

CODE OF CONDUCT FOR EMPLOYEES

October 2007
(Revised February 2017)

1. Introduction

- 1.1 This document provides guidance to all employees of St Edmundsbury Borough Council on the standards required in relation to service, advice, disclosure of interests and hospitality which will help to maintain and improve standards and protect employees from misunderstanding and criticism.
- 1.2 The public is entitled to expect the highest standards of conduct from all employees who work in local government. As set out in the Council's Corporate Plan, the Council aims to continue to be an excellent performing council and the Code of Conduct sets out to support this through setting standards for the conduct of its employees.
- 1.3 This Code is based on a model produced, after consultation, by the local Authority associations and the Local Government Management Board. A copy is issued to every employee of St Edmundsbury Borough Council. Local consultations with Unison have also taken place.
- 1.4 The Code sets out the minimum standards that employees should observe. If an employee of the Council should fail to observe the Code of Conduct normal disciplinary procedures will apply as set out in the Employee Guide.

2. Standards

- 2.1 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. Employees will be expected, through agreed procedures (the "Whistleblowing Guide", the Anti-Fraud and Anti-Corruption strategy statement) and without fear of recrimination, to bring to the attention of the appropriate level of management, any circumstance that may lead to a lowering of the standards of the provision any given service. Employees must report a situation where there may be a breach of procedure or a failure to comply with this Code of Conduct to an Assistant Director of St Edmundsbury Borough Council.
- 2.2 The Committee of Standards in Public Life has set out '**Seven Principles of Public Life**' which it believes should apply to all in the public service. The Council believes that these principles apply to staff of the Council as well as to Councillors. They are:-
 - i) Selflessness
Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
 - ii) Integrity
Holders of public office should not place themselves under any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their official duties.

- iii) **Objectivity**
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv) **Accountability**
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v) **Openness**
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi) **Honesty**
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii) **Leadership**
Holders of public office should promote and support these principles by leadership and example.

3. Disclosure of Information

- 3.1 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 Council will ensure that employees are aware of which information their authority are and are not open about, and act accordingly. A Policy and guidance for staff on the Freedom of Information Act and Data Protection Act is available on the Council's intranet.

3.2 *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 Council, 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.*

4. Political neutrality

- 4.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the Political group or groups, and must ensure that the individual rights of all Councillors are respected. Further guidance on this matter can be found within the Protocol of Member / Officer Relations contained within part 5 of the Council's Constitution.
- 4.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which are consistent with employees' political neutrality.

- 4.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5. Relationships

5.1 Councillors

- 5.1.1 Mutual respect between employees and individual Councillors is essential to good local government. However, close personal familiarity between employees and individual Councillors can damage professional relationships and prove embarrassing to other employees and Councillors and should, therefore, be avoided.

5.2 The Local Community and Service Users

- 5.2.1 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 overall policies of the Council.

- 5.2.2 This links to the diversity aspect of the Council's Corporate Plan to being committed to equal opportunity for both staff and members of the community.

5.3 Contractors

- 5.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate Assistant Director in writing. 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 (a) or relatives (b) in the tendering process. No part of the local community should be discriminated against.

(a) *"Partner" in paragraph 5.3 means a member of a couple who live together.*

(b) *In paragraph 5.3 a "relative" means a spouse, partner, parent, parent-in law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and*

- 5.4 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, in writing, to their Assistant Director. Assistant Directors will declare any such relationship to the Chief Executive and the Chief Executive to the Monitoring Officer.

- 5.5 Employees who award orders and contracts must comply with the Contracts Procedure Rules which can be found in part 4 of the Council's Constitution.

6. Appointment and other Employment Matters

- 6.1 Employees involved in the appointment of new employees 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 line with the Council's Recruitment and Selection procedure. 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 them.
- 6.2 Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc or where there is a close personal relationship outside work between them.

7. Outside Commitments

- 7.1 Employees at Grade 6 and above should not engage in any other business or take up any other appointment without the written consent of the Council. All such commitments must be notified in writing to the appropriate Assistant Director who will decide whether there is any Conflict of Interest. A record of all such correspondence will be retained on the employees personal file. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the interests of the Council.
- 7.2 Employees should follow the rules of the Council on the ownership of intellectual property or copyright created during their employment. Intellectual property includes inventions, creative writings and drawings. If these are created during the course of employment then as a general rule they belong to the Council under section 11 of the Copyright, Designs and Patents Act 1988.

8. Personal Interests

- 8.1 Employees must declare, in writing, to their Assistant Director/Chief Finance Officer (CFO), as appropriate, any financial, or non-financial, interests which could reasonably be considered to conflict with the Authority's interests.
- 8.2 Employees should declare, in writing, to their Assistant Director or CFO, 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.
- 8.3 The Assistant Director/CFO will advise the employee of how the declaration will be handled and the action that should be taken to ensure

that no conflict of interest occurs. Declarations will be accepted in confidence and will only be disclosed in appropriate situations. A hypothetical example where the Assistant Director/CFO may need to disclose a declaration would be where land owned within the family of a planning or housing officer could be selected as a potential development site. Or where services used by the Council are owned or managed by a family member who is in direct contact with an employee of the Council responsible for purchasing such services.

- 8.4 If an employee of the Council does have a personal relationship with another officer of the Borough Council or a Councillor this should be declared in writing to their relevant Assistant Director and should also be disclosed at the selection stage of the recruitment process.

Footnote: Assistant Directors/CFO should report to the Chief Executive and the Chief Executive should report to the Monitoring Officer of the Council.

9. Register of Disclosure of Interests

- 9.1 All declarations made in accordance with section 5 and 9 of this Code will be in the form attached in the appendices which is available on the Council's intranet site.

- 9.1.1 Each Assistant Director and the Chief Finance Officer (CFO) for Financial Services will maintain a register of declarations received (known as the Disclosure Register). This register will record Gifts and Hospitality declared in their directorates. At the end of each financial year, a summary return of the number of declarations made will be lodged with internal audit

- 9.2 There is a requirement to review and update entries in the register and staff will be reminded of this on an annual basis. The register will also be subject to review by internal and external auditors as required.

- 9.3 Registers will be retained for a period of 6 years plus the current year.

Note: Supplementary Guidance and forms in appendices

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 equality in line with the Council's Equal Opportunity Policy.

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.

Please refer to the Contracts Procedure rules found part 4 of the Council's Constitution.

- 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 have access 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 who are considering a management buyout should, as soon as they have formed a definite intent, inform an Assistant Director 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, relatives or friends in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

Assistant Directors should report to the Chief Executive and the Chief Executive should report to The Monitoring Officer.

12. Corruption

- 12.1 It is a serious criminal offence for any employee of the Council 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 dishonestly. If an allegation is made it is for the employee to demonstrate that any such rewards have not been obtained or given dishonestly.

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 any action which, by its nature, could lead to legal challenge of the Council.

14. Hospitality

- 14.1 The NJC Scheme of Conditions of Service for APT&C staff states at paragraph 70(a) on official conduct:

'The public is entitled to demand of a local government officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives.'

- 14.2 Furthermore, under the Prevention of Corruption Act 1916, the giving of any money, gift or consideration to an officer by a person trying to obtain a public contract is deemed to have been given corruptly unless the

recipient proves to the contrary. In other words, officers are presumed guilty until they prove their innocence.

14.3 Gifts

14.3.1 Any offer, gift, favour or hospitality directed at individual Employees or members should be treated with caution.

14.3.2 An employee should tactfully refuse any personal gift offered to them or a member of their family, by or indirectly attributable to, any person or body who has, or may have, dealings of any kind with the Council, (including applications for planning permission or other kind of decision).

14.3.3 An employee should not accept money or alcohol. If refusal of alcohol would offend, the gift should be reported to their Assistant Director.

14.3.4 The only exceptions to these rules are insignificant items of token value such as pens, diaries, calendars etc.

14.3.5 In the event of an employee receiving a gift without warning to which refusal would give offence, this should be reported immediately to their Assistant Director or the Chief Finance Officer (as appropriate to their Directorate.)

14.3.6 The Assistant Director (or the Chief Finance Officer for Financial Services) shall be responsible for deciding whether the gift should be retained, returned or forwarded to some charitable or other deserving cause. A register of gifts is retained by each Assistant Director. This will be in a standard format as attached detailed in the supplementary guidance. The register will be subject to review by internal and external auditors as required. Registers will be retained for a period of 6 years plus the current year.

14.3.7 Registers will be reviewed annually, in January, by the Chief Executive to ensure that registers are up-to-date and working effectively. It is the responsibility of the P.A to the CEO to call in the registers annually and to place a reminder of the Procedures regarding the Registers in teamwork at that time.

14.4 Giving and Receiving Hospitality

14.4.1 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 Council should be seen to be represented. If there is any doubt please refer the matter to the appropriate Assistant Director. They should be properly authorised and recorded.

14.4.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

- 14.4.3 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 Assistant Director/Chief Finance Officer gives consent to attendance in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. Any hospitality received should be notified in writing to the Assistant Director/CFO. This is recorded in the Hospitality Register kept by the Assistant Director/CFO.

Note: Supplementary guidance and forms available in appendices)

15. Sponsorship – Giving and Receiving

- 15.1 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. Further procedural guidelines on Sponsorship can be found in the Financial Procedure Rules within part 4 of the Council's Constitution.

16. Miscellaneous

16.1 Employees must comply with the Borough Council's policies on Anti-Fraud, Data Protection and Use of Internet and E-mail.

16.2 As emphasised earlier in this Code, although the guidelines are set down for and apply to all employees of the Borough Council, its effect will be greater for those employees involved, for example, in the management and policy making processes of the Borough Council. Nevertheless, a copy of this code is made available to every employee whatever their position.

17. Enquiries and Change Control

- 17.1 All enquiries relating to this document should be directed to Human Resource Services.
- 17.2 This policy will be subject to a review every two years which will be initiated by Human Resource Services in consultation with trade unions.
- 17.3 Suggestions for any changes to this document should also be forwarded to Human Resource Services.
- 17.4 Readers of this document are strongly advised to read the Supplementary Guidance Appendix C.