

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

10 May 2010

Officer Code of Conduct

1.0 PURPOSE OF THE REPORT

- 1.1 To seek Members' direction in relation to the revision of the Officer Code of Conduct.

2.0 BACKGROUND

- 2.1 Members will recall that in 2007, the Committee instigated a comprehensive review of the Officer Code of Conduct, or Standards of Conduct Procedure document which was originally drafted in 1998. The original Standards of Conduct Procedure is attached at Appendix 1.
- 2.2 It was considered by Members that given that a new Member Code of Conduct had been issued in 2006, work should be undertaken to assimilate the Officer Code, so far as was appropriate, to the Member Code. Work was subsequently undertaken and the draft at Appendix 2 was agreed by the Committee in October 2007 for further consultation as appropriate throughout the authority.
- 2.3 However, before the consultation process was completed in December 2008 a consultation paper was issued by Government regarding new Codes of Conduct for local authority Members and employees. The consultation paper sought views on the introduction of a new code for employees. The approach proposed by the consultation paper differed from the Council's draft proposals, and accordingly the matter was held in abeyance pending clarification as to whether a model Employee Code of Conduct would be issued. Whilst from time to time since then indications have been given that a model might be forthcoming, there has as of yet been no definite information in this respect.

3.0 CURRENT POSITION

- 3.1 Because of the sequence of events, the Council currently operates the Standards of Conduct Procedure as the Officer Code of Conduct. The Monitoring Officer is concerned to avoid introducing a further revised local code with the measures which need to be taken to embed it by means of training and awareness raising, if there is a prospect in the near future of a new model code being issued by Government, particularly as the two proposals are quite different. This could lead to confusion.
- 3.2 However, the 1998 Standards of Conduct Procedure needs to be refreshed and a potential way forward is simply to review that document in its current form to make sure that it is fit for purpose whilst not introducing the significant changes suggested in 2007.
- 3.3 Members should be aware however that the registration of interests has been rolled out across the authority at Band 12 and above, and officers are reminded on an annual basis of the need to ensure that it is kept updated. This process is resource intensive, and so at the current time means are being explored to facilitate the updating the Register of Interests electronically.

4.0 RECOMMENDATION

- 4.1 The Committee is asked to consider whether the Standards of Conduct Procedure should be reviewed and updated pending the introduction of a model Code of Conduct.

CAROLE DUNN
Monitoring Officer

Background Documents:

Standards of Conduct
Minutes of the meetings of the Standards Committee

County Hall
Northallerton

27 April 2010

Standards of Conduct Procedure

Status of Policy

Last reviewed in 1998.

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Standards of Conduct Procedure

Introduction

- 1.0 The public is entitled to expect the highest standards of conduct from all employees who work for North Yorkshire County Council. This procedure is aimed at ensuring that employees are aware of the standards of behaviour expected of them by North Yorkshire County Council.
- 1.1 Failure to observe the standard set out in this procedure will be regarded as serious and any breach will render an employee liable to disciplinary action, which may include dismissal.

Standards

- 2.0 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties to provide appropriate advice to councillors and fellow employees, to do so with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 2.1 Officers are reminded of paragraph 2.1 within Part 2 of the National Agreement on Pay and Conditions of Service which is as follows:
“Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained”
- 2.2 It is the duty of each employee to report to the appropriate manager any breach of procedure or concern that the procedure is being breached.
- 2.3 North Yorkshire County Council is not prepared to tolerate malpractice or wrongdoing in the performance of its services. Whenever and wherever such activity is reported, it will be swiftly and thoroughly investigated. It is part of an employees responsibility to report any such malpractice or wrongdoing of which they are aware, or the serious suspicion of it. For this purpose, there is a Whistle-Blowers Policy.

Disclosure of information

- 3.0 This County Council believes that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The County Council itself may decide to be open about other types of information. Employees must ensure that they know what that information is and seek advice and guidance from line managers where this is not clear.

- 3.1 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way, other than in circumstances which have been agreed in accordance with 3.0 of this Code and in the spirit of partnership. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the County Council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required by the law.

Political neutrality

- 4.0 Employees serve the County Council as a whole. It follows they must serve all councillors and not just those of the controlling group (if any), and must ensure that the individual rights of all councillors are respected.
- 4.1 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality.
- 4.2 Within the County Council structure, those employees who provide regular advice to Members of the County Council and make recommendations on policies and strategies are deemed politically restricted.
- 4.3 Employees, whether or not holding politically restricted posts, must follow every lawful expressed policy of the County Council and must not allow their own personal or political opinions to interfere with their work.

Relationships

5.0 **Councillors:**

Employees are responsible to the County Council 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 Council Council'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.

5.1 **The Local Communities and Service Users:**

Employees should always remember their responsibilities to the communities they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within those communities.

5.2 **Contractors:**

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, and in accordance with the County Council's recognised procedures. No special favours must be shown to businesses run by, for example, friends, partners or relatives. No part of the local communities must be discriminated against. It is also recognised that certain internal services of the County Council operate on a trading basis and in these circumstances too the content of this paragraph will apply.

- 5.3 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, must declare that relationship to the appropriate manager.

Appointment and other employment matters

- 6.0 The County Council's Constitution requires any senior officers to disclose to the Director/Chief Officer concerned any relationship known to them to exist between themselves and a candidate for an appointment, where they are aware of that application being made. The officer and the applicant are deemed to be related if they are husband and wife, or if either or them (or the spouse of either of them), is the brother or sister, son or daughter, grandson or grand-daughter, or nephew or niece of the other (or the spouse of the other).
- 6.1 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. 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 with him or her.
- 6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments where they are related to an employee, or have a close personal relationship outside work with him or her.

Outside commitments

- 7.0 All employees, through their Statement of Particulars, have obligations to the County Council and should not take outside employment or engage in activities which conflict with the County Council's interest.
- 7.1 All employees graded above Spinal Column Point 28 are required to obtain consent of the County Council, via the appropriate Director/Chief Officer, to take outside employment.

- 7.2 No outside work of any sort, whether paid or unpaid, should be undertaken at the employee's place of work and the use of facilities (telephone, word processor, photocopier, etc.) is forbidden.
- 7.3 Employees must follow the County Council's rules on ownership of intellectual property or copyright created during their employment. In this respect, all patents, trademarks and other rights in any invention, device or concept (or any novel improvement or modification to an existing invention, device or concept) created or developed by an employee during the period of their employment shall belong to the County Council, subject only to any rights which may be acquired by an employee under the Patents Act, 1977, or any statutory modifications thereof. The County Council shall be the legal and beneficial owner of the copyright in and all other rights to, the results of the development of the application of, all work produced by an employee during their period of employment.
- 7.4 Employees of the County Council, during their period of employment, must not make any approaches to any internal or external organisation which has dealings with the County Council or for which the County Council (or any Business Unit or Section within it) provides a Service, with a view to soliciting and/or undertaking work for such internal or external organisation on a private basis either during their period of employment or thereafter. Nor should such approaches be made on behalf of another person or body.

Personal interests

- 8.0 Employees must declare initially to the Head of Business Unit any financial or non-financial interests that they consider could bring about conflict with the County Council's interests, for example, being involved in an official capacity with an outside organisation. In the case of a Head of Business Unit such a declaration must be made to the Director/Chief Officer.
- 8.1 Employees must declare to the Head of Business Unit any financial interest which could conflict with the County Council's interests, eg work for which a fee is received. In the case of a Head of Business Unit declaration must be made to the Director/Chief Officer.
- 8.2 Employees must declare, initially to the Head of Business Unit, membership of any secret societies. The definition of "secret society" is as follows:

"Any Lodge, Chapter, Society, Trust or regular gathering or meeting which:

- is not open to members of the public who are not members

- includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance.
- Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct.”

In the case of a Head of Business Unit, such a declaration must be made to the Director/Chief Officer.

- 8.3 Where employees have declared an interest in regard to section 8.2 the detail will be kept in a register under the authority of the Chief Executive.

Equality issues

- 9.0 The County Council is an equal opportunities employer and all employees are under an obligation to ensure that its policies relating to equality issues plus those required by law, are complied with.
- 9.1 All members of the local communities, customers and other employees have a right to be treated with fairness and equity.

Separation of roles during tendering

- 10.0 Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the County Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.1 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.2 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.3 Employees must ensure that no special favours are 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

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

Gifts and bequests

- 12.0 The Prevention of Corruption Acts 1889 and 1916 make it an offence for any employee to accept any gift or consideration as an inducement or reward for:
- Doing or refraining from doing anything in their employment capacity;
 - Showing favour or disfavour to any person in their employment capacity.
- 12.1 Any money, gift or consideration received from the person or organisation holding or seeking to obtain a contract with the County Council, will be deemed to have been received corruptly. Section 117 (2) of the Local Government Act 1972 makes it an offence for anyone to accept any fee or reward whatsoever other than their normal remuneration. This is in addition to any disciplinary action which may be taken by the County Council.
- 12.2 All benefits such as accommodation, travel, entertainment, presents, gifts or bequests must be refused. These rules must be strictly observed. Disciplinary action, including the possibility of dismissal, may be taken if this occurs. Those gifts received through the post should be returned to the sender with an appropriately worded letter.
- 12.3 Employees must inform their Line Manager of any receipt or offering of a gift or bequest received in the course of their employment and this information must be recorded by each Line Manager in an appropriate register.
- 12.4 Exceptions to this rule will include diaries, calendars, blotters or other items of low value, perhaps bearing companies' names or an insignia. However, even though such items may be retained, offer and receipt must be notified to and recorded by the employee's Line Manager.
- 12.5 Occasions have arisen when employees who work, for example, in residential homes for the elderly, and Home Carers have been included in the wills of people whom they have looked after. This can reflect the genuine wish of a client to register their thanks to someone who has looked after them. On the other hand, such gestures would be open to misinterpretation and therefore the County Council will not allow such bequests to be retained by employees. Disciplinary action, including the possibility of dismissal, will be taken if this occurs. Any bequest made to employees must be politely refused and returned to the

Executor of the Will making it clear that the County Council rules do not allow acceptance of it by employees.

Use of financial resources

- 13.0 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money for local communities and to avoid legal challenge to the County Council.

Hospitality

- 14.0 Employees must only accept offers of hospitality if there is a genuine need to impart information or represent the County Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community served or where the County Council should be seen to be represented. Such attendance must be properly authorised and recorded by the appropriate Head of Business Unit or Director/Chief Officer in the case of a Head of Business Unit or the Chief Executive in the case of a Director/Chief Officer.
- 14.1 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the County Council.
- 14.2 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the County Council may be taking affecting those providing the hospitality.
- 14.3 Acceptance by employees of hospitality through attendance at relevant conferences and courses or events is acceptable where it is clear that hospitality is corporate rather than personal, where the County Council gives consent in advance and where the County Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc, are required, employees should ensure the County Council meets the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

Sponsorship – giving and receiving

- 15.0 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.

- 15.1 Where the County 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 the appropriate Director/Chief Officer of any such interest. Similarly where the County Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

Complaints about malpractice

- 16.0 The Royal Commission on Standards of Conduct in Public Life, which reported in July 1976, recommended that local authorities should have clear channels for complaints about malpractice within the organisation, whether such complaints were made by members of the public, or by employees of the local authority. Any complaints concerning alleged malpractice should be referred to the appropriate Director/Chief Officer and employees can be assured that they will be investigated with strict impartiality. The Whistle-Blowers Charter has been established for this purpose.

Contact with the press and media

- 17.0 Employees are not permitted to give reports or speak to the press and media, unless this is an aspect which is clearly required within their role, on matters relating to employment within the County Council, County Council business or decisions of the County Council. Employees with this responsibility must guard themselves against declaring a view which is contrary to a position taken by the County Council and which may be deemed to be critical of that decision.
- 17.1 In the event of an industrial dispute involving Trade Union organisations, an elected representative of that Trade Union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that Trade Union organisation to respond, employees acting in a union capacity should exercise great care in presenting the facts of the case.
- 17.2 In all circumstances, employees are under a general duty of care to avoid, wherever practicable, a conflict of interest arising and should not undertake to criticise, damage or act in any way against the best interests of the County Council. Should this occur, then the employee will be subject to disciplinary action in accordance with the agreed procedures.

Talks to outside bodies, radio and television interviews, contributions to publications, etc.

- 18.0 Where an employee is invited to give a talk to an outside body, or participate in a broadcast, or contribute an article to a professional journal, or the like, on a matter related to their employment or on a personal interest which would be relevant to that employment, the following guidelines apply.
- 18.1 Acceptance of such an invitation shall be at the discretion of the Head of Business Unit concerned. In the event of a Head of Business Unit wishing to follow this course of action, it shall be at the discretion of the Director/Chief Officer and of the Chief Executive in the case of a Director/Chief Officer.
- 18.2 Unless an employee is officially representing the County Council, they should make it clear that they are speaking or contributing on a personal basis and that their views do not necessarily represent those of the County Council.
- 18.3 Employees should avoid commenting on matters which could be regarded as contentious or sensitive so far as the County Council is concerned, especially in cases where what is said is being reported.
- 18.4 Provided that an employee gives talks on relatively isolated occasions, they shall, at the discretion of the Director/Chief Officer, be permitted:
- To retain any fee received (on the assumption that any preparatory work will have been undertaken in the employee's own time), and
 - To be absent for the purpose of giving the talk, interview etc, without the necessity of taking annual leave, if the invitation entails being absent during working hours.
- 18.5 When an officer graded over Spinal Column Point 28 wishes to undertake paid lecturing on a regular basis additional to their employment with the County Council, the application must be referred via the Head of Business Unit to the Head of Personnel Services in the normal way.

Smoking

- 19.0 The County council has a policy on smoking at work which is incorporated into employees' contracts of employment. Employees are reminded that if found smoking in contravention of the policy, it will be regarded as a disciplinary offence.

NORTH YORKSHIRE COUNTY COUNCIL

***Draft* CODE OF CONDUCT FOR EMPLOYEES**

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1.0 INTRODUCTION

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for North Yorkshire County Council (the Council).
- 1.2 This Code of Conduct is aimed at ensuring that employees are aware of the standards of behaviour expected of them by the Council. Observance of the Code will help to maintain and improve standards, and protect employees from misunderstanding or criticism. The Code applies to all employees of the Council.
- 1.3 The main principles in the Code reflect those in the draft Model Code of Conduct for Local Authority Employees. The Model Code provisions are highlighted in italics. The Code will be reviewed from time to time as the Model Code develops or is confirmed. The following paragraphs explain the main principles, and how they apply in North Yorkshire.

2.0 WHEN DOES THE CODE APPLY?

- 2.1 The Code applies to all the Council's employees, including part time and agency staff. It applies whenever an employee:
- a) undertakes the business of the Council
 - b) undertakes any role to which s/he has been appointed by the Council, or
 - c) acts as a representative of the Council.
- 2.2 Where an employee represents the Council on another body s/he should comply with the Code unless it conflicts with any lawful obligations of the other body.

3.0 STANDARDS - HONESTY, INTEGRITY, IMPARTIALITY and OBJECTIVITY

- 3.1 *An employee must perform his/her duties with honesty, integrity, impartiality and objectivity.*
- 3.2 Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties to provide advice to the public, councillors and fellow employees, to do so with *impartiality*. They must also be careful to avoid doing anything that compromises the impartiality of others who work for or on behalf of the authority.
- 3.3 Employees serve Council the as a whole. They must therefore serve all councillors equally irrespective of their political affiliations, and must ensure that the individual rights of all councillors are respected.
- 3.4 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality.
- 3.5 Within the Council structure, those employees who provide regular advice to Members of the Council and make recommendations on policies and strategies, are deemed to be politically restricted.

- 3.6 Employees, whether or not holding politically restricted posts, must follow the agreed policies of the Council and must not allow their own personal or political opinions to interfere with their work.
- 3.7 Employees are reminded of paragraph 2.1 within Part 2 of the National Agreement on Pay and Conditions of Service which is as follows:
- “Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained”.

4.0 ACCOUNTABILITY

4.1 *An employee must be accountable to the Council for his/her actions.*

- 4.2 Employees are accountable to the Council for what they do in the course of their employment, and for the manner in which they do it, and should co-operate fully with any scrutiny of their role.
- 4.3 The Council considers all employees should report significant breaches of procedure, and any suspicions of theft, fraud or corruption, or concerns that the Code of Conduct itself is being breached. Employees should, through agreed procedures and without fear of recrimination, bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 4.4 The Council does not tolerate wrongdoing in the performance of its services. When such activity is reported, it will be investigated. Employees should report any wrongdoing of which they are aware, or reasonably suspect. For this purpose, a Whistle-Blowers Policy Statement and Procedure are in place. Wilfully and maliciously reporting matters that are untrue will in itself amount to malpractice.
- 4.5 An employee must not treat another employee less favourably, because s/he has or intends to use or follow any procedure the Council has put in place for reporting misconduct.

5.0 RESPECT FOR OTHERS

- 5.1 *An employee must –*
- a) *treat others with respect*
 - b) *promote equality by not discriminating unlawfully against any person*
 - c) *treat members and co-opted members of the authority professionally*

- 5.2 **Respect:** As part of their role some employees work with or advise councillors. Councillors and employees in their respective roles are both there to carry out the Council'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.
- 5.3 Employees should always remember their responsibilities to the communities they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within those communities.
- 5.4 **Bullying:** In the course of their work, employees must never act towards councillors, other employees, members of the public or others in a manner that might be regarded as bullying, or intimidating. Within the workplace there should be mutual respect and employees' behaviour should be conducive to a productive and harmonious working environment.
- 5.5 **Equalities:** The Council is an equal opportunities employer and all employees should ensure that its policies and standards relating to equality issues and any legal requirements in relation to equalities are complied with. Particularly, employees must do nothing to which may cause the Council to breach any of the requirements of equalities legislation to which the Council is subject. This is set out in Section 33 Equality Act 2006.
- 5.6 All members of the local communities, customers and other employees have a right to be treated with fairness and equity.

6.0 RESPONSIBILITY FOR PUBLIC FUNDS AND PROPERTY

6.1 *An employee must-*

- a) use any public funds entrusted to or handled by him in a responsible and lawful manner; and*
- b) not make personal use of property or facilities of the authority unless properly authorised to do so.*

- 6.2 The Council's time, property and facilities, including the use of plant and machinery, IT, stationery, vehicles and offices may be used only for official Council business.
- 6.3 Public funds are held by the Council on the public's behalf. Councillors and employees must ensure that local communities receive value for money, and that the Council's actions are lawful to avoid unnecessary challenges that can absorb much time and money.

7.0 PERSONAL INTERESTS

7.1 *An employee must not in his/her official or personal capacity –*

- a) *allow his/her personal interests to conflict with the authority's requirements*
- b) *use his/her position improperly to confer and advantage or disadvantage on anyone*

7.2 **Conflict of Interests:** Employees may, from time to time, find that there is a conflict of interests between their official duties and their private interests, or the interests of their family or friends. However, in their official capacity, employees must act, and be seen to act, in the public interest. Failure to recognise a conflict of interests can give the impression that the authority or the officer are not acting in the public interest but serving other interests. Having outside commitments can sometimes give rise to conflicts of interest, and so the following paragraphs apply particularly to that situation. Conflicts and interests can also arise in the context of handling contracts, and dealing with employment matters. These situations are also dealt with below at paragraphs 8.0, 9.0 and 10.0.

7.3 More detailed guidance on interests and conflicts is also attached at Appendix A

8.0 OUTSIDE COMMITMENTS

8.1 Employees have contractual obligations to the Council and should not take outside employment or engage in activities which conflict with the Council's interests.

8.2 Specifically, employees graded above Spinal Column Point 28 need the consent of the Council, via the appropriate Director/Chief Officer, to take outside employment.

8.3 Outside work should not be conducted at the employee's place of work or with the use of Council facilities.

8.4 The Council will have intellectual property rights in, and will therefore own work, including writing, inventions and drawings created during the course of an employee's work, or as a result of the employees obligations to the Council. The Council shall be the owner of the copyright in and all other rights to, the results of the development of the application of, all work produced by an employee during their period of employment.

8.5 Employees of the Council must not make approaches to any external organisation which has dealings with the Council or for which the Council provides a Service, with a view to soliciting or undertaking work for the organisation on a private basis during their period of employment or after. Nor should approaches be made on behalf of another person or body.

9.0 DEALING WITH CONTRACTS AND TENDERING

9.1 The Council has Contract Procedure Rules and these must be followed when dealing with a contract.

- 9.2 Employees with a relationship of a business or private nature with external contractors, or potential contractors, must make the fact known to the appropriate senior manager. Orders and contracts should be awarded on merit, and in accordance with the Council's recognised procedures. No special favours should be shown to businesses run by close personal associates for example, friends, social or business partners or relatives. Nor should there be any discrimination in the award of contracts. Employees should not participate in, or seek to influence, orders and contracts where they have a business or private relationship with an external contractor.
- 9.4 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, must declare that relationship to the appropriate manager.
- 9.5 The separation of client and contractor roles for employees engaged in tendering helps to maintain the integrity of the processes. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.6 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 9.7 Employees who have access to confidential information on tenders or costs for internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.8 Employees must ensure that no special favours are 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.

10.0 APPOINTMENT OF STAFF AND EMPLOYMENT MATTERS

10.1 An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay, or conditions of another employee, or prospective employee who is a member of their family or close associate. This includes a partner (someone s/he is married to, a civil partner, or someone s/he lives with in a similar capacity), a parent, a parent in law, a son or daughter, a step son or step daughter, the child of a partner, a brother or sister, a brother or sister of a partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and partners of any of these people.

- 10.2 Employees should disclose to the relevant Director/Chief Officer any such relationship that exists between themselves and a candidate for an appointment, and where they are aware of that application being made.
- 10.3 Employees involved in appointments must ensure that they are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they have a relationship or association as described in 10.1 above.

10.4 Similarly, employees should not be involved in decisions relating to disciplinary matters, promotion or pay adjustments where they have a relationship or association as described in Paragraph 10.1.

11.0 REGISTRATION OF INTERESTS

11.1 *An employee must comply with any requirements of the authority:*

a) to register or declare interests; and

b) to declare hospitality, benefits or gifts received as a consequence of his/her employment

11.2 **Registering Interests:** There is nothing wrong in having private interests, and the Council encourages employees to engage in their community. However, in their work employees have always to act in the Council's best interests, and where an employee's private interests can be affected by a decision or action at work, there is a potential conflict. To help avoid that arising, employees graded at Grade Band 12 and above are required to provide a record of their interests which will be recorded in a register to be kept by the Monitoring Officer (Assistant Chief Executive (Legal and Democratic Services)). This will be held on behalf of the Council as part of the personal information held about you. Interests include:

a) your job or business

b) the employment or business of a member of your family or close associate

b) any appointments or positions you hold

c) ownership of or interests in your house or land

d) contracts with the authority in which you, your family or close associates may be interested or stand to benefit

e) membership of clubs and other organisations

11.3 Employees must advise the Monitoring Officer of any change to their interests within 28 days of becoming aware of such a change.

11.4 Where you find that a conflict of interest has arisen between a private interest and a decision which you are asked to take in the course of your job, you must notify the officers set out below in writing as soon as possible, so that where appropriate the decision can be taken by another officer.

11.5 At any time you may ask via your line manager to see your declarations of interest, and correct or update these declarations.

11.6 **Access to the Register:** The Register of Interests is open to inspection at any time by your line manager, and Director, the Chief Executive, the Monitoring Officer, the Chief

Finance Officer, the Chief Internal Auditor and the Assistant Chief Executive (Human Resources).

- 11.7 The Register of Interests is also open to inspection by the authority's auditor, and the Local Government Ombudsman.
- 11.8 Apart from the above, declarations of interest made on your behalf can only be inspected with your prior consent or under any statutory right of access. It is not open for public inspection.
- 11.9 **Gifts:** It can be a serious criminal offence for local government employees to accept any fee, reward or gift, other than their proper remuneration, for doing their job (Section 117 Local Government Act 1972). The Prevention of Corruption Acts 1889 and 1916 make it an offence for any employee to accept any gift or consideration as an inducement or reward for:
 - (a) Doing or refraining from doing anything in their employment capacity
 - (b) Showing favour or disfavour to any person in their employment capacity.
- 11.10 Cash and gifts offered to employees must be refused. Benefits such as accommodation, travel, entertainment, or bequests must also be refused. These rules must be strictly observed. Disciplinary action, including the possibility of dismissal, may be taken if this occurs.
- 11.11 Those gifts received through the post should be returned to the sender with an appropriately worded letter.
- 11.12 Employees must inform their line manager of any receipt or offering of a gift or bequest received in the course of their employment and this information must be recorded in register.
- 11.13 Exceptions to this rule will include diaries, calendars, blotters or other items of low value, perhaps bearing companies' names or an insignia. However, even though such items may be retained, the offer and receipt must be recorded by the employee's line manager.
- 11.14 Occasions have arisen when employees who work, for example, in residential homes for the elderly, and Home Carers have been included in the wills of people whom they have looked after. This can reflect the genuine wish of a client to register their thanks to someone who has looked after them on the other hand, such gestures would be open to misinterpretation. The Council will not allow such bequests to be retained by employees. Disciplinary action, including the possibility of dismissal, will be taken if this occurs. Any bequest made to employees must be politely refused and returned to the Executor of the Will making it clear that the Council rules do not allow acceptance of it by employees.
- 11.15 **Hospitality:** Employees should treat offers of hospitality with caution, and only accept if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community served or where the Council should be seen to be represented.

- 11.16 Acceptance of hospitality must be properly authorised and recorded by the appropriate Head of Business Unit or Director/Chief Officer. It must be recorded in the Register of Gifts and Hospitality.
- 11.17 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 11.18 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 11.19 Acceptance by employees of hospitality through attendance at relevant conferences and courses or events is acceptable where it is clear the hospitality is corporate rather than personal, and where it is approved in advance. Where visits to inspect equipment, etc, are required, employees should ensure the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent contract decisions.
- 11.20 **Sponsorship:** Where an external organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 11.21 Where the Council wishes to sponsor an event or service neither an employee nor any member of his/her family or close associate must benefit from such sponsorship without there being full disclosure to the appropriate Director/Chief Officer of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

12.0 OPENNESS AND DISCLOSURE OF INFORMATION

12.1 *An employee must –*

- a) *not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and*
- b) *not prevent another person from gaining access to information to which that person is entitled by law*

12.2 **Access to Information:** The Council believes that open government is best. Legally, certain types of information must be available to members, auditors, government departments, service users and the public. Employees should seek advice from their managers or the Monitoring Officer if they are unsure whether they should disclose requested information. The Council itself may decide to be open about other types of information. Employees must ensure that they know what that information is and seek advice and guidance from line managers where this is not clear.

12.3 **Confidential Information:** This will include (not exclusively) –

- a) personal data about an individual, including a fellow employee or a councillor
- b) commercially sensitive matters, for example information contained in tenders
- c) confidential proceedings in the Council, the Executive or a committee and related papers
- d) information that is subject to the data protection rules

12.4 Employees must not use information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way.

13.0 REPUTATION

13.1 Employees should not conduct themselves in such a manner that could bring the authority into disrepute.

13.2 Employees and councillors both have responsibility for ensuring and promoting the good reputation of the Council, in the course of undertaking their work, and in terms of their behaviour. Actions that bring the Council into disrepute undermine public confidence in the authority and damage its reputation.

14.0 TRUST AND FIDELITY

14.1 *An employee must at all times act in accordance with the trust that the public is entitled to place in him/her.*

14.2 All employees have a general duty to obey lawful and reasonable instructions, to serve the Council, as their employer, personally and faithfully, to exercise reasonable care and skill in carrying out their work, to abide by the law and not to disclose confidential information after the employment ends.

APPENDIX 1

INTERESTS

1. Employees of local authorities may, from time to time, find that there is a conflict of interest between their official duties and their private interests, or the interests of their family or close associates. Employees serve the whole authority and must act, and be seen to act, in the public interest. Failure to recognise a conflict of interests can give the impression that the authority or the officer are not acting in the public interest but serving particular individuals or sectors of the community. It can also lead to disciplinary action, or even to a criminal prosecution and a fine of up to £2,500. It is therefore important that all employees of the authority operate according to a clear and consistent set of rules, for their own protection and for the protection of the authority.
2. This section sets out:
 - (a) what constitutes a conflict of interests
 - (b) when they must withdraw from participating in a matter because of such a conflict of interests
 - (c) a procedure to deal with instances where an officer wishes to take on a new private interest which might conflict with the interests of the authority or the performance of their post
 - (e) a procedure to deal with instances where the officer's private interests are such that they are unable to perform the duties of their post.
3. **What is a Conflict of Interests?**
 - 3.1 As an officer, you will have private interests. These may be interests of a financial nature, such as ownership of a house or shares in a company, your spouse or partner's employment, or a friend's position as an employee of a firm which is tendering to provide architectural or building services to the authority, where you, your family or friends stand to gain or lose financially if that interest is affected by a decision of the authority. It may be a non-financial interest, such as membership of a recreational club, your children's attendance at a particular school or membership of a sports association such as the Lawn Tennis Association or a campaigning organisation such as the Ramblers' Association. In such cases you, your family or friends may not stand to gain or lose financially, but their interests or well-being can be affected by such a decision. There is nothing wrong with you having such private interests, and the authority encourages its employees to engage in the community in which they live.
 - 3.2 When you act as an officer of the authority, you have to serve the whole authority and take decisions on the merits in each individual case. Where your private interests might be advantaged or disadvantaged by a decision or action which you take in the course of your job, there is a conflict of interests. You may be clear that you would not allow such private considerations to affect your performance of your duties as an officer, but the public perception of impartiality is just as important. So, whenever you have such a conflict of interests, you must act in accordance with this Code of Conduct.

4.0 **Register of Interests**

- 4.1 On appointment if your post is PO6 or above or you hold a relevant post, you are required to complete a registration of interests form, setting out your interests, which will then be held by the Monitoring Officer (Head of Legal Services) as part of the personal information held about you.
- 4.2. You must advise the Monitoring Officer of any change in any such interest within 28 days of becoming aware of such a change.
- 4.3 Wherever you find that a conflict of interest has arisen between a private interest and a decision which you may be asked to take in the course of your job, you must notify the Appropriate Officer set out at paragraph 9.0 below in writing as soon as possible, and, where appropriate, request that the relevant decision be taken by another officer. The duty specifically to notify the Appropriate Officer of the conflict arises even where you have previously declared the private interest, for example where you have previously declared your ownership of your home, but now a waste planning application has been received which could adversely affect your property and in your job you would be required to provide technical advice in relation to the planning application.
- 4.4 Annually you will be sent a copy of the interests you have included on your form and you will be asked to confirm that they are correct and up-to-date.

5.0. **Inspection of the Register**

- 5.1 At any time you may ask your line manager to see your declarations of interest, and correct or update these declarations.
- 5.2. The Register of Interests is open to inspection at any time by your line manager, the Chief Executive, the Monitoring Officer, the Chief Finance Officer, the Chief Internal Auditor and the Assistant Chief Executive (Human Resources). (Staff in Chief Executive's Group will have responsibility for entering the data onto the authority's Register, and for supervising access to the data. Any non-permitted disclosure of the data is a breach of an employee's conditions of employment.
- 5.3 The Register of interests is also open to inspection by the authority's auditor, and the Ombudsman.
- 5.4 Apart from the above persons, declarations of interest made on your behalf can only be inspected with your prior consent or under any statutory right of access. It is not open for public inspection.

6.0 **Taking on Additional Private Interests**

- 6.1 Whilst the authority encourages its employees to engage with the community which the authority serves, you should not take on any new interests which are likely to:
 - (a) give rise to conflicts which mean that you would be prevented by conflicts of interest from taking a particular decision or action;
 - (b) place such demands on your time or energies that you are unable to undertake your job satisfactorily;

(c) reflect adversely upon the authority.

6.2 If you wish to take on any personal interest which is likely to:

(a) conflict with the discharge of your responsibilities as an officer of the authority

(b) require you to take time off work or change your working hours

(c) place demands on your time or energies such that you are unable to undertake your job satisfactorily

(d) result in your being conflicted out from taking a particular decision or action as part of your job

(e) be incompatible with the objectives or obligations of the authority;

or

(f) which is only available to you by reason of skills or knowledge which you have acquired as a result of your employment with the authority

you must first obtain the written consent of the Appropriate Officer.

6.3 Where the personal interest is closely associated with your job with the authority and you would receive any reward or remuneration for undertaking that interest, the Appropriate Officer may make such consent conditional upon your paying all or some of that reward or remuneration to the authority.

6.4 Taking on a personal interest as set out in paragraph 6(b) above without the prior consent of the appropriate officer can result in disciplinary action being taken against you by the authority.

7.0 Dealing with Conflicts of Interest

Where a conflict of interests arises, the authority can deal with it in a number of different ways.

7.1 **Insubstantial conflicts:** The conflict may be so insubstantial that the authority is content simply to note the conflict, but for you to continue to perform your normal duties despite that conflict. Indeed, in some cases your private interest may be of positive assistance in the performance of your job, such as membership of a professional association.

7.2 **Discrete conflicts:** In some cases the authority may take the view that the conflict would preclude you from undertaking a particular discrete task, but would not be incompatible with the general performance of your job. Thus, where your job includes the technical assessment of planning applications and a new application has been received which adversely affects your home, the authority may decide that you should not take any part in the assessment of that particular application, but apart from this one discrete matter, you may continue with the performance of the rest of your job. In such cases, the authority may instruct you to have no part in that particular application, and

arrange for another officer, or an outside consultant, to perform what would otherwise be your job in relation to that particular application

7.3 **Incompatible conflicts:** In other cases, it is possible that the nature of the conflict of interests is such that you cannot reasonably continue to perform any or a substantial part of the duties of your job. In such cases, the authority will have to consider whether it is reasonable to pursue one of the following courses of action:

- a) **Provision of temporary assistance:** Where the conflict is of limited duration and is simply one of time, for example where you wish to take on the presidency of a professional association for a year or take time off to secure further education or qualification, the authority may be prepared to offer you flexibility in working hours, a reduction to part-time working or leave of absence, and may employ temporary staff or re-arrange the duties of other employees in order to ensure that your workload is covered in your absence. The authority will consider the potential benefits to the authority from your private interest in deciding whether it would be appropriate to pay your salary pro rata to your reduced working hours or to approve paid or unpaid leave of absence.
- b) **Re-arrangement of duties:** In particular cases, where the conflict means that you cannot perform all or any part of the duties of your job, the authority may seek to re-arrange your duties and those of other employees, so that you can continue to perform your job, or an equivalent job, but in a manner which avoids the conflict. An example would be arranging for an Area Housing Officer to manage the housing in another part of the authority's area, so that he/she did not have to manage any properties which were occupied by near relatives.
- c) **Redeployment:** Where it is not possible to rearrange duties, the authority may be able to offer you alternative employment in a capacity which does not give rise to such conflicts. This may require you to undertake re-training to enable you to undertake the duties of the new post.
- d) **Termination of employment:** In some cases the nature of the private interest may be incompatible with continued employment in your present capacity and the authority may not be able to rearrange duties or a re-deployment, or the private interest may simply be incompatible with any employment with the authority. In such cases, the authority will inform you and you will need to decide whether or not you can continue with your employment.

If you undertake the duties without consent you may be subject to disciplinary proceedings, which could lead to the termination of your employment.

It is not possible to provide a complete list of the circumstances in which this might arise, but the following are examples of incompatible private interests which might justify termination of employment:

- membership of an organisation whose objects or activities conflicted with the authority's commitment and statutory duties to promote good relations between different racial groups, or to protect children and vulnerable citizens

- seeking or acceptance of employment with an organisation which acts in competition with the Council's own operations, for example where an employee whose job was as Commercial Manager of one of the authority's trading organisations accepted a post with a contractor in the same field of activity
- seeking or acceptance of employment with an organisation which is seeking a contract with the authority, for example where an employee whose job comprised the procurement of IT accepted a post with a computer software provider which was currently tendering for a substantial software contract
- standing as a political party's candidate for election to public office, whether with this authority or elsewhere, where you are the holder of a politically-restricted office with the authority

8.0 **Consequences of failure to declare an interest**

- 8.1 The form for declarations of interests sets out clearly the descriptions of interests which you are required to declare. Deliberate failure to declare a relevant interest, or to notify changes to an interest is a breach of trust with the authority as your employer and can lead to disciplinary action.
- 8.2 Failure to declare an interest in a contract which has been, or is proposed to be, entered into by the authority as soon as practicable after becoming aware of the interest is a criminal offence which can lead to a fine of up to £2,500. This does not apply to contracts between you and the authority, such as your contract of employment, the purchase of tickets at events or venues operated by the authority, or your purchase of goods or services from the authority. However, it does apply not just to contracts entered into directly between yourself and the authority, but also to contracts between members of your family and close associates and the authority (if you are aware of them).

9.0 **The Appropriate Officer**

- 9.1 The Appropriate Officer to be notified of interests and conflicts is as follows:
- for the Chief Executive, the Monitoring Officer or, in his/her absence, the Assistant Chief executive (Human resources)
 - for Directors, the Chief Executive or the Monitoring Officer
 - for Business Unit Heads (other than the Monitoring Officer), their Corporate Director or, in his/her absence, the Monitoring Officer
 - for the Monitoring Officer, the Chief Executive or the Assistant Chief Executive (Human Resources).

All other employees should notify their Business Unit Head.