

# Officer Code of Conduct

## Introduction

1. Residents are entitled to expect the highest standards of conduct from the council's employees. The purpose of this code is to help officers (referred to in this code as officers) support the councils aims, which are to provide quality services to all residents. Members have their own code of conduct and there is also protocol which outlines how members and officers work together. (Sections 5(1) and 5 (4)).
2. This code applies to all officers of the council including agency workers, contractors and their staff whilst working for, or on behalf of, the authority. It outlines, amongst other things, the conduct expected of officers, conflicts of interests, gifts and hospitality and political restrictions. Officers should also refer to the Employee Conduct Policy for further information.
3. The code sits alongside all other council policies and outlines standards for employees to follow in their day-to-day work, it reproduces points of principle which have applied in local government for very many years but it also deals with challenges that officers might face.
4. It is the responsibility of officers to work in accordance with this code and managers' responsibility to ensure that the code is fairly and consistently applied. A breach of this code may be regarded as a disciplinary offence and may be considered in any performance appraisal.
5. This code also explains how employees are expected to deal with conflicts of interest, confidential matters and offers of gifts or hospitality and, where necessary, examples and explanations have been given, however it is important to note that this is not an exhaustive list and if officers are unsure, they should consult their head of service or the monitoring officer.
6. Officers who become aware of any breach of this code should raise this with their line manager. Officers should also refer to the Whistle Blowing policy (see Paragraph 11 below).

## Organisational Ethics

7. Local government is justifiably proud of its high standards of official conduct and is committed to them being maintained. Officers have a part to play in ensuring that these high standards continue to be met and are expected to give the highest possible standard of service to residents. This includes, where it is part of their duties, providing appropriate advice to members and fellow officers with impartiality.
8. It is recognised that an officer may also be a resident of the district. However, they need to be aware that the actions they take as a resident could potentially be seen as acting against the council and should avoid any action which may have the potential to bring the council into disrepute, harm public perception or cause reputational damage to the council.

9. The council needs to ensure its decisions and operations are open, transparent, accountable and in line with recognised ethical standards. Officers are required to be aware of and act in accordance with the Seven Standards of Public Life (Nolan Principles), which are:

**Selflessness** - Officers should act solely in terms of the public interest

**Integrity** - Officers should avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work

**Objectivity** - Actions and decisions should be taken impartially, fairly and on merit using the best evidence and without discrimination

**Accountability** - Officers are accountable to the public and submit themselves to any reasonable scrutiny necessary to ensure this

**Openness** - Actions and decisions should be taken in an open and transparent manner and information should not be withheld from the public unless there are clear and lawful reasons for doing so

**Honesty** - Officers should be truthful, any suspicion of a lack of honesty even if unfounded can damage the reputation of the council and an officer's personal credibility.

**Leadership** - Officers should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Personal Conduct**

10. The council expects all officers to:

- promote and maintain high standards of personal conduct to sustain the good reputation of the council and its services
- perform their duties to the highest possible standards, with honesty, integrity and impartiality, and be accountable for their own actions
- treat others with respect, fairness and dignity at all times and to work to resolve differences where these exist
- ensure that policies relating to equalities, diversity and inclusion are complied with in addition to the requirements of the law.
- recognise that all members of the local community, residents and colleagues, have a right to be treated with fairness, dignity, equity and respect.
- communicate to the appropriate manager any concerns about the quality of service provided, as this will assist the council to ensure that service standards are achieved, and areas for improvement identified
- apply the principles of this code to their use of work related social media and where an officer identifies themselves as an employee of the council on their

personal social media sites

- comply with lawful written and oral instructions
- ensure that a consistent approach is taken across the council in relation to procurement of goods and services, people management activities and financial management.
- observe a standard of personal appearance which is appropriate to the nature of the work undertaken and which portrays a professional approach which the public will have confidence in.

## **Health and Safety**

11. The council has a legal duty of care for the health, safety, and welfare of its employees. In addition, all officers must take reasonable steps to protect their own health and safety and that of other people who may be affected by their work. Some officers, particularly managers, have specific responsibilities and these are detailed in the councils policies and procedures.

## **Disclosure of information**

12. In the course of their duties officers will come into possession of information relating to the council, its business, and its employees and they need to be mindful of the requirements of GDPR and other information security considerations.
13. Deliberate unauthorised disclosure of information will constitute a serious breach of trust between officers and the council. Any inappropriate use of information in this manner may constitute a criminal offence. If officers are unsure of what they can or can't do with information that they are processing, they should seek the advice of their manager or the Information Governance team.
14. ]It is generally accepted that open government is best and the council has openness and transparency as a theme in the corporate plan.
15. The law requires that certain types of information must be available to members, auditors, government departments, residents, public and the media. Under the Local Government Act 1972, the public have the right to access certain information. In most circumstances, these rights are related to committee reports and background documents.
16. However, certain information within the committee process is not public, including confidential information as defined by the Act and information exempted by virtue of Schedule 12A. Any confidential information or exempted information should only be disclosed where required to do so by law or with consent of the monitoring officer. In addition, the council is obliged by law and in accordance with its Access to Information rules (see Part 4(3)) to ensure that information is available upon request subject to limited exemptions.
17. Officers must be aware of which information within their authority is open and which is not and should only give confidential information or documents to those have a legitimate right to them.

18. Officers 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.
19. Information concerning a resident, employee or a members personal affairs should not be divulged without prior approval, except where that disclosure is required or sanctioned by law. It is important that officers take all relevant steps to comply with data protection requirements and ensure that confidential information is kept secure.
20. Employees may only talk to the press or media if they are authorised to do so as part of their duties and responsibilities, or otherwise make public statements on behalf of their service. If officers are contacted by the press or media, they must inform their line manager or a senior manager and refer the matter to the communications team who will deal with it appropriately.
21. Former officers shall not divulge any council information obtained in the course of their employment to any third party except where required by law to do so. This is taken extremely seriously as a serious breach of trust and confidence.

### **Political neutrality**

22. Members are elected to direct the policies and activities of the council whereas officers serve the authority as a whole. They must serve all members and not just those of the controlling group. They must ensure that the individual rights of all members are respected. The Member/Officer protocol contains more detail on this topic and can be found in at section 5(4) of the Constitution.
23. Certain posts within the council are politically restricted by the Local Government and Housing Act 1989 and officers should refer to the relevant HR policy on this subject. Officers contract of employment will tell them whether they hold one of these posts and, if they do, they will be required by law to observe certain restrictions regarding your out of work activities.
24. Whether or not the post is politically restricted, officers must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
25. Officers are not eligible to stand for office as a member of either council. If their post has been assessed as being politically restricted, they are prevented from taking part in certain political activities outside their work, of which they would have received formal confirmation from Human Resources where this applies. If they have any doubt about their position, they should contact their line manager. The political activities which are restricted for these posts mainly cover the following areas:
  - (a) Standing as a candidate for election to the House of Commons, or a Local Authority (other than a parish council).
  - (b) Holding office with a political party, or a committee or sub-committee member of a party.
  - (c) Canvassing at an election.
  - (d) Speaking in public or publishing any written or artistic work which appears to be intended to affect public support for a political party.

26. If officers are in any doubt about whether any activity is political activity and covered by these rules they should seek advice from the monitoring officer.

## **Relationships**

### Working Relationships

30. Internal and external relationships with colleagues, residents and contractors should be conducted in a professional, friendly and respectful manner.

### Members

31. Officers should ensure that they comply with the Protocol for Member/Officer Relations (see Part 5 (4)). They may be required to give advice to elected members as part of their job. Mutual respect between officers and members is essential to good local government, but close personal familiarity between officers and individual elected councillors, which goes beyond mere acquaintance can damage the relationship, prove embarrassing to other member and officers, and should therefore be avoided.
32. If officers have previously had or currently have a relationship in a private or domestic capacity with any elected member, they must declare that relationship in writing to their line manager.

### The Local Community and Residents

33. Officers should always remember their responsibility to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

### Contractors

34. All relationships with contractors or potential contractors must be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition and no favouritism should be shown to businesses run by, for example, friends, partners, or relatives. If officers have such an interest, they must not be involved in any way in placing orders or awarding any work.
35. If officers engage or supervise contractors as part of their duties or have an official relationship with contractors or have previously had or currently have a relationship in a private or business capacity, they must declare that relationship in writing to the appropriate manager and ensure they formally declare that personal interest.
36. Officers should comply with the councils procurement rules and be clear on the separation of client and contractor roles within the council. If they are a senior officer who has both a client and contractor responsibility, they must be aware of the need for accountability and openness.
37. Officers must exercise fairness and impartiality when dealing with all residents, suppliers, other contractors and sub-contractors and must not show any favouritism.
38. If officers are privy to confidential information on tenders or costs for either internal or

external contractors, they must not disclose that information to any unauthorised party or organisation

## **Appointment and Other Employment Matters**

39. If officers are involved in the appointment of staff, they must ensure that these appointments are made on the basis of merit. It would be unlawful for officers to make an appointment which was based on anything other than the ability of the candidate to undertake the work.
40. In order to avoid any bias, officers must not be involved in an appointment where they are related to an applicant or have a business or personal relationship outside work with them. Similarly, officers must not canvass on behalf of any applicant.
41. Officers must not line manage nor be involved in decisions related to the appointment, informal/formal discipline, grievance, capability proceedings, promotion or pay adjustments for any other officer who is a 'close associate' – this includes a family member or friend. A family member could include, but is not limited to:
  - Husband/Wife/Partner
  - Son/Daughter
  - Parent
  - Sibling
  - In-laws
  - Aunt/Uncle
  - Niece/Nephew
  - Cousin
  - Step-relation
  - Grandparents

## **Declaring Personal Interests and Outside Commitments**

42. All officers must declare:
  - Any financial or non-financial interest which might conflict with the council or its interests
  - Involvement with an organisation receiving grant aid from the council
  - involvement with a pressure group or organisation which may seek to influence the councils policies
  - Membership of any other groups, clubs and organisation that an employee believes could be relevant to declare in particular circumstances.
43. Declarations should be made to the head of service who should ensure with Human Resources that a written record is made on the employee's personnel file.
44. Declarations must extend to acknowledging the involvement of a relative or partner of an employee in an organisation in which the council does or seeks to do business, particularly if they are directors, partners or hold senior managerial positions in those organisations.
45. Officers should be aware of any contractual restrictions on taking outside or

secondary employment and should contact HR if in any doubt prior to applying for such employment. In any case, employment should not be undertaken which conflicts with the council's interests.

46. Where employees are in any doubt about whether any personal relationships, interests, or outside commitments should be declared in particular circumstances, they should either declare the information in any case, or else seek further advice from their head of service or HR
47. Should an officer or any close relative or associate submit their own planning development proposal, the officer should take no part in its processing. Furthermore, the officer shall inform in writing both the Head of Development and the monitoring officer of all such proposals as soon as they are submitted.

### **Declaring Related Party Transactions**

48. The council is obliged to fulfil a disclosure requirement to its external auditors in respect of related party transactions. This reporting requirement aims to provide assurance to readers of financial statements that any material transactions entered into between the organisation and those in a position of power to influence its decisions are disclosed and above board.
49. Relevant officers must declare positions of influence they hold within partnerships, companies, trusts or any entities providing services to the council. Officer must also declare any influence they hold (in a personal capacity only) within organisations receiving grant funding from the council.
50. Declarations must extend to a relative or partner of the employee if they have an interest in any such organisation.
51. Officers will be required to declare any related party transactions and complete an annual return.

### **Whistleblowing**

52. Where an officer becomes aware of activities which that they believe to be illegal, improper, unethical or otherwise inconsistent with this code, the employee should report the matter in line with the council's confidential whistleblowing reporting procedure. (see Whistleblowing Protocol Section 5(3)).
53. Officers who make disclosures have specific protections afforded them under the Public Interest Disclosure Act 1998.

### **Corruption**

54. It is unlawful for officers to receive any reward or fee other than the pay and benefits that they are entitled to under their contract of employment
55. It is a criminal offence for officers 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. Officers should at all times ensure compliance with the council's Anti-Fraud, Bribery and Corruption Policy.

56. If an allegation is made against an officer, the burden of proof will fall upon them to show that they have not in any way been influenced by improper motives. For this reason, it is important for the council to set clear guidance for officers. (Members are bound by their own Code in this regard)

### **Gifts, Hospitality, Sponsorship or Endorsements**

57. The public are entitled to demand that local government officers conduct themselves to a high standard. Public confidence in their integrity would be shaken were there the least suspicion that they could in any way be influenced by improper motives.
58. This part of the code is intended to assist officers in making a decision as to whether a gift or hospitality may be accepted. Further guidance will be set out below in terms of sponsorship and / or endorsements.
59. In general, gifts and hospitality should be refused. A gift must not be accepted if it is offered by a person or organisation which has, or is seeking business with, the council or one who has an interest in a council decision.
60. In normal circumstances, only minor gifts of token value, such as promotional material (e.g. calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm), the receipt of such minor articles, will not be regarded as the acceptance of a gift.
61. More substantial gifts must not be accepted under any circumstances. These may include, for example, cash, vouchers, bottles or cases of wine or hampers. In such circumstances, the gift should be returned in a courteous manner accompanied if appropriate by the following or similar statement:
- “Thank you for your kind offer of [insert details of gift]. Unfortunately, the council has a clearly defined policy on receiving gifts or hospitality and I am unable to accept it. I therefore return the gift.”
62. For the purpose of consistency, it is not appropriate to accept gifts and to donate them to a charity.
63. If in doubt, officer should consult their Head of Service before accepting any gift.
64. All gifts and hospitality over £50 – including offers which have been declined - should be properly recorded (see paragraph 13.16) and it is the responsibility of Heads of Service to do this in a register held by Human Resources for this purpose.

### **Hospitality**

65. Contacts established at a social level can often be helpful if pursuing the council's interests. What is important is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence. The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group than to accept something unique to one person.
66. The same principles which apply to gifts apply to the offer and acceptance of



hospitality. Generally, offers of hospitality must be declined. Hospitality must not be accepted when the offer of hospitality is made by any person or organisation seeking business or requiring a decision from the council, or where purchasing decisions may be potentially compromised.

67. Exceptions to this general rule are few, but it may be in order to accept offers of hospitality if there is a genuine need to impart information or to represent the council's wider interest in the community. Officers may, for example, need to attend functions in support of local members. It may also be necessary to participate in a working lunch in order to foster a good working relationship with other organisations. These are examples, therefore, where the acceptance of modest forms of hospitality is acceptable.
68. The following criteria should be applied when deciding whether or not to accept offers of hospitality:
- (a) whether the nature of the hospitality is appropriate - tickets to a major sporting event must invariably be refused, but an invitation to district event which meets the criteria below may be appropriate.
  - (b) whether the council's interest is better served by attendance.
  - (c) whether the scale of the hospitality is appropriate to the circumstance.
  - (d) whether the hospitality is modest and can be considered as part of the normal business process to foster good relations.
  - (e) whether the hospitality is offered by a person or organisation who is not tendering or about to tender for council business.
  - (f) whether members are attending an event which meets these criteria and it is appropriate that they are accompanied by an officer.
  - (g) whether it is more appropriate to bear the expense oneself.
69. Any intention by officers to accept hospitality other than of a minor nature, must be authorised in advance by the relevant head of service. In case of doubt, officers should consult their head of service for guidance.
70. If offers of hospitality are declined, those persons or organisations making the offer should be courteously informed of the procedures and standards operating within the council with, if appropriate, the following or similar statement:
- "Thank you for your kind offer of [insert details of hospitality]. Unfortunately, the council has a clearly defined policy on receiving gifts and hospitality and I am therefore unable to accept."
71. Below are some examples of acceptable and unacceptable hospitality:
- Acceptable
- (a) working lunches, provided their purpose is to continue the work underway in the meeting
  - (b) attendance in an official capacity at functions to which invitations have been sent to other local authorities
- Unacceptable
- (a) holidays or weekends away
  - (b) the use of a company flat or suite

- (c) lunch with a developer who is applying for planning permission
- (d) tickets to a theatre, concerts or sporting events that are offered in order to influence decisions and which you would not attend in an official capacity

### Recording of Gifts and Hospitality

72. Whether accepted or not, gifts and hospitality, or offers of them, must be recorded in each service's register maintained for such purposes. The council has a prescribed format for the register, which includes the following detail:
- (a) employee' name
  - (b) job title
  - (c) name of company/organisation making the offer
  - (d) relationship with council
  - (e) nature of gift/hospitality offered
  - (f) date offered
  - (g) whether declined or accepted.
73. Registers of gifts and hospitality will be reviewed at least quarterly by the relevant head of Service. The chief executive will review the register of deputy chief executives, who will in turn review the registers of heads of service. All such reviews will be evidenced by signature and date.

### Legislation in relation to Gifts and Hospitality

74. An outline of the legislation applicable to the acceptance of gifts and hospitality is given below.

#### **Bribery Act 2010**

75. The Bribery Act 2010 reformed criminal law, replacing the Prevention of Corruption Acts 1889 - 1916 by providing comprehensive scheme of bribery offences.
76. The Act covers a wide range of both direct and indirect bribery offences, and includes offences committed by individuals and corporate bodies.
77. Penalties for non-compliance are serious, with a maximum penalty for the most serious cases being ten years imprisonment.
78. The Act created two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive, or acceptance of an advantage

#### **Local Government Act 1972**

79. It is a criminal offence under section 117(2) for council employees to accept any fee or reward other than their remuneration. An offender is liable on conviction to pay a fine.

### Sponsorship and Endorsements

80. Where the council wishes to sponsor an event, no officer must benefit in a direct way

without there being full disclosure to an appropriate manager of any such interest. Where the council gives support in the community through whatever means, officers must ensure that there is no conflict of interest.

81. Where an outside organisation wishes to sponsor a council activity, whether by invitation, tender, negotiation, or voluntary, basic conventions concerning acceptance of gifts or hospitality apply. Officers must take particular care when dealing with contractors or potential contractors.
82. Where the council wishes to sponsor an event or service, neither an officer or any partner, spouse or relative must benefit from such sponsorship without there being full disclosure to their line manager of any such interests. Similarly, where the council, through sponsorship, grant aid, financial or other means, gives support in the community, officers must ensure that impartial advice is given and that there is no conflict of interest involved.
83. Officers must exercise caution before providing any statement endorsing the quality or operation of any product or service that may be used for publicity purposes. Such endorsement may put the council at risk of misrepresentation or legal challenge. Officers are therefore advised to seek further advice from their head of service where such circumstances arise.
84. In no circumstances should a statement ever be made in return for personal gift, or money.

### **Use of the Council's Materials, Equipment or Resources**

85. Officers should not make personal use of any council property, facilities, materials, or resources unless properly authorised to do so. Council property and resources should be used solely in respect of the intended work purpose. No improper use should be made of any facility such as vehicles, equipment, stationery, or secretarial services which the council provides for its own business.
86. Officers 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.
87. Officers involved in financial activities and transactions for the council, must follow the Financial rules and any accompanying guidance.

### **Undertaking additional work**

88. Full time officers are expected to devote their whole service to the work of the council, and shall not engage in any other business, including self-employment, or take up any other appointment without the express prior consent of their Head of Service. The council reserves the right to withdraw such consent if it is deemed necessary in the needs of the business.
89. All prospective employees shall, prior to appointment, provide details of any employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job.

90. All officers must declare any other additional employment to their manager to enable the Council to ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.
91. Officers should avoid situations whereby their work and personal interests conflict or may appear to conflict. No personal business activity or outside work of any type should be undertaken by an officer during his/her normal working hours.
92. Undertaking unpaid activities outside council's employment may, on occasions, be detrimental to the council's interests. Officers should be mindful of any potential conflict of interests in such situations.