

## **CODE OF CONDUCT FOR COUNCIL STAFF**

### **Introduction**

All local government staff are expected to uphold the principles of impartiality, fairness, honesty, openness and integrity which are the hallmarks of public service. These virtues are put in jeopardy if the public is given any reason to suspect that action taken by a member of staff is prompted or influenced by self-interest or improper motives.

There are a variety of laws which influence and regulate our conduct as staff. These cover such matters as corrupt practices, political activity, disclosure of interest in contracts, equal opportunities and sexual/racial discrimination. This Code of Conduct is not intended to detract from those universal rules; indeed it cannot do so. Rather, it is intended to build upon them.

The Code of Conduct applies to all staff. Any employee who has difficulty in interpreting it or in knowing exactly how it affects him or her should consult a senior manager. Any senior manager who is in doubt should talk to me.

Chief Executive

### **Code of Conduct**

#### **Standards**

1. Local government staff 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 staff with impartiality. Staff will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of their senior managers any deficiency in the provision of service of which they are, or are made, aware.
2. Staff must report to the Monitoring Officer any impropriety or breach of procedure of which they are, or are made, aware

#### **Disclosure of Interest**

3. It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Staff must be aware of which information the Council is and is not open about, and act accordingly. Staff must make themselves aware, after taking advice when necessary, of which categories or information under their jurisdiction or control must be made available or must be protected.
4. Staff must not use any information obtained in the course of their employment for personal gain or benefit or 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 Council 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.

## **Political Neutrality**

5. Staff serve the Council 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 be respected.
6. Subject to the Council's conventions, staff may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality. No member of staff may agree to attend a political group meeting without seeking the consent of the Chief Executive and without offering the same facility to all other groups.
7. Staff, whether or not politically restricted, must follow every lawful policy of the Council and must not allow their own personal or political opinions to interfere with their work.
8. Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing act 1989 are exempt from the standards set in paragraph 5, 6 and 7. [At present, South Kesteven employs no political assistants.]

## **RELATIONSHIPS**

### **Councillors**

9. Staff are responsible to the Council 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 Council's work. Mutual respect between staff and Councillors is essential to good local government. Close personal familiarity between staff and individual Councillors can damage the relationship and prove embarrassing to other staff and Councillors and should therefore be avoided.

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

10. Staff should always remember their responsibilities to the community they serve and ensure that courteous, efficient and impartial service is delivered to all groups and individuals within that community as defined by the policies of the Council.

### **Contractors**

11. Any employee who has any relationship of a business of private nature with external contractors, or potential contractors, must make that relationship known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour may be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated either in favour of or against.

12. Staff 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, must declare that relationship to the appropriate manager.

### **Appointment and other Employment Matters**

13. Staff 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 duties of the post. In order to avoid any possible accusations of bias, staff must 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.
14. Similarly, staff should not be involved in decisions relating to discipline promotion or pay adjustments for any other employee to whom he or she is related or with whom he or she has a close personal relationship outside work.

### **Outside Commitments**

15. Staff whose salaries are in PM grades have conditions of service which require them to obtain written consent to take any outside employment. Applications for consent must be made to the Service Manager, Human Resources. All staff should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.
16. Staff should follow the Council's rule on the ownership of intellectual property or copyright created during their employment.

### **Personal Interests**

17. Staff must declare to the Monitoring Officer any non-financial interests what they consider could bring about conflict with the Council's interests
18. If it comes to the knowledge of a member of staff that a contract in which he or she has any pecuniary interest, whether direct or indirect, (not being a contract to which he or she is a party) has been or is proposed to be entered into by the Council, he or she must, as soon as practicable, give written notice to the Monitoring Officer of the fact that he or she has that interest.
19. Staff must declare to the Monitoring Officer 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. This includes, but is not limited to, membership of rotary clubs, lions clubs, round tables, Kiwanis and Masonic lodges.
20. Staff are prohibited from submitting planning or building regulations applications or grant applications, and from carrying out work in connection with such applications, which are not their own or those of a close relative. Plans submitted

by staff must always clearly be identified by the officer's name and relationship to the applicant.

## **Equality Issues**

21. All local government staff must ensure that policies relating to equality issues as agreed by the Council are compiled with in addition to the requirements of the law. All members of the local community, customers and other staff have a right to be treated with fairness and equity. In their interpretation of this code generally, but especially paragraphs 10 and 13, staff, must bear in mind the Council's general policy statement which is set out below:

*“So far as is reasonably practicable, the services provided by this authority will be delivered fairly to all sections of the community without discrimination”.*

## **Separation of Roles during Tendering**

22. Staff involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior staff who have both a client and contractor responsibility must be aware of the need for accountability and openness.
23. Staff in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub-contractors.
24. Staff who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised part or organisation.
25. Staff contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
26. Staff should ensure that no special favour is shown to current or recent former, staff or Councillors or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or managerial capacity.

## **Corrupt Practices**

27. Under various statutory provisions, staff of the Council:-
- (1) Must not, under colour of office or employment, accept any fee or reward whatsoever other than proper remuneration;
  - (2) Will be guilty of a serious offence if they corruptly solicit or accept any gift or consideration as an inducement or reward for:-

- (a) Doing or refraining from doing anything in an official capacity, or
- (b) Showing favour or disfavour to any person in an official capacity.

28. All staff must be aware of and follow, the procedures set out in Annex 2 of the Counter Fraud, Corruption and Bribery Framework document.

### **Use of Financial Resources**

29. Staff 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 Council.

### **Acceptance of Gifts or Hospitality**

30. The following paragraphs are given as guidance to staff who may be offered gifts or hospitality. In any case of doubt or uncertainty staff should consult the Chief Executive.

- 1) Staff should treat with extreme caution any offer of a gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing or seeking to do business with the Council or may be applying to the Council for some decision to be taken in his or her favour or in favour of someone with whom he or she is connected. Examples could include (but are not limited to) planning permission, contracts, tenancies of land or buildings, and licences to operate businesses.
- 2) There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be an appropriate way of doing business provided they are approved either by the Council or by a senior officer and provided no extravagance is involved. In the same way it may be reasonable for staff to represent the Council at a social function or event organised by outside persons or bodies.
- 3) Each member of staff is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding risk or damage to public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the Monitoring Officer so that a record can be kept.

31. When hospitality has to be declined, those making the offer should be courteously be firmly informed of the procedures and standards operated by the Council and told why hospitality cannot be accepted.

32. Staff should not accept significant personal gifts from contractors and outside suppliers, although the Council will allow staff to keep insignificant items of token value such as pens and diaries.

33. When receiving authorised hospitality staff should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
34. Acceptance by staff of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the employee is satisfied that any purchasing decisions will not be compromised. Where visits to inspect equipment, supplies or services are required, staff should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

### **Sponsorship – Giving and Receiving**

35. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntary, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
36. From time to time the Council sponsors or gives grants for exhibitions, plays or performances, games and matches and similar cultural and sporting events. The general rule is that no employee, nor any partner or relative of any employee, shall receive any benefit from such sponsorship or grant without full disclosure to, and approval of, the Monitoring Officer. However, it is common practice for the organisers of sponsored or grant aided events to provide a number of “free” tickets for distribution to members and/or staff of the Council. The proper use of such tickets can help to raise the profile of the Council and the event and can help professional staff to monitor and evaluate the event. Acceptance of tickets in these circumstances is appropriate without notification or approval.
37. “Pressure selling” takes place when a seller, usually SELLING through sales promotional offers such as free gifts. Free holidays or vouchers which can be redeemed for money, goods or services, seeks to put pressure on “a buyer” to buy his or her goods or services irrespective of whether or not they represent best value for money for the Council. It is essential, in the interests of sound management of the Council and the maintenance of the highest standards of the service of the public which are expected of the Council’s staff that the full benefit of all such offers should accrue to the Council rather than to an individual member of staff. Consequently:
  - 1) A member of staff who is in any way responsible for buying or advising on buying for the Council must report to his or her senior officer the receipt of any promotional offer and act on any instructions which he or she may receive.
  - 2) Whenever such a promotional offer is made the “value for money” evaluation of the proposed purchase must take no account of the offer. But is, as a result of this evaluation, the goods or services on offer themselves still represent the best value to the Council they should be bought and the promotional offer accepted on behalf of the Council. At

that stage the receipt of the promotional offer must be reported to the Monitoring Officer.