

# Employee Code of Conduct

Human Resources  
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Description of Documentation	
Member/Employee Protocol	Equality and Fairness Scheme
"Whistleblowing" (Policy and Procedure)	Constitution
Harassment Policy and Procedure	Electronic Communication and Security Policy
Recruitment and Selection Policy and Procedure	

## 1.0 Introduction and Scope

- 1.1 The purpose of the Employee Code of Conduct (the Code) is to supplement an employee's terms and conditions of employment and to clarify the standards of conduct and behaviours expected as a Local Government employee. The Code draws together policies of the Council and relevant legislation and aims to assist employees to perform their duties to the best of their abilities.
- 1.2 Employees are required to familiarise themselves with the Code and the documents it refers to. It cannot cover every eventuality. If employees are in any doubt as to whether they might breach the Code they should consult their manager.
- 1.3 The Code applies to all employees of the Council and casual workers.
- 1.4 A breach of the Code may lead to disciplinary action (including dismissal). Additionally, where appropriate a breach of the Code may be pursued through the processes of the Law.
- 1.5 The Code has been agreed with the recognised Trade Unions.

## 2.0 Standards

- 2.1 Local government employees are expected to give the highest possible standard of service to the public. An employee must:
  - Perform their duties with honesty, integrity, impartiality and objectivity.
  - Never use their authority or position for personal gain or to enable colleagues or anyone else to gain personally.
- 2.2 Employees are expected, where it is part of their duties, to provide appropriate and timely advice to Elected Members (see the Member/Employee Protocol on the intranet), other employees and representatives from partner organisations with impartiality.
- 2.3 Employees are expected to behave in a professional and respectable manner whilst performing their duties. Any behaviour that is found to be unacceptable will be subject to disciplinary action.
- 2.4 It is important that employees understand that perception is important. The public has the right to expect the highest levels of integrity and accountability from employees. Employees should always provide services and perform their duties to the highest possible standards. Actions by employees which would lead to loss of confidence through perception are as important as any others.
- 2.5 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 any service. An example would be a disclosure under the Whistleblowing Policy and Procedure.

## 3.0 Accountability

- 3.1 An employee must be accountable to the Council for their actions.
- 3.2 During the course of their work employees should at all times be aware of and comply with:

- Relevant legislation.
- Their terms and conditions of employment. These include local policies, procedures and rules/regulations set by the Council corporately or within service areas. Local policies etc. take into consideration legislation and best practice and they have been developed to help employees to perform their duties to the required standard.
- Any professional code or standards of practice that apply if the employee is a member, for example, of a professional institute or body.

#### **4.0 Disclosure and Confidentiality of Information**

- 4.1 The law requires that certain types of information must be available to Elected Members, auditors, government departments, service users and the public. Under the Local Government Act 1972, Freedom of Information Act 2000 and the Localism Act 2011 the public have a right to see certain information. In most circumstances these rights are related to committee reports and background information. Obstruction of a member of the public who wishes to exercise these rights is a criminal offence. Employees must be aware of which information is and is not confidential and act accordingly. Advice is available from Legal and Democratic Services.
- 4.2 The public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. No employee shall communicate to the public the content of such proceedings or any document relating to the Council unless required by law or expressly authorised by the Chief Executive to do so. Employees making unauthorised communications will be liable to disciplinary action.
- 4.3 Employees should exercise caution and care not to disclose commercially sensitive information. If in doubt employees should obtain guidance from their manager or the Monitoring Officer.
- 4.4 Employees must 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.
- 4.5 Any particular information received by an employee from an Elected Member, which is personal to that Elected Member and does not belong to the Council should not be divulged by the employee without the approval of that Elected Member, except where such disclosure is required or sanctioned by Law.
- 4.6 Employees will, in the course of their employment become aware of personal or other confidential information, some of which may fall within the scope of the Data Protection Act 2018. The Council requires that the confidentiality of this information will be maintained.

#### **5.0 Political Neutrality and Activity**

- 5.1 All employees must not allow their personal or political opinions to interfere with their work for the Council.
- 5.2 Employees serve the Council as a whole. It follows, therefore, that they must serve all Elected Members equally, not just the Elected Members of any controlling group. Employees must ensure that the individual rights of all Elected Members are respected. The

Member / Employee Protocol outline clearly the expectations placed on employees concerning their working relationship with Elected Members.

- 5.3 Some employees are required, subject to the Council's conventions, to advise political groups. They must do so in a way that does not compromise their own political neutrality.
- 5.4 Some employees are in politically restricted posts and by law are prevented from taking part in certain political activities outside of work. The Council must inform employees in writing if their post is politically restricted. Such restrictions are deemed to be incorporated in their contract of employment. If an employee is in any doubt whether any political activity is restricted under the law they should contact the Monitoring Officer. Any breach of the statutory rules will be a breach of contract and will lead to disciplinary action.
- 5.5 Employees in non- politically restricted posts should discuss, in advance, any political activity they intend to participate in with their manager in case there may be a conflict with the Council's interests.

## **6.0 Relationships**

### **Elected Members**

- 6.1 Some employees are required to give advice to Elected Members as part of their job. Mutual respect between employees and Elected Members is essential to good local government. Close personal familiarity between employees and individual Elected Members can damage the relationship and prove embarrassing to other employees and Elected Members and should therefore be avoided.
- 6.2 Information about the roles of Elected Members and employees and the expected relationship between them is in the Member/Employee Protocol, which is on the Intranet.

### **Employees**

- 6.3 The Council wishes to create an environment where all its employees are treated with dignity and respect. The Council, therefore, has procedures in place to deal with harassment, victimisation and bullying. The Council's Harassment Procedure is on the Intranet.

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

- 6.4 Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community in accordance with Council policies. No part of the community should be discriminated against.

### **Contractors**

- 6.5 Employees with a relationship with a business or private nature with contractors or potential contractors must be made known to the appropriate manager. Orders, contracts etc. must be awarded on merit, through fair competition and no favouritism should be shown to businesses run by, for example, relatives, partners or friends. This list is illustrative and not exhaustive and advice is available from Legal and Democratic Services. No part of the community should be discriminated against.
- 6.6 Employees, who engage or supervise contractors or have an official or personal relationship with contractors and have previously had or currently have any form relationship in a private or domestic capacity with a contractor who is engaged or who is proposed to be engaged by

the Council, must declare that relationship to their manager as soon as practicable. Employees are also required to declare and record such an “interest” in the “Interests of Employees Book” kept in Legal and Democratic Services.

### **The Press and the Media**

- 6.7 Employees must not deal directly with the press or the media unless required to do so in the course of their work or they have been expressly authorised by an appropriate manager.
- 6.8 All enquiries for information or comment on issues affecting the work of the Council must be referred to the Communications team.
- 6.9 Any article, publication or interview given on aspects of Council policy or activity must be properly authorised.

## **7.0 Appointments and other employment matters**

- 7.1 Employees involved in appointments must ensure that they 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. This principle is included in the Council’s Recruitment and Selection Policy and Procedure, which is on the Intranet.
- 7.2 In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with them.
- 7.3 In respect of any attempts to be canvassed, employees who are approached in this way must report the matter to their manager or to the Monitoring Officer immediately.
- 7.4 Similarly, employees must not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative, partner or close friend.

## **8.0 Outside Commitments**

- 8.1 An employee’s life away from work is their personal concern. However, an employee must not put their private interests ahead of their contracted work or put themselves in a position where the Council’s and their private interests conflict. Employees should check with their manager if they are in any doubt.
- 8.2 The Council would not wish to unreasonably prevent employees from undertaking additional employment (either paid or unpaid) providing it does not:
  - Conflict or detrimentally affect the Council’s interests.
  - In any way weakens public confidence in the conduct of the Council’s business.
  - In any way affects an employee’s performance of their duties and responsibilities whilst they are working for the Council.
  - In any way could impact on the reputation of the Council.
- 8.3 An employee should not use their job within the Council to confer advantage to any private interest that they have for personal gain.
- 8.4 Employees must be made aware that no outside work of any sort should be undertaken in the workplace. Additionally the use of Council facilities, for example telephones and photocopying for this, for any outside work is forbidden.

- 8.5 If in any doubt, employees should speak to their manager about their outside interests or activities.

## 9.0 Personal Interests

- 9.1 Employees must declare to their manager or to the Chief Executive (whichever is appropriate) any financial interests they have which could conflict with the Council's interests.
- 9.2 Employees must declare to their manager or to the Chief Executive, any non-financial interests that they consider could bring about conflict with the Council's interests. Examples would be involvement with an organisation receiving grant aid from the Council, involvement with a voluntary organisation or involvement with an organisation or pressure group, which may seek to influence the Council's policies.
- 9.3 Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council's services or resources from which they, their friends, family or any organisation they are involved with might benefit.
- 9.4 Employees who have such interests should make a declaration in the "Interests of Employees Book" held in Legal and Democratic Services.
- 9.5 Appendix 'A' to this procedure provides employees with a checklist of questions to consider when deciding if they need to declare an interest.

## 10.0 Alcohol and Drugs

- 10.1 The consumption of alcohol is not permitted on Council premises or whilst an employee is on official duty unless authorised.
- 10.2 The Council prohibits the use, possession, distribution or sale of drugs at the workplace or when conducting Council business.
- 10.3 The Council's policy on Alcohol and Drugs is on the Intranet.

## 11.0 Criminal Charges

- 11.1 An employee should not put himself or herself in a position where their behaviour and their job or the Council's interests conflict. This includes behaviour, which, because of the nature of their employment would undermine the Council's confidence or trust in the employee.
- 11.2 An example of such behaviour relates to Council employees facing criminal charges, The Council requires all employees to notify their manager **without delay** of any criminal investigation, charge or caution imposed upon them. This requirement applies to charges incurred on or off duty.

## 12.0 Equality and Fairness

- 12.1 Employees have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All

members of the local community, customers and other employees have the right to be treated with fairness and equity.

12.2 Such policies would include the Council's Equalities Policy Statement and the Harassment Procedure.

12.3 The bullying, harassment or victimisation by an employee of the Council of another employee, client or a member of the public will be treated as misconduct.

### **13.0 Separation of roles during tendering**

13.1 Employees should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

13.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

13.3 Employees who have access to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

13.4 Employees must ensure that no special favour is shown to current or 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.

13.5 Any employee who has any direct connection with any company, contractor or tenderer either personally, or through any immediate relative or through any close personal friendship, should disclose this to their manager and enter it in the "Interests of Employees Book" in Legal and Democratic Services prior to any involvement in the tendering or contract process. Please refer to checklist at Annexe A, for guidance on questions to ask yourself when deciding if to declare an interest.

### **14.0 Corruption**

14.1 The Bribery Act 2010 (The Act) makes it a criminal offence to:

- Give a bribe in order to induce or reward an individual for the improper performance of a relevant function or activity.
- Request or agree to receive a bribe for the improper performance of a relevant function or activity.

14.2 The Act also provides a corporate offence of failing to prevent bribery.

14.3 It is a criminal offence for an employee 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.

14.4 Employees should politely decline any gift, loan, fee, reward or advantage to any person attempting to use this for personal or commercial gain. An employee must declare any such occurrence to their manager or Monitoring Officer immediately. The employee should state the nature of the occurrence, who provided the gift etc. and when.

## **15.0 Use of Financial and Other Resources**

15.1 An employee must:

- Use any public funds entrusted to or handled by themselves in a responsible and lawful manner.
- Not make personal use of property or facilities of the Council unless properly authorised to do so.

### **Public Funds**

15.2 The public has every right to expect the highest standards of honesty and stewardship of public money. Employees must ensure that they use public funds entrusted by them in a responsible and lawful manner ensuring value for money to the local community and avoiding legal challenge to the Council.

15.3 The Council has a Constitution, which includes Financial Regulations, Financial Procedure Rules and Contract Procedure Rules. These define the Council's rules to ensure sound financial management. The Constitution is on the Intranet.

15.4 A departure from these high standards will be treated as a most serious matter, both under the disciplinary procedure and where appropriate through the processes of law.

### **Care and Use of the Council's Resources**

15.5 The Council's resources, whether tangible assets (e.g. materials, equipment and cash) or business information (e.g. trade secrets) may not be used other than for the proper advancement of the business of the Council.

15.6 All equipment belonging to the Council should be treated with due care and respect. Any employee wishing to use an item of Council equipment (e.g. printer) for business other than that of the Council must obtain permission from their manager in advance.

### **Patent**

15.7 Any matter, item or idea capable of being patented under the Patents Act, which is developed or discovered by an employee, alone or together with colleagues, in the course of their duties, must be disclosed to their manager and subject to the provisions of the Patents Act belongs to the Council.

15.8 It is the responsibility of the Council in the first instance to decide whether to apply for patent or other protection in law for any invention, which belongs to the Council by virtue of the Patents Act.

### **Copyright**

15.9 All records, documents and other papers relating to the finance and administration of the Council and which are compiled or acquired by an employee in the course of their employment are and will remain the property of the Council.

## **16.0 Security and Use of Computer Data/Equipment and Electronic Communications**

- 16.1 Employees are required to comply with the Council's Electronic Communications and Security Policy and the associated guidelines on the use of electronic communications, such as telephones, tablets, smartphones, e-mails, the Intranet and the Internet. It is part of your conditions of employment and it is, therefore, important that you read and consider this policy and the guidelines carefully. If you are unsure or fail to understand any part of it, it is your responsibility to ask your manager/supervisor to explain.
- 16.2 The Policy is on the Intranet and includes information/guidance on:
- Applicable legislation (e.g. Data Protection Act 2018, Deformation Act 1996, the Computer Misuse Act 1990 etc.).
  - Employee responsibilities with regard to the use of the Council's IT systems etc.
  - How and why the Council monitors electronic communications.
  - What the Council considers unacceptable use of its IT systems etc.
  - Guidelines on the use of emails, telecommunications equipment and the Internet/Intranet.
  - Security (e.g. password protection, file security)
  - Sending restricted/confidential information.

This is not an exhaustive list and employees should read the full policy.

- 16.3 Employees have a duty of care relating to any equipment that they are given to use for Council business e.g. telephones, tablets, smartphones, laptop or memory stick. The equipment should not be used in any way that would lead to it being damaged.

## **17.0 Use of Social Media**

- 17.1 The Council has a Social Media Policy, which is on the Intranet. The objectives of this policy are to ensure:
- Engagement with individuals and communities and the successful promotion of Council-based services through the use of social media.
  - A consistent and corporate approach is adopted and maintained in the use of social media.
  - That Council information remains secure and is not compromised through the use of social media.
  - That users operate within existing policies, guidelines and relevant legislation.
  - That the Council's reputation is not damaged or adversely affected.
- 17.2 The policy includes rules on the use of social media as part of an employee's duties and guidance using of social media in a personal capacity to help protect the employee and the Council.
- 17.3 Alleged breaches of the Social Media Policy may lead to disciplinary action (including dismissal).

## 18.0 Gifts and Hospitality

### Gifts

- 18.1 There can be little doubt that the acceptance of gifts by employees from persons who have or may seek to have dealings with the Council would be viewed by the public with suspicion and would make the employee concerned and the Council extremely vulnerable to criticism.
- 18.2 An employee should politely refuse any personal gift which is offered to her/him or a close relative by or indirectly attributable to any person or organisation who:
- Has or may have dealings of any kind whatsoever with the Council.
  - Has applied or may apply to the Council for any kind of decision.
- 18.3 The only exceptions to the above are:
- Small gifts of only token value often given by way of trade advertisements to a wide range of people (e.g. calendars, diaries, pens and similar articles of use in the workplace).
  - Small gifts of only token value given on the conclusion of a courtesy visit e.g. to a factory or trade fair.
- 18.4 In the event of an employee receiving a gift without warning, which does not fall into any of the exceptions mentioned above, this should be reported to the Monitoring Officer as soon as practicable who will be responsible for deciding whether the gift should be returned.
- 18.5 If there is any doubt about whether a gift may be accepted the gift should be politely refused.
- 18.6 It is contrary to the terms of an employee's contract for them to accept any fee or reward other than their proper remuneration
- 18.7 If any employee becomes aware that she/he has been included as the beneficiary in the Will of a client, for whom the Council offers or used to offer a service where there is a connection with the employee's work the above rules apply.

### Hospitality

- 18.8 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the local community. Offers to attend purely social or sporting functions should be accepted only when these are the part of the life of the community or where the Council should be seen to be represented. It should be properly authorised and recorded in the Corporate Hospitality Register, which is kept in Legal and Democratic Services.
- 18.9 When hospitality has to be declined the person making the offer should be courteously and politely informed of the procedures and standards operating within the Council.
- 18.10 When considering whether or not to accept any hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality. For example an employee must never accept hospitality from a contractor who is tendering for the provision of a Council service.
- 18.11 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.
- The Council gives consent in advance.
- 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 costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decisions.

- 18.12 Employees must refuse offers of hospitality where any suggestion of improper influence would be inferred. Special caution is necessary where hospitality is offered by a person or body having or seeking business with or a decision from the Council particularly where the offer is to an individual employee.
- 18.13 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality.
- 18.14 All offers of hospitality must be declared to the appropriate manager or to the Monitoring Officer and must be entered in the Employees Hospitality Book held in Legal and Democratic Services. Nothing must be accepted without the authorisation of the manager or Monitoring Officer. IF IN DOUBT - DECLARE!

### **Guidance**

- 18.15 Guidance relating to gifts and hospitality can be found in Appendix 'B'.

## **19.0 Sponsorship – Giving and Receiving**

- 19.1 Where an outside organisation wishes to sponsor or is sought 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.
- 19.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse, or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest and declaration in the "Interests of Employees Book" held in Legal and Democratic Services. Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

## **20.0 Review of Employee Code of Conduct**

- 20.1 The Employee Code of Conduct may be reviewed at any time in consultation with the recognised Trade Unions.

## Appendix A

### Types of interest to consider whether to make declaration

#### Introduction

These notes and checklist are a useful guide for employees in dealing with any matters relating to Declaration of Interests

- **Relatives / friends will benefit or are involved in any way** - Relatives includes your parents, parents-in-law, step-parents, husband, wife or partner, son, daughter, step-son, step-daughter, child of a partner, brother, sister, brother-in-law or sister-in-law. Partner means any person with whom you co-habit as partner. This list is illustrative and not exhaustive and advice is available from Legal and Democratic Services.
- **Employment** - Consider any paid employment (other than your employment with the authority) and any firm of which you are a partner. Also any paid employment of any member of your family, and of any firm in which a member of your family is a partner. This relates also to the receipt of shares or dividends from any company that is providing services for or is looking to provide services for the Council.
- **Membership of another local authority** - Consider if you or your immediate family, are elected or co-opted members of any other local authority.
- **Other public authorities** - Consider if you or a member of your immediate family is in a position of general control or management of another public authority, such as a NHS body?
- **Land** - Consider any land in the area of the authority, which is owned or occupied by you or by a member of your family. Ownership of land includes ownership of an option to buy land.
- **Membership of local companies** - Any company which owns land or has a place of business within the area of the authority, and in which you or your immediate family owns any shares or securities with a nominal value of £25,000 or more.
- **Contracts** - Any contract of goods, services or works made between the authority and yourself, a member of your family or a company or firm of which you have entered details above.
- **Outside bodies** - Anybody or organisation to which the authority has appointed you.
- **Trade Unions and professional associations** - Any Trade Union or professional association of which you are a member and any position, which you hold within that Trade Union or organisation.
- **Lobbying organisations** - Anybody whose principal purposes include the influence of public opinion or policy, of which you are a member.
- **Charities** - Any charity or body directed to a charitable purpose of which you are a member and which could benefit from assistance from the Council or may give rise to a conflict with the proper performance of any of your duties in this job.
- **Other interests** - Any other private interest, which you have, which you consider is likely to give rise to a conflict with the proper performance of any of your duties in this job.

## Appendix B

### Guidance on Gifts & Hospitality and whether to make a declaration

#### Introduction

These notes and checklist are a useful guide for employees in dealing with any matters relating to Gifts or Hospitality. All the principles set out in this article apply equally to gifts and hospitality given to close members of an employee's family.

#### Gifts

The acceptance of gifts is a dangerous practice. As a general rule employees should politely refuse offers of gifts from organisations or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (e.g. planning application).

Modest gifts of a promotional nature are generally considered to be acceptable (e.g. calendars, diaries, articles for office use, or a small gift offered during a courtesy visit to a firm). What constitutes a modest gift is a matter of judgement.

#### Hospitality

When to accept hospitality is very much a matter of judgement given the particular circumstances. It would be wrong to produce an atmosphere in which employees refused all invitations to socialise with persons or bodies that have, or may seek to have in the future business dealings with the Council.

The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to accept hospitality offered to a group than to accept something unique to yourself. Contacts established at a social level can often be helpful in pursuing the Council's interests. What is important is to avoid any suggestion of improper influence.

When a particular person or body has a matter, which is currently an issue with a local authority, then common sense dictates that a more restrictive approach should be applied (e.g. negotiations with an outside organisation).

#### Gifts and Hospitality Checklist for Employees

It is suggested that, before accepting any gift or offer of hospitality, employees should ask themselves the following questions and ensure that they would be able to supply satisfactory answers if requested to do so at a later date.

1. Is the donor, or the event, significant in the community or in your Council's area?
2. Are you expected to attend because of your position in the authority or community?
3. Will the event be attended by others of similar standing in the authority/community or in other authorities/communities?
4. Do you have any contact in your job with the person or organisation providing the gift or hospitality?

5. Are there any special circumstances justifying accepting this gift / hospitality?
6. What is the motivation behind the invitation?
7. What is the market value or cost of the gift / hospitality?
8. Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving your Council?
9. Did you get consent of your line manager before accepting it?
10. Could you justify the decision to your Council, press and public?
11. Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
12. How will you respond to the hospitality?
13. Are you comfortable with the decision?