCT FOR EMPLOYEES

1. INTRODUCTION

1.1 This Local Code sets out the standards the Authority expects of you and the values it expects all staff to uphold. In carrying out your duties you are expected to promote:

- the highest standards in public life
- harmonious working relationships
- the Council's values and priorities.

1.2 This Code is based on legal, operational and service requirements that apply to all local government employees. The Authority's work is democratically controlled and open to public scrutiny. It is often politically sensitive, and the Council's success is dependent upon public confidence in its employees.

1.3 As an employee you should read this Code of Conduct in conjunction with the Council's Standing Orders, Financial Regulations, the Scheme of Delegation, other more detailed Council or Departmental Codes of Conduct and also with operational instructions / guidelines in such areas as computer use, theft and fraud. The Code, in setting out our values, rules and principles, should not be interpreted as a complete list of what you can and cannot do, but rather to enable you as employees to understand the ground-rules that all must observe, and the differences in the roles and duties of Members (Councillors) and employees

2. ACCESS TO, AND USE OF, INFORMATION

2.1 The Council is committed to maintaining the privacy of all its employees, potential employees, service users, customers and individuals or organisations who come into contact with the Authority, and expects all employees to handle personal or sensitive information in a professional and confidential manner. The word 'confidentiality' means different things to different people. The council recognises that confidential arrangements need to be clearly explained, talked through and agreed with individual customers. However, there is a need to recognise the importance of an open culture with clear communication and public accountability, and an opposition to secrecy.

2.2 All sensitive information must be kept confidential. This applies whether the information has been received through formal channels (e.g. in a formal report), or informally (e.g. through general conversation), or discovered by accident. Information which can be classified as 'confidential' can broadly be grouped into the following areas:

Information of a specific and personal nature about employees, potential employees, service users, customers, individuals and organisations who come into contact with the Council. If this type of information is used inappropriately it can cause people to face discrimination, harassment, or harmful actions and decisions by others.

Sensitive organisational information. This may be used to damage the Council or other organisations as well as individuals or Members. It may be used to threaten the security of the Authority's property, land and buildings.

Business/commercial information e.g. pricing, quotes, matters affecting negotiations with suppliers, trade unions etc.

- 2.3 The law requires that certain types of information must be available to Members, Auditors, Government Departments, service users, the press and the public. Member's right of access to information and the correct way of dealing with requests for information are covered in the Local Code governing relations between elected Members and Council Employees. Public access to information is covered in Standing Orders and in the Access to Information procedure in the Constitution. If you are in any doubt about these or other circumstances please contact one of the Officers listed on the contact page towards the end of this document.
- 2.4 Apart from legal requirements there may be other occasions when there is a legitimate reason to disclose information. However, generally the 'informed consent' of an individual must be obtained before the information is disclosed. This means that an individual will be made aware of why the information is wanted, who will have access to it and the consequences of agreeing or not agreeing to disclose the information. The Authority also endeavours to be as open as possible about all its activities and employees should be familiar with departmental confidentiality procedures to ensure that you are aware of what information can be released and to whom.
- 2.5 Confidential Committee/Sub-Committee papers (i.e. those on Part II of any Agenda) must not be released to the public or a fellow Officer (unless they have a clear right of access) without the consent of the Head of Democratic Services or the report author. Where any statutory provisions, such as the Data Protection Act (1984) or the Access to Personal Files (Social Services) Regulations 1989, cover information those must strictly be adhered to.
- 2.6 You must not use any information obtained in the course of your employment for personal gain or benefit. You must not pass on such information to others who might use it in a similar way. All employees are under an obligation not to access or attempt to access information which they are not authorised to have.
- 2.7 Information you receive from a Member or work colleague which is personal to that person and does not belong to the Council (e.g. home telephone number) should not be divulged without the prior approval of that person, except where such disclosure is required or sanctioned by law.
- 2.8 The Authority recognises that breaches of confidentiality are more likely to happen when people are worried about what they hear and read. Counselling support is available, through Human Resources, to staff who may receive distressing information during the course of their employment. The Authority also operates a 'whistle-blowing' procedure, which is designed to help in cases, for example, where you may feel there is a public interest in raising a

matter. In no circumstances should you discuss confidential matters with the media unless authorised to do so by your Director. Revealing confidential matters to the media without authorisation will be treated as gross misconduct.

- 2.9 Employees are bound by their contracts of employment to maintain confidentiality. Any deliberate breach of confidentiality, improper disclosure of information or misconduct in relation to official documents will be treated as serious matters and will lead to disciplinary action.

3. WORKING RELATIONSHIPS

Members (Councillors)

- 3.1 It is important that there is clarity about the respective roles of elected Members and employees and that the relationship between the two is clearly understood by everyone concerned. To achieve this a Local Code governing relations between Members and Officers has been drawn up. A copy of this Code is available to all employees through the Authorities Intranet. Paper copies are also available through your Line Manager or Democratic Services. It applies to all Members and employees and should be read in association with this document and the Council's Procedure Rules. The Code covers the following topics:

- Members and Officers respective roles
- Personal Relationships
- Conduct at Meetings and Social Events
- Constructive Criticism / Complaints
- Contact between Members and Officers
- Chairs and Senior Officers
- Political neutrality of Officers
- Members Access to Information
- Correspondence
- Involving Ward Councillors
- Ceremonial Events
- Public Relations and Press Releases

The local community and service users

- 3.2 You must always remember your responsibilities to the community that you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council. All employees are required to be familiar with and implement the Council's policies on Customer Care and Equalities and to ensure that the principles within those policies and those of individual Departments are followed.

Contractors, Suppliers and other partners in service provision

- 3.3 Other organisations and agencies support, assist and partner the Council in the provision of services. Employees must work within the terms of the contracts/agreements made between contractors/suppliers/partners and the Authority.

Employees are expected to develop effective co-operative working relationships with contractors, suppliers, and service partners and at all times to behave in a professional manner.

You must make known in writing to your line manager, all relationships of a business or private nature with existing contractors/firms, or potential contractors/firms. In accordance with Section Five of this Code you will be required to follow the procedures for category A or category B staff as appropriate. Orders and contracts must be awarded on merit and no special favour should be shown to businesses in which you have a financial interest or which are run by, for example, friends, partners or relatives. If you have such an interest you must not be involved in any way in the negotiation of agreements or the letting of contracts with these contractors/firms.

If you engage or supervise or work with contractors/firms and have previously had or currently have some form of connection in private, social, domestic or work/ professional capacity, you must declare that relationship to your line manager in writing. In accordance with this Code you will be required to follow the procedures for category A or category B staff as appropriate (detailed below).

In order to ensure openness and transparency all employees engaged in work, even in a voluntary capacity with the local community, are required to bring this to the attention of their line manager in writing. Failure to do so is a disciplinary matter.

Work Colleagues

- 3.4 The Council expects relationships between work colleagues (including those between managers and team members) to be supportive, co-operative and respectful. This applies to all employees including those engaged as trainees/NVQ/work placements/students and volunteers. Employees should behave in a way that enhances the performance and well-being of others and the effectiveness of Council services.

Unauthorised absences, neglect of duty, disobedience of orders and insubordination are all examples of unacceptable behaviour, which conflict with the Council's expectation of the appropriate working relationship between colleagues. Issues like these will be treated seriously and will result in action under the Council's Disciplinary Procedure.

Employees should not have managerial responsibility for those with whom they have close private relationships (e.g. partners and family). If such a relationship arises, during the course of your employment, it must be declared to your Director.

If employees find themselves being treated otherwise than in a professional and respectful manner they should initially seek assistance from their line manager. If this is not possible or the problem is not resolved then redress can be sought through the Council's Grievance Procedure or its Harassment Policy. Employees must not confuse this with legitimate management of their performance by their Manager, which is a necessary feature of any effective organisation.

You have the right to be treated with respect and you have a personal responsibility to treat others with respect.

4. INTERPERSONAL BEHAVIOUR

4.1 Physical conduct

Your behaviour must exclude; assault, intentional bumping, pushing or tripping; unnecessary touching, patting, pinching or unnecessarily brushing against another person's body.

4.2 Verbal Conduct

You must avoid language which is offensive, abusive, sexually suggestive, aggressive or designed to intimidate. You must also avoid unreasonable derogatory remarks, unwelcome flirting or sexual advances and malicious gossip. You should be sensitive in your use of language and the ways in which you communicate. Equally you should avoid being over-sensitive to idiomatic expressions or the etymology of words which are in current usage where these are not generally regarded as offensive. English is the operational language of the Council and you should avoid using other languages in the workplace where this could lead to colleagues feeling deliberately excluded, victimised or harassed or could lead to accusations of favouritism or bias against you.

4.3 Non-verbal Conduct

You need to be aware of the effect of non-verbal conduct on others. You must not display offensive pictures or objects or written material (including slogans on clothing), graffiti, badges or designs. You must also not make sexually suggestive gestures, behave in ways likely to offend common decency or adopt physically threatening or aggressive poses.

4.4 Misuse of Position and Power

You should responsibly hold position and power. It should be recognised that power, held by individuals and groups, can be derived not only from status (e.g. management positions) but also from age, length of service, physical strength, social popularity, strength of a group etc.

Abuse of a position of power can include bullying, excluding someone from conversation or from full participation at work, restricting work or development opportunities unreasonably and similar.

5. DUTY TO DECLARE INTERESTS

Scope of the Duty

- 5.1 Your off-duty hours are your own personal concern. However, you must not put yourself in a position where your job and personal interests conflict. You must also be aware that actions in your off-duty hours can impact on your employment with the Council. Examples include, but are not limited to, involvement in racist incidents, criminal actions, acts of violence or actions contrary to the public duties of the Council (for example, failure to pay Council Tax, failing to abide by planning decisions and similar).
- 5.2 You are responsible for declaring interests which conflict with the impartial performance of your duties or put you under suspicion of improper behaviour. These interests may be financial or personal/social interests (e.g. interests of family and friends, commercial or voluntary associations). The interest may be advantageous or have a detrimental effect on you (an example of a detrimental interest may be a situation where you experience threats or pressure from family or friends to act in a particular way in your official capacity). You are also responsible for declaring criminal prosecutions that may be taken against you and police cautions.
- 5.3 Each Department will maintain a register of outside employment, gifts and hospitality and membership of closed societies while the Monitoring Officer will maintain the corporate register covering pecuniary interests at Council, Committee or Sub-Committee meetings, interests in contracts and personal relationships.
- 5.4 If you wish to undertake work in addition to your Council employment you should follow the procedures outlines in Section 11 of this Code.
- 5.5 You must declare in writing to your line manager any financial or personal/social interests that you consider could bring about conflict with the Council's business or interests. You are reminded that under the Council's Standing Orders you must operate within Section 117 of the Local Government Act 1972 regarding the disclosure of pecuniary interests in contracts relating to the Council.
- 5.6 Interests, relationships and associations must be declared when dealing with contracts, recruitment, management responsibilities, the allocation of resources and services, the provision of services and access to confidential information. It would be improper for any officer responsible for administering grants to be a private member of any organisation in receipt of a grant from the Council.
- 5.7 Interests, friendships and associations, which could conflict with your professional roles and responsibilities, must be declared to your Director. Declarations must be in writing, giving information about the nature of the interest and the names of the parties and the functions involved.

- 5.8 Standing Orders deals with candidates for employment with the Council who are related to elected Members. Prior to appointment, candidates must declare any relationship with Councillors and Council employees (as per the requirements of the Council's Recruitment Policy). Subsequent declarations must be made, during employment, as appropriate to your Director in accordance with the Local Code governing relations between elected Members and Council Officers. For example, if your partner or a family member or friend becomes a Councillor, this must be declared. Councillors cannot sit on the Committee responsible for you or on the Council's Employment and Appeals Committee if they are married to you or are your partner or otherwise related to you.
- 5.9 You should also declare membership of any organisation not open to the public that has formal membership and commitment of allegiance or which has secrecy about rules or membership or conduct (this would include, for example, freemasonry).
- 5.10 Failure to declare personal interests (whether or not the matter undisclosed has been found to influence your actions), criminal prosecutions and police cautions will be regarded as a disciplinary matter. It is in your own best interests to volunteer information as this may provide helpful for you if any allegations are made. If you need further guidance speak to your line manager or Human Resources. Directors will also take appropriate steps to ensure that you are not placed in a position where private interests and official duty conflict – but can only do this if you have declared your private interests.
- 5.11 Employees will fall within one of two categories for the purpose of declaring personal interests. The definition of these categories and the procedure for declaration, information storage and access are detailed below.

Category A Staff:

Staff whose responsibilities are such that they may be in a position to influence selection of contractors or consultants, the granting of planning and other consents, and the conduct of negotiations affecting land and property. Also employees with responsibilities associated with confidential information concerning the Council's commercial dealings or those of third parties.

These staff are required to complete and return to their Director annual returns to be included in the confidential register, maintained by the monitoring officer and available for inspection by Councillors on application. These records may be accessed, on application to the monitoring officer, during the process of investigation if the conduct of an employee is brought into question.

Category B - All other staff:

Where duties and interests conflict (either regularly or on a 'one off' basis) as described above, staff are required to make written declarations, addressed and sent under confidential cover to their Director. These will be kept in a confidential departmental register. These may be accessed, on application to the Director, during the process of investigation if the conduct of an employee is brought into question.

6. ADHERENCE TO COUNCIL POLICIES, PROCEDURES & OPERATING GUIDELINES

6.1 The work of Council employees is governed, in most areas, by established policies, procedures and operational guidelines. The development of these and adherence to them ensures:

- (a) that the Council meets its statutory requirements,
- (b) that service standards are maintained,
- (c) that staff operate within their approved authority, and
- (d) that proper monitoring and auditing processes can be applied.

6.2 You have an individual responsibility to work within Council policies, procedures and operating guidelines. Any failure to follow these (whether intentionally or inadvertently) will be regarded as a disciplinary matter.

6.3 Whilst your Manager will assist you, you also have a personal responsibility to ensure that you are familiar with your responsibilities under the Council's Constitution and other policies, procedures and guidelines, in particular:

HR Policies and Operations Manual
Health and Safety Policies
Equalities Policies
Financial Procedure Rules
Departmental operational policies, procedures and codes.

6.4 These documents are available electronically, through your Director or through HR.

6.5 In circumstances where variation from established policies, procedures and operating guidelines is considered necessary, advice and where appropriate, consent must be sought from your line manager. Your Director, who may consult with others (e.g. Assistant Director, Organisational and Human Resources, Director of Regeneration, Housing and Resources), will decide significant matters. In some circumstances approval may be required from Members.

7. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

7.1 This Council is committed to recruitment on merit and requires that its appointments are made without bias, on the basis of clear assessment criteria.

7.2 If you are responsible for appointing employees, it is unlawful for you to make an appointment other than on the basis of merit. It would be unlawful for you to make an appointment based on anything other than the ability of the candidate to meet the present and future needs of the Council. In order 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. You must not canvas on behalf of any applicant.

- 7.3 Similarly, you must not be involved in decisions relating to discipline, promotion or pay adjustments for another employee who is a relative, partner, close friend, where you have some other close personal relationship.

As an employee/potential employee you must ensure that you:

are open and honest at any interview
are open and honest on any application form
disclose all criminal offences* you have been convicted of
disclose all criminal charges you face, which (if convicted) would make you unfit for your job (for example, an accountant charged with fraud)
disclose if you are a friend or relative of (or have other links with): a Member (Councillor) or an employee who may influence your appointment
disclose if you are the tenant or landlord of someone who may influence your appointment
do nothing to seek undue favour from employees or Members in Council selection procedures.

[Although under the terms of the Rehabilitation of Offenders Act 1978 certain offences are categorised as being “spent” for employment purposes this exemption does not apply to certain posts, for example where the individual is engaged in work that entails contact with children.]*

8. WORKING WITH HONESTY AND INTEGRITY (Eliminating Theft, Fraud and Corruption)

- 8.1 Public money and resources must be handled with absolute honesty. All reasonable steps will be taken by the Council to ensure that employees uphold this principle. A separate statement outlining the Councils approach to combating fraud and corruption is available from the Chief Internal Auditor.
- 8.2 **Theft** is dishonestly taking property (e.g. cash, cheques, goods or equipment etc.) belonging to another (e.g. the Council, Council employees, service users or other visitors to Council property and premises), with the intention of permanently depriving the other of it.
- 8.3 **Fraud** means perpetrating a deception to obtain an unfair advantage or injure the rights or interests of another. It can include intentionally distorting financial, or other, records by persons internal or external to the Council in order to conceal the misappropriation of assets or otherwise for gain. An employee commits fraud if, for example, s/he:-

Falsifies documents to claim pay, bonus or sick pay to which s/he is not entitled.
Gets a car loan from the Council and uses the money for another purpose, or buys a car cheaper than the one in the loan agreement.
Claims Housing/Council Tax benefit from the Council (or any other Council) to which s/he is not entitled.

- 8.4 **Corruption** is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person. It is an act of collusion where one person benefits indirectly from a fraud perpetrated for the direct benefit of another. The benefit may be in cash, in kind or as a favour. An employee is involved in corruption if, for example, s/he:-

Knowingly authorises or processes a fraudulent claim for pay or Council benefits.

Allows access to, and improper exploitation of, Council equipment, records or Procedures.

Uses their employment with the Council to obtain preferential treatment in the location of services for themselves or others known to them e.g. housing, planning approval, recruitment etc.

Awards contracts for personal reward.

- 8.5 It is a serious criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been obtained corruptly. You must therefore ensure that any reward or fee that you receive from employment outside the Council has been authorised in advance in accordance with Section 11 of this Code.
- 8.6 You must ensure that you use public funds entrusted to you, or for which you are responsible, in a responsible and proper manner and in accordance with the Authority's Financial Regulations. You should strive to ensure value for money to the local community and to avoid a legal challenge to the Council.
- 8.7 The Council's Internal Audit Team actively looks to identify fraud through the checks and scrutiny of information given on application forms. Information given by employees when applying for services will be verified, and the Council will work closely with the police, other local authorities and government departments to detect fraud. Falsehood is a very serious matter and will be dealt with through the Authority's Disciplinary procedure.
- 8.8 Fraud and corruption by employees will be regarded by the Council as very serious matters and dealt with through the Authority's Disciplinary Procedure. Criminal proceedings will almost certainly follow. Such acts of theft, fraud and corruption will constitute gross misconduct will therefore, result in dismissal from the Council's service (even for a first offence).
- 8.9 At all times staff must be mindful of the reputation and integrity of the Council. For staff who perpetrate theft, fraud or are involved in corrupt practices not directly related to the Council, there will be implications for their continuing employment by the Council.

9. **WORKING SAFELY**

- 9.1 The Council is committed to taking all reasonable, practicable steps to meet its responsibilities under the Health and Safety at Work Act 1974, and all other

Acts and Regulations relevant to its activities. This is embodied in the Council's Corporate Health and Safety Policy Statement. Departments are also required to establish and implement Departmental Policies and local Health and Safety Management Systems (HSMS).

- 9.2 All managers, supervisors and other employees who have a supervisory role have the responsibility to ensure, as far as is reasonably practicable, the health, safety and welfare of those they supervise. Leadership, with regards to health and safety, must be by good example and in line with established policy and procedures to ensure health and safety work practices are (and are seen to be) given high priority.
- 9.3 Departmental management responsibilities are listed in the Corporate Policy. Departmental policies detail specific duties and personal responsibilities. All managers and supervisors must ensure they are fully conversant with the Council's Corporate and their own Departmental policies and procedures which form the Council's HSMS. (For details of specific policies, refer to the Council's Health and Safety Manual).
- 9.4 All employees have personal responsibility under the Health and Safety at Work Act to take proper precautions to prevent accidents to themselves, or anyone with them or nearby. Employees can put themselves or anyone else at risk by doing something unsafe or dangerous, or by failing to take proper precautions or observing instructions. To prevent this employees must:-
- Co-operate with their manager or supervisor to meet health, safety and welfare requirements and follow laid down procedures
 - Not misuse or damage any health and safety equipment or items
 - Inform their managers or supervisors of any serious or imminent dangers to health, safety and welfare arrangements.
- 9.5 Any deficiency in the quality of premises, equipment, working practices or environment must be reported immediately to the manager responsible for the area concerned. Where this is not possible the matter must be reported to the employee's Director. Where the hazard involves an immediate risk to other persons, on the spot remedial action must be taken to prevent injury and the matter reported to the appropriate manager. Departmental and Trades Union Health and Safety Representatives and the Human Resources Occupational Health, Safety and Welfare Section are available to give advice on an appropriate course of action
- 9.6 No employee is required to continue working in circumstances where there is an imminent or serious risk of injury. In such cases, employees are required to remove themselves from the immediate danger and report directly to their line manager for immediate action.
- 9.7 Any matter which has been reported within your department but not acted on within a reasonable period of time should be reported to the Human Resources Health Safety and Welfare Section.

9.8 Any failure to comply with health and safety requirements/instructions or the Council's stated policies and procedures will be considered a serious disciplinary matter and dealt with under the Authority's Disciplinary procedure, whether or not an accident or injury (or any other detriment to health, safety and welfare) has occurred. This includes neglect of personal health and working under the influence of drink or drugs.

10. POLITICAL ACTIVITY/POLITICAL NEUTRALITY

10.1 Employees serve the Authority as a whole. It follows that they must serve all Members (not just those of the ruling political group) and must ensure that the individual rights of all Members are respected and treat political groups and individual Members in a fair and even handed manner.

10.2 Insofar as employees may be required to advise political groups, they must do so in ways that do not compromise their own political neutrality. This subject is covered in detail in the Local Code governing relations between elected Members and Council Officers.

10.3 As a result of provisions introduced under the Local Government and Housing Act 1989 to ensure the political impartiality of local government employees, some employees' posts are subject to political restriction. This means that the postholders are prohibited from involvement in political activities as these could conflict with the responsibilities at work.

10.4 The Local Government and Housing Act 1989 requires that anyone who is employed by a local authority in a politically restricted or sensitive post is disqualified from being elected as a Member in another local authority or as a Member of Parliament or as a Member of the European Parliament.

10.5 Employees in politically restricted posts are unable to undertake certain political activities within the following broad categories:-

Writing or speaking publicly on politically controversial issues
Canvassing at any election on behalf of a political party or at elections for Councillors' MPs or MEPs
Holding office in any political party
Publicly declaring yourself a candidate for Councillor, MP or MEP.

10.6 The ban on seeking elected office is written into the rules governing who is eligible for election. The ban on political activities is incorporated into individual contracts of employment.

10.7 The Act requires that employees holding the following posts should be politically restricted:-

Employees in posts paid at or above spinal column point 44.
Employees giving regular advice to Committees or Sub-Committees.
Employees who regularly speak to journalists or broadcasters on behalf of the Council.

- 10.8 A list of politically restricted and sensitive posts approved by the Council is held by Human Resources. It contains the post designations and the section of the Act relating to their inclusion on the list.
- 10.9 There are four categories of employees who have no right of appeal to political restriction, namely:-
- Head of Paid Service and the Monitoring Officer who have to be designated by the Council to carry out specific duties under the Act
 - Directors, Assistant Directors and Service Managers
 - Assistants to political groups who are appointed to posts created under section 9 of the Act
 - Employees exercising delegated powers on behalf of the Council i.e. Directors, Assistant Directors and Service Managers.
- 10.10 Under the Local Government (Political Restrictions) Regulations 1990, the failure of a postholder holding a politically restricted post to comply with the restriction will result in disciplinary action being taken on the grounds of misconduct.
- 10.11 Employees, whether or not in politically restricted posts, must follow every policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 10.12 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are subject to specific standards and conditions that are set out in their contract of employment.

11. OUTSIDE WORK (Paid, Unpaid or Voluntary)

- 11.1 Employees are reminded that under the Council's Standing Orders they must comply with Section 107 of the Local Government Act 1972 regarding the non-acceptance of any fees or rewards whatsoever other than their proper remuneration. However, the Authority does not prohibit employees, whether full time, part time or job share, from undertaking additional work (whether paid or unpaid) providing it does not, in the Council's view, conflict with the Council's interests or in any way weaken public confidence in the Authority.
- 11.2 Accordingly, all employees of the Authority are required to obtain consent, in writing, from their Director in advance, and on each occasion, if they wish to engage in any other business, take up additional employment or work outside the Authority. This provision also applies to Directors who will require the prior consent of the Chief Executive should they wish to engage in such activity.
- 11.3 Each Department will maintain an up-to-date official register to record a list of all employees undertaking external work in whatever form. The agreements, in writing from the Director will also be retained on the individual's personal file for information.

You must not undertake any duties/work (whether for payment or otherwise) of a type that you normally undertake for the Council on behalf of:-

- a. Another Council employee (whether in your Department or elsewhere) without the prior written agreement of your Director who shall, if agreement is given, notify the Assistant Director (Organisational and Human Resources); or
- b. Your Director without the prior written agreement of the Chief Executive.

11.4 As a general rule permission will not be granted to you to do work for anyone who is in a supervising or managerial relationship with you.

11.5 If you are permitted to engage in any other business or take up any additional employment, you must not use Council facilities (vehicles, computing equipment, etc.) in connection therewith. The use of the telephone will only be permitted in very exceptional circumstances, and provided that such use is recorded as personal use and paid for.

11.6 As previously mentioned, all employees must seek approval, by writing to their Director, before undertaking any additional work (whether paid or unpaid). This would include, but is not limited to:-

Being a director, agent or professional advisor to a company.

Consultancy work.

Lecturing.

Being a school governor, special constable or magistrate.

Driving a mini-cab.

Unauthorised employment will be regarded as a very serious matter and dealt with through the Authority's Disciplinary Procedure.

11.7 Employees do not need approval to undertake voluntary work or work for trade unions or political parties (subject to the provisions of the 1989 Local Government Housing Act), provided this work does not conflict with or react detrimentally to the Council's interests as outlined above.

11.8 The Council may not give approval if the additional employment:-

Places the employee in a position where their duties and private interests may conflict

Affects the employee's health or ability to maintain acceptable standards of work

- Might weaken public confidence in the Council's conduct of business
- Involves the employee being in direct competition with the Council for work/contracts.

11.9 Whatever the outside work, employees must not:-

Put their outside commitment before their duty to the Council.

Submit applications of any description to the Council on behalf of any other

person without permission from their Director.
Use their knowledge of the Council or staff to help secure particular decisions.
Use any Council facilities (e.g. telephone, photocopier, computers/ software, accommodation) for non Council work.
Undertake private work in office hours.
Receive fees for lectures other than travelling expenses necessarily incurred unless authorised and carried out in the employee's own time or whilst on annual leave.
Do private work when they should be at work for the Council or are absent due to ill health.
Portray themselves as employees or agents of the Council when undertaking private work.

12. PROTECTING THE COUNCIL'S BUSINESS INTERESTS (Loyalty Clauses, Intellectual Property Rights)

- 12.1 All employees are bound by a duty of fidelity not to breach confidence and not to participate in competing activities. The Council has the right to take necessary and reasonable steps to protect its legitimate business interests.
- 12.2 The Council can legitimately seek to restrict the work activity of certain ex-employees (for a specified period of time after the end of their employment and within a specified geographical area) where the individuals could use contacts and information derived from the Council to compete with the Council for work. These restrictions would take the form of a loyalty clause (or restrictive covenant) within the employee's contract of employment.
- 12.3 The Council retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software developments or similar work, when created in the course of an employee's normal duties, remain the property of the Council. These should not be removed from Council premises or passed on to a third party by any employee acting in a private capacity without the express consent of the Council.

13. DEALING WITH THE MEDIA

- 13.1 Dealing with the media, whether the press or television or radio, requires specific skills and expertise. Therefore, media enquiries will be conducted through the Council's Communications Office unless:-

It is part of an employee's normal duties, or
Authority has been given by the employee's Director
An employee is acting as spokesperson for one of the Council's recognised trade unions in pursuit of legitimate industrial relations activities.

- 13.2 Where the above criteria are not met employees must not:-

Speak, write or give interviews to the media
Bring the Council into disrepute by publicising material which is confidential or against the interests of the Council or its employees.

(This does not affect the rights of employees to raise concerns or complain about standards and conduct in line with agreed procedures set out in Section

- 15 of this Code).
- 13.3 ***If you are approached by the media you should refer all enquiries to the Communications Office as detailed in the contacts list towards the end of this Code.***

14. GIFTS – FAVOURS - HOSPITALITY – SPONSORSHIP

Introduction

- 14.1 As a Council Officer, particularly if you frequently deal with the public, you may well find yourself in situations where you are offered gifts or hospitality which could include:-

- Meals and/or drinks.
- Invitations to social or other events.
- Gifts (monetary or otherwise).
- Favours or services in kind.

The purpose of this section is to provide you with guidance on how to deal with such offers received and how to ensure that a proper record is kept, whether or not they are accepted.

The National Code of Local Government Conduct, National Conditions and Standing Orders

- 14.2 The National Code of Local Government conduct applies largely to elected Members. However, the advice it contains on this issue is equally of relevance to Officers:-

“You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the local authority and that no extravagance is involved. Likewise, it may be reasonable for an Officer to represent the Council at a social function or event organised by outside persons and bodies.

You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damaged public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the appropriate Senior Officer of the Council.”

Guidance on approved Council duties are given in this Code, in Standing Orders and will be given by the appropriate senior Officer in your department if you ask them.

- 14.3 **National Conditions for Local Government staff state:-**

“the public is entitled to demand of a Local Government Officer conduct of the highest standard and public confidence in their integrity would be

shaken were the least suspicion, however ill-founded, to arise that they could be in any way influenced by improper motives.”

The acceptance of gifts and hospitality, even on a modest scale, may arouse suspicion and needs to be capable of public justification.

- 14.4 Standing Orders detail the action to be taken by an employee who is offered a gift, hospitality or any other favour arising from his or her duties with the Council. Whether or not you accept such an offer, you must immediately report this to your line manager and ensure that details are recorded in a central register maintained for that purpose, full details of which are given below.

Best Practice Advice

- 14.5 You are strongly advised to refuse or return any gifts, hospitality or other favours from persons inside or outside the Council as any such acceptance could well put you in a compromising position and could render you liable to accusations by other parties who become aware of this. You should bear in mind how the acceptance of a gift or a free meal would look to a third party and how this could appear to compromise your professional judgement even if it is accepted in all innocence. When declining a gift or hospitality you should courteously but firmly inform those making the offer of the procedures and standards operating within the Council.
- 14.6 Under no circumstances should you ask for a reward, tip, gift, “Christmas box” or any other inducement. You should also not put yourself in debt to someone where this would be likely to influence your work.
- 14.7 It is a serious criminal offence for employees of the Council to corruptly receive or give any gift, loan, fee, reward or advantage in order to influence official conduct. If an allegation is made, it is for the employee to demonstrate that any such rewards have not been corruptly obtained. It is also an offence to accept any gift or consideration in the knowledge or belief that it is intended as inducement or reward, whether the employee receiving it is influenced or not.
- 14.8 There may be occasions where refusal of personal hospitality or a small token gift (e.g. at Christmas or another notable religious occasion) would clearly cause offence or be impracticable for cost or other reasons. The dividing line between what is and what is not acceptable is not a clear one and you should always exercise extreme caution. If you are considering acceptance, you should discuss the matter with your line manager before doing so. Any gifts not refused must be used communally for the benefit of the service or facility as a whole or donated to charitable or community use.

In addition staff dealing with planning applications or the provision of other services to individuals should never accept gifts or hospitality. This special case is dealt with later on in this section.

Gifts and hospitality

- 14.9 Before accepting a gift or hospitality staff should consider –

The timing of decisions for letting contracts for which the provider may be

bidding (under no circumstances should gifts or hospitality be accepted from a contractor during a tendering period).

Whether the gift or hospitality is appropriate e.g. an inexpensive promotional pen or diary may be accepted but more expensive items, such as a bottle of whisky, must be declined. Similarly, lunch at on-site cafeterias or invitations to local cultural events as a representative of the Council may be appropriate whereas invitations to prestigious sporting events, theatre tickets or personal invitations where you are not attending in an official capacity are not appropriate.

14.10 You should exercise discretion in offering and accepting hospitality. You should bear in mind how it might affect your relations with the party offering it and how it might be viewed by elected Members, other potential suppliers/contractors, the public and other Officers. The criteria which determine whether you should accept hospitality from firms or other organisations include:-

- Whether the invitation comes from a firm likely to benefit from the goodwill of the Council or from a charity or other organisation which does not have the same kind of vested interest in the outcome;
- Whether the firm is seeking a contract, or one has already been awarded;
- Whether the visit is genuinely instructive or constitutes more of a social function;
- The scale and location of hospitality, and whether it falls in working hours;
- The frequency of the hospitality;
- Whether it is directed just at you or to a group.

14.11 All hospitality accepted should be properly authorised in advance and recorded in writing. It is always a matter of judgement and common-sense. As a general guide, you should avoid a situation where you are personally entertained by those who want or are likely to want something from you or the Council.

14.12 Offers of hospitality that are declined should also be recorded.

The Process for Registering Gifts, Favours and Hospitality

14.13 Any offer of a gift, favour or hospitality to staff should be immediately reported to your Director whether or not you plan to accept it. Your Director may decide that acceptance is not appropriate. The only exception to this requirement to report and seek advice is if you receive modest hospitality as part of a formally approved Council delegation.

14.14 No member of staff below the level of Head of Service may accept an invitation without first obtaining the approval of a senior officer at that level or above. In exceptional circumstances, where it is not possible to seek prior approval, the facts should be reported immediately afterwards. Invitations involving attendance at functions outside normal working hours may only be accepted with the authority of a Director.

14.15 Where the refusal of an unsolicited gift may cause offence, the gift may be donated to the Mayor's official charity and the donor informed accordingly in writing.

14.16 Having reported the offer you should complete the register of gifts and hospitality maintained by your Director.

14.17 The following information will be recorded:-

The person or body making the offer
The member of staff to whom the offer was made
The gift or hospitality offered
The circumstances in which the offer was made
The action taken by the member of staff concerned
The action taken (if any) by the Director

The Chief Executive and monitoring officer and Assistant Director of Organisational Development and Human Resources may have access to every register. Every member of staff is entitled to see what is recorded in the register against their name and the general public can apply for access to the register from the Council's Monitoring Officer.

14.18 Minor gifts such as inexpensive calendars, pens or small stationery items, or hospitality such as refreshments during a site visit or an inexpensive working lunch need not be included in the register but should still be reported to your line manager.

Staff Dealing with Vulnerable Clients

14.19 Staff providing personal care such as care workers and home helps must inform their Director in writing of any gifts from clients or their relatives/friends. These must not be accepted without the prior written approval of the Director.

14.20 The position of those staff who deal with the more vulnerable members of society is potentially very difficult and special advice is warranted. Such staff most obviously include those in Social Services but also staff in the Education Department dealing with young people and Housing staff dealing with sheltered housing, etc.

14.21 Staff in such circumstances should never accept personal gifts from their clients. The only exception to this is in respect of a gift offered for the benefit of the facility or service as a whole, not to an individual. In such circumstances the offer must be reported to the Officer's line manager for approval.

14.22 A separate policy document exists specifically for Social Services staff who should also refer to that document.

Senior Officers

14.23 The Chief Executive, Directors and other Senior Officers are in a somewhat different position in that their role requires them to build partnerships with community groups, businesses and other interests in the town. Of necessity this may require them to attend functions where substantial hospitality is

provided.

- 14.24 Refusal to attend such functions may be inappropriate as it may offend potential partners. Such hospitality can therefore be accepted provided that it relates directly to this official partnership role and is duly recorded. However, as ever the test of public perception needs to be applied to the acceptance of any such hospitality.

Officers Dealing with Planning Applications

- 14.25 Extreme caution should be exercised if you are advising Members of a Committee or Sub-Committee dealing with planning applications or acting under delegated powers. As such you should never accept gifts or hospitality from a planning applicant nor from their agent. Any such offer should be declared to the Officers in Committee and Member Services as soon as possible. The process for registering gifts and hospitality is described earlier in this Section.
- 14.26 A separate Local Code of Conduct for elected Members and Council Officers dealing with planning matters has been produced and sent to all Members and Officers. You should read this Code and follow its rules. Further copies of the Code are available from the Planning Policy Lead Officer.

Visits and Conferences

- 14.27 The participation in visits and conferences should be carefully regulated. Employees must receive permission from their Director, including prior agreement to the payment of appropriate expenses. If the visit/conference attendance is by invitation and flights, accommodation, meals etc. are being offered (which may be seen as a gift or inducement), prior written permission must be sought from the Director and the details entered into the departmental register of gifts and hospitality.
- 14.28 Expenses for visiting premises to inspect equipment or view facilities must not be accepted as these will be met by the Council.

Sponsorship

- 14.29 Where an outside organisation wishes 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.
- 14.30 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 an appropriate manager 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 no conflict of interest exists.

Checklist

- Always be extremely cautious of any offer of a gift or hospitality, etc which is made to you.
- All offers should be refused and gifts returned unless to do so would clearly cause offence or be impracticable for cost or other reasons.
- Any gifts not refused must be used communally for the benefit of the service or facility as a whole, or be donated for charitable or community use.
- Always register offers of gifts or hospitality, even if you refuse them or donate them to charity. Modest hospitality need not be declared if you are part of a Council delegation. Individual hospitality should be declared.
- Ask yourself whether you would feel comfortable if you had to justify acceptance of a gift or favour to a member of the public. Do you think it could be seen as compromising your professional position?
- Never accept extravagant hospitality.
- Do not accept personal invitations.
- If you deal with planning applications or the provision of any other service to individuals, never accept a gift or hospitality.
- Do not accept gifts from Members. They have been advised not to give them to Officers.
- Always inform your Manager of any offers received.
- If you are in any doubt, err on the side of caution and seek advice from your Manager or from staff in Democratic Services. You can also speak to the Monitoring Officer or the Director of Human Resources.
- Issues relating to gifts and hospitality can also be referred to the Audit & Corporate Governance Committee for guidance.
- HR staff are always willing to provide you with advice.

15. MISCONDUCT

- 15.1 Allegations of any misconduct or failure to meet the standards of conduct expected of Council employees will be dealt with through the Council's Disciplinary Procedure.

16. PROCEDURES FOR REPORTING CONCERNS – WHISTLEBLOWING

- 16.1 The Council expects employees who witness, or have their suspicions raised, or are approached to become party to potentially fraudulent, corrupt, dangerous or improper behaviour, to report these incidents or concerns either to their line manager or other council manager or through the agreed whistleblowing procedures.
Failure to do so could implicate you in the misconduct.
- 16.2 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take appropriate action to protect employees who raise a concern in

good faith.

- 16.3 Employees who are subject to procedures such as but not limited to disciplinary or redundancy will not have those procedures halted as a result of raising concerns under this procedure.
- 16.4 Concerns should normally be raised initially with your line manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the misconduct/malpractice.
- 16.5 If for any reason you do not feel that it is appropriate to express your concerns in this way, The Council's whistleblowing policy explains the other routes available to you.
- 16.6 Malicious allegations i.e. deliberately raising false complaints with the intention of harming someone, will be regarded as serious misconduct.
- 16.7 Raising concerns through the media is not an appropriate or effective channel and may result in an employee breaching obligations under this Code resulting in disciplinary action. The Council's whistleblowing Policy gives details of how to raise concerns with more appropriate and independent organisations outside the Council.

17. USE OF COUNCIL FACILITIES

- 17.1 Support services like stationery, typing, printing, photocopying, etc must only be used on Council business. They should never be used for private purposes. In particular electronic and paper post distribution systems should only be used for circulating correspondence and literature relating specifically to Council business.
- 17.2 Misuse or damage to Council property will be regarded as very serious matters and dealt with through the Authority's disciplinary procedure.

18. CONCLUSION

- 18.1 It is not possible to prepare a Code of Conduct which will enable you to deal with every situation you may face. However, this Code does establish broad principles which are essential if confidence in the integrity of Local Government employees is to be maintained. These have been brought to the attention of all employees. Any breach of the Code may be viewed as a serious disciplinary matter which could render you liable to dismissal and/or in some cases prosecution.
- 18.2 If you have any doubts about anything contained in this Code, and are concerned about anything relating to your personal position, you are advised to seek clarification from your line manager, Member Services or from Human Resources. You may also wish to seek advice from your Trade Union representative however, whilst they can give advice, they are unable to

provide you with an authoritative interpretation of this code.

TERMS USED IN THIS CODE

Monitoring Officer	An employee appointed by the Council to guard against unlawful decisions or maladministration.
Party Group / Political Group	2 or more Councillors of the same political party or description who have asked to be recognised as a Party or Political Group.
Head of Service	A 2 nd tier officer responsible to a Director for the management of some of the Council's services (e.g. Consumer Protection).
Director	A 1 st tier officer responsible to the Chief Executive and Council (e.g. Director)
Part 2 (II) Agenda	The part of a Council or Committee Agenda containing confidential/Exempt information. The press and public are not admitted to the part of the meeting at which Part 2 items are discussed.
Mayor	The first citizen of the Borough and Chairperson of full Council meetings. The Mayor is appointed annually by the Councillors from amongst their number.

WHERE TO FIND THE DOCUMENTS REFERRED TO IN THIS LOCAL CODE GOVERNING RELATIONS BETWEEN ELECTED MEMBERS AND COUNCIL EMPLOYEES

Copies of these documents can be found on the Council's intranet and through its web site. If you are unable to locate a copy and wish to read or refer to, please talk with your line manager or Assistant Director (Organisational and Human Resources). Trades Union representatives will also usually have copies. Members may wish to contact the Democratic Services Section direct.