

Section 35

Code of Conduct for Employees

Terms Used in this Code

Where these terms are used in the Code they will have the meanings set out below:

| Term | Explanation |
|------------------------------|---|
| Director | Member of Directors' Management Team ie Chief Executive, Deputy Chief Executive, Director |
| Manager | Director, Head of Service or Service Manager |
| Relative | Spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons |
| Partner | Member of a couple who live together |
| Close Personal Friend | <p>A person with whom you spend recreational time outside of work. In deciding whether a close personal relationship exists it may be helpful to ask yourself the following questions:</p> <ul style="list-style-type: none">• how often do you meet?• where do you meet? <p>do you regularly attend the same social events?</p> <ul style="list-style-type: none">• do you know each other's families?• are you close or connected in other ways? <p>For example, if your families meet regularly and do things together, this would suggest that there was a close personal relationship.</p> |

Part 1 - General Background

Background

The Government has issued a national mandatory Code of Conduct for members of local authorities and intends to issue a similar Code of Conduct for employees. In due course, this code will be reviewed when that mandatory code for employees is issued. Until then, this Code forms part of the Council's Constitution.

The Code of Conduct for Cannock Chase Employees aims to bring together rules and standards from different sources. It is meant to reinforce, not replace, all the other policies and procedures that deal with conduct, some of which are referred to in this code. Most importantly, it does not take the place of the Council's disciplinary process, Contract Procedure Rules, and Financial Regulations.

Who the Code is Aimed At

The Code applies to **all** Council employees. Any actions taken by employees where they represent the Council on any other organisation or body should in addition to following any Code of Conduct applicable to that organisation or body also meet the standards laid down in this Code. Where there are differences in specific provisions of the two codes you should follow the requirements of the 'strictest' code.

Part 2 - Code of Conduct for Employees

1. Introduction

- 1.1 The Council exists to serve and represent the people of Cannock Chase who have a right to expect the highest standards of service from everyone who works for the Council.
- 1.2 This Code has been drawn up to help you in your day-to-day work. It outlines existing laws, regulations and local conditions of service, along with guidance, which will help maintain and improve standards and protect you from misunderstandings or criticism.
- 1.3 This Code sets out the minimum standards that are expected of you. However, you should also understand that if you fail to comply with the Code, you might be subject to disciplinary action.
- 1.4 If you are uncertain about anything stated in this Code, you should discuss the issue with your Manager or Head of Service.

2. Duties Under Your Contract of Employment

- 2.1 As an employee your duties under your contract of employment with the Council include:
 - (a) **a duty of service** – to work in accordance with the contract e.g. not to be late or absent without permission.
 - (b) **a duty to be obedient** – to obey reasonable instructions, procedures and regulations.

- (c) **a duty of care** – to be competent and capable and not to be negligent in the way you carry out your work.
- (d) **a duty of good faith** – to be honest and not accept a fee¹ or commission¹; or free gifts² except as may be allowed by this Council, or to divulge confidential information about the Council.

3. Standards

- 3.1 As a Council employee, you must conduct yourself to the highest standards. You must at all times act in accordance with the trust that the public is entitled to place in you. This will ensure that public confidence in your integrity cannot be shaken by the least suspicion, however ill-founded, or that you could in any way be influenced by improper motives.
- 3.2 You must give the highest standards of service to the public. If you are aware of any deficiency in the provision of service, you must bring this to the attention of your supervisor or manager. You are accountable to the Council for your actions.
- 3.3 You must perform your duties with honesty, integrity and objectivity. Where you provide advice to Members and fellow employees as part of your job, you must do so with impartiality.
- 3.4 If you are aware of any impropriety or breach of procedure, you must report this in accordance with the Council's Confidential Reporting Policy when you may do so without any fear of recrimination.

4. Disclosure of Information

- 4.1 The Council practices open government. Under the Local Government Acts 1972 and 2000 and the Freedom of Information Act 2000, the public has the right to access certain information. The law requires that certain types of information must be available to Members, service users and government bodies. You must not prevent another person from gaining access to information to which that person is entitled by law.
- 4.2 However, some information is safeguarded from disclosure by the Data Protection Act and if you disclose such information, you could be liable to criminal prosecution and/or dismissal for gross misconduct. Also, some information is necessarily confidential, and you must only make it available on a 'need to know' basis. You must ensure that you are aware of what information can and cannot be released. If in doubt, ask your Manager or Head of Service.
- 4.3 Unless expressly authorised to do so by a Director or Head of Service, you must not hold yourself out to be the Council's spokesperson or, in your capacity as a Council employee, make any representations, whether orally or in writing, to the public concerning the Council's activities or business.

¹ See section 8 – Outside Commitments - for further details

² See section 15 – Gifts & Hospitality – for further details

- 4.4 You must not use any business sensitive information that you obtain during your employment for personal gain or benefit; nor should you pass it on to others who might use it in such a way. Furthermore, you should not use/disclose such information when you leave the Council's employment.
- 4.5 Any information you obtain during your employment about individuals (e.g. Members, other employees, users of Council services) or organisations (e.g. contractors, other public authorities, voluntary organisations) must not be divulged without the consent of that individual or organisation. The only exception is where disclosure is required or sanctioned by law.
- 4.6 Unless permitted to do so by a Director or Head of Service and having first consulted with the Public Relations and Marketing Unit, you must not hold yourself out to be the Council's spokesperson or, in your capacity as a Council employee, make any representations, whether orally or in writing, to the press and/or the media.

5. Political Neutrality

- 5.1 You must serve the Council as a whole (the Council itself, Cabinet, Overview and Scrutiny Committees, and any other Committees, Sub-Committees, or Panels) and not just the controlling political group.
- 5.2 If you are required to advise political groups, you must do so in ways which do not compromise your political neutrality.
- 5.3 There are regulations that restrict the political activity of certain employees by making their posts politically restricted. If you hold a politically restricted post (your contract will indicate this) you are disqualified from assisting in a political campaign or becoming a councillor of a local authority (other than a parish or community council), from being an MP or MEP. Under certain circumstances there is a right of appeal against political restriction.
- 5.4 You must follow every lawfully expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work or the Council's work generally. This applies whether or not your post is politically restricted.
- 5.5 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in paragraphs 5.1 to 5.4.
- 5.6 For further guidance on this please refer to the Member/Officer Relations protocol.

6. Relationships

Councillors

- 6.1 Mutual respect between employees and Members is essential to good local government. You must therefore comply with the Council's expectations as set out in the Member Officer Relations Protocol.

The local community and service users

- 6.2 You must always remember your responsibilities to the community we serve and make sure that you treat all groups and individuals within that community courteously, efficiently and impartially. Further details on this can be found in the Customer Care Charter and other Council policies, in particular the Equality & Diversity Policy

Contractors

- 6.3 If you have any relationship of a business or private nature with an external contractor or potential contractor, you must tell your manager in writing. It is only necessary to disclose an interest where you can exert influence on any decision regarding a contract. It is essential that all orders and contracts are awarded on merit, by fair competition against other tenders or quotations, and you must show no special favours in this process to business run by, for example, partners, relatives, or friends.
- 6.4 If your job involves engaging, supervising or any other official relationship with contractors, you must tell your manager in writing if you have had any current or previous relationship in a private, employment or domestic capacity with contractors. Failure to do so may lead to disciplinary action.
- 6.5 It is a statutory requirement as set out in Section 117 of the Local Government Act 1972 (see Appendix 1) to declare an interest in contracts.
- 6.6 If you do have an interest in a contract your manager will decide what involvement, if any, you should have in any purchasing, contracting or related decisions.
- 6.7 Your manager will forward details of any relationships with contractors to the Head of Organisational Development, and these will be held in the Declaration of Interests Register.

7. Appointment and Other Employment Matters

- 7.1 If you are involved in making appointments, you must make sure that these are made on merit with your decision being based on the ability of the candidate to undertake the duties of the post. Anything else would be unlawful. To avoid any possible accusation of bias, you must not be involved in an appointment where you are related to, or have a close personal friendship, with an applicant.
- 7.2 You should not be involved in making decisions relating to discipline, promotion or pay adjustments for any employee who is a relative, partner or a close personal friend.

8. Outside Commitments

- 8.1 You must be clear about your contractual obligations to the Council and must not involve yourself in outside employment or other outside commitments that might conflict with the Council's interests.

- 8.2 You have a right to time off work³ to undertake public duties such as being a magistrate, governor but you must ensure that in performing these duties your actions do not conflict with the interests of the Council e.g., if you are a magistrate, you should not hear a case brought by the Council's environmental health service.
- 8.3 You must have the written consent of your Head of Service⁴ before you may take up additional employment or outside commitments.
- 8.4 Your Head of Service will be authorised to give consent provided that:
- the activity or work will not interfere with your official duties.
 - there is no possibility of a conflict of interest arising between the activity or work and Council business.
 - in particular, the activity or work does not relate in any way, to the granting of planning permission, any other consent under relevant planning legislation, or building regulation approval within the District, or to other decisions made by the Council or its Officers (e.g., purchasing, improvement grants).
 - the activity or work does not in any way relate to contracts entered into by the Council.
- 8.5 Your Head of Service will confirm any consent in writing and a copy of this will be passed to the Head of Organisational Development for recording on a central register.
- 8.6 Where the consent of a Head of Service is withheld, you will have the right to appeal through the normal grievance procedures.
- 8.7 Where a business activity or form of private work is of a continuous nature, you only need to obtain consent once, but you must notify your Head of Services at the earliest opportunity of any changes to your situation.
- 8.8 Where you undertake work on a "private" basis in your own time and fees are charged, this work must not be provided as or construed to be as "an Officer of the Council".
- 8.9 Where you carry out work for another organisation but in your capacity as an employee of the Council any fee that is paid for this work should be made payable to the Council and not to you eg provision of a training course for another organisation. Under Section 117 of the Local Government Act 1972 (see Appendix 1), you are forbidden under the cover of your office and employment to accept any fee or reward other than your proper remuneration and if you contravene this provision you would be liable to summary conviction.
- 8.10 You must follow the Council's rules on the ownership of intellectual property or copyright created during your employment.

³ For further details please see the Council's policy on time for public duties.

⁴ For Heads of Service, permission will be needed from your Director and for Directors, Council's consent will be needed)

9. Personal Interests

- 9.1 You must not in your official or personal capacity allow your personal interests or those of your partner, relative or close personal friend to conflict with the Council's requirements. If you have any financial and/or non-financial interests that could conflict with the Council's interests, you must declare these to your manager in writing.
- 9.2 Your manager will forward details of any personal interests to the Head of Organisational Development, and these will be held in the Declaration of Interests Register.
- 9.3 You must not in your official or personal capacity use your position improperly to confer an advantage or disadvantage on any person.
- 9.4 If you are a member of any organisation that is not open to the public without both formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct, you must declare this to your manager in writing.
- 9.5 If you are nominated or appointed to represent the Council on an outside organisation you must not serve as chair of that body in order to avoid any difficulties which could arise if there was a dispute between the Council and that organisation.
- 9.6 You must not allow your membership of any organisation to influence you in the conduct of your duties and responsibilities.
- 9.7 You may also be required by your manager to declare any personal interests which may conflict with your particular area of work e.g., if you work in the Housing Benefits section you will be asked to declare whether you have a relative who is in receipt of housing benefits.

10. Respect for Others (Equality and Diversity Issues)

- 10.1 You must comply with both the law and the Council's policies on all issues relating to questions of equality and diversity.
- 10.2 You must treat others with respect. You must treat all members of the local community and the Council's customers with fairness and equity.
- 10.3 You must ensure that you do not treat anyone less or more favourably because of their age, sex, marital status, ethnic origin, religious convictions, sexual orientation or disability.
- 10.4 You have a personal responsibility both to the Council and to your colleagues to protect and respect the dignity of those with whom you work. You should be aware that it is a criminal offence to harass intentionally any other person.

11. Separation of Roles During Procurement

- 11.1 Employees involved in the procurement process and dealing with contractors and suppliers must act at all times in accordance with the Council's Financial Regulations and Contract Procedure Rules.

- 11.2 You must be clear about the separation of 'client' and 'contractor' roles within the Council. If you are a senior employee with both a 'client' and 'contractor' responsibility, you must be aware of the need for both accountability and openness.
- 11.3 You must be fair and impartial in your dealings with all customers, suppliers, other contractors, and sub-contractors, particularly if you are employed in a 'contractor' or 'client' unit.
- 11.4 You must show no special favour towards current or former employees or their partners, close relatives or associates when awarding work or contracts to businesses run by them or employing them in a senior or relevant capacity.
- 11.5 If you have access to confidential information on quotations or tenders or costs for contractors/suppliers, you must not disclose this information to any unauthorized person or organisation.
- 11.6 If you are contemplating involvement in a management buy-out, you must tell your Head of Service immediately you decide to proceed and take no part in the process of awarding a contract.

12. Corruption

- 12.1 You must not corruptly receive or give any gift, loan, fee, reward or advantage for either doing or not doing anything or for showing favour or disfavour to any person or organisation in your official capacity. To do so is a serious criminal offence.
- 12.2 The Council's disciplinary code cites corrupt practices as an example of gross misconduct. An employee may be dismissed for even a single act of gross misconduct.
- 12.3 The Council has an Anti-Fraud and Corruption Strategy, and you must comply with this.

13. Computers

- 13.1 If your job involves the use of computers, you must comply with the Council's Information Technology Security Policy.

14. Use of Public Money

- 14.1 You must ensure that you use any public funds entrusted to you in a responsible and lawful manner and, in particular, in accordance with the Council's Financial Regulations. You must always strive to ensure value for money to the local community and to avoid any legal challenge to the Council.
- 14.2 An employee must not make personal use of property or facilities of the authority unless properly authorised to do so in accordance with Financial Regulations.

15. Gifts and Hospitality

- 15.1 Your conduct should be such that you remain immune from any criticism or suspicion that your actions or decisions have been unduly influenced. Obviously, the

acceptance of gifts or hospitality by you could be viewed with suspicion by the public and make you and the Council vulnerable to criticism.

- 15.2 Common sense should be applied when deciding whether to accept gifts or hospitality. In all instances you should consider the nature and the scale of the gift/hospitality, the circumstances in which it is offered and the relationship between the donor and the Council. You should also consider whether you could justify the giving or acceptance of gifts/hospitality to the Council, the media, and the public. You should ensure that acceptance of gifts/hospitality does not put your integrity, or that of the Council, into question.
- 15.3 If you are found to have allowed your decision or actions to have been influenced by the acceptance of gifts or hospitality, you could find yourself liable for disciplinary action which may include dismissal.
- 15.4 It is impossible to cover every eventuality, but these guidelines should assist you in making a decision. If you are in any doubt as to whether to accept or refuse an offer of a gift or hospitality, you should seek advice from your Head of Service or Director.
- 15.5 Particular care should be taken where gifts or hospitality are offered by someone who:
- (i) Provides, might provide or has recently provided goods or services to the Council eg a potential contractor in the period leading up to, during and immediately after a tendering exercise, or
 - (ii) Needs or has recently received a decision from the Council e.g., on a planning application, or
 - (iii) Is in dispute with the Council.

Gifts

- 15.6 It can be a serious criminal offence for Local Government employees to accept any fee, reward, or gift, other than their proper remuneration for doing their job (Local Government Act 1972).
- 15.7 Cash and monetary gifts must always, without exception, be refused.
- 15.8 You may accept a gift that is below £25 in value, but you are asked to think about whether it would be more appropriate to donate the gift to the Chair's Charity.
- 15.9 If you are offered any other gifts that have a greater value, vouchers, special discounts, rewards, or preferential treatment, you should refuse to accept them.
- 15.10 You should not accept any gifts, other than promotional gifts (e.g., diaries, calendars, pens etc), which are offered to you on a regular basis by the same person/organisation.
- 15.11 Free gifts received as part of the procurement process may be accepted only where they can be used for Council activities.
- 15.12 When declining a gift, you should do so politely, explain why it cannot be accepted and where practical return the gift to the donor. Where returning the gift is likely to

be expensive or inconvenient, it should be donated to a suitable charity e.g., the Chair's Charity, and the donor advised of this, together with a polite request not to make similar gifts in the future.

- 15.13 All gifts accepted or refused (other than promotional gifts) should be recorded in the Council's Gifts and Hospitality Register, which is maintained by the Executive Assistance to the Chief Executive.

Hospitality

Receiving Hospitality

- 15.14 The Council needs to maintain effective relationships with a wide range of partners, agents and community groups and the giving and receiving of hospitality may form part of this activity. However, it is vital to dispel the impression of improper influence being exerted on the Council.

- 15.15 It is permissible to accept:

- (i) modest refreshments offered in the normal course of business e.g., coffee, sandwiches over a lunchtime meeting.
- (ii) hospitality offered by other non-commercial bodies, provided that there is a general understanding that no indebtedness will result from the acceptance.
- (iii) invitations to functions where you represent the Council in an official capacity or by virtue of professional position, for example, when invited to/attending opening ceremonies, conferences.

- 15.16 Invitations to represent the Council at purely social or sporting functions should only be accepted where:

- (i) these are part of the life of the community, or
- (ii) where the Council should be seen to be represented and it is consistent with your role in the Council.

and it is seen as a benefit to the Council as a whole and not you as an individual. Taking annual leave in order to attend an event that does not meet the criteria above is not acceptable. In deciding whether to accept a social or sporting invitation it is vital that you consider how the public could view your acceptance.

- 15.17 Hospitality, other than modest refreshments should not be accepted for visits made to inspect equipment, systems, etc. The Council should meet the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions etc.

- 15.18 Offers of hospitality that appear immodest or lavish should be refused.

- 15.19 When refusing hospitality this should be done politely and an explanation given.

- 15.20 All hospitality refused or accepted (other than modest refreshments) should be recorded in the Council's Gifts and Hospitality Register, which is maintained by the Executive Assistant to the Chief Executive.

Giving Hospitality

- 15.21 Hospitality given by employees of the Council should be justified as being in the public interest. It should be on a scale appropriate to the occasion and should not be lavish or extravagant.
- 15.22 You should not offer hospitality unless authorised to do so by your Head of Service or Director and should not exceed budget provisions. An exception being the offer of modest hospitality, such as the provision of refreshments, for example, tea/coffee, made to official visitors to Council premises.

16. Sponsorship - Giving and Receiving

- 16.1 You must apply the basic conventions relating to gifts and hospitality as set out in this Code to any involvement you may have with an outside organisation which wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily.
- 16.2 You must take particular care when dealing with contractors or potential contractors so as not to leave the Council or yourself open to allegations of impropriety.
- 16.3 You must not accept sponsorship from an individual or organisation that is in a legal dispute with the Council.
- 16.4 Where the Council itself wishes to sponsor an event or service, you must make full disclosure in writing to your manager if either yourself, partner, spouse or close relative stands to benefit from such sponsorship.
- 16.5 In the same way, you must make sure that you give impartial advice and that you have no conflict of interest where the Council gives support to community groups through sponsorship, grant aid whether financial or otherwise.
- 16.6 You should not use your position with the Council to seek sponsorship from contractors for personal activities.

**Always err on the side of caution.
If it feels wrong, it probably is.
If in doubt, ask your manager for advice.**

Local Government Act, 1972 – Extract
Section 117

- (1) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority that a contract in which they have any pecuniary interest, whether direct or indirect (not being a contract to which they are themselves a party), has been, or is proposed to be, entered into by the authority or any committee thereof, they shall as soon as practicable give notice in writing to the authority of the fact that they are interested therein.

For the purposes of this section an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if they would have been so treated by virtue of section 95 above had they been a member of the authority.

- (2) An Officer of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.
- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding £200.

Acknowledgement of Receipt of Code of Conduct for Employees

I hereby acknowledge that I have received the Code of Conduct.

I can confirm that I have read and understood the Code and will follow them in carrying out my duties.

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|-----------------------------|--|
| Employee's Name | |
| Employee's Signature | |
| Post Title | |
| Service | |
| Section | |
| Date | |