

# Officers' Code of Conduct

## 1. Standards

- 1.1 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 appropriate advice to councillors and fellow employees with impartiality. 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 service.
- 1.2 Employees must report to the appropriate manager any impropriety or breach of procedure.

## 2. Disclosure of Information

- 2.1 No employee may take part in any broadcast (sound or vision) or publish an article or otherwise disclose information to the media which relates to the business of the Authority without first obtaining the permission of the Chief Executive and/or relevant Director. If contacted by the media for information, an officer should refer the journalist to the Chief Executive and/or relevant Director in conjunction with the Council's Communications Director.
- 2.2 An employee should not be influenced by improper motives (e.g. secret profit or gain).
- 2.3 An employee must not disclose either orally or in writing any information of a confidential nature he/she has acquired through his/her official duties or to which he/she has access owing to his/her official position.

## 3. Political Neutrality

- 3.1 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.
- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

## **4. Relationships**

### **4.1 Councillors**

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. 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.

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

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

### **4.3 Contractors and Suppliers**

All relationships of a business or private nature with external contractors or suppliers, or potential contractors or suppliers, must be reported to your line manager and in writing on the attached form at Appendix A sent to the Council's Monitoring Officer for inclusion on the official Register of Interests. The online Declaration of Interest form is on the intranet under 'Your employment with ECC' in the 'employment forms' section.

Orders and contracts must be awarded in accordance with the Council's Procurement and Contract Procedures on merit, by fair competition against other tenders, and no special favour should be shown to potential contractors (Particularly those run by, for example, friends, personal or business associates, spouses or relatives) in the tendering and award process. No part of the local community should be discriminated against.

Where it comes to the knowledge of an employee of the Council that a contract in which he/she has any pecuniary interest, whether direct or indirect, has been or is proposed to be entered into, then the employee must In accordance with the provisions of section 117 of the Local Government Act 1972,, give notice of that interest as soon as is reasonably practicable to their manager and in writing to the Council's Monitoring Officer using the form attached to this report at Appendix A.

Failure to declare such an interest could constitute a criminal offence as well as a breach of this Code of Conduct resulting in disciplinary action.

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

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## **5. Appointment and Other Employment Matters**

- 5.1 Employees involved in appointments should 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 duties of the post. 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.
- 5.2 In principle, no employee should be directly or indirectly in authority over a relative or someone with whom he or she has close personal ties, including for example, father or mother, husband or wife, son or daughter, brother or sister, or common-law partner. This factor may be taken into account in any recruitment and selection process. Should the situation arise, the Council would not wish to be put in the position of taking extreme measures and in the first instance, would look to the parties to resolve the situation themselves and so far as possible, would give assistance in achieving this in accordance with redeployment procedures. In addition, while the situation persists, any action or decision in respect of discipline, grading, promotion etc., should be made by objective third parties, e.g. Human Resources and the Chief Executive, or appropriate Director or Corporate Manager.

## **6. Outside Commitments**

- 6.1 An employee must not have any secondary employment without first obtaining the permission of their Line manager who shall not unreasonably withhold consent having taken into account whether that employment would conflict with the interests of the Authority.
- 6.2 The Authority will not attempt to preclude employees from undertaking additional employment but any such employment must not in the view of the Authority, conflict with, or react detrimentally to, the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business.
- 6.3 Officers above Grade G shall devote their whole-time service to the work of the Authority and shall not engage in any other business or take up any additional appointment without the express consent of the relevant Director.

## **7. Personal Interests**

- 7.1 Employees must declare to their line manager and in writing to the Monitoring Officer on the form at Appendix A, any non-financial interests that they consider could bring about conflict with the Authority's interests.

7.2 Employees must declare to their line manager and in writing to the Monitoring Officer on the form at Appendix A any financial interests which could conflict with the Authority's interests.

7.3 Employees should declare to their line manager and in writing to the Monitoring Officer using the form at Appendix A, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

## **8. Equality Issues**

8.1 All employees should ensure that policies relating to equality issues as agreed by the Authority are complied with, in addition to 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.

## **9. Separation of Roles during Tendering**

9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and internal contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

9.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors, whether internal or external.

9.3 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.

9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

9.5 Employees should 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.

## **10. Corruption**

10.1 Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for them to corruptly receive or give any gift (other than a gift of nominal value), loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.

Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and could result in a criminal prosecution being undertaken. Where an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your manager and the Council's Monitoring Officer immediately.

## **12. Declaration of Interests**

12.1 In the case of Senior Council Officers (Chief Executive, Directors, Corporate Managers and Service Leads ), where there are no declarable interests a nil return must be completed by 31 March each year to the Monitoring Officer where it will be recorded in the Register of Interests.

## **11. Use of Financial Resources**

11.1 Employees 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.

## **12. Acceptance of Gifts and Hospitality**

12.1 The creation of good external relations both inside and outside the Council's area is one of prime importance, so staff will inevitably be faced with the difficulty of deciding whether or not to accept gifts and hospitality. Whilst it is impossible to cover every set of circumstances, the following guideline should provide a basis for making a decision in the vast majority of cases.

12.2 The general approach of the Prime Minister's Committee on the Local Government Rules of Conduct to the problems of gifts and hospitality is expressed:

“Another particular source of conflict between the private and public interest is the offer of gifts, hospitality or other benefits in kind to councillors in connection with their official duties. A nice exercise of judgement may sometimes be necessary to decide how the public interest, and the authority's good name, may be best served. A reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the authority's relationships should be cordial. But an appearance of improper influence is easily created and with it encouragement of cynicism about the motives of those who serve in local government.”

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- 12.3 In applying the judgement, staff are strongly advised to err on the side of caution and to consult with their line manager and Monitoring Officer if they are in any doubt in a particular case.
- 12.4 Staff will often run the risk of their actions being misinterpreted simply because they have a close working relationship with donors. Staff should report to their line manager and in writing to the Monitoring Officer on the Declaration of Gifts and Hospitality form at Appendix B, the offer of any gifts or hospitality. If possible, gifts which are accepted should be pooled.
- 12.5 The guidance also applies to spouses and other close members of the family.

#### 12.6 **Gifts**

The general rule should be to refuse gifts tactfully all offers from organisation 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).

- 12.7 Exceptions from the general rule would include modest gifts of no more than £25 in value, which may be of promotional character (e.g. calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm).

#### 12.8 **Hospitality**

When to accept hospitality is again very much a matter of judgement, given the particular circumstances, and it would be wrong to produce an atmosphere in which staff refused all invitations for social involvement with persons or bodies who have, or may seek to have in the future, business dealings with the Authority. Contacts established at a social level can often be helpful in pursuing the Authority's interests. What is important, is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence.

- 12.9 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 yourself.
- 12.10 When a particular person or body has a matter currently in issue with the Authority, then common sense dictates a more restrictive approach (e.g. negotiations with an outside organisation). An important criterion in exercising your judgement is what interpretation others may reasonably put on your acceptance.
- 12.11 The following checklist of questions should help in deciding whether a gift or an offer of hospitality should be accepted or tactfully rejected:

- Is the donor, or event, significant in the community or in your Council's area?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Authority?
- Could you justify the decision to the Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- How will you respond to the hospitality?
- Are you comfortable with the decision?

#### **12.12 Declarations of Gifts and Hospitality**

All Gifts and Hospitality must be reported to the employee's line manager and in writing to the Monitoring Officer on the Declaration of Gifts and Hospitality Form at Appendix B where it will be recorded in the Register of Gifts and Hospitality. The online Gifts and Hospitality form is on the intranet under 'Your employment with ECC' in the 'employment forms' section.

In the case of Senior Council Officers (Chief Executive, Directors and Corporate Managers & Service Leads ), a nil return must be completed by 31 March each year where no gifts and hospitality are received and reported to the Monitoring Officer where it will be recorded in the Register of Gifts and Hospitality.

### **13. Sponsorship - Giving and Receiving**

- 13.1 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.
- 13.2 Where the Authority wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such

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sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

- 13.3 Similarly, where the Authority, 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.

#### **14. Online Forms**

- 14.1 The online Declaration of Interest form and Declaration of Gifts and Hospitality form are on the intranet under 'Your employment with ECC' in the 'Employment forms' section.

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