

# **Broxtowe Borough Council Constitution**

**Chapter 5**

**Part 2 – Officers Code of Conduct**

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## **EMPLOYEE CODE OF CONDUCT**

### **1. INTRODUCTION**

The Council believes that its activities demand the highest standards of confidence from the public and that this confidence will derive from the way in which the Council and its employees conduct themselves in undertaking its business. Indeed, public confidence in the integrity of both the Council and the individual would be shaken were the least suspicion, however ill-founded, to arise that there could be, in any way, an influence from improper motives.

It is, therefore, important for the Council to provide guidance on standards of conduct which applies to, is available to, and understood by employees at all levels, and this Code of Conduct has been prepared accordingly.

The Code supplements statements and requirements contained within Codes of Conduct for Professional Bodies, the National and Local Schemes of Conditions of Service, the Council's Procedure Rules and Financial Regulations and any departmental rules of conduct that may be issued from time to time by Chief Officers. Copies of these documents are available via normal departmental management channels.

Whilst the Code is reasonably comprehensive, it is not possible to address every possible circumstance, and simply because a particular action may not be addressed within the Code, this does not condone that action by omission. It is also expected that all employees will behave within the law whilst undertaking their official duties. This Code is incorporated into, and forms part of the contractual relationship between the Council and its employees. As such, it is admissible in evidence in any proceedings under the Council's disciplinary and grievance procedures. Chief Officers are required to report to the Chief Executive to comply with this Code, whilst the Chief Executive must report to the Monitoring Officer.

### **2. STANDARDS**

All employees are expected to give the highest possible standard of service and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. The Council strives to maintain a high level of service and any deficiency, impropriety or breach of procedure must be reported to the manager. If, for any reason, employees do not feel able to talk directly to their manager or Chief Officer, they may talk to the Human Resources Division of the Chief Executive's office and they will assist in deciding the most appropriate

action to take. This may involve identifying the concern to the Monitoring Officer as the Council's Monitoring Officer. In accordance with Financial Regulations, if an irregularity occurs, or is suspected, which may involve financial loss, it must be reported immediately to the Chief Officer and Deputy Chief Executive. Employees should be aware that any impropriety or breach of procedure may result in disciplinary action being taken.

#### Dress and Personal Appearance at Work

Employees are reminded that standards of dress, wearing of corporate and protective clothing, personal appearance and hygiene, including standards required in the interests of health and safety, can be matters affecting public confidence and they should therefore make themselves aware of, and adhere to, the expected standards for their particular employment.

### 3. DISCLOSURE OF INFORMATION

The Code of Conduct is based on the assumption that open government is best. The law requires that certain types of information must be available to councillors, members of the public, auditors, government departments, service users relating to the Council while the Council itself has decided to open other types of information. Employees must respect confidential information of which they are or should be aware.

Employees should make themselves aware of which information they come into contact with in the course of their employment is open and which is not and act accordingly. All information contained in personal data relating to members of the public and employees must be obtained, held and processed fairly and lawfully in accordance with the purposes of the Data Protection Act 1988 and must not be used or disclosed in any manner incompatible with that Act.

Employees must not use any restricted or confidential information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way.

Any restricted information received by an employee that is personal must not be divulged by that employee without prior approval, except where such disclosure is required or sanctioned by the law.

#### 4. POLITICAL NEUTRALITY

Employees serve the Council, not just the controlling group. They must ensure that the individual rights of all councillors are respected. Employees must give advice which does not compromise their political neutrality.

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.

Employees must not be involved in advising any political group of the Council or attend any group meetings in an official capacity without the consent of their Chief Officer.

#### 5. RELATIONSHIPS

##### 5.1 Councillors

Employees are responsible to the Council 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.

##### 5.2 The Local Community and Service Users

Employees must always remember their responsibilities to the community of Broxtowe and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council. Employees must also be careful that any relationship that they have with any other person cannot bring the Council into disrepute. In particular, no employee may act in a regulatory or inspection capacity in respect of any matter in which he/she has an interest.

Employees are obliged to declare their interest in their relationship or their activities as soon as it becomes apparent that there may be an involvement or conflict with the Council's own interests.

### 5.3 Contractors

Orders and contracts must be awarded on merit by fair competition, in accordance with the Council's Procedure Rules and Financial Regulations, and no favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

Employees who engage or supervise contractors or have any other official relationships with contractors and have previously had or currently have a relationship in a business, private or domestic capacity with contractors or potential contractors, must declare that relationship in writing to their Chief Officer and also to the Monitoring Officer for recording in the Register of Interests.

Employees in their official relationships with contractors and potential contractors must not conduct themselves in such a manner so as to convey that they are in a position of giving favour, or in their dealings conduct themselves so as to directly or indirectly canvass or infer that they seek gift, loan, fee, reward or advantage, or any offer of such. In addition, section 117 of the Local Government Act 1972 requires officers to notify the Council of any contract with the Council in which they have a direct or indirect pecuniary interest. It also provides that an officer may not under colour of their employment accept any fee or reward. Breach of those requirements is a criminal offence

## 6. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

Employees involved in appointment and promotions must ensure that these are made on the basis of merit. It would be improper 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 to an applicant, or have a close relationship outside work with him or her, or seek to influence an appointment or promotion for any purpose.

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

## 7. OUTSIDE COMMITMENTS

All employees must be clear about their contractual obligations and should not engage in any other business or take outside employment which

conflicts with the Council's interests, for example, working with or for someone who does business or seeks to do business with the Council or obtain grants, consents or permits from the Council. If in doubt, the employee must consult his or her manager.

The Council will not attempt to preclude any of its employees from engaging in any other business or from undertaking additional employment but any such employment must not, in the Council's view, conflict with or react detrimentally to the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business.

## 8. PERSONAL INTEREST

Employees must declare in writing to their Chief Officer any financial or non-financial interest that they consider could bring about conflict with the Authority's interests, for example, personal friendship or association, membership of any club or society that seeks assistance from the Council. A register of financial and non-financial interests is maintained by the Monitoring Officer and all employees must ensure that the nature of the conflict of interests is recorded in that register.

Employees must declare in writing to the Chief Officer and Monitoring Officer, 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.

Generally, any invention, intellectual property or copyright which is created in the course of employment will belong to the Council.

## 9. EQUALITY ISSUES

### 9.1 General

All employees must ensure that Council policies relating to equality issues are complied with, in addition to the requirements of the law. It is the responsibility of each employee to assist in the creation of a work environment where discriminatory behaviour is not tolerated.

### 9.2 Harassment

The Council believes in equality and social justice and wishes to make it clear that it will not tolerate any harassment, intimidation, unfair discrimination or victimisation, by or against employees, who should not be asked to suffer such behaviour.

Sexual and racial harassment is unlawful, and the Council has resolved to eliminate these forms, and all other forms of unacceptable behaviour in order to enable all employees to work in any part of the Council. Each employee has a duty to ensure that the standard of conduct for themselves and for colleagues respects the dignity of others and does not cause offence. Employees must therefore act in such ways as to avoid all forms of unacceptable behaviour in relation to other employees, clients and customers of the Council.

If an employee wishes to complain of any such activity they should contact the Chief Officer and the Human Resources Division of the Chief Executive's office which will investigate the complaint and take appropriate action.

Allegations of harassment will be dealt with sensitively, expeditiously and confidentially. Complainants will be protected against victimisation and retaliation (see section 17.13).

#### 10. SEPARATION OF ROLES DURING TENDERING

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

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 must ensure that no 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.

#### 11. CORRUPTION

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. Employees must advise their Chief Officer at the earliest opportunity of any such approach which is made to them.

#### 12. USE OF RESOURCES

The Council expects its employees to devote their full working day to the business of the Council. An employee must not engage in personal business during a working day.



It is acceptable for employees to use the Council's resources, to a limited extent, provided that the Council is reimbursed for any additional cost involved and also provided that prior approval is obtained from the employee's manager.

### 13. HOSPITALITY AND GIFTS

Each employee is personally responsible for the initial decision concerning the propriety of hospitality or gifts. Employees may accept offers of modest hospitality or gifts appropriate to the occasion and provided it is normal and reasonable in the circumstances. If there is any suggestion that improper motives may be construed they must be refused or employees must seek advice from a more senior member of management or the Chief Officer. There is no requirement to declare any gift or hospitality below the value of £25. Offers to attend purely social or sporting functions may be accepted when these are part of the life of the community or where the Council should be seen to be represented. All hospitality and gifts received personally (other than general token items, pens, diaries, etc) must be declared to the Monitoring Officer, who will note it in a register kept for that purpose.

When receiving authorised hospitality and gifts, employees must be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality or gifts.

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.

### 14. 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 basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with a contractor or potential contractor.

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 appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

15. PUBLIC SPEAKING

Where employees are invited to address public meetings, undertake radio or television interviews, etc, it is expected that they must clearly understand the basis upon which the invitation was extended. In the majority of cases, an employee will be acting as the representative of the Council, and as such must communicate the policies and procedures of the Council in a factual and unbiased way. Employees must avoid expressing personal views in such situations, and if during the course of the debate or discussion the personal views of the officer are sought, then he/she must consider most carefully whether this would place them in a position of public conflict with their employer. It may be appropriate in such circumstances for the officer to decline to make further comment and terminate the discussion or interview. It is of course recognised that employees are entitled to personal views, and that these may be very strongly felt. Where these personal views are given they must be stated as personal.

16. EMPLOYEES FACING CRIMINAL CHARGES

The Council expects employees facing criminal charges or regulatory action to give notice of such, without delay, to their Chief Officer. Sometimes the nature of the charges or action will be relevant to the employee's job, in other cases the issue will be less clear cut. Employees are aware that their own personal actions can reflect on the Council as a whole. They are required therefore to notify their Chief Officer of any criminal charge or regulatory action which may be pending, whether they personally feel the matter is relevant or not, and the outcome of any such charge. Discussion with the employee will take place as to the extent to which such a charge reflects upon the ability of the employee to perform effectively, or the extent to which the Council's own interests are prejudiced.

**EMPLOYEES' REGISTER OF INTERESTS AND DISCLOSURES**

As a general principle, employees should err on the side of caution and declare interests that they think may be covered. Assistance can be sought from the Head of Service in first instance or the Monitoring Officer if any clarification is required.

NAME	DIRECTORATE	DATE

INTEREST	DETAILS
1. Companies & Securities e.g. where you or a close relative or friend has a significant shareholding of a company or is actively involved in running a company which might do business with the Authority.	
2. Contracts e.g. where you or a close relative or friend intends to bid for a contract to be let by the Authority	
3. Land or Property in the Authority area e.g. where you or a close relative or friend owns property in which the Authority has an interest or is subject to an application or regulatory action by the Authority	
4. Intent to bid for land or property owned by the Authority	
5. Sponsorship or Grants e.g. where you or a close relative or friend is involved with an organisation applies to the Authority for a grant.	
6. Others (please specify)	

Declaration

I declare that the information provided is accurate to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Upon completion forward this form to Monitoring Officer.  
This form will be retained for 7 years.

Broxtowe Borough Council

Declaration of Gifts and Hospitality Form

All staff should conduct themselves with integrity, impartiality and honesty at all times and should maintain high standards of propriety and professionalism. Staff should consider carefully if the acceptance of a gift or hospitality would be viewed as compromising these values.

Details of employee receiving gift or hospitality

First name	
Surname	
Job Title	
Department / Section	
Email Address	
Date of Declaration	

Description of gift or hospitality

Description of gift / hospitality	
Value / estimated value of gift / hospitality	
Purpose of the offer	

Person / organisation providing the gift or hospitality	
Relationship (or future relationship) to the person / organisation offering the gift or hospitality	
Acceptance of gift / hospitality	Yes / No

Retention period

Date added to register	
Date for removal from register	

Upon completion forward this form to Monitoring Officer. This form will be retained for 7 years.

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