

CODE OF CONDUCT (OFFICERS)

The Code of Conduct in this section of the Constitution is a Local Code.

Introduction

- 1 The Council believes that its activities demand the confidence of the public which will derive from the way in which the Council and its employees conduct themselves in undertaking its business. Public confidence in the integrity of both the Council and the individual would be shaken by suspicion, however ill-founded, that some matter had been dealt with improperly.
- 2 It is, therefore, important for the Council to provide guidance of standards of conduct for staff.
- 3 The Code is additional to appropriate statutes, sections of the National Schemes of Conditions of Service, the Council's Standing Orders and Financial Regulations. This Code must be read in conjunction with (but not limited to) the following Council Policies and Procedures:
 - (a) Anti-Fraud and Corruption Policy and Strategy
 - (b) Whistleblowing Policy and Procedure
 - (c) ICT Acceptable Use Policy
 - (d) Bullying & Harassment Policy and Procedure
 - (e) Uniform Policy
 - (f) Protocol For Member-Officer Relations

General and particular rules

- 4 The Council has identified areas of activity where particular standards of conduct are important:
- 5 Rules and procedures cover matters such as: -
 - (a) The need for proper and effective relationships between Members of staff and the public;
 - (b) Conduct of the individual employee at work in carrying out his/her duties; and
 - (c) Conduct of the individual employee at work in personal behaviour and working relationships.

6 The Council also expects that all staff meet the ethical standards for Local Government employees as set out as 'The Nolan Principles'. These include:

- Selflessness – employees should act solely in terms of the public interest;
- Integrity – employees should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships;
- Objectivity – employees must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias;
- Accountability – employees are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this;
- Openness – employees should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing;
- Honesty – employees should be truthful;
- Leadership – employees should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

All employees should make themselves aware of these requirements for conduct and behaviour and must appreciate that it is their personal responsibility to observe them. Whenever there is any doubt, they should seek advice from their immediate Manager or the Monitoring Officer.

7 The Council recognises that everyone is different and has something unique to offer. The Council therefore wants to respect and understand these differences and to make the most of everyone's talents through understanding, recognising, respecting and valuing differences and also managing differences so that everyone has equality of opportunity through a fair and consistent approach to the application of rules, policies and procedures. We recognise that sometimes this will mean treating people differently. This commitment is relevant to all we do, how we manage ourselves and how we deliver our services. The Council will promote equality and diversity across all areas and aim to be a fair, unbiased and professional public service through the following aims:

- (a) Our priority is to meet customer's needs;
- (b) We are committed to and promote equality and diversity;

(c) We are proud of our staff, respect their views and invest in helping them meet their potential;

(d) At all times we are accountable for our performance;

(e) We are one organisation, no matter where we are based or what job we do.

We will not tolerate discrimination because of a protected characteristic, these are age, race, sex, gender reassignment, disability, sexual orientation, religion or belief, pregnancy or maternity and civil partnership or marriage. We will also not discriminate because of working patterns or trade union membership nor will we tolerate harassment or bullying on these or any other grounds.

- 8 Employees are expected to dress for business and this should ensure that all staff are safe and dressed appropriately for their role. A smart appearance is therefore required in order to allow our employees to work comfortably and safely in the workplace. A formal Uniform Policy is also in place for those individuals who are in certain customer facing roles. Whilst no dress code can cover all contingencies, employees must therefore exert a certain amount of judgment in their choice of clothing to wear to work. If there is any uncertainty about acceptable, professional business casual attire for work, please ask your manager or HR.

Gifts and Hospitality

- 9 The acceptance of gifts and/or hospitality by employees must be treated with extreme caution.
- 10 Subject to the following sections, offers of a gift or inducement, whether made at specific occasions (for example, Christmas) or casually, should not be accepted when the gift is made by, or indirectly by a person, firm or organisation which, to the knowledge of the employee has or seeks to do business of any kind with the Council or to have an interest in its decisions.
- 11 There is a delicate balance between acceptance or refusal of hospitality or tokens of goodwill on certain occasions. On each occasion a judgement must be made between causing offence by refusal or risking improper conduct by acceptance. The receipt of minor articles, often by way of trade advertisements, which will be used on the Council's business (for example, diaries, calendars, office materials, which are customarily distributed at Christmas and occasionally at other times) will not be regarded as acceptance of a gift.

Minor gifts such as chocolates, tea and flowers can be accepted on behalf of the Council and used at the offices or shared amongst staff members. Bottles of wine can be accepted on behalf of the Council but have to be donated to the

Chairman's Charity. Gifts of strong alcohol and cash can never be accepted as a gift, but vouchers (for example, for meals) may be acceptable, depending on the circumstances and should be approved by the Monitoring Officer.

- 12 Offers of hospitality and invitations to social occasions from those who do or seek business with the Council, or have an interest in its decisions, should similarly be treated with caution. They should be accepted only where the scale of hospitality is of a modest standard (for example, a working lunch to allow the parties to continue to discuss business). Again, it is the duty of the employee concerned to be satisfied that personal integrity is not put at risk.
- 13 Attached at Appendix A is a "good practice list" which gives some guidance as to what type of gifts and hospitality are considered acceptable, potentially unacceptable and unacceptable. The notes in Appendix B provide guidance and background information on the current legislative requirements and sanctions.
- 14 Where it is proposed to accept a gift of hospitality which is not shown within the list in Appendix A as being acceptable, approval must be obtained from Monitoring Officer.
- 15 All gifts received or offered (except for low value promotional work and related gifts items) as well as all hospitalities, no matter what the value, must be recorded in the register held by (Information Management on behalf of) the Monitoring Officer.

A member of staff should provide the following details to the Monitoring Officer for each gift or hospitality received:

- (a) Name of (potential) donor
- (b) Nature, estimated value and date of offer
- (c) Recipient of the offer
- (d) Possible connection of the potential donor/sponsor with the Council (details of any issues or services involved or anticipated)
- (e) Whether the offer is intended to be accepted or rejected

These details will be recorded in the gifts and hospitalities register, held by the Monitoring Officer.

If the gift or hospitality is not listed in Appendix A as being acceptable, the Monitoring Officer will decide whether the gift or hospitality can be accepted (under conditions) or should be returned/rejected. The decision of the Monitoring Officer will be recorded in the gifts and hospitalities register.

Use of official position and the Council's materials, equipment or resources

- 16 The Council's property and resources are to be used in respect of its work. No improper or unauthorised use should be made of any facility such as vehicles, equipment, telephones or secretarial or printing services which the Council provides for its own business.
- 17 It is improper for staff to use their official position to seek or receive preferential rates from Council services or external contractors/organisations.

Use of confidential information

- 18 By the nature of its business, the Council deals with sensitive and confidential information affecting its policies, transactions and staff, and its relationship with other organisations and individual members of the public. No employee shall communicate to the public the proceedings of any Committee meeting etc., or the contents of any documents relating to the Authority, unless required by law or expressly authorised to do so. Information concerning an employee's private affairs shall not be disclosed to any person outside the Council, unless the consent of the employee is first obtained. Staff must observe Data Protection requirements.
- 19 Conflict of interest can also arise over the use of information received by virtue of an employee's duties, before it is made public. The basic safeguards against such misuse of information are the honesty of the individual and maximum openness. For the latter, the Council will ensure that information in its possession becomes public knowledge at the earliest possible stage, so as to reduce to a minimum the time in which the particular information can confer an advantage on its possessor and to act within the spirit of Freedom of Information legislation.

Use of Social Media

- 20 The Council recognises the importance of the internet in shaping public thinking about our services, employees, partners and residents. We also recognise the importance of our staff joining in and helping shape conversation and direction through interaction in social media. 'Social media' is the term commonly given to web-based tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests online. As the name implies, social media involves the building of online communities or networks to encourage participation and engagement.
- 21 There is a clear distinction between business and private use of social media however; any communications that employees make through social media must not:

(a) breach confidentiality, for example by:

- revealing confidential intellectual property or information owned by the Council or;
- giving away confidential information about an individual (such as a colleague or resident) or organisation (such as a partner institution); or
- discussing the Council's internal workings (such as agreements that it is reaching with partner institutions/customers or its future business plans that have not been communicated to the public); or

(b) do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:

- making offensive or derogatory comments relating to age, race, sex, gender reassignment, disability, sexual orientation, religion or belief, pregnancy or maternity and civil partnership or marriage; or
- using social media to bully another individual (such as an employee of the Council); or
- posting images that are discriminatory or offensive or links to such content; or

(c) bring the Council into disrepute, for example by:

- criticising or arguing with residents, colleagues or partners; or
- making defamatory comments about individuals or other organisations or groups; or
- posting images that are inappropriate or links to inappropriate content; or

(d) breach copyright, for example by:

- using someone else's images or written content without permission; or
- failing to give acknowledgement where permission has been given to reproduce something.

Private interests

- 22 If it comes to the knowledge of an employee that they have a conflict of interest with any involvement of the Council's activities, they must give notice in writing to the Monitoring Officer of this fact, as soon as possible.
- 23 Where an employee gives notice of a potential conflict of interest, the employee will be removed from any direct or indirect involvement in any decisions relating to the work or activity concerned.

Other employment

- 24 Employees' off-duty hours are their personal concern, but they should not get into a position where official duty and private interest are in any way in conflict or that they are in breach of any Health & Safety legislation. The Council will not attempt to preclude any of its employees from undertaking additional employment, but any such employment must not, in the Council's view, 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. (For example, it would be deemed improper for any member of staff to be employed for financial or other gain in the preparation of plans and related documents associated with a Planning/Building Regulation proposal to be submitted to this Council for determination, or for any work to be carried out for private gain that has been procured through the employer's normal duties).
- 25 Officers who receive fees for services given in relation to the work of the Council whether within or outside normal working time, should ensure that such fees are paid over to the Council as soon as practical after receipt.

Political Neutrality

- 26 Employees must never allow their own personal or political opinions to interfere with their work and Senior Officers in particular are subject to legal rules limiting their political activities outside work. Certain posts are 'politically restricted', which means that individuals who hold them are effectively prevented from having any active political role either in or outside the workplace. This not only debars post holders from holding or standing for elected office but also prevents them from the following:
- (a) Participating in political activities, publicly expressing support for a political party or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate; and
 - (b) Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party
- 27 These restrictions aim to prevent politics coming into play where an employee is in a politically influential position. This could be where an employee implements the authority's policies, gives advice to, or speaks on behalf of, the authority. A number of other posts are also deemed to be 'politically sensitive' and therefore also subject to the same restrictions. Full details of these posts can be found in the Politically Restricted Posts List.

Consequences of breach

- 28 Any breach of this Code by an employee is deemed to be an extremely serious matter and therefore consideration will be provided regarding the need for a formal disciplinary investigation.

APPENDIX A**BLABY DISTRICT COUNCIL****CODE OF CONDUCT - GIFTS & HOSPITALITY - GOOD PRACTICE LIST**

Gift/Hospitality	Acceptable	Potentially Unacceptable	Unacceptable
Low value promotional work and related items preferably marked with the donors name such as pens, stationary, calendars (these do not have to be registered)	✓		
Low value gifts such as flowers, chocolates, biscuits or tea/coffee	✓		
Bottles of wine (these have to be donated to the Chairman's Charity)	✓		
Bottles of spirit			✓
Gift vouchers, discount vouchers or Promotional offers		✓	
Hospitality drink or token gifts given at the completion of an official courtesy visit	✓		
Low value working breakfast, lunch or dinner		✓	
Formal dinners/ work related events		✓	
Accommodation after an event		✓	
Gifts passed to spouse or friend			✓
Invitations/tickets to events that are not work related, such as Cabaret evenings, sport events, theatre tickets, cultural events			✓
Holiday accommodation			✓
Seminars or business trips paid for by private companies		✓	
Gifts which are difficult to return		✓	
Gifts which would cause offence to return		✓	
Cash			✓

APPENDIX B**BLABY DISTRICT COUNCIL****CODE OF CONDUCT - GIFTS & HOSPITALITY****NOTES ON LEGISLATIVE REQUIREMENTS & SANCTIONS**

1. It is essential to remember that dealings with Officers and Members of local authorities and other public bodies are subject to the provisions of special legislation with onerous requirements and imposing sanctions under the criminal law, designed to protect the public interest and public confidence. In consequence, the offering of hospitality or gifts, even on a modest scale, needs to be approached with great caution.
2. The relevant legislation is: -
 - Bribery Act 2010;
 - the Local Government Act 1972, Section 117(2)
3. The legislation provides that anyone who corruptly gives, promises or offers any gift, loan, fee, reward or advantage to any person as an inducement to or a reward for any Member, Officer or servant of a public body for doing or forbearing to do anything in respect of any matter or transaction is guilty of a criminal offence. Similarly, a criminal offence is committed by anyone who corruptly solicits, receives, or agrees to receive for themselves or any other person such an inducement or reward.
4. It is particularly to be noted that the giving or acceptance of any money, gift or other consideration is deemed to have been given or received corruptly as such an inducement or reward unless the contrary is proved. This represents a departure from the general principle that a person is deemed innocent until proven guilty.
5. Also, under Section 117(2) of the Local Government Act, 1972, it is an offence for an Officer of a local authority, under colour of his/her office or employment, to accept any **fee or reward whatsoever** other than his/her proper remuneration.
6. The question of what is and what is not acceptable is not precisely defined, although many local authorities and other public bodies have their own internal rules and requirements to report and record all offers of hospitality. It is appropriate to consider whether the scale of provision is such that it could be reasonably returned by the recipient at public expense on a subsequent occasion. It is also appropriate to consider whether either the hospitality or the

scale of it would cause embarrassment to either the giver or the receiver were it to be become public knowledge.

7. It is not possible to list all the activities which might constitute an offence under the legislation. Those dealing with Officers and Members of local authorities and other public bodies must do so against the background and purpose of the statutory restrictions and should always act within the spirit and framework of the legislation. It needs to be remembered that any offer or receipt of hospitality is a criminal offence, unless the contrary is proved.
8. The special legislation is additional to the general provisions of the criminal law governing conspiracy, fraud etc. It should also be borne in mind that the commission of a criminal offence (or even conduct falling short of such an offence which is contrary to the internal rules of an authority) may result in an otherwise legal enforceable contract or arrangement being declared unenforceable.