

## **G Officers' Code of Conduct<sup>1</sup>**

### **1. Standards**

- 1.1 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 this code.](#) 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.

### **2. Disclosure of Information**

- 2.1 It is generally accepted 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 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 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.

### **3. Political Neutrality**

- 3.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must 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 must do so in ways which do not compromise their 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.

### **4. Relationships**

#### **4.1 Councillors<sup>2</sup>**

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.

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1 Code of Conduct: agreed by Finance, Resources and Staffing Committee, 13.9.94; revised by Council on 22 September 2011. This will be amended in the light of any employee provisions in the proposed new National Code.

2 Also see Protocol on Member / Officer Relations

## **4.2 The Local Community and Service Users**

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.

## **4.3 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, 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.

4.4 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 should declare that relationship to the appropriate manager.

## **5. Appointment and other Employment Matters**

5.1 Employees involved in appointments should 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.

5.2 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.

## **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 should not take outside employment which conflicts with the Authority's interests.

6.2 Employees should 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 must declare to an appropriate manager any financial or non-financial interests which could conflict with the Authority's interests and must register those interests on a database maintained by the Council's Deputy Monitoring Officer. The register is checked annually 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 must be avoided and the Council must stop them arising.

## **8. Pecuniary Interests**

8.1 Section 117 Local Government Act 1982 requires officers to give the Council written notice of any contract or proposed contract in which the officer has a pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Failure to declare such an interest is an offence.

- 8.2 A pecuniary interest is where an officer or his / her spouse stands to make money from the contract (e.g., they own or are employed by the business that the contract will be with or own shares in the company contracted with). Officers may have a shareholding of up to 1% of a company's issued capital or having a nominal value of up to £5,000, whichever is the lesser, without a declarable pecuniary interest arising. (There are other, technical, rules about shareholdings; please consult the Deputy Monitoring Officer if further clarification is required).
- 8.3 The examples given are not exhaustive. If you are in any doubt you can seek advice from the Deputy Monitoring Officer, who will 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 these. 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 must declare it at once to your Chief Officer, who will advise you and record the interest in a register kept for the purpose by the Deputy 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 man knew that I was involved in making this decision and had this interest in its outcome then would he 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 should also declare to an appropriate manager membership of any organisation 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 your Chief Officer or from the Deputy Monitoring Officer. Again you are urged to err on the side of caution in this matter.

## **10. Equality Issues**

- 10.1 All local government employees should 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 must be aware of the need for accountability and openness.

- 11.2 Employees in contractor or client units must 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 should not disclose that information to any unauthorised party or organisation.
- 11.4 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 processes.
- 11.5 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.

## **12. Corruption [See Anti-Theft, -Fraud and -Corruption Policy]**

- 12.1 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.

## **13. Use of Financial Resources**

- 13.1 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.

## **14. Hospitality [See Gifts, Hospitality and Sponsorship Policy: Guidance for Officers]**

- 14.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the 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 and recorded.
- 14.2 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.
- 14.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 14.4 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.
- 14.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

## SEVEN PRINCIPLES OF PUBLIC LIFE (REVISED JANUARY 2013)

<u>Principle</u>	<u>Revised description</u>
<u>Preamble</u>	<u>The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.</u>
<u>Selflessness</u>	<u>Holders of public office should act solely in terms of the public interest.</u>
<u>Integrity</u>	<u>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</u>
<u>Objectivity</u>	<u>Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</u>
<u>Accountability</u>	<u>Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</u>
<u>Openness</u>	<u>Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</u>
<u>Honesty</u>	<u>Holders of public office should be truthful.</u>
<u>Leadership</u>	<u>Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.</u>