

West Suffolk Council

CODE OF CONDUCT FOR EMPLOYEES

1. Introduction
2. Standards
3. Disclosure of Information
4. Political Neutrality
5. Relationships
6. Appointment and other Employment Matters
7. Outside Commitments
8. Personal Interests
9. Equality Issues
10. Separation of Roles During Tendering
11. Corruption
12. Use of Financial Resources
13. Hospitality
14. Sponsorship – Giving and Receiving
15. Miscellaneous
16. Enquiries and Change Control
17. Appendices:
 - A1. Register of Disclosure of Interests Notes of Guidance
 - A2. Register of Disclosures of Interest
 - B. Declaration of Gifts and Hospitality Form/PROVE IT TEST
 - C. Supplementary Guidance
 - D. Gifts and Hospitality Register (to be included in the Disclosure Register file)

1. Introduction

- 1.1 This document provides guidance to all employees of West Suffolk 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 demand and expect that all employees will conduct themselves at the highest standard and with complete integrity. 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 former Local Government Management Board. A copy is available on the intranet for all employees. 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.

2. Standards

- 2.1 Our 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 Policy", 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 their manager or a member of Leadership Team (LT).
- 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 authorities 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 intranet.
- 3.2 All employees have a responsibility to ensure that they comply fully with the General Data Protection Regulations and the Data Protection Act 2018. It is a criminal offence to knowingly or recklessly obtain or disclose personal data. Employees should not process any personal data unless they are sure that they are authorised to do so. Employees failing to comply with this policy could be subject to action under West Suffolk Councils' disciplinary procedure and leave themselves open to further civil action under the Human Rights Act, Article 8 – Right to Privacy. A Policy and guidance for employees on the Freedom of Information Act and Data Protection Act 2018 is available on the Council's intranet.

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.
- 4.2 Subject to the Member/Officer Protocol, 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.
- 4.4 Prior to any election there will be a sensitive pre-election period which is notified to all employees of the Council. There is a need for employees to be mindful against political partiality in pre-election periods.
5. Relationships
- 5.1 Councillors
- 5.1.1 Mutual respect between employees and individual Councillors is essential to good local government. Close personal familiarity can arise between Councillors and officers, for example, where an officer is related to a Councillor. Where this arises, efforts should be made to ensure that any potential conflicts of interest are avoided, any interaction in the workplace is professional at all times, and relevant service managers/Directors are made aware to avoid any potential embarrassment that could otherwise arise.
- 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 The Council is 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 Director of Service/Strategic 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 Director of Service/Strategic Director 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.

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 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.

6.3 If an employee receives any type of criminal conviction during the course of their employment with the Council, it is their duty to disclose the matter to their line manager. The line manager, in liaison with the HR team, will make a decision as to whether this impacts on the employee's employment. Failure to disclose a criminal conviction may lead to disciplinary action.

7. Outside Commitments

7.1 Employees at Band 5 and above should not engage in any other business or take up any other appointment, including voluntary roles with an ongoing commitment, without the written consent of the Council. All such commitments must be notified in writing to the appropriate Director of Service/Strategic Director who will decide whether there is any Conflict of Interest. A record of all such correspondence will be retained on the employee's 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 Director of Service/Strategic Director as appropriate, any financial, or non-financial, interests which could reasonably be considered to conflict with the Council's interests.

- 8.2 Employees should declare, in writing, to their Director of Service/Strategic Director, 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 Director of Service/Strategic Director 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 Director of Service/Strategic Director 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 Councils are owned or managed by a family member who is in direct contact with an employee of the Councils responsible for purchasing such services.
- 8.4 If a West Suffolk employee does have a close personal relationship with another officer or a Councillor this should be declared in writing to the HR Department, who may need to inform the relevant Service Manager/Director if this causes potential conflict in undertaking their role. Employees should also declare if they have a close personal relationship with any candidates during a recruitment process

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 intranet.
- 9.2 Each Director of Service, Strategic Director and the Section 151 Officer 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.
- 9.3 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.
- 9.4 Registers will be retained for a period of 6 years plus the current year.

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 Councils 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 of the Councils 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 a Director of the Service 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.

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.
- 12.2 Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and could also result in criminal prosecution.

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. Gifts, Hospitality and Sponsorship

- 14.1 The NJC Scheme of Conditions of Service for APT&C staff states at Part 2, 2.1 on official conduct:

'Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.'

- 14.2 Employees must be aware that the offering and acceptance of gifts could result in criminal proceedings, under the Bribery Act 2010.

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 any inducements which could be considered payment in kind, such as money, goods such as chocolates or alcohol, or tickets for events. If refusal would offend, the gift should be reported to their Director of Service/Strategic 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 Director of Service, Strategic Director or the Section 151 Officer.
- 14.3.6 The Director of Service, Strategic Director or the Section 151 Officer 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 Director of Service. 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 Section 151 Officer to call in the registers annually and to place a reminder of the Procedures regarding the Registers on the intranet 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 authorities 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 Director of Service. 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 Director of Service/Strategic

Director/Section 151 Officer gives consent to attendance in advance and where the Councils are 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 Director of Service/Strategic Director/Section 151 Officer. This is recorded in the Hospitality Register kept by these Officers.

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 Section 4 Scheme of Delegation to Officers of the Council's Constitution.

16. Miscellaneous

- 16.1 Employees must comply with the West Suffolk 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 West Suffolk employees, its effect will be greater for those employees involved, for example, in the management and policy making processes. 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 Resources.
- 17.2 This policy will be subject to a review every two years which will be initiated by Human Resources in consultation with trade unions.
- 17.3 Suggestions for any changes to this document should also be forwarded to Human Resources.
- 17.4 Readers of this document are strongly advised to read the Supplementary Guidance at Appendix C.

Code of Conduct for Local Government Employees
Register of Disclosure of Interests - Notes of Guidance

Under the Code employees, including temporary employees, are required to disclose to their Director of Service/Strategic Director/Section 151 Officer, as appropriate, the interests set out below.

1. Register of relationships with contractors

a. Award of orders and contracts

Employees who are responsible for the award of orders and the tendering and award of contracts should make known, in writing, to their corporate director all relationships of a business or private nature that they have with existing or potential contractors.

b. Relationships in a private or domestic capacity

Employees who, in the course of their job, engage or supervise contractors or have any other official relationship with contractors and who have had, or currently have, a relationship in a private or domestic capacity with existing or potential contractors (or their senior staff).

2. Personal interests

Conflict of interests

Employees must declare in writing, to their Director of Service/Strategic Director/Section 151 Officer, any financial or non-financial interests which could reasonably be considered to conflict with the Authorities interests.

For example, silent partnerships, major shareholdings, close family relationships (such as husband, wife, partner, parent, brother, sister and child) with those in senior positions in organisations that could do business with the authorities.

Services should ensure:

- a. that employees in the Service (including temporary employees) are regularly advised of the need to make such declarations;
- b. that the Registers are maintained and regularly reviewed; and
- c. that the location of these Registers has been notified to Internal Audit.

The Registers should be made available to internal and external auditors for inspection.

You should be aware of the Officers' Code of Conduct and the Gifts and Hospitality – Supplementary Notes of Guidance

Key guidance for the completion of the declaration form:

- All sections of the declaration form must be completed.
- To determine whether a gift or hospitality is acceptable, the 'PROVEIT' test below should be applied.
- Staff should only accept offers of hospitality if there is a genuine need to represent the Council.
- Gifts should only be accepted by staff in exceptional circumstances.
- The Councils disciplinary procedures may be applied where it is found that breaches in the Code have occurred.

The **PROVEIT** test: to help officers determine whether or not the offer is acceptable:

PURPOSE	Token, thanks or seeking a favour? (token or thanks: yes, gift could be accepted; favour: no, it cannot)
RULES	What are they? Does this situation conform? (yes, complies with the rules, gift could be accepted).
OPENNESS	Is the offer transparent? (yes, gift could be accepted)
VALUE	Expensive or inexpensive? (expensive items would always need to be declared)
ETHICS	Does the offer fit with public-sector ethics? (yes – gift could be accepted)
IDENTITY	Consider who has made the offer – is it appropriate?
TIMING	Are you about to make a decision affecting the giver? (if so it is unlikely that any gift or offer of hospitality should be accepted)

In all cases, offers of gifts and/or hospitality must be declared on the appropriate form, whatever the outcome of the PROVEIT Test.

Gifts and Hospitality – Supplementary Notes of Guidance

1. Generally

- (1) This note supplements the Councils approved Code of Conduct relating to the offer and/or acceptance by staff of gifts and hospitality of whatever nature from outside individuals or organisations.
- (2) Within the terms of the Code and this supplementary guidance, staff are expected to exercise common sense. If staff are in any doubt they must consult their line manager/team leader and in every case declare the offer and/or acceptance of a gift or hospitality in the register kept by their Directorate, using the purpose designed 'Declaration of Gifts and Hospitality' form.
- (3) The process set out in this note is designed to safeguard employees from any misunderstanding or criticism.
- (4) The general principles which govern gifts and hospitality are:
 - (a) offers of hospitality should only be accepted if there is a genuine need to represent the Council;
 - (b) gifts should only be accepted in **exceptional** circumstances.
- (5) The Code of Conduct applies to all permanent employees, temporary employees and consultants employed by the Council
- (6) To determine whether a gift or hospitality is acceptable, the 'PROVEIT' test should be applied by staff and referred to the Corporate Director if in doubt.
- (7) If a member of staff suspects that the offer of a gift or hospitality is intended to influence their actions then this must be reported immediately to their line manager/team leader for appropriate action.

2. Hospitality

The following principles should be followed in deciding whether or not to accept hospitality:-

- (1) (a) staff should ask themselves whether members of the public, knowing the facts of the situation, could reasonably think that staff might be influenced by the hospitality offered. If the answer is yes, the hospitality should be declined. In making judgements relevant facts to take into account include the person or organisation offering the hospitality, its scale and nature, and its timing in relation to decisions to be made by the Council.
- (b) care should be taken to avoid situations in which an individual member of staff is the sole person invited to partake of hospitality

or where it creates a pattern of receiving hospitality from that organisation.

- (2) Examples of when it may be proper to accept hospitality (always depending upon the particular circumstances) are as follows:-
 - (a) attendance at conferences, events and demonstrations of equipment organised by outside bodies where other local authorities or governmental organisations are represented and there is a corporate or service interest;
 - (b) attendance at events or functions where there is a demonstrable need for the Council to be represented to either give or to receive information or to participate as part of West Suffolk's corporate image;
 - (c) attendance at events or functions which are part of the civic, cultural or sporting life of the Council
 - (d) working lunches where this is an appropriate and effective way of conducting business and the refreshments provided are on a reasonable level.
- (3) **Overnight hospitality** linked to any of the above **should only be accepted where it is essential in order to attend the event**

3. Gifts

- (1) **All personal gifts should be refused or donated to charity unless they come within the categories set out in 3(2) or 3(3) below.**
- (2) Gifts of the following type may be accepted:-
 - (a) modest gifts of a promotional character, eg calendars, diaries and other similar articles. See also point 4; and
 - (b) gifts on the conclusion of any courtesy visit to an outside organisation of a sort normally given by that organisation.
- (3) Gifts which are intended for West Suffolk as a corporate body or intended for a service area can be accepted but must not be retained by the individual who receives them. Such gifts should be deposited with the service area concerned or the Chief Executive's office as appropriate.

4. Registration of Gifts and Hospitality

- (1) Staff must register the interest as soon as possible (the general expectation would be that under normal circumstances this should be no later than 28 days) of receiving any gift or hospitality or the offer of any gift or hospitality, provide written notification to the Director of Service/Strategic Director/Section 151 Officer using the 'Declaration of Gifts and Hospitality' form, Appendix B.

- (2) The Declaration of Gifts and Hospitality forms must be completed in full, setting out full details of the offer or the gift and or hospitality received as well as:
- (a) estimated or actual value;
 - (b) an indication from the officers' line manager as to whether acceptance of the offer is authorised or refused;
 - (c) the employee's printed full name (not typed) and signature; and
 - (d) the Director of Service, Strategic Director or Section 151 Officer printed full name (not typed or pasted) and signature.
- (3) In respect of the Council's Leadership Team, details of **all offers** that have been received, whether **accepted or declined**, should be recorded in case of any queries, in particular through FOI requests.

5. Monitoring

Each service area is responsible for ensuring that they have collated information on gifts and hospitality for all staff in each of their divisions.

An annual briefing paper will be produced by the Chief Executive's Office for Leadership Team once registers have been reviewed by the service areas, reporting upon outcomes arising from monitoring the registers. The paper will include information on the number of offers of gifts / hospitality, number of offers that were declined, or that were offered to charity, types of gifts and hospitality, along with identifying any concerns/issues that need to be taken up with appropriate senior officers for action.

6. Penalties for breaching the Code

The Councils disciplinary procedures may be applied where it is found that breaches of the Code have occurred.

7. Retention of Documentation

Documentation in the Register's will be kept for six years. Service areas will be responsible for destroying all returns that are over six years old.

GIFTS AND HOSPITALITY REGISTER - OFFICERS

SERVICE AREA:

PERIOD: *

to *

<i>Date of Offer</i>	<i>Employee name</i>	<i>Details of gifts or hospitality Offered, including estimated or actual value</i>	<i>Person or Organisation making offer</i>	<i>Accepted or Rejected or Donated to Charity</i>	<i>Name of line manager offer discussed with</i>

I confirm that all Officers in the above division have been asked to provide details of gifts and hospitality, or offers of such, during the above period

Name:

Signed:

Director of Service/Strategic Director/Section 151 Officer