

Employee Code of Conduct



The Public is entitled to expect the highest standards of conduct from all employees who work for local government. The Local Government Management Board, which represents the interests of local authorities throughout the country, has drawn up a Code of Conduct for all local government employees in England and Wales.

The Code lays down guidelines which aim to maintain and improve standards and protect employees from misunderstandings or criticism.

In producing the Code, the LGMB consulted most national bodies relating to local government, the Trades Union Congress and Unison.

The original version of the Code Of Conduct may be viewed in the Personnel/Payroll Services Section. Employees uncertain of their responsibilities should seek advice from their Chief Officer or from Personnel Services.

The Code



Standards

- 1 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 and impartial advice to councillors and fellow employees.
- 2 They will be expected, without fear of recrimination, to bring to the attention of the Council's monitoring officer - the Solicitor and Secretary - any unlawfulness or maladministration in the provision of the service. Any other deficiency in the provision of the service should be brought to the attention of the relevant Chief Officer.

Disclosure of Information

- 3 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 Council itself may decide to open other types of information. The Council will make appropriate employees aware of which information is open and which is not, to enable employees to act accordingly.
- 4 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass information on to others who might use it in such a way. Any information received by an employee from a councillor which is personal to that councillor and which does not belong to the Council must not be divulged by the employee without prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

Political Neutrality

- 5 Employees serve the Council as a whole. It follows that they must serve all councillors and not just those of any controlling group. Employees must ensure that the individual rights of councillors are respected.
- 6 It may be that employees will also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 7 The Council recognises that some employees are required to act within their professional bodies code of conduct. Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. This shall not prevent employees expressing a professional view in accordance with their duties.

- 8 The Local Government and Housing Act 1989 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, from being an MP or MEP, and are subject to prescribed restrictions on their political activity.
- 9 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.

Relationships

- 10 **Councillors** - Employees are responsible to the Council through its senior managers. All officers are employed to carry out the Council's work, some are required to give advice to councillors and senior managers. 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. Such familiarity should, therefore, be avoided.
- 11 **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 Council.
- 12 **Contractors** - All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate Chief Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and, during the tendering process, no special favours should be shown to businesses run by friends, partners, or relatives. No part of the local community should be discriminated against.
- 13 Employees who engage or supervise contractors and have previously had, or currently have, a relationship in a private or domestic capacity with a contractor must declare that relationship to the appropriate Chief Officer.

Appointments and other Employment Matters

- 14 Employees 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 accusation of bias, employees must not be involved in an appointment where they are related (as defined under the Council's Standing Order No. 35) to an applicant or have a close personal relationship outside work with him or her.

- 15 Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustment for any other employee who is a relative, partner, or friend.

Outside Commitments

- 16 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.
- 17 Any employee of local grade 5 or below does not require prior permission to undertake other work, but must, within 4 weeks of taking up other work, disclose its nature and extent, in writing, to their Chief Officer. If graded local grade 6 or above you must obtain written permission from your Chief Officer prior to undertaking any private work or other employment.
- 18 Employees should make themselves aware of the ownership of intellectual property, or copyright, including inventions, creative writings and drawings. In general, if created by the employee during the course of employment, these belong to the Council.

Personal Interests

- 19 Employees must declare to their Chief Officers any non-financial interests that they consider bring about conflict with the Council's interests. Examples may include: involvement with an organisation receiving grant aid from the Council; membership of a National Health Service Trust Board; involvement with an organisation or pressure group which may seek to influence the Council's policies.
- 20 Employees must declare to their Chief Officer any financial interests which could conflict with the Council's interests. Where such financial interests relate to contracts with the Council, employees must also be aware of, and adhere to, the Council's Standing Order No 33.
- 21 Employees and future employees must declare to their Chief Officer and to the Head of Personnel Services their 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.
- 22 The definition of what constitutes a secret society may be "any lodge, chapter, society, trust or regular gathering or meeting" which:
- is not open to members of the public who are not members;
 - includes in the grant of membership an obligation on the part of the member, a requirement to make a commitment (whether by oath or otherwise) of allegiance; and

- includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the society.

However, any generally recognised religion shall not constitute a "secret society" if any of the above conditions form a part of its activity.

Equality Issues

- 23 This Council has a policy to recruit the most suitable candidate for the job. Selection for recruitment, promotion and training will be made only on merit. The Council will not discriminate against any person because of race, colour, creed, ethnic origin, sex, marital status or disability. The Council monitors its performance in this respect, but, personal details are kept confidential.

Separation of roles during Tendering

- 24 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.
- 25 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 26 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 should be aware of and adhere to the Council's Standing Orders relating to contracts.** A copy of the Standing Orders can be inspected by contacting the Solicitor and Secretary.
- 27 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding process.
- 28 Employees must 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

- 29 Employees should be aware that it is a serious criminal offence for them corruptly 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. Any allegation made will be dealt with in accordance with the Council's Disciplinary Procedure. There are several Acts relating to corruption.

Use of Financial Resources

- 30 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 for the local community and to avoid legal challenge to the Council. To accomplish these aims employees should be aware of, **and adhere to**, the Council's 'Standing Orders Relating To Financial Matters'. A copy of the Standing Orders can be inspected by contacting the Solicitor and Secretary.

Hospitality

- 31 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions may be accepted only when these are part of the life of the community, or, where the Council should be seen to be represented. Attendance should be authorised by the relevant Chief Officer and recorded.
- 32 When hospitality has to be declined, the person making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 33 Employees must not accept significant personal gifts from contractors and outside suppliers, although the Council will allow employees to keep insignificant items of token value such as pens, diaries, calendars, etc.
- 34 When receiving authorised hospitality, employees must be particularly sensitive as to its timing in relation to decisions which the Council may be taking and which may affect those providing the hospitality.
- 35 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent has been given in advance and the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc, are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

Sponsorship - Giving and Receiving

- 36 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, as outlined in 31 - 35 above, apply. Particular care must be taken when dealing with contractors or potential contractors.
- 37 Where the Council 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 the Solicitor and Secretary of any such interest. Similarly where the Council, through 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.

This Code contains guidelines and references from Acts and other publications. Parts of it are reproduced in the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services Scheme of Conditions of Service (The Purple Book). Other references are from:

- *Local Government and Housing Act 1989*
- *Local Government Act 1972*
- *Local Government Planning and Land Act 1980*
- *Local Government (Publication of Manpower Information) (England) Regulations 1983*
- *Local Government (Access to Information) Act 1985*
- *The Local Government Officers (Political Restrictions) Regulations 1990*
- *The Local Government (Politically Restricted Posts) (No 2) Regulations 1990*
- *The Local Authorities (Standing Orders) Regulations 1993*
- *Patents Act 1977*
- *Sex Discrimination Act 1975*
- *Race Relations Act 1976*
- *Disabled Persons (Employment) Act 1944 (as amended)*
- *Local Government (Direct Service Organisation) (Consultation) Regulations 1993*
- *Prevention of Corruption Acts 1906 and 1916*
- *Public Bodies Corrupt Practices Act 1889*
- *NNDC Financial Regulations and NNDC Standing Orders Relating to Contractors*