

Part 5(c) – Employee Code of Conduct

1. Introduction

- 1.1** The public is entitled to expect the highest standards of conduct from all employees who work for local government. The Local Government Management Board has prepared a code of conduct, in consultation with a range of organisations, which has been approved by the local authority associations in England & Wales. It has been modified slightly to suit local circumstances in consultation with the trade unions recognised by the Council for collective bargaining purposes. The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism in a new and more commercially orientated environment. This includes the introduction and extension of compulsory competitive tendering (CCT), market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

N.B If there is any part of the code that you do not understand please contact your Manager or the HR Division to seek guidance.

2. Who the Code is aimed at

- 2.1** Inevitably some of the issues covered by the code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover **all** employees under a contract of employment with the council, including office holders such as registrars. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this code.

Standards

- 2.1.1** Employees of the Council 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 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. Employees must report to the appropriate manager any impropriety or breach of procedure.

Disclosure of Information

- 2.1.2** It is generally accepted that open government is best. The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of which information the Authority is open about, and act accordingly.
- 2.1.3** Employee should 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. 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.
- 2.1.4** If you are in any doubt as to what information you can or cannot pass on please seek guidance from an appropriate officer / manager.

3. Political Neutrality

- 3.1** Employees serve the authority as a whole. It follows they must service and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 3.2** Employees who are required to advise political groups must maintain political neutrality.
- 3.3** Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4** Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3 of this code.

4. Relationships

Councillors

- 4.1** 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 during working hours can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

The Local Community and Service Users

- 4.2** Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

5. Appointment and other Employment Matters

- 5.1** Employees involved in recruitment must ensure that appointments are made on the basis of merit. It is unlawful for an employee to make an appointment which is 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 the applicant.
- 5.2** In accordance with the Officer Employment Procedure Rules in **Part 4(h)** of the Constitution, candidates for any appointment under the Council shall, when making application, disclose in writing whether to their knowledge they are related to any member of, or the holder of any office under, the Council. A candidate who fails to do so shall be disqualified from such appointment and if appointed shall be liable to dismissal without notice.
- 5.3** The Chief Executive & Town Clerk must be informed, in writing of any relationships existing between working colleagues.
- 5.4** Similarly, employees should not be involved in decisions relating to discipline, or promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. Outside Commitments

- 6.1** Off duty hours are an employees personal concern. However, employees are required to ensure that there is no conflict of interest with their Council representatives. The Authority will not attempt to preclude employees from undertaking additional employment but any such employment must not, in the view of the Authority conflict with, or react detrimentally to the Authority's business.

Officers above SCP 28 or equivalent shall devote their whole-time service to the work of the council and shall not engage in any other paid business or take up any other additional appointment without the express written consent of the Council.

Employees must not carry out any work for another employee unless it is totally unrelated to their role within the Authority.

Employees should follow the Authority's rules on the ownership of intellectual Property or copyright created during their employment that may from time to time be stated. Intellectual property is a general term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule they belong to the employer (i.e. the Council). However, various acts of parliament cover different types of intellectual property and each situation would be considered on its merits.

7. Personal Interests

Employees must declare to their Chief Officer any financial or non financial interest that they consider could bring about conflict with the Authority's interests. In accordance with Council Standing Order 21 (in **Part 4(a)**), the Chief Executive & Town Clerk maintains a register of the particulars of any notice given by an officer under section 117 of the Local Government Act 1972, of a pecuniary interest in a contract. This book shall be open during office hours, to the inspection of any Member of the Council.

In the interest of encouraging open and transparent decision making, a voluntary register is maintained in the Personnel Division, in which employees of the Authority can record whether they hold membership of any organisation. The register is available for inspection by Elected Members, but not the general public. Whilst employees are encouraged to record any such membership, there is no obligation to do so, nor is there any sanction for failing to do so. No individual applying to the Authority for any job will be asked to make such a declaration.

If it comes to the knowledge of any employee, that the Authority:

- (a) has entered into, or proposes to enter into, any contract in which the employee has any pecuniary interest, whether directly or indirectly; or
- (b) is considering making a subscription, contribution or a concession to any club, society or other organisation of which the employee is a member,

then, the employee shall immediately notify his or her Chief Officer in writing.

8. Equality Issues

- 8.1** All employees should ensure that the Council's policy relating to equality issues are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. Separation of roles during Tendering

Contractors

- 9.1** 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, and no special favour should be shown to businesses run, by, for example, friends, partners or relatives, in the tendering process. No part of the local community should be discriminated against.

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 domestic capacity with contractors, should declare that relationship to the appropriate manager.

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 who have both a client and contractor responsibility must be aware of the need for accountability and openness.

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

- 9.2** Employees who are privy to confidential information on tender or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.3** Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.
- 9.4** 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.

10. Use of Financial Resources

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

11. Hospitality

- 11.1** Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority 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 or where the Authority should be seen to be represented. They should be properly authorised by the departmental Chief Officer and recorded in a register maintained within each department.
- 11.2** When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 11.3** Employees should not accept personal gifts from contractors and outside suppliers, except items of token value such as pens, diaries, etc. The receipt of offer of gifts other than those of de minimis value must be reported to the departmental Chief Officer. Details of the gift and the proposed method of disposal should be entered into a register maintained within each department. Such registers shall be inspected quarterly by a senior officer, nominated by the Chief Officer within the department.
- 11.4** Employees may accept offers of hospitality through attendance at relevant conferences and courses, provided it is clear that the event is corporate rather than personal. The Authority must give prior authorisation for the employee to attend the event and be satisfied that any purchasing decisions are not compromised.

- 11.5 Where visits to inspect equipment, etc, are required, the Authority will meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 11.6 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

12. Sponsorship – Giving and Receiving

- 12.1 When 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.
- 12.2 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 full disclosure to their Chief Officer of any such interest. Similarly, where the authority through sponsorship, 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.

13. Use of the Council's Facilities

- 13.1 No employee of the Council shall be permitted to obtain materials from or to have work executed or services made available by any department or employee of the council in the Council's time except:
- (a) to the extent that the facilities in question are available to the general public on the same terms;
 - (b) in those cases where the Council is under a contractual obligation to provide such facility;
 - (c) in those cases that are covered by statutory authority and adopted by the Council.

14. Patents

- 14.1 Any employee of the Council wishing to take out a patent for an invention which is, or would be, in any way related to the benefit of the Council's operations shall, after obtaining provisional protection, obtain the permission of the Council via the departmental Chief Officer before taking any further steps.
- 14.2 The request for permission, together with a copy of the specification, shall be sent to the Chief Officer of the applicant's department who shall forward them, together with a report as to the merits of the invention, to the Chief Executive & Town Clerk. The matter shall then be dealt with by the Cabinet according to the circumstances of the case. Unless the Cabin is satisfied that the invention is in no way connected with the official work performed by the employee concerned, permission to proceed with the application for a patent shall be subject to equitable conditions as may be imposed by the Council. Such conditions will be regarded to (a) the use of the invention by the Council (b) the share of any royalties to be received by the Council in the event of its commercial exploitation or the outright sale of the patent.

15. Corrupt Practices

- 15.1 Employees must be aware that it is a serious criminal offence for them 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.

- 15.2** The falsification of any time sheet, prime cost document or account, will be regarded as sufficiently serious to warrant dismissal of the person or persons responsible. Furthermore, erasures should not be made on any time sheet or other document. Where it is necessary to make a correction the original entry should be struck through and the alteration initialled by the employee making it.
- 15.3** If you become aware of any circumstances which suggest the possibility that:
- (a) some financial irregularity may have occurred;
 - (b) the provision of any statute or regulation has been contravened,
- 15.4** You should report the matter to your section head or your Chief Officer, who will in turn, promptly report the matter to the Chief Finance Officer under Financial Procedure Rule 2.13(i) in **Part 4(f)**.

16. Breaches of the Code of Conduct

- 16.1** Breaches of the Councils Code of Conduct will be dealt with under the Council's disciplinary code. Similarly, if an employee has a grievance relating to any of the issues stated, or other matters not specifically stated, there may be the right to raise it under the Council's grievance procedure. If in any doubt, the employee should seek the advice of his / her manager and / or Personnel Division.