

B. Officers' Code of Conduct

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1. Standards

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 with impartiality. All employees are expected to uphold the seven principles of public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Full details are appended to the Members' Code of Conduct in Part 5 of the Constitution. 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 should report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information shall be available to members, 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 their authority is, and is not, open about, and act accordingly.
- 2.2 Employees shall not use any information obtained in the course of their employment for personal gain or benefit, nor shall 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 shall not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

- 3.1 Employees serve the Authority as a whole. It follows they shall serve all councillors and not just those of the controlling group and shall ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They shall do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, shall follow every lawful expressed policy of the Authority and shall 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.

4. Relationships

4.1 Councillors

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. Employees should also refer to the Protocol on Member / Officer Relations in Part 5 of this Constitution.

4.2 The Local Community and Service Users

Employees shall 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.

4.3 Contractors

- (a) All relationships of a business or private nature with external contractors, or potential contractors, shall be made known to the appropriate manager. Orders and contracts shall 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 shall be discriminated against.
- (b) 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 shall declare that relationship to the appropriate manager.

5. Appointment and other Employment Matters

- 5.1 Employees involved in appointments shall 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 the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees shall not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them.
- 5.2 Similarly, employees shall not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and shall not take outside employment which conflicts with the Authority's interests.
- 6.2 Employees shall follow their Authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Officers' Interests in Contracts, Decisions, etc.

- 7.1 There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties. Employees shall declare to an appropriate manager any financial or non-financial interests which could conflict with the Authority's interests and shall register those interests on a database maintained by the Council's Monitoring Officer. The register is checked monthly and a reminder sent to all staff to consider the issue.
- 7.2 The most important thing is that officers behave with integrity. To achieve this, conflicts of interest shall be avoided and the Council shall stop them arising.

8. Pecuniary Interests

- 8.1 Section 117 of the Local Government Act 1972 requires officers to give the Council written notice of any contract or proposed contract in which the officer has any pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Also, an officer of a local authority shall not, by virtue of their office or employment, accept any fee or reward whatsoever other than their proper remuneration. Any person who contravenes the provisions above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- 8.2 If you are in any doubt you should seek advice from the Monitoring Officer, who shall maintain a record of all declarations under s117. The Register of Declarations under s117 may be inspected by councillors and Chief Officers only.

9. Non-Pecuniary Interests

- 9.1 There is no legislation governing non-pecuniary interests. It is impossible to list everything that constitutes a non-pecuniary interest. The Authority expects officers to be sensitive to the possibility of them arising. Any decision taken by an officer who has a non-pecuniary interest in the outcome could be quashed by a court, and disciplinary action could follow.
- 9.2 You must never allow a situation to appear as though you are using your position to promote any interest other than the public interest.
- 9.3 This includes your own interests, those of your family and friends, those of another employer, those of another association or organisation (including a Trade Union) and those of your fellow employees.
- 9.4 If such an interest arises you shall declare it at once to your Line Manager, who will advise you and record the interest in a register kept for the purpose by the Monitoring Officer.
- 9.5 There are limitless numbers of ways in which such an interest can arise. The question to ask yourself is:
If a reasonable person knew that I was involved in making this decision and had this interest in its outcome then would they think that any decision made would be at risk of being biased? (e.g. You should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence).
- 9.6 Employees shall also declare to an appropriate manager, membership of any organisation which is not open to the public without formal

membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

- 9.7 Guidance is available from the Monitoring Officer. Again, you are urged to err on the side of caution in this matter.

10. Equality Issues

All local government employees shall ensure that policies relating to equality issues as agreed by the Authority 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.

11. Separation of Roles During Tendering

- 11.1 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 shall be aware of the need for accountability and openness.
- 11.2 Employees in contractor or client units shall exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors shall not disclose that information to any unauthorised party or organisation.
- 11.4 Employees contemplating a management buyout shall, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 11.5 Employees shall 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.

12. The Bribery Act 2010

- 12.1 The Bribery Act 2010 replaces the offences at common law and the Prevention of Corruption Acts with two general offences and prohibits

the offering, giving, soliciting and acceptance of money or other advantage in order to induce or reward the improper performance of public and other functions.

- 12.2 The first offence covers the offering, promising or giving of an advantage (broadly, offences of bribing another person).
- 12.3 The second deals with the requesting, agreeing to receive or accepting of an advantage (broadly, offences of being bribed).
- 12.4 If the matter is dealt with in the Magistrates' Court and a person is found guilty of an offence under the Act, they are liable to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both
- 12.5 If the matter is so serious that it can only be tried before a jury and a person is found guilty of an offence under the Act, they are liable to imprisonment for a term not exceeding ten years, or to a fine, or to both.

13. Use of Financial Resources

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

14. Hospitality [See Gifts, Hospitality and Sponsorship Policy for Officers]

Employees shall comply with the Gifts, Hospitality and Sponsorship Policy which is contained in the Ethical Handbook.