

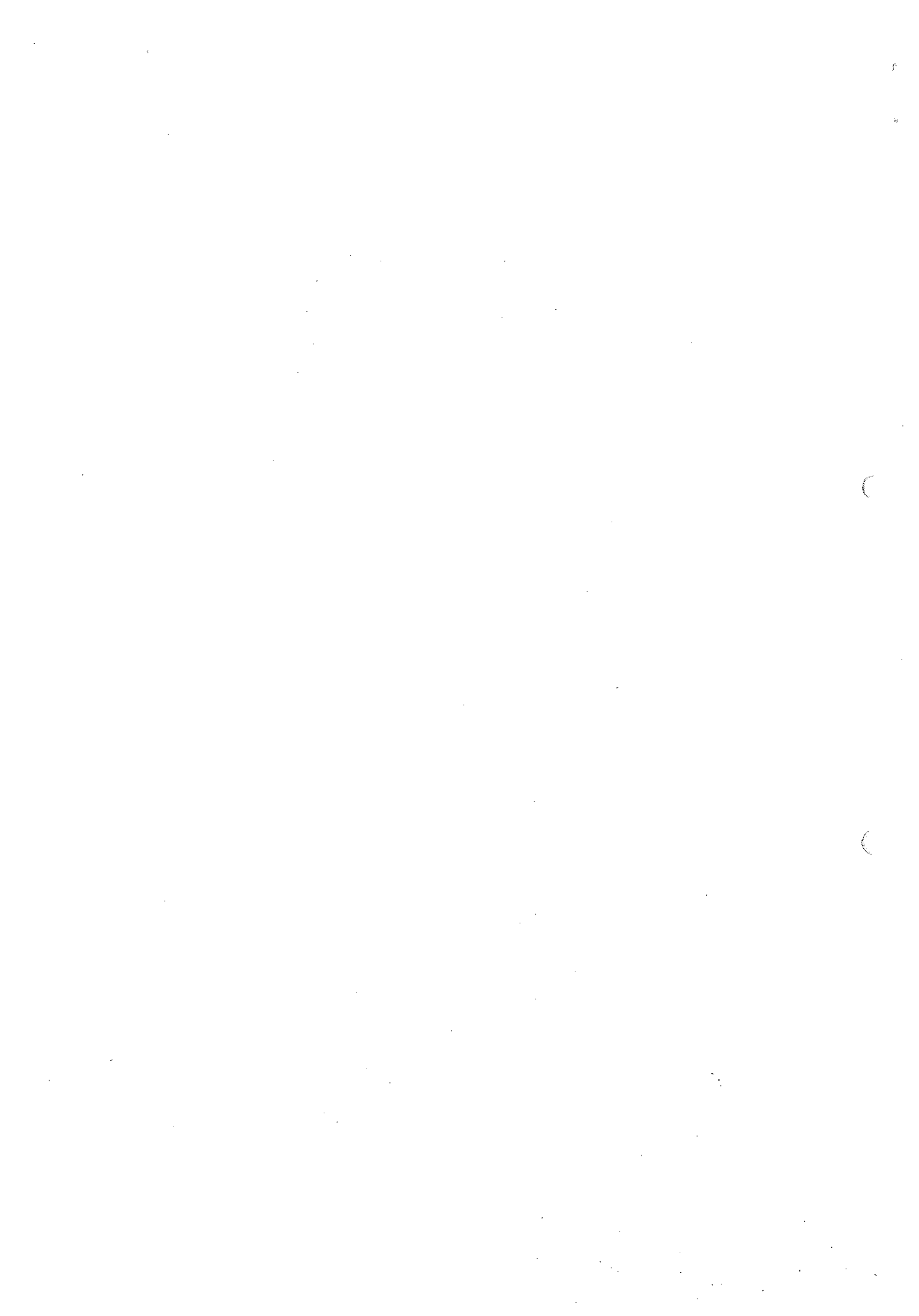
SOUTH DERBYSHIRE DISTRICT COUNCIL

**CODE OF CONDUCT
(DRAFT REVISED)**

For Employees of the Council

(For Consultation)

**Personnel & Development Division
July 1999
(Revised June 2003)**



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1. INTRODUCTION AND SCOPE

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government and that their conduct should never be influenced by improper motives.
- 1.2 This code has been drawn up by the Council to provide a set of standards of conduct expected of employees at work. ***It can be found on public folders at ***** for reference purposes.***
- 1.3 The code takes into account the requirements of the law and the provisions on official conduct in the appropriate national conditions of service. Whilst the code applies to all the Council's employees, it is inevitable that some of the issues discussed will affect senior, managerial and professional employees more than others. Those employees, for example, involved in processing applications for services or resources, licences or statutory consents and those involved in the procurement of goods and services need to pay particular attention to the code.
- 1.4 Investigations of alleged breaches of this code will be dealt with under the Council's disciplinary procedure. If employees are in any doubt as to whether they may be in breach of this code they should seek advice from their manager.

2. STANDARDS

- 2.1 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 other employees and Members with impartiality ***in accordance with the Member/employee protocol, which can also be found on public folders *****.*** Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of management any deficiency in the provision of service and must report any impropriety or breach of procedure.

3. DISCLOSURE AND CONFIDENTIALITY OF INFORMATION

- 3.1 The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to committee reports and background information. Employees must be aware of which information is and is not open and act accordingly. Advice is available from ***Legal & Democratic Services.***
- 3.2 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. Any particular information received by an employee from a Councillor, which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 3.3 Only employees authorised by their manager to do so may talk to the Press, or otherwise make public statements on behalf of the authority. Generally, an employee contacted by the Press should refer the matter to the Public Relations Officer.
Please refer to the Member/employee protocol for more detail.

- 3.4 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 1998. The Council requires that the confidentiality of this information will be respected.

4. POLITICAL NEUTRALITY AND ACTIVITY

- 4.1 Employees serve the Council as a whole. It follows, therefore, that they must serve all Members, not just the Members of any controlling group, and must ensure that the individual rights of all Members are respected. ***The Member / employee Protocol outlines clearly the expectations placed on employees.***

- 4.2 Some senior employees will be expected, within the Council's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the controlling group. ***The Member / employee Protocol outlines clearly the expectations placed on employees.***

- 4.3 Some employees, who are normally those in more senior positions, are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules for claiming exemption.

- 4.4 Employees holding politically restricted posts are disqualified from membership of any local authority (other than a parish or community council), from being an MP or MEP, and are subject to prescribed restrictions on their political activity.

- 4.5 If an employee is in any doubt about whether any activity is political activity and covered by these rules they should seek advice from ***Legal & Democratic Services***. Any breaking of the statutory rules will be a breach of contract and liable to be investigated under the disciplinary procedure.

- 4.6 Employees whether or nor politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5. RELATIONSHIPS

Members

- 5.1 Some employees are required to give advice to Members as part of their job. Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided. ***Further details about the differences in roles of Members and employees, and the relationships between them are clearly defined in the Member / employee Protocol.***

The local community and service users

- 5.2 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.

Contractors

- 5.3 All relationships with contractors or potential contractors must be made known to the appropriate manager. To do otherwise is unlawful. Orders, contracts etc. must be awarded on merit, through fair competition and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. ***(Relatives includes your parents, parents-in-law, step-parents, husband, wife, partner, son, daughter, step-son, step-daughter, child of a partner, brother, sister, brother-in-law, or sister-in-law.) 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.
- 5.4 Employees, who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, must declare that relationship. Employees who wish to declare an interest should record this in the "Interests of Employees Book" held in ***Legal and Democratic Services.***

6. APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

- 6.1 Employees involved in appointments must 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 work. 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.
- 6.2 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.
- 6.3 The Council does not allow or condone unfair or unlawful discrimination in any way in its appointment procedures. All employees involved in making appointments must have attended the Council's course on recruitment and selection and must follow the guidance provided by the Council's recruitment and selection procedures.
- 6.4 In respect of any attempts to canvass, employees who are approached in this way must report the matter to their respective manager or to the Chief Executive immediately.

7. OUTSIDE COMMITMENTS

- 7.1 Employees' off-duty hours are their personal concern but they must not subordinate their duty to their private interests or put themselves in a position where duty and private interests conflict. The Council would not wish to preclude employees unreasonably from undertaking additional work unless that work conflicts or detrimentally affects the Council's interests or in any way weakens public confidence in the conduct of the Council's business, or in any way affects their ability to undertake their Council work.
- 7.2 Employees above spinal column point 28 are expected to devote the whole of their service to the work of the Council and must not engage in any other business or take up any other additional appointment for financial gain without the agreement in advance of their manager.

- 7.3 Employees below spinal column 28 will be expected to gain permission from their manager for any outside interests or activities where there can be any suggestion of that activity/interest being in conflict with their work for the Council or with Council business.
- 7.4 If agreement is given employees must be made aware that no outside work of any sort should be under taken in the workplace, and use of Council facilities, for example telephones and photocopying for this, is forbidden.
- 7.5 If in any doubt, employees should speak to their manager about their outside interests or activities.

8. PERSONAL INTERESTS

- 8.1 Employees must declare to their manager or to the Chief Executive (whichever is appropriate) any financial interests which could conflict with the Council's interests.
- 8.2 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 (for example involvement with an organisation receiving grant aid from the Council or involvement with an organisation or pressure group which may seek to influence the Council's policies).
- 8.3 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 or family might benefit.
- 8.4 Employees who have such interests should make a declaration in the "Interests of Employees Book" held in Legal and Democratic Services.
- 8.5 ***Annexe 'A' to this procedure provides employees with a checklist of questions to consider when deciding if they need to declare an interest.***

9. EQUALITY ISSUES

- 9.1 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.
- 9.2 Any employee needing advice should contact ***Personnel & Development.***

10. SEPARATION OF ROLES DURING TENDERING

- 10.1 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.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

- 10.4 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity. 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" held 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.***

11. CORRUPTION

- 11.1 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. It is for the employee to show that any such rewards have not been corruptly obtained.

12. USE OF FINANCIAL AND OTHER RESOURCES

- 12.1 The public has every right to expect the highest standards of honesty and stewardship of public money and resources. Employees must ensure that they use the public funds and/or resources entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Council.
- 12.2 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.
- 12.3 The Council has ***a Constitution which sets out the Rules of Procedure which include Financial Regulations*** that define rules for sound financial management. These are available from your manager.

13. HOSPITALITY

- 13.1 Employees should accept offers of hospitality only if there is a genuine need to impart information or to represent the Council 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. It must be properly authorised and recorded ***in the Employees Hospitality Book held in Legal and Democratic Services.***
- 13.2 When hospitality has to be declined the offerer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 13.3 Employees must not accept significant gifts from contractors and outside suppliers, other than insignificant tokens such as pens or diaries. When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding, and must never accept hospitality from a contractor during a tendering period.
- 13.4 Acceptance by employees of hospitality whilst in attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect

equipment are required, employees must ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

13.5 All offers of hospitality must be declared to the appropriate manager or to the Chief Executive 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 Chief Executive. IF IN DOUBT - DECLARE!

13.6 Guidance relating to gifts and hospitality can be found in ***Annexe 'B'***.

14. SPONSORSHIP - GIVING AND RECEIVING

14.1 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.

14.2 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.

15. INFORMATION TECHNOLOGY

15.1 A number of procedures/ guidelines exist relating to Information Technology. These can be found ***on public folders ********. Employees using Information Technology need to pay particular attention to such procedures/guidelines ***as Electronic Communications Policy and Mobile Phones Guide for Users***. Deliberate breaches of the Data Protection Act 1998 and the guidelines relating to password security and e-mail will be misconduct under the disciplinary procedure.

16. REVIEW OF EMPLOYEE CODE OF CONDUCT

16.1 The Employee Code of Conduct may be reviewed at any time in consultation with the appropriate Trade Unions.

Types of interest to consider for Employees deciding 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.

- **Membership of another local authority**

Are you or your immediate family elected or co-opted members of any other local authority?

- **Other public authorities**

Are you or a member of your immediate family 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**

Any body or organisation to which you have been appointed by the authority.

- **Trades unions and professional associations**

Any trades union or professional association of which you are a member and any position, which you hold within that trades union or organisation.

- **Lobbying organisations**

Any body 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.

- **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.

Guidance on Gifts & Hospitality for Employees deciding 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 tactfully 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. It is interesting to note that for the purposes of tax the provision of gifts costing £10 or under each is an allowable business expense for companies and sole traders.

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 who 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 any employee 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?