

5.2 OFFICERS' CODE OF CONDUCT

INTRODUCTION

1. The public at large and users of local government services are entitled to expect the highest standard of conduct from all people who work in local government. This Code provides guidance to all employees of the Borough Council to assist them in their day to day work. It supplements the law, the Councils Standing Orders and Regulations and any departmental rules of conduct.

2. While they are on duty, employees are expected to observe the standards of conduct which the law, the Councils Standing Orders and Regulations, and this Code require. They must seek any advice about them that they need from their Supervisor or Director.

STANDARDS

3. Employees of the Borough Council are expected to give the highest possible standard of service to the public, and if they have to give advice to Councillors, other employees or the public, they should give the best professional advice on all matters, honestly with impartiality and to the best of their ability.

4. Employees are expected, without fear of recrimination, to bring to the attention of their Manager or Director, as appropriate, any:-

- a. concerns about the provision of services
- b. impropriety or breach of procedure.

PERSONAL INTEREST

5. Wherever employees have private or personal interest in any matter which they have to deal with at work or over which they can influence indirectly they must not let those interests influence how they act on behalf of the Borough Council. No employees should do anything as employees which they could not justify if it became public. The reputation of the Council materially depends on the conduct of its employees and the view the public takes about that conduct. The public expects conduct of the highest standard, and confidence in the integrity of employees will be shaken if there is the least suspicion that they are influenced in any way by improper motives.

6. The law specifically requires employees to disclose in writing to the appropriate manager any financial interest direct or indirect which they may have in any contract that the Authority has entered or may enter into. But interests which are not financial can be just as important. Kinship, friendship, membership of an association, society or trusteeship and many other kinds of relationships can sometimes influence the judgement of employees or be thought to do so. An employee should declare membership to their Director, or in the case of a Director to the Chief Executive, in confidence of any organisation not open to the public without formal membership and commitment of allegiance and which is secret about its rules, membership or conduct. An employee should also declare membership of any organisation, society or association, which is open about its rules membership or conduct, if that body is involved with any application for grants, planning issues or contract with the Council. A good test is for employees to ask themselves whether others could possibly think the interest or relationship is close enough to give rise to any suspicion. If an employee advises a meeting of Members of the Council at which such a matter arises, the interest must be disclosed orally.

DISCLOSURE OF INFORMATION

7. It is generally accepted that open government is best. The law requires that certain types of information must be made available to members, auditors, government departments,

service users and the public. Many employees are in a position to obtain information in the normal course of their duties which is confidential. They must never pass on any information received or obtained through their employment to anyone who is not entitled to have that information. This includes information about the work of the Council, its employees or members of the public who come into contact with it. It is a breach of trust to disclose such information to any unauthorised person, or for information to be used by anyone for personal advantage. If there is any doubt about who is authorised to receive information the Director should be consulted beforehand. Employees should not misuse their position to seek information which they have no need to know.

8. Examples of abuse of confidence would include:-

a. Ill-considered gossip whether with colleagues or outsiders which may be misconstrued and re-quoted;

b. Exploitation of confidential information for personal gain e.g. where an employee buys land or encourages others to do so because he/she knows through work that its value is likely to increase;

c. Premature and/or unauthorised disclosure to third parties of policy proposals, with the object of generating adverse publicity e.g. to the press, interest groups, trade unions.

d. Unauthorised disclosure to third parties of information relating to tenders, contracts and prices.

9. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

10. Employees involved in appointments must ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which is based on anything other than which candidate would best serve the Council in fulfilling the duties and responsibilities of the post concerned. Personal or political affiliations should not influence an employee's judgement. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work. If anyone attempts to canvass support for any candidate this must be reported to the Director or Chief Executive.

11. Only Directors or senior staff specifically authorised may give employer's references on behalf of the Council. It is acceptable for other employees to give character references for their colleagues; but they should make it clear that they are writing in their own personal capacity.

12. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

POLITICAL IMPARTIALITY

13. Both Borough Councillors and employees have a responsibility to the Council and the public, but the responsibilities are distinct. The Council, service users and the public need to be confident that employees will serve the Authority loyally and impartially whichever political group controls the Council. Employees must ensure that the individual rights of all councillors are respected. Employees may have their own political opinions but, in fulfilling their duties and responsibilities, they must avoid acting in any way which might suggest that their actions are

prompted by personal or party political opinions.

14. An employee may be asked to advise political groups. This will normally be only Senior Officers on matters arising from the Council's business. They must do so in ways which do not compromise political neutrality and only if approved by either the Director or the Chief Executive.

RELATIONSHIPS

15. Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

16. The reputation of the Council depends to a great extent on how members of the public are dealt with by employees in their day to day contact with them. Employees should therefore be courteous, helpful and efficient when dealing with members of the public and their problems and do all they can to ensure that the public receive any service to which they are entitled. The need of clients should be assessed impartially and professionally and without personal prejudice. Complaints should be investigated as quickly as possible and the reasons for any delay, difficult or poor quality of service explained. Any more serious complaint, carrying a suggestion of malpractice, corruption or other impropriety should immediately be reported to the Director so that he may ensure that the complaint is properly and fairly investigated.

17. The Council has authorised the Chief Executive, Directors and their nominated representatives and the Communications Manager to communication with the media. Other employees who are not authorised to deal with representatives of the press or media should immediately refer any enquiries they received to the Director or to the Communications Manager. Employees who have specific authority to deal with such enquiries should only reply to requests for information or questions which relate to the facts of a situation. Where an expression of opinion or official statement of policy is required the Director must first be consulted. Employees should avoid being led by representatives of the media into making unguarded comments that might be construed as official policy. Every assistance should be given to Members who need information to deal with comments by the press or media. An employee, who speaks as a private individual direct to the press, or at a public meeting, or where their remarks may be reported to the press, should ensure that nothing they say might lead the public to think they are acting in their capacity as a Council employee.

18. All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders. (See also paragraphs 5 and 6 above).

19. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager. (See also paragraphs 5 and 6 above).

DISCRIMINATION AND EQUAL OPPORTUNITY

20. The Council expects all its employees to comply with both the letter and the spirit of its Equal Opportunities Policy not to discriminate, either in employment practices or in the provision of facilities and services to the public, by reference to sex, marital status, disability, sexual orientation, race, colour, creed, ethnic or national origins. (See the Council's Equal Opportunity Policy).

21. All members of the local community, users of service and other employees have a right to be treated with fairness and equity.

SEPARATION OF ROLES DURING TENDERING

22. Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees may have both a client and contractor responsibility and must be aware of the need for accountability and openness.

23. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

24. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

CORRUPTION

25. It is a serious criminal offence for an employee to corruptly 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 their official capacity. If an allegation is made it is for the employee to demonstrate that such rewards have not been corruptly obtained.

USE OF FINANCIAL RESOURCES

26. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure best value for money to the local community and to avoid legal challenge to the authority.

GIFTS AND HOSPITALITY

27. The Council expects all its employees should never foster the suspicion of a conflict of interest. Employees must therefore be careful not to show by their behaviour that they may be influenced by any gifts or hospitality whilst acting in an official capacity. This is important, not simply because the reputation of the Council may be at stake but also individuals themselves are liable to criminal proceedings if they are shown to be influenced by inducements. As a general rule therefore, all gifts should be declined. Gifts delivered should be returned to the sender with an appropriately worded letter, and the employee's Director should be informed. The receipt of minor articles, often by way of trade advertisements, which will be used on the Council's business e.g. diaries calendars, office requisites and the like, which are customarily distributed at Christmas, and occasionally at other times, will not be regarded as the acceptance of a gift; but if there is any doubt the gift should be refused. Similar principles should be followed in connection with the acceptance of favours other than gifts, such as trading discounts.

28. Employees should exercise discretion in offering and accepting hospitality. They should bear in mind how it might affect their relations with the party offering it and how it might be viewed by councillors, the public and other employees. The criteria which determine whether employees should accept hospitality from firms or other organisations include:-

- a. Whether the invitation comes from a firm likely to benefit from the goodwill of the Authority or from a charity or other organisation which does not have the same kind of vested interest in the outcome;
- b. Whether the firm is seeking a contract, or one has already been awarded;

- c. Whether the visit is genuinely instructive or constitutes more of a social function;
- d. The scale and location of hospitality, and whether it falls within working hours;
- e. The frequency of the hospitality.

29. Offers to attend social or sporting functions by organisations which have a relationship with the Council should only be accepted when these are part of the life of the community e.g. local football club or theatre group or where the authority should be seen to be represented. This does not preclude an employee attending a social or sporting function in a purely personal capacity.

30. If there is any doubt about whether an invitation should be accepted it may be preferable to entertain prospective contractors on the authority's premises. The level of hospitality offered will obviously vary according to the circumstances of each situation, but in all cases, employees should be able to justify the arrangements they have made in the interest of the Authority as a whole. All hospitality should be properly authorised and recorded in a register held by the Director. (In the case of a Director this will be recorded in a register held by the Chief Executive).

SPONSORSHIP - GIVING AND RECEIVING

31. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

32. Where the authority 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 authority through partnership, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

EQUIPMENT AND MATERIALS

33. Employees should not use the Council's telephone for private calls unless they use the facility to have the telephone calls recharged. Employees should not use the Council's photocopying facilities for private purposes unless there is an arrangement at their workplace for such facilities to be paid for. No other facilities or equipment provided by the Council may be used for private purposes.

34. Council provided vehicles may only be used for authorised purposes as defined by the Borough Council for lease cars as set out in the terms and conditions of use. If there is any doubt about whether a particular use is authorised, advice should be sought beforehand from the Director. The Council's insurance policy would not apply to an unauthorised journey and the employee driving the vehicle would be liable for any loss if an accident should occur. They may also be guilty of driving a motor vehicle without insurance.

OUTSIDE EMPLOYMENT AND ACTIVITIES

35. Employees' off duty hours are their personal concern but they should not subordinate their duties to their private interest or put themselves in a position where their duties and their private interests conflict. Employees should not undertake outside work if their official duties overlap in a way which would cause a conflict of interest or if the outside work is likely to affect adversely the performance of the employees contract with the Borough Council. No outside

work of any sort should be undertaken on Borough Council premises. Correspondence and incoming phone calls related to outside work are not permissible. Employees may not engage in any other business or take up any other additional employment without the express consent in writing of their Director or as specified in their letter of appointment.

36. Employees acting in their professional capacity may publish books and articles, give lectures or speak on radio and television and may illustrate these by reference to the Council's activities or policies. They should however, consult their Director before doing so and should make it clear that the views they express are their own and not those of the Borough Council.

37. In the process of their employment an employee may develop a process/practice/system/computer programme etc which has a commercial value. The ownership or copyright of this property lies with the Council who alone has the right to decide on its disposal.

BREACH

38. Breaches of the terms of the Code of Conduct will be dealt with under the Council's Disciplinary Procedure.