

PART 5

Officers' Code of Conduct

The Code is designed to ensure that the integrity of the Council and its employees is maintained and that employees have clear guidance on the conduct required of them while employed by the Council.

The Code describes the conduct required in a range of circumstances or issues which you may come across as part of your duties. These are detailed below, but they are obviously neither exhaustive nor exclusive and other circumstances will arise where you will have to consider what conduct the Council would expect. In such circumstances, you should realise that the Council's (and your) principal aim is to serve the public, who expect a high standard of integrity and service from the Council. You should, therefore, avoid doing anything which could reflect adversely on the Council. If any doubt exists as to the proper course of action, seek advice from your manager or Director.

Status of the Code

The Code applies to all employees of the Council who should ensure that they observe the principles described. Failure to do so may make an employee liable to disciplinary action.

It includes the provisions contained in the national Code of Conduct. See also ANTI-CORRUPTION STRATEGY.

It supplements any specific provisions regarding work conduct or rules in:

- Your terms and conditions of employment.
- Council's Standing Orders.
- Any other specific Council policy e.g. Equal Opportunities Policy.
- the national conditions of service applicable to your post.

Actions Required

Some of the provisions in this code require employees to disclose information to the appropriate manager. Where this is required employees should inform their senior manager or Corporate Head of Department and make an entry in the Disclosure Book held by the Corporate Head - Legal and Democratic Services. The appropriate manager for Corporate Heads of Department is the Chief Executive, and for the Chief Executive it is the Leader of the Council.

Standards

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. You 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.

You must report to the appropriate manager any impropriety or breach of procedure.

In particular you are required to work within the framework of the National Law, the Council's Standing Orders and the National Conditions of Service for your particular employment group, as adopted by the Council.

You must also have regard to the Council's Core Values and any Council policies which may have a bearing on how Council employees should conduct themselves, e.g. Equal Opportunities Policy, Dignity at Work Policy.

Disclosure of Information

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. The authority itself may decide to be open about other types of information. You must be aware of which information this authority is and is not open about, and act accordingly.

Confidential Information

All information or knowledge obtained during the course of your employment must be treated as confidential, unless and until it is formally made public. It should not be disclosed to any person except to another employee or otherwise in the course of your employment for legitimate purposes. Above all, it must not be disclosed for your own advantage or that of anyone known to or connected to you.

Computers and Information

The Council has established procedures concerning Data Protection and computer security which you are required to follow. These are explained to employees, as part of the induction procedure, within the first six months of employment with the Council.

You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received from a councillor which is personal to the councillor and does not belong to the authority should not be divulged without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

Personal Information

Most employees, especially those within the Finance Department, have access to and are able to process, amend or alter sensitive personal data.

You must not, in any circumstances, make any alteration, including insertion, deletion or amendment to any financial or non-financial record in which you have an interest, however tenuous.

A list of such interests, though not exhaustive, will include:

- Property, either owned, leased, rented or licensed either by yourself or with others (including subdivided properties)
- Neighbours, including the street in which you live, or people living near by
- Blood relatives or relative by marriage
- Close friends
- Organisations such as sports clubs and other similar bodies in which you have an ongoing interest, have membership of, or have been in any way involved with in the recent past.

All Members and Officers involved in Benefit administration and investigation must register with the Corporate Head - Legal and Democratic Services any interest that they have in property within the Lewes District Council area that they rent to tenants (even when those tenants are not claiming benefit).

If you work in Benefit administration or investigation you will be asked to declare any such interest when you first join the Council and are required to register an interest should the position change during the course of your employment.

No written rules can hope to cover all possibilities or situations and you must, if any doubt exists, contact your immediate supervisor for advice on how to proceed. In his/her absence the query must be referred upwards.

Political Neutrality

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.

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.

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.

Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 6.1 to 6.4

Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, 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:

- specified posts, such as the Chief Executive and the monitoring officer. Chief Officers and their deputies are restricted without exemption or appeal;
- all posts which meet the duties - related criteria for determining a 'sensitive' post, unless the post holder 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.

The political restrictions are deemed to be incorporated in the contract of employment of every local authority employee who holds a politically restricted post. Politically restricted postholders are advised of the fact on appointment.

Relationships -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.

Relationships - 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.

Relationships - Contractors

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager. Orders

and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should 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 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 must declare that relationship to the appropriate manager and take no part in the contract or in the awarding of that contract.

Appointment and other Employment Matters

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.

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.

In particular:

Every candidate for any appointment shall, when making an application, disclose in writing whether to his/her knowledge he/she is related to any member of the authority or to a holder of any senior office with the authority.

Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment he/she shall be liable to dismissal. Every member and senior officer of the authority shall similarly disclose to the authority any relationship known to him/her to exist between himself and a candidate for an appointment of which he/she is aware.

The Local Authorities (Standing Orders) Regulations 1993 also prescribe the procedure to be followed in respect of the appointment of chief officers and their dismissal in the event of misconduct.

Outside Commitments

Employees have conditions of service which require them to obtain written consent to take any outside employment. Employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.

Employees wishing to take up other paid employment should first get the consent of their Corporate Head of Department. Corporate Heads of Department and the Chief Executive must get the consent of the Council.

In practice the Council will not normally object, provided that there is not, or will not be in the foreseeable future, any possible conflict of interest between the two appointments and that the principles set out in this Code are adhered to.

Inventions and Patents

Inventions made before 1 June 1978 are the property of the Council if made in the course of the Council's employment. However the Patents Act 1977 states that after the 1 June 1978 inventions are only the property of the employer if:

- they have been made in the course of the employee's normal duties, or
- they have been made in the course of duties specifically assigned to the employees and where invention might be reasonably expected; or
- it was made in the course of the employee's duties and at the time the employee had (because of the nature of his/her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

Personal Interests - General

Employees must declare to an appropriate manager any financial or non-financial interests that could bring about conflict with the authority's interests.

Personal Interests - At Work

Employees must refrain from becoming involved in a Council capacity with any matter in which they have a direct or indirect interest. This rule is an absolute one in cases of direct financial interest. It also applies in cases of indirect interest, for example, through membership of any organisation in negotiation with the Council, through family or friends or by any other relationship or association where an outsider might suspect that the relationship could influence your or the Council's views.

The important thing is that it must be crystal clear to an outsider that everything is open and above board; there must be no room for suspicion, however ill-founded that suspicion might be,

In any case, where employees do have an interest, either direct or indirect, they must:

- not take part in any Council capacity in connection with the matter in question without the prior knowledge and consent of his/her Corporate Head of Department, which will only be given in suitable and probably rare circumstances;
- notify their Corporate Head of Department formally. This can take the form of a general disclosure - for example, an employee working in the Planning Department would inform the Director of Planning and Environmental

Services generally of that interest, and the fact that planning applications would be made;

- record the interest in the Disclosure Book maintained by the Corporate Head - Legal and Democratic Services;
- not attempt to seek information or in any way discuss with their colleagues the matter in question.

Above all, they must deal with colleagues, Council Members, other organisations and the public in a prompt and courteous manner.

Personal Interests - Out of Work

The general rule is that an employee's off duty hours are his or her personal concern and broadly speaking they are entitled to spend their free time as they wish.

Employees must never put themselves in a position where there may be, or is suspected to be, a conflict between their official position and their private interest, whether remunerated or not. It is impossible to draw up a comprehensive list, but a few examples will serve to illustrate those occasions when conflict may arise (and therefore the activity should not be embarked upon) and those where conflict is unlikely (and therefore the activity may be in order unless and until a conflict does arise, in which case it must be discontinued forthwith).

- Any employee within any Department is precluded from drawing plans for planning permission, building regulation consent, or any other purpose over which this Council exercises statutory control.
- Any Solicitor is precluded from acting in any conveyancing matter where the Council is involved in the same transaction as a mortgagee, vendor or purchaser or in making a grant.
- Any member of the Estates Unit is precluded from giving independent valuation advice in respect of properties which are the subject of acquisition, disposal or mortgage by the Council or from acting in connection with any negotiations for such purposes.
- Any member of the Finance Department is precluded from altering computer records relating to any financial dealings that they themselves may have with the Council, e.g. Rent or Council Tax records.
- All employees are precluded from having any dealings with a contractor to the Council where they or a close relative have any relationship, however remote, with that Contractor.

The following are generally permissible within the Code of Conduct (but subject to disclosure where necessary)

- Any individual employee acting for him/herself or in certain circumstances for his/her immediate family.

- Any employee preparing plans and drawing for approval by another Local Authority.
- Any employee (subject to general statutory and regulatory provisions) acting for or giving independent service in connection with any matter where the District Council is not - nor likely to be - involved in any capacity, however remote.

Equality Issues

Employees must 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.

Separation of Roles during Tendering

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.

Employees in a contractor or client unit must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

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.

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 processes.

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.

Corruption

It is a serious criminal offence to corruptly 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 your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained.

In particular:

Under the **Prevention of Corruption Acts, 1906 and 1916**, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:

- doing, or refraining from doing, anything in their official capacity; or
- showing any favour or disfavour to any person in their official capacity.

Under the **Prevention of Corruption Act 1916**, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary.

Any gifts or hospitality received or offered should be recorded in the Council's Hospitality Register kept by the Head of Democratic Services. Details of all trips abroad on Council business must be recorded. You can find more guidance on Gifts and Hospitality in the Staff Guide.

Use of Resources

Employees must ensure that public funds entrusted to them are used in a responsible and lawful manner. Employees must strive to ensure value for money to the local community and to avoid legal challenge to the authority.

In particular:

Use of Council Facilities

All Council facilities, including telephones, stationery, stamps, photocopying and printing services, depot equipment, vehicles and transport are provided for official use only. They are not intended for personal use. At the discretion of the Corporate Head of Department, but normally only in exceptional circumstances, employees may be permitted to avail themselves of certain of the Council's services and equipment, provided that all appropriate reimbursements are made to the Council.

However, such reimbursement can never properly recompense the Council, because of added hidden costs, such as maintenance, loss of employee's time, etc and the use of facilities in this way, if permitted at all, will only be permitted sparingly.

Postage and Stationery Facilities

Employees are not permitted to put private mail through the office mail system, which carries the official stamp of the Council, for either franking or use of stamps, nor to use for personal purposes any stationery or equipment which carries the official titles of the Council.

Telephones

The Council's telephone system is provided for the conduct of the Council's business, and except in exceptional circumstances, personal incoming calls are to be discouraged, since they occupy switchboard lines that members of the public may wish to use.

If an external personal call has to be made, it should be recorded - either directly on the telephone system itself in the case of the Council's main switchboard, or on a telephone record pad and subsequently paid for.

Claims for Expenses and Payments

Employees who are required to complete timesheets, bonus sheets, overtime claims and other similar documentation, which has been signed and thus represents a claim for payment, must check it thoroughly for accuracy. Where inaccuracies in claims are found and appear to have been purposely falsified, these may be regarded as fraud for which the outcome may be instant dismissal for gross misconduct.

Sponsorship - Giving and Receiving

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 customers.

Where the authority wishes to sponsor an event or service, neither an employee nor his/her 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 authority through sponsorship grant aid, financial or other means, gives support in the community, employees must give impartial advice and ensure that there is no conflict of interest involved.

Protective Clothing and Safety Equipment

The Council provides all necessary protective clothing and equipment to employees who may be exposed to a risk of injury. These facilities must be used, both for your own protection and the protection of others.

Fire Precautions

Employees must be particularly careful in avoiding activities which may cause fire and to make sure that cigarette ends, matches and other inflammable materials are properly extinguished. Smoking is not allowed inside Council buildings. The fire precautions are included in the employees' induction programme and notices are posed throughout Council buildings, giving instructions for action to be taken in the case of fire, and the authorised exits in case of emergency. Fire practices are held from time to time without warning appropriate action must be taken.

Personal Possessions

The Council accepts no responsibility for the loss or damage to any employee's personal possessions and this includes bicycles and vehicles parked in the council's office car parks. Employees are strongly urged never to leave money or valuables in a place where they may be stolen. Personal lockers should be used where provided.