

OFFICERS' CODE OF CONDUCT

STANDARDS

- 1.1 The public is entitled to demand conduct of the highest possible standard, of a Local Government employee. Public confidence in their integrity **is paramount and it will** ~~be shaken~~ **would** be shaken **if there** were **any** ~~the least~~ suspicion, ~~however ill-founded, to arise that they could in any way be~~ influenced by improper motives. Under no circumstances should an employee use their authority or office for personal gain.
- 1.2 It is not enough to avoid actual impropriety. An employee should at all times avoid any occasion for suspicion to be raised or any appearance of improper conduct.
- 1.3 Where their duties demand it, employees should provide appropriate advice to Councillors and fellow employees with impartiality.
- 1.4 No employee should become personally involved in any transaction in which the Authority has a direct or indirect interest, except as an employee of the Authority.
- 1.5 The Council has an adopted Whistle blowing Policy to address situations where Staff may have concerns about something that is happening within the Council, including possible breaches of this Code of Conduct, perceived impropriety, breach of procedure or shortfall in delivery of service. (This Policy is attached as an Appendix.)

The Whistle blowing / Confidential Reporting Policy has been put in place to enable staff to bring attention to those concerns whilst at the same time ensuring they are protected from any victimisation or harassment.

~~Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate Line Manager any impropriety, breach of procedure or shortfall in the delivery of service. The Line Manager concerned will have an obligation to report back to the individual, the outcome of his/her investigations. Matters which are not satisfactorily resolved by the Line Manager may be reported to the Chief Executive for further investigation. Employees must report any possible cases of fraud and corruption to the Audit Services Manager, who will investigate all reports in strict confidence~~

DISCLOSURE OF INFORMATION

- 2.1 There is a ~~It is~~ generally principle of ~~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. Under no circumstances should an employee use information gained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in some way.
- 2.2 Employees must not communicate to the public or press, the proceedings of any confidential committee meeting, etc., nor the contents of any document relating to the Authority unless required by law or expressly authorised to do so. Confidentiality of information still applies when an individual is no longer employed by the Authority.
- 2.3 Authorised information given by an employee in the course of his/her duty should be true and fair and never designed to mislead.
- 2.4 Personal information relating to individual Councillors or members of the public and commercially sensitive information about other organisations should not be divulged by any employee unless required or sanctioned by the law.

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 equally.
- 3.2 Where political groups seek officer guidance to a group meeting, on a particular issue, the Chief Executive should always be made aware of this request. There are no restrictions as to what level of officer can attend a political group to give advice but the Chief Executive or one of the two Corporate Directors must always be present. All political groups are entitled to the same level of information about Council matters. However, Officers attending a political group meeting have a responsibility to keep confidential any discussion that takes place within that group when they are present.
- 3.3 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 3.1 and 3.2.

- 3.4 The Local Government and Housing Act 1989, Part 1, contains provisions to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council [s1(1)], from being an MP or MEP and are subject to prescribed restrictions on their political activity.

The Local Government Officers [Political Restriction] Regulations 1990 and the Local Government [Politically Restricted Posts] [No.2] Regulations 1990 covers the posts which are politically restricted. These are :

- [a] specified posts such as the Monitoring Officer. Chief Officers and their deputies are restricted without exemption or appeal;

~~[b] all posts which reach or exceed a prescribed remuneration ceiling. These posts are automatically included on a list which employing authorities are under a duty to prepare unless exemption for individuals is granted~~

- [c] all posts which meet the duties-related criteria for determining a “sensitive post” irrespective of remuneration level, unless the postholder appeals successfully against determination. These posts are defined as those which :

- [i] give advice on a regular basis to the employing authority, to any committee or sub-committee or another joint committee on which the authority is represented [but excluding purely factual information] or
- [ii] speak on behalf of the authority on a regular basis to journalists and broadcasters.

- 3.6 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.

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

Employees should make known to their Line Manager any relationships of a business or private nature with external contractors, or potential contractors. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

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 their Line Manager.

**APPOINTMENT OF STAFF AND OTHER EMPLOYMENT
MATTERS**

- 5.1 Employees involved in appointments of staff 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 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

PERSONAL INTERESTS

- 6.1 Employees should not subordinate their duty to the Authority to their private interests or place themselves in a position where duty and private interest may conflict.
- 6.2 All employees should be clear about their contractual obligations and should disclose any personal interests [either financial or non-financial] that could actually or potentially conflict with the Authority's interests or which others may deem to affect the employee's impartiality in any matter relating to their duties. Such interests might include :
- taking outside work or giving professional advice, whether paid or unpaid, which could conflict with or have an impact on the Authority's work or interests;
 - involvement with an organisation receiving grant-aid from the Authority;
 - membership of a National Health Service Trust Board;
 - involvement in any organisation or pressure group which may seek to influence the Authority's policies;
 - any pecuniary interest [whether direct or indirect] in contracts let by the Authority.

- 6.3 The Authority will not preclude employees from undertaking additional employment providing that it does 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.
- 6.4 Employees on Scale SO1 and above, who wish to take outside work or give professional advice, whether paid or unpaid, in addition to their full-time employment with the Authority, must obtain the written approval of their Line Manager. A record of such work or advice should be kept in the Employee's Interests ~~Book~~ Register relating to outside work / advice provision.
- 6.5 Whilst part-time employees and those on Scale 6 and below do not need to obtain the approval of their Line Manager, they should, nonetheless, declare any other work they undertake, whether paid or unpaid, outside their employment with the Authority and record it in the Employee's Interests ~~Book~~ Register.
- 6.6 Employees should declare to their Line Manager or Director, membership of any organisation which is not open to members of the public who are not members of that organisation and requires members to make a commitment of allegiance and secrecy about the rules, membership or conduct of the organisation.

INTELLECTUAL PROPERTY

All inventions, creative writings and drawings created by an employee in the course of their normal duties or duties specifically assigned to them are the property of the authority.

EQUALITY ISSUES

All employees should ensure that policies relating to equality issues, as agreed by the Authority in its Equal Opportunities Policy, 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.

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 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 in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should 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 their Line 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.

BRIBERY AND CORRUPTION

- 10.1 Employees must be aware that it is a serious criminal offence for them 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 also a criminal offence to use a third party as a conduit to channel bribes to others.**
- 10.2 **The Council has an Anti-Bribery Policy, which must be read in conjunction with this Code of Conduct.**
- 10.3 Where it is proved that a gift or other consideration has been received by, paid to or given to an employee by a person holding or seeking to obtain a contract from the Authority, then the gift or other consideration shall be deemed to have given and received **in** breach of provisions of the Bribery Act ~~corruptly~~, unless the contrary is proved.

- 10.4 ~~The corrupt receipt by an employee of an inducement or reward may render him/her liable to prosecution.~~
- 10.5 The law relating to the acceptance of inducements or rewards is set out in the Bribery Act 2010

The relevant acts are :-

- ~~• The Public Bodies Corrupt Practices Act 1889~~
- ~~• The Prevention of Corruption Act 1906 and 1916~~

~~Penalties on conviction, at the discretion of the court, are imprisonment or a fine, as well as disqualification from public office and loss of pension rights or both. Disqualification from professional bodies is also a possibility.~~

- 10.6 An employee's spouse's interests count as those of the employee [if he/she is living with the employee] but a partner's, son's or daughter's interests do not.

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 of the Authority.

HOSPITALITY AND GIFTS

- 12.1 When offered any form of hospitality or gift, employees must be aware of the possibility of such actions affecting or being seen to affect their judgment when official dealings with the donor or potential donor takes place **and the potential risk of falling foul of the Anti-Bribery Policy**. Employees must ensure that any hospitality or gift is not of a level or amount which would lead to any reasonable person to believe that the employee might be influenced.
- 12.2 Employees should only consider acceptance of any offer of hospitality or a gift where the employee regards it as normal and reasonable.

“Normal and reasonable” is defined for this purpose as no more than the Authority would be prepared to offer in the equivalent circumstances. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

12.3 Examples of hospitality which would be considered reasonable are :-

- i. Up to three working meals;
- ii. One non-working meal;
- iii. Attending a professional function as a member of a profession;
- iv. Attending purely social or sporting functions only when these are part of the life of the community or where the Authority should be seen to be represented and they should be properly authorised and recorded.
- v. Attendance at conferences and courses where the hospitality is clearly of a corporate nature, where authority in advance has been obtained, and where no purchasing decisions are compromised.

12.4 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the official code of conduct operating within the Authority.

Where visits to inspect equipment, etc. are required, employees should ensure that the Authority meets the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

12.5 Gifts and favours should not be accepted, other than items of very small intrinsic value and then only if it bears the Company's name or insignia and can thus be regarded as being in the nature of advertising matter. All offers of personal favours such as specially discounted goods or buying at trade prices must be rejected unless the offer is open to all staff employed by the Authority. Gifts considered reasonable would be, for example, pens, notepads, calendars and diaries.

- 12.6 If when making personal purchases, a Council contractor is identified as the best source of supply, then employees must ensure that a priced V.A.T. invoice is raised and that a receipt is issued by the contractor as proof of payment.
- 12.7 If any doubt remains in the employee's mind as to whether an offer of hospitality or a gift is acceptable, the matter should be discussed immediately with their Line Manager for guidance on whether the offer is normal and reasonable.

In reaching a decision, the following will be taken into consideration:

- The value and nature of the offer
 - Could you explain the gifts/hospitality to somebody else?
 - Is it socially acceptable and not lavish or extravagant?
 - Does it feel right?
 - Will you be influenced by this gift/hospitality?
 - How would others perceive it?
 - Would they perceive that you might be influenced by such gifts/hospitality?
 - Could you reciprocate that which is being offered? If the answer is no, then there is a risk that this could be interpreted as an attempt to influence.
- 12.8 All gifts and hospitality offered, whether accepted or not, must be entered in the Employees' Interests Book Register.

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 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 their Line Manager of any such interest. 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.

EMPLOYEES' INTERESTS BOOKS REGISTER

- 14.1 The Employees' Interests Books Register will be maintained by the Information Management Team
- 14.2 Officers are expected to make suitable entries in the Books Interests Register in respect of the following :-
- i. All gifts/hospitality or inducements offered to them, whether accepted or not - see 6.2;
 - ii. Involvement with any organisation of the type described in 6.2;
 - iii. Any pecuniary interest [whether direct or indirect] in contracts led by the Authority;
 - iv. Any outside employment taken or professional advice offered, paid or unpaid, undertaken by an officer - see 6.4 and 6.5;
 - v. Membership of an organisation, as described in 6.6.
- 14.3 Failure to fully register any of the matters outlined above will be a disciplinary matter.

APPENDIX

RBC approved Whistle Blowing Policy

END.

REDDITCH BOROUGH COUNCIL

**EXECUTIVE
COMMITTEE**

Appendix 2

31st January 2012
