

# Officer Code of Conduct

## Introduction

This code has been drawn up broadly in line with the Local Government Management Board's Code of Conduct for local government employees, with variations to reflect North East Derbyshire's conditions and circumstances.

This code has been formulated by the Council to provide a set of standards of conduct expected of employees at work and the link between that work and their private lives.

The code takes into account the requirements of the law and the provisions on official conduct in the appropriate National Conditions of Service.

The code applies to all Council employees. Those employees 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.

The code will be made readily accessible in all work places to all employees for reference purposes.

Investigations of alleged breaches of this code will be dealt with under the Council's Disciplinary Procedure.

If employees are in any doubt whether they may be in breach of this code they should seek advice from their Senior Officer or Senior Manager

## Standards

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 and courtesy.

Employees should bring to the attention of their Line Manager any deficiency in the provision of service and must report any impropriety or breach of procedure.

## Disclosure of Information

- 1 The law requires that certain types of information must be available to Members, Auditors, Government Departments, Service Users and the public.
- 2 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 documents.
- 3 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor shall they pass it onto others who might use it in such a way.
- 4 Only employees authorised by their Senior Officer or Senior Manager to do so may talk to the Press or otherwise make public statements on behalf of their Service or

Directorate. Generally, an employee contacted by the Press should refer the matter to the Communications Team who will deal with it as appropriate.

### **Political Neutrality/Activity**

- 1 Employees serve the Council as a whole. It follows, therefore, that they must serve all Members not just Members of any controlling Group and must ensure that the individual rights of all Members are respected.
- 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 majority group.
- 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 about claiming exemption, but any employee who is in any doubt about their position should contact their Senior Officer or Senior Manager.
  - 3.1 Political restriction is linked to the particular role of the employee and includes:
    - Head of the Paid Service
    - Statutory Chief Officers
    - Non-statutory chief officers
    - Deputy Chief Officers
    - Monitoring Officer
    - Chief Finance Officer
    - Officers exercising delegated powers
    - Assistants to political groups
    - A sensitive post which meets one or both of the following duties – related criteria:
      - Giving advice on a regular basis to the Authority (including Committees, Sub-Committees, Joint Committees, Executive of an authority or committee of the Executive).
      - Speaking on behalf of the Authority on a regular basis to journalists or broadcasters.
- 4 The political activities which are restricted for these Officers mainly cover the following areas:-
  - (a) Standing as a candidate for election to the House of Commons, European Parliament or a Local Authority (other than a Parish Council)
  - (b) Holding office in a political party at any level, except in limited roles concerned only with the internal membership of the 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.

- 5 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.

## **Relationships**

### **1 Members**

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 but close personal familiarity between employees and individual members can damage the relationship and prove embarrassing to other employees and should therefore be avoided.

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

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.

### **3 Contractors**

All relationships with contractors or potential contractors must be made known to the appropriate Senior Officer or Senior Manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no favouritism should be shown to businesses run by current or recent employees or their partners, close relatives or associates.

Employees who engage or supervise contractors and have an official relationship with contractors or have previously had or currently have a relationship in a private, financial or domestic capacity, must declare that relationship to their Senior Officer or Senior Manager.

## **Appointment and other Employment Matters**

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.

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.

## **Outside Commitments**

- 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 with 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 other way affects their ability to undertake their Council work.

- 2 However Officers above SCP28 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 without the agreement in advance of their Senior Officer or Senior Manager (see the Functions Scheme in Part 3 of the Constitution).
- 3 If agreement is given employees must be made aware that no outside work of any sort should be undertaken in the workplace and use of facilities e.g. telephones, photocopying etc for this is forbidden, unless this is previously authorised and paid for.

### **Personal Interests**

- 1 Employees must declare to their Line Manager non-financial interests that they consider could bring about conflict with the Council's interest. This could include involvement with an Organisation receiving Grant Aid from the Council, Membership of an NHS Trust Board, involvement with an Organisation or Pressure Group which may seek to influence their Authority's policies. Membership of a Trade Union is exempted from this requirement.
- 2 Employees must declare any financial interests which could conflict with the Council's interest.
- 3 Employees must declare to their Senior Officer or Senior Manager membership of any Organisation not open to the public - with a formal membership and a commitment of allegiance and which has secrecy about its rules or membership or conduct e.g. Freemasons.
- 4 Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their Senior Officer or Senior Manager.

### **Equality issues**

Employees have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with as well as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

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

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

- 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.
- 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 by them or employing them in a senior or relevant managerial capacity.

### **Corruption**

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 demonstrate that any such rewards have not been corruptly obtained.

### **Use of financial Resources**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner ensuring value for money to the local community and avoiding legal challenge to the Council.

### **Hospitality**

- 1 Employees must treat with extreme caution any offer, gift, favour or hospitality made to them personally.
- 2 If there is a genuine need as a legitimate part of an employee's job to accept offers of hospitality this may be allowed. The decision whether to accept is one of common sense, however, any employee who is in doubt about the legitimacy of any offer of hospitality must ask his/her Senior Officer or Senior Manager for advice.
- 3 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.
- 4 Acceptance by employees of hospitality at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.
- 5 Any offer, gift, favour or hospitality as described in the above paragraphs should only be accepted where the employee is satisfied that any purchasing, planning or other Council decisions are not compromised. Employees should not place themselves in a position where their own integrity and the integrity of the Council may be called into question.
- 6 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.
- 7 Employees must not accept significant personal gifts from contractors and outside suppliers. Insignificant tokens such as pens or diaries may be accepted.

- 8 A register is maintained by the *Monitoring Officer* which is open to inspection by the Standards Committee of the Council. This register should be used by any employee of the Council who accepts any gift, favour or hospitality made to them of the value of £25 or more and accepted by them personally or on behalf of the Council.

### **Sponsorship - Giving and Receiving**

- 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.
- 2 Where the Authority 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 the appropriate Senior Officer or Senior Manager of any such interest. 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.