OFFICERS' CODE OF CONDUCT

1 SUMMARY

1.1 This report proposes a revised Officers' Code of Conduct.

2 INTRODUCTION

2.1 When implementing the Council's new Constitution in 2002, it was recognised that the Officers' Code of Conduct was dated and in need of revision. However, this was delayed because the Local Government Act 2000 contains provision for the introduction of a national code of conduct for local government employees, which was understood to be imminent.

2.2 In November 2004 the Standards Committee considered a consultation by the then Office of the Deputy Prime Minister on a new model Code of Conduct for Local Government Employees. The Committee broadly accepted the model subject to some minor amendments and responded to the consultation accordingly (Min.488/04).

2.3 In December 2005, the Office of the Deputy Prime Minister published a paper on the future of the conduct regime for local government in England, "Standards of Conduct in English Local Government: The Future". The paper confirmed the government's intention to proceed with a statutory code for employees but offered no firm indication of when this is likely to take place.

2.4 The proposed statutory code will be deemed into employees' contracts of employment and will underpin any local code. Breach will be dealt with under local disciplinary procedures rather than the mechanisms that apply to Councillors.

2.5 The Council is currently considering various aspects of its Constitution and, given the above, it is apposite to review and update the Officers' Code of Conduct at this time.

2.6 A draft based on an update of an existing model code produced, after consultation, by the then Local Authority Associations and the Local Government Management Board is attached at Appendix 1 for Members consideration.

3 CONSULTATION WITH STAFF

3.1 As the recognised Trade Union, Unison has been consulted on the revised Code and their response will be reported to the meeting.

4 RECOMMENDATION

4.1 It is proposed that the Committee **RECOMMEND** to Full Council

That, subject to Members' comments and the response from Unison, the draft Officer's Code of Conduct appended to this report be adopted and the Constitution amended accordingly.

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Background Papers:-

None

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APPENDIX 1

DRAFT OFFICERS' CODE OF CONDUCT

1 Introduction

1.1 This Code of Conduct is intended to apply to all employees of the Council. It explains in practical terms the standards of behaviour required under the law, under Conditions of Service, Council Policies and under Council Procedure Rules.

2 Status of the Code

2.1 The Code sets out the minimum standards that apply and lays down guidelines that will help improve standards and protect employees from misunderstanding or criticism. The Code supplements more detailed policies in defined areas such as issues of equality, use of Information Technology, etc. and will be regularly reviewed and updated.

2.2 Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than others. The Code covers all employees under a contract of employment within local government.

2.3 This Code supplements, and does not replace, any code or recognised standards of conduct promulgated by any professional body of which an employee is a member.

3 Standards

3.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide advice to councillors and fellow employees with impartiality.

3.2 Employees will be expected as part of the drive for a quality service to bring to the attention of the appropriate level of management any deficiency in the provision of service.

3.3 Employees must report any impropriety, breach of procedure, unlawfulness or maladministration to the appropriate manager or the authority's Monitoring Officer.

4 Disclosure of Information

4.1 The Council has adopted the principles of open government and seeks to involve the public in the decision making process. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. In certain circumstances, employees may have a legal or professional duty to disclose information to a third party, (for example, in the course of legal proceedings).

4.2 The Council will inform employees of the type of information that must be made available, and to whom; the type of information that has voluntarily been made open, and to whom; and the type of information that the authority does not wish to be disclosed without specific permission.

4.3 Employees should be aware of which information within the Council is open and which is not, and act accordingly. Any officer having custody of documents to which right of access applies commits an offence by obstructing that right.

4.4 Employees 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.

4.5 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 prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

5 Political Neutrality

5.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

5.2 Some employees are required to advise political groups. They must do so in ways that do not compromise their political neutrality.

5.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5.4 Where a local authority employee holds a politically restricted post such restrictions are deemed to be incorporated in their contract of employment.

6 Relationships

Councillors

6.1 All employees are there to carry out the Council's work. They are responsible to the Council through its senior managers.

6.2 The role of some employees is to give advice to councillors and senior managers. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

The Local Community

6.3 Employees should always remember their responsibilities to the community they serve and ensure courteous, respectful, efficient and impartial service delivery to all groups and individuals within that community as defined by the corporate aims and policies of the Council.

Contractors

6.4 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate Head of Service. Orders and contracts must be awarded on merit, by fair competition in accordance with Contract Procedure Rules and no special favour should be shown to any businesses and no part of the local community should be discriminated against.

6.5 An employee must not seek or receive any gift or personal inducement in connection with the procurement of works, goods or services.

6.6 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to the appropriate Head of Service.

7 Appointments and other employment matters

7.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment that is based on anything other than the ability of the candidate to undertake the duties of the post. These principles and the Council's recruitment procedures are detailed in the Council's Managers' Guide.

7.2 In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. Candidates for any appointment with the Council must disclose on their application whether they are related to any member of the Council or to a holder of any senior office.

7.3 Employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, close personal friend etc.

8 Outside commitments

8.1 Employees graded above Scale 6 have conditions of service that require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests, or in any way weaken public confidence in the conduct of the Council's business.

8.2 Employees of all grades should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position (for example, an architect or planner who draws up plans within the District for an applicant for planning consent.) It is irrelevant whether or not the work is paid.

8.3 Employees' off-duty hours are their personal concern but they should not subordinate their duty to private interests to put themselves in a position where duty and private interests conflict. The Council will not preclude employees from undertaking additional employment, but any such employment must not, in the view of the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business.

8.4 No outside work of any sort should be undertaken in the office, and use of facilities, e.g. telephones, or access to typing facilities for outside work is forbidden.

9 Information Technology and Data Security

9.1 Employees must ensure that they follow the Council's security procedures in relation to the use and storage of computers and the proper management of computer held information. Particular care should be taken to observe established procedures when using passwords and when logging on and off, especially when working with confidential records or sensitive material.

10 Personal Interests

10.1 Employees must declare to their Head of Service any financial interests that could conflict with the Council's interests.

10.2 Employees must declare to their Head of Service (preferably in writing), any non-financial interests that they consider could bring about conflict with the Council's interests. This may include membership of outside bodies in a personal capacity. In such cases employees should be mindful not to place themselves in a situation where their involvement or working contribution could compromise their continuing professional duty to the interests of the Council.

10.3 On a voluntary basis, employees are encouraged to make declarations of interests by pro forma, based on the same principles as those required of Members, in a register kept for the purpose by the Principal Committee Administrator.

10.4 When serving on outside bodies as a Council appointee, employees will be expected to represent and promote the Council's interests and policies as the circumstances dictate.

11 Equality Issues

11.1 Employees should ensure that all policies agreed by Council relating to equality issues are complied with in addition to the requirements of the law. All members of the local community, customers, job applicants and other employees have a right to be treated with fairness and equity.

12 Separation of Roles During Tendering

12.1 The tendering process must be seen to be open and above board. Employee involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority.

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

12.3 Employees who are privy to confidential information on tenders or costs relating to either internal or external contractors should not disclose that information to any unauthorised party or organisation.

13 Corruption

13.1 Corruption may include receiving any payment, gift (other than a gift of a nominal value) hospitality, or any other benefit from any person or organisation who a member of staff deals with in their work, irrespective of what it is in respect of, including tips, and payment for additional 'private work'. It is also irrelevant whether any benefits are directly to an officer or to the officer's family or friends.

13.2 Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and criminal prosecutions undertaken.

14 Use of Financial Resources

14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner.

14.2 They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

15 Hospitality, Gifts and Sponsorship

15.1 Employees must decline gifts other than nominal items such as calendars, diaries, etc.

15.2 Employees should treat with caution all offers of hospitality wherever any suggestion can arise of improper influence. Particular care is required where a person or body having or seeking business with, or a decision from the

Council offers hospitality, particularly where the offer is to an individual employee. It should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and where it is apparent no cause could reasonably arise for adverse criticism about accepting it.

15.3 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.

15.4 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. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

16 Standard of Dress and Appearance

16.1 First impressions count and if a member of staff is inappropriately dressed then at best it presents an obstacle to be overcome in the minds of members of the public. At worst it can create the view that the Council is inefficient. There is therefore a general expectation that dress will be appropriate to the nature of the duties and responsibilities undertaken by the individual.

16.2 The Council values and welcomes the ethnic diversity of its workforce and will take account of ethnic and religious dress requirements with sensitivity ensuring that employees are free to observe them.