

# Appendix 7 Officers' Code of Conduct

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## **POLICY STATEMENT**

### **INTRODUCTION**

The public is entitled to expect the highest standard of conduct from all employees who work for Chorley Borough Council. Under the Council's competency framework, employees must demonstrate high standards of professional behaviour and integrity at all times and must also be able to demonstrate objectivity and impartiality when making decisions. This Code sets out the standards expected from employees. Further information relating to the conduct and responsibilities of employees are contained within the Council's employment policies, conditions of service, standing orders, financial regulations and statutory requirements.

Some of the issues covered will affect senior, managerial and professional employees more than other employees but many aspects of the Code are applicable to all the Council's staff.

As an employee you should never do anything that you could not justify publicly. Your conduct will affect the reputation of the Council.

The two main aspects of the Code relate to the expected standards and to the disclosures that employees must make.

### **STANDARDS**

You are expected to give the highest possible standard of service to the public and, where it is part of your duties, to provide appropriate advice to councillors and fellow employees with impartiality. You should, without fear of recrimination, bring to the attention of your manager any deficiency in the provision of service. You must also report to your manager or any other appropriate senior manager any misconduct or breach of procedure. For further guidance regarding the disclosure of potential misconduct or breaches of procedures you should refer to the Council's Whistleblowing Policy.

#### **Provision of Information**

Certain information must be available to members, auditors, government departments and service users and, in certain circumstances, officers may have a legal or professional duty to disclose information to a member of the public or third party for which the principal legislation covering this is the Freedom of Information Act 2000 and the Data Protection Act 1998 and employees must ensure compliance with these acts at all times.

Other than in these circumstances, you shall not disclose confidential information, should not use any information obtained in the course of your employment for personal gain or benefit or pass it on to others who you believe might use it in such a way.

It is recognised that, whilst there may be no financial gain, an individual may feel that they have a moral obligation to disclose information. In all such situations employees must comply with the requirements of the Council's Whistleblowing Policy.

#### **Political Neutrality**

Employees serve the Council as a whole, so you must serve all Councillors and not just those of the controlling group. You must ensure that the individual rights of all councillors are respected and that you do not compromise your political neutrality.

Employees must not allow their own personal or political opinions to interfere with their work.

### **Appointment and other Employment Matters**

Employees involved in a recruitment process should ensure that appointments are made on the basis of merit and 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 for any other employee with whom they are related or have a close personal relationship outside work.

Employees of all grades must not undertake outside work, whether paid or unpaid, if it causes a conflict of interest with your official duties, if it makes use of confidential material to which you have access by virtue of your position.

All employees are required to disclose and obtain written consent prior to taking any outside employment.

No paid outside work of any sort should be undertaken by employees during working hours. Council premises, facilities and resources must not be used for paid outside work.

### **Intellectual Property**

All intellectual property rights (that is, copyright, design rights and the right to patent inventions) relating to anything created or invented by an employee in the course of your duties normally belongs automatically to the Council. Employees are not entitled to use, sell or otherwise exploit the rights to any such thing without written permission from the Council.

### **Equality Issues**

All members of the local community, customers and other employees have a right to be treated with fairness and equity irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All employees should ensure that the Council's equal opportunity policies are complied with in addition to the requirements of the law.

### **Tendering**

Employees involved in the tendering process and dealing with contractors must comply with legal requirements of the Council's procurement and financial policies and procedures.

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

Employees who have access to confidential information on tenders or costs should not disclose that information to any unauthorised party or organisation.

Employees who have any financial or non financial interest in a tendering process should inform the appropriate manager and withdraw from the contract awarding process.

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. (Further reference within Disclosures Relationships.)

### **Corruption**

It is a serious criminal offence for employees 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 their official capacity. (Further reference within Disclosures - Gifts and Hospitality.)

### **Use of Financial Resources**

You must ensure that you use public funds entrusted to you in a responsible and lawful manner and in accordance with financial regulations. You should use all appropriate financial and procurement processes to ensure value for money to the local community and to avoid legal challenge to the authority.

### **Personal use of telephones/faxes**

It is recognised that employees may have to use the Council's telephone system for personal use, however, any such use must only be occasional and be kept to an absolute minimum and observe current usage policies.

## **DISCLOSURES**

It is recognised that employees may have relationships or outside interests which have the potential to conflict with the interests of the Council. It is also accepted that contractors or other outside bodies, may from time to time, offer employees hospitality or gifts.

It is therefore important that the integrity of the Council is maintained at all times, and that allegations of corruption cannot be levied against it.

Detailed within this section are the circumstances where an employee must make a disclosure for inclusion on the relevant register, and section 4 details the disclosure process that must be followed.

### **Relationships**

Close personal familiarity between employees and individual councillors, especially if an employee's role is to give advice to Councillors, can damage the relationship and prove embarrassing to other employees and councillors. It should therefore be avoided.

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.

Orders and contracts must be awarded on merit and in accordance with the Council's procedures, and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

Employees who place orders, award contracts or supervise contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors they

deal with in the course of these duties, must declare that relationship for inclusion within the Register of Interests.

### **Personal Interests outside the Council**

Employees must declare any non-financial and financial interests or membership of organisations that could potentially bring about conflict with the authority's interests for inclusion within the Register of Interests. These may include membership of organisations such as sports clubs, voluntary and uniformed organisations, and community groups, which may or may not use Council premises for their activities. Financial interests may include working for another employer, for which a disclosure must be made for working hours purposes as well as a potential conflict in interest, depending upon the nature of the work which is being undertaken. Other financial interests would include any other activities for which you receive a financial benefit.

When considering whether a personal interest needs to be disclosed you need to take account of the nature of your personal interest or organisation, and whether there is any link to either the functions carried out by the Council, or any of its premises or land. You also need to take account of your position and role within the Council and how this may be viewed by someone external to the Council in respect of your outside interest or membership of an organisation.

If you are in any doubt, you should discuss the personal interest with your line manager or someone within the Human Resources & Organisational Development Team.

### **Membership of Closed Organisation**

Employees must declare membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct such as Freemasonry membership, for inclusion within the Register of Interests. Candidates for posts will not be expected to declare membership of such organisations but, if appointed, must declare it when they take up their post.

### **Hospitality & Gifts**

Employees should treat with caution any offer of hospitality. The person or organisation making the offer may be doing or seeking to do business with the Council or who may be affected by a decision of the Council. You should therefore consider whether the offer of hospitality could put at risk public confidence in the Council.

All offers of hospitality must be disclosed for inclusion within the Register of Gifts and Hospitality. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

Employees should not accept significant personal gifts from contractors and outside suppliers. Insignificant items with a value of less than £5, such as pens, diaries etc, may be accepted but, if there is any doubt as to whether an item is classed as insignificant, or if acceptance of the gift could be perceived to jeopardise the integrity of any subsequent decision by the Council, then the gift must be recorded for inclusion within the Register of Gifts and Hospitality.

All gifts with a value, or perceived value, of £5 or greater must always be disclosed.

When being offered hospitality/gifts employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the gift or hospitality.

Therefore in considering whether offers of hospitality/gifts should be accepted, you should bear in mind:-

- the possible motive behind the hospitality/gift,
- the scale of the hospitality/gift,
- the likely perception of others if the hospitality/gift is accepted,
- is the hospitality/gift being offered due to your position within the Council,
- could the acceptance of the hospitality/gift be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council,
- how will you respond to the hospitality/gift,
- could you justify the decision to the Council, press or public,
- are you comfortable with the decision.

### **Sponsorship – Giving and Receiving**

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the same conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with any current or potential contractors or developers.

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 an appropriate manager of any such interest. Similarly, where the Council 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.

### **DISCLOSURE PROCESS**

The disclosure of Relationships, Personal Interests, Membership of Organisations Hospitality & Gifts and Sponsorship, detailed within this Code of Conduct, should be done online via the theloop. Employees who do not have access to theloop should complete the declaration form (appendix 1).

It is recommended that any disclosure is initially discussed with your Director prior to completing the form or online system.

With regard to hospitality and gifts, it is also recommended that they are not accepted until it has been discussed and authorised by your Director. However, with regard to offers of hospitality or gifts this may not always be possible, and therefore the Director should be notified as soon as possible after the offer, informed of the action taken, and the relevant disclosure made. In such instances consideration must be given in accordance with the criteria within Hospitality and Gifts.

All disclosures will be forwarded, either electronically or in hard copy to the relevant Director for a decision.

The Director may instruct the employee to refuse the offer of hospitality unless it has already been enjoyed, refuse or return the gift or require it to be donated, to such as the Mayors charity, or simply note the disclosure.

The employee will be informed of the Director's decision and a copy of the disclosure and decision forwarded to the Human Resources and Organisational Development Team.

Directors will forward any disclosures which they make to their relevant line manager and disclosures made by the Chief Executive will be forwarded to the Council's Monitoring Officer.

## **REPORTING ARRANGEMENTS**

All disclosures relating to Relationships, Personal Interests, Membership of Organisations Hospitality & Gifts and Sponsorship, detailed within the Code of Conduct, will be reported by the Human Resources and Organisational Development Team on a quarterly basis to the Strategy Group.

In order to comply with Data Protection, all reporting will be done on the basis that individual employees, wherever possible, cannot be identified, with particular care when reporting Membership of Organisations as these will generally be separate from an individuals employment with Chorley Council.

For further information or guidance relating to the Code of Conduct for Employees, contact the Human Resources and Organisational Development Team.

Appendix 1

