



WHITCHURCH TOWN COUNCIL

OFFICERS' CODE OF CONDUCT

(Adopted by Council 20th June 2013)

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INTRODUCTION

This Code of Conduct for Officers was approved by Council in June 2013. The Codes themselves are printed in bold type and *beneath has been added procedural guidelines in italics*.

These Procedural Guidelines are intended to provide background information to help employees understand and interpret the requirements of the Code of Conduct. They cannot cover all circumstances and are not to be considered as a substitute for reading the Code itself.

BACKGROUND

The public are entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist the Council and its employees in their day-to-day work.

STATUS OF THE CODE

This Code is based on the voluntary Code of Conduct approved by the Local Authority Associations and the Local Government Management Board, adapted and/or amplified where perceived necessary to meet local circumstances or requirements. It also incorporates the principles contained in the draft model Code of Conduct for Local Authority Employees which has been the subject of consultation by the Office of the Deputy Prime Minister.

The aim of the Code is to lay down guidelines for employees which help maintain and improve standards and protect employees from misunderstanding or criticism. The standards contained in it are the minimum that should apply.

WHO IS THE CODE AIMED AT?

The Code is intended to cover all employees under a contract of employment with the Council. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

1 STANDARDS

1.1 The Council's employees are expected to give the highest possible standard of service to the public, and must perform their duties with honesty, integrity, impartiality and objectivity. Employees 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. Employees must report to the appropriate manager any impropriety or breach of procedure that is more than trivial. (See Making a protected disclosure in the Employee Handbook)

1.2 An employee must be accountable to the Authority for his/ her actions.

1.3 An employee must at all time act in accordance with the trust that the public is entitled to place in him/ her.

1.4 The guidance in this Code is based on these principles. At the end of the day the Council relies on the integrity, reasonableness, common sense and professional judgement of individual officers. Staff should not hesitate at any time, to seek advice on the interpretation of the Code, or when circumstances arise which it does not cover.

PROCEDURAL GUIDELINES

1.A In determining acceptable standards, employees are asked to familiarise themselves, not only with the Council's Code of Conduct for Officers. but also with the operating procedures used, Standing Orders & Financial Regulations and the Council's Protocol for Members & Officers.

2 DISCLOSURE OF INFORMATION

2.1 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 is open about other types of information. Employees must be aware of which information the Authority is and is not open about, and act accordingly.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they 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 Authority 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.

2.3 Employees must not prevent another person from gaining access to information to which that person is entitled in law.

PROCEDURAL GUIDELINES

2.A The Council's employees receive information relating to the Council's business, as well as confidential information about clients and the public, businesses, Councillors and other employees. Much of this information needs to be treated as confidential and should not be betrayed either inside or outside work, even to family and friends.

2.B. Both councillors and the public have rights to certain information and all officers should encourage and help people to access this.

3 POLITICAL NEUTRALITY

3.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of any controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 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.

3.3 Employees, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

PROCEDURAL GUIDELINES

3.A It is only to be expected that the Town Clerk will work closely with members of the Council. Confidentiality over discussions with particular groups is vital.

4 RELATIONSHIPS

4.1 Councillors

Employees are responsible to the Authority. For some, their role is to give advice to councillors 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

All relationships of a business or private nature with external contractors, or potential contractors, should be made known in writing to the Town Clerk or Mayor. Orders and contracts must be awarded on merit, by fair competition against other tenders unless a formal resolution is made to waive Financial Regulations and the reason stated in the Minutes. 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.

4.4 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 the Town Clerk or Mayor in writing.

4.5 In the event of employees engaging a Contractor for private work at home, who is known by the employee to be one of the Council's contractors, care must be taken to ensure that the price paid for the work represents full value and thereby cannot be construed as an inducement or reward for the award of Council contracts. Especial care must be taken in this respect by employees who engage or supervise contractors in the course of their employment.

PROCEDURAL GUIDELINES

4.A It is not sufficient to ensure that a relationship with a contractor or potential contractor will not unduly influence their business involvement with the Council, but impartiality and integrity need to be demonstrated. It is necessary for such relationships to be open and beyond suspicion by the reasonable person.

4.B It is difficult to define precisely when a declaration should be made. The decision should be made after you have assessed the degree of influence that you may have over the Council's relationship with the particular contractor. If you are responsible for the administration of the contract, or are in any way involved in it, a declaration should be made. If in doubt, declare it.

5 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

5.1 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.

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.

PROCEDURAL GUIDELINES

5.A In cases where you are involved in deciding any matter relating to the appointment, promotion, discipline, pay, conditions of service or training opportunities for a person who is a relative, partner or with whom you have a close personal relationship outside work, you should declare this to the Town Clerk or Mayor (in the case of the Town Clerk) and have no further involvement in the matter.

5.B In this paragraph "relative" means a spouse, partner, 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 and "partner" means a member of a couple who live together.

6 OUTSIDE COMMITMENTS

6.1 You must not become engaged or concerned in any other business in which your duties may conflict with the interests of the Council, without prior permission from the Town Clerk. You must not become engaged in any secondary occupation that may interfere with your work. Officers earning in excess of Scale Point 28 must not be otherwise employed without the authority of the Town Clerk. The Town Clerk must obtain authority from Council before undertaking other employment.

6.2 The Town Council is a consultee for making recommendations to the determining bodies for applications for various types of consent such as planning permission, licensing etc. and also determines grant applications. Staff members who are in any way concerned, connected or consulted in their work during the processing of such applications are precluded from preparing or assisting with those submissions in any private capacity on behalf of applicants (unless for their own submissions when, of course, their private interest in the matter would be perfectly clear and should be declared).

6.3 The general guidance is therefore as follows :-

(a) Staff at all levels should not undertake any outside work which would put them in a position of conflict of interest. Such a conflict would arise when an employee is to be paid by a member of the public or any outside organisation or body for work which is in any way connected with the scope of his or her official duties.

(b) Employees should follow such rules as the Council may from time to time impose on the ownership of intellectual property or copyright created during their employment.

7 PERSONAL INTERESTS

7.1 An employee must not in his/her official or personal capacity:-

- allow personal interests to conflict with the Authority's requirements, or
- use his/ her position improperly to confer an advantage or disadvantage on any person.

7.2 Employees must declare to the Town Clerk or Mayor (in the case of the Town Clerk) in writing, any non-financial interests that they consider could bring about conflict with the authority's interests e.g. school governor, membership of local sports club, membership of another council.

7.3 Employees must declare to the Town Clerk or Mayor (in the case of the Town Clerk) in writing, any financial interests which could conflict with the authority's interests e.g. financial interests of a spouse or other member of the family in a contract.

7.4 Employees should declare to an appropriate manager 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.

PROCEDURAL GUIDELINES

7.A Non Financial Interests

The test as to whether an interest in an outside body should be declared, is whether or not the interests of the body may conflict with those of the Council. By way of advice, it may always be appropriate to declare being a governor of a school within the Town, or membership of another council. Similarly, membership of a trust or statutory body operating within the Town would be best declared.

In the case of, for instance, local sports clubs, these should be declared when a conflict of interest may arise, e.g. where planning permission is sought, or where land is being brought from or sold to the Council.

7.B Financial Interests

The Council needs to be aware of all cases where an employee or his/her close relative, partner or associate has a financial interest in a business (including private company, public sector organisation and/or voluntary organisation) which are, or are seeking to have business dealings or enter into a contract with the Council.

Examples of such interests are:-

- *Paid employment, directorships, consultancies or personal sponsorship.*
- *An interest in land or other assets, held or used by the business organisation.*
- *Share capital in the company exceeding £25,000 (the amount need not be declared) or more than $\frac{1}{100}$ th of the issued shares or securities*

NB, This does not include money invested in a Building Society or Bank where you have no influence over the dealings of that organisation.

7.C. Organisations not open to the public with formal membership etc.

8 EQUALITY ISSUES

8.1 All local government employees should 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.

PROCEDURAL GUIDELINES

8.A Reference should be made to the Council's Equality Policy.

9 ROLES DURING TENDERING

9.1 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

9.2 Employees who are privy to confidential information on tenders or costs should not disclose that information to any unauthorised party or organisation.

9.3 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.

10 CORRUPTION

10.1 Employees must 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.

PROCEDURAL GUIDELINES

10.A It is essential to remember that dealings with officers and members of local authorities and other public bodies are subject to the provisions of special legislation with onerous requirements and imposing sanctions under criminal law designed to protect the public interest and public confidence.

*The particular legislation is contained in :-
The Public Bodies Corrupt Practices Act 1889
The Prevention of Corruption Act 1906
The Prevention of Corruption Act 1916
The Local Government Act 1972, Section 117(2)*

10.B In summary, anyone who corruptly gives, promises or offers any gift, loan, fee, reward or advantage to any person as an inducement to or a reward for any member, officer or servant of a public body for doing or forbearing to do anything in respect of any matter or transaction is guilty of a criminal offence. Similarly, a criminal offence is committed by anyone who corruptly solicits, receives or agrees to receive for themselves or any other person such an inducement or reward.

10.C It is particularly to be noted that the giving or acceptance of any money, gift or other consideration is deemed to have been given or received corruptly unless the contrary is proved. This represents a departure from the general principle that a person is deemed innocent until proven guilty.

11 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 to the authority.

11.2 Employees must not make personal use of property or facilities of the authority unless properly authorised to do so.

PROCEDURAL GUIDELINES

11.A An area of particular concern is the use of computers. See Rules in Employee Handbook and ICT Policy

12 HOSPITALITY AND GIFTS

12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded. It is generally more acceptable to join in hospitality offered to a group of people rather than something unique to the individual, i.e. there is a degree of safety in numbers. Hospitality should only be accepted when it is reasonably incidental and on a scale appropriate to the occasion or circumstances.

12.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority allow employees to keep insignificant items of token value such as pens, diaries etc.

12.4 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. Where it is known that a particular person or body has a matter currently in issue with the Town Council, an offer of hospitality should be refused even if in normal times it would be acceptable.

12.5 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 and where it is clear that

any purchasing decisions are not compromised. Approval to attend a relevant conference or course will be considered to be approval of allied hospitality as outlined above. 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.

12.6 Employees must report to the Town Clerk or Mayor (in the case of the Town Clerk) the offer of any gifts or hospitality. These must be recorded in the register maintained by the Town Clerk

PROCEDURAL GUIDELINES

12.A Offers of hospitality and gifts should be approached with caution. Members of staff should ask themselves what a member of the public, who may be critical or suspicious, might think. Offers of hospitality where any suggestion of improper influence is possible should be tactfully refused. Hospitality should only be accepted when it is reasonably incidental, and on a scale appropriate, to the occasion or circumstances. If in doubt say no.

12.B Employees should only accept reasonable or modest hospitality and, if in doubt as to whether such hospitality is reasonable or modest in the circumstances, the employee should seek guidance from the Town Clerk or Mayor.

12.C Clearly, hospitality received in the ordinary course of business (for example working lunches) need not be declared or registered provided it is modest and reasonable.

12.D All hospitality received (other than that mentioned in 12.3 above) and hospitality offered but not accepted should be registered in the Register of Hospitality (see below).

12.E Any employee receiving an offer of hospitality should inform the supplier or contractor offering the same that the employee is under a duty to register hospitality received or offered but not accepted.

12.F A Register will be kept and maintained by the Town Clerk. The details to be included in the Register will be:

- i the name of the employee concerned;*
- ii the name of the contractor or the supplier or other party making the invitation;*
- iii the nature of the hospitality received or offered but not accepted; and*
- iv the date or receipt of hospitality.*

12.G As with Declarations of Interest, it is the duty of each individual employee to register hospitality received, or offered but not accepted, within a reasonable period before or after that hospitality is received or offered and it is suggested for this purpose that a reasonable period would be no longer than 7 days after the hospitality is received or offered. Notices to be sent to Town Clerk or Mayor.

12.H Some offers of hospitality are clearly unacceptable, e.g. offers of holiday accommodation. Invitations to sporting fixtures or evenings at the theatre are acceptable only in accordance with paragraph 12.1 of the Code of Conduct for Employees, or when they are clearly required for the conduct of Council

Gifts

Examples of the type of modest gifts which would normally be acceptable are:-

- Small gifts of office equipment or stationery given by way of trade advertisement to a range of officers or for use in the office. Nothing more elaborate than calendars, diaries, rulers or blotters would fall into this category;*
- Small gifts of only token value given on the conclusion of an official courtesy visit e.g. to a factory or other premises.*
- Small tokens of thanks such as modest chocolates or flowers*

- *Gifts to a member of staff or a member of their family where the donor is a personal friend. Extreme care needs to be taken in such circumstances that friendships are equal in both directions and declarations are made in accordance with Section 4 of the Code.*
- *If a gift outside the exceptions arrives without warning, it must be handed to the Town Clerk or Mayor (in the case of the Town Clerk) to decide whether the gift should be returned (or passed to an appropriate charity) and to ensure the donor is informed of what has happened.*

These rules also, of course, apply to offers by firms to members of staff of discounts going beyond those on general offer,

13 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 the Town Clerk or Mayor (in the case of the Town Clerk) 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.

PROCEDURAL GUIDELINES

13.A The Council must not be seen to offer any special favours or business in return for sponsorship.