

East Herts Council

CODE OF CONDUCT

## EAST HERTS COUNCIL - CODE OF CONDUCT

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## CODE OF CONDUCT

### INTRODUCTION

The public are entitled to expect the highest standards of conduct from all Council employees. East Herts Council encourages a culture of honesty and integrity and has a zero tolerance towards fraud and corruption. This code incorporates points from existing laws, regulations and conditions of service for the guidance of all staff. The aim of the code is to help maintain and improve standards and protect employees from misunderstanding or criticism, it must be read and followed by all employees. This code is complementary to the Council's 'Policies and Procedures, copies of which are kept by Directors and Heads of Service for reference, as they give fuller details on some items. They can also be accessed via the Intranet.

The Nolan Committee identified seven principles which apply to all aspects of public life, and therefore to all County Council employees. These general principles are:

#### **Selflessness**

*Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.*

#### **Integrity**

*Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*

## **Objectivity**

*In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.*

## **Accountability**

*Holders of public office are accountable for their decisions and actions to the public, and must submit themselves to whatever scrutiny is appropriate to their office.*

## **Openness**

*Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.*

## **Honesty**

*Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*

## **Leadership**

*Holders of public office should promote and support these principles by leadership and example.*

The Code of Conduct incorporates these principles.

Inevitably some of the issues covered by the Code will affect senior, managerial, and professional employees more than it will others. Nonetheless, it is intended to cover all employees under a contract of employment with the Council.

Certain provisions in the Code deal with matters which can constitute a criminal offence, e.g. the section on corruption. Contravention of this and certain other provisions could additionally constitute a disciplinary offence which could result in disciplinary action. Employees should therefore read the document carefully and, if they have any queries or are uncertain about its content, employees should contact their manager for advice.

This Code supplements, and does not replace, any code or recognised standards of conduct promulgated by any professional body of which an employee is a member.

## 1. STANDARDS

- 1.1 Council employees are expected to give the highest possible standard of service to the public and provide appropriate advice and information to Councillors and fellow employees. Employees are expected to report any deficiency in the provision of service to the appropriate manager. They must report any impropriety or breach of rules or procedure to the manager concerned. Concerns about another Officer or Member can be raised through the Confidential Reporting Code.

Concern	First Point of Notification
About a Member	Monitoring Officer
About an outside organisation	Director
In your Division	Director
In another Division	Chief Executive
About your Director	Chief Executive
About Chief Executive	Director of Internal Services
About benefit claimant	Benefits Fraud Officer

## 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. Officers must check with their manager what sort of information can be given openly and ensure they know what information they cannot disclose without specific authority. In general employees must not disclose information that is considered to be confidential or exempt, or concerning an individual employee or service user or commercially sensitive information about contracts or tenders.

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

If employees have regular contact with Members they must read and understand the Member/Officer Protocol which contains guidance on disclosure of information to Members, a copy of which is available on the Council's website as part of the constitution.

Employees must not prevent another person from gaining access to information to which that person is entitled by law. Information should only be disclosed in accordance with the Data Protection Act 1998 and the Freedom of Information Act 2000.

### 3. POLITICAL NEUTRALITY

- 3.1 Employees holding politically-restricted posts are disqualified from membership of any local authority other than a Parish or Community Council and from being an MP or MEP. The Council will maintain a list of these posts and advise the postholders concerned.

Employees serve the Authority as a whole. It therefore follows that employees must serve all Members and not just those of the majority group, and must ensure that the individual rights of all Members are respected.

Subject to the Member/Officer Protocol, employees may also be required to advise political groups. Employees must do so in ways which does not compromise the employee's political neutrality. Information communicated to employees by a political group in confidence should not be communicated to other political groups.

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.

Political assistants appointed on fixed terms contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in paragraphs 4.1 to 4.3.

#### 4. RELATIONSHIPS

- 4.1 Councillors - Mutual respect between employees and Councillors is essential. Close personal familiarity between employees and Councillors can damage the relationships and should be avoided.
- 4.2 The Local Community and Service Users - Employees should always remember their responsibilities to the community and should ensure courteous, efficient and impartial service to all groups and individuals within it.
- 4.3 Contractors and Partnerships - All relationships with external contractors, or potential contractors, should be made known to the employee's Director and the Head of Democratic and Legal Support Services. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown. No part of the community should be discriminated against.
- 4.4 Pecuniary Interests - All employees regardless of their grade or rate of pay, have a duty to disclose any pecuniary interest they may have in contracts awarded by the Council.

A pecuniary interest may be direct or indirect.

- A direct interest is an interest that affects the employee or the employee's spouse/partner/other family member.
- An indirect interest is a situation where an employee or an employee's spouse/partner/other family member has membership of a company or an organisation or is a partner of or is employed by another person or company that has a direct pecuniary interest in a Council contract.

This includes a duty to declare if the employee own shares in any company that is involved with any Council business. Should an employee, any member of the employee's family, employee's partner or a close friend be associated with any organisation, or company intending to do business with East Herts Council the employee must inform their Director and also inform the Head of Democratic & Legal Support Services of this fact as soon as possible. The Head of Democratic & Legal Support Services maintains a record of pecuniary interests.

## 5. EMPLOYMENT MATTERS

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit and ability of the candidates. Employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with one in accordance with the Employment Rules in the Authority's Constitution.
- 5.2 Employees should not be involved in decisions relating to discipline, promotion or pay adjustment for any other employee who is a relative or partner.
- 5.3 Every candidate for any appointment must disclose in writing if they are related to any member or senior officer of the Council. A reference to this disclosure is included in the Application Form for Appointment, which must be completed by anyone applying for a post.



## 6. OUTSIDE COMMITMENTS

- 6.1 All employees regardless of their grade or rate of pay, must seek written agreement from their Director, before taking up an offer of secondary employment. This agreement must be renewed annually. Employees must not undertake outside work if this would overlap with their official duties or cause a conflict with the business or reputation of East Herts Council. Secondary employment includes direct employment and activities undertaken as Company Directors and Company Secretaries.
- 6.2 Any inventions, writings or drawings created in the course of an employee's normal duties are considered the 'intellectual property' of the Council and should not be passed on to another party without the permission of the employee's Director.

Employees must not use the Authority's equipment, property or contacts in any authorised private work and they must not do any private work during working hours. Employees must seek the approval of their manager before publishing or making private gain from any work which may be associated with their official capacity.

Work created during the course of employment with the Authority is the property of the Authority. Authority facilities such as transport, stationery equipment or secretarial services are provided for your duties at work and must not be used for private use.

Outside of their employment, employees must not undertake any private commitments or activities that may bring the Authority into disrepute or impair their performance or detrimentally conflict with the Authority's interests. If employees are absent due to illness they must not undertake activities that may be detrimental to or inhibit their return to fitness and work. The Authority encourages voluntary work, public duties and activities in support of local community groups and Officer involvement in these areas is welcomed.

## 7. PERSONAL INTERESTS

- 7.1 Employees must declare to their Director and to the Head of Democratic & Legal Support Services any interests, financial or non-financial, which could bring about a conflict with the Council's interests.

## 8. EQUALITY ISSUES

- 8.1 All employees must comply with the Council's Equal Opportunity Policy.
- 8.2 All members of the community, customers and other employees have a right to be treated with fairness and equity. The Council will not tolerate any discrimination on the grounds of age, gender, marital status, race, colour, creed, sexuality, nationality, ethnic or national origins, disability or age.

Employees should ensure that Council policy relating to equality and diversity are applied in addition to complying with the law. All members of the community, customers and other employees have a right to be treated with fairness and equality. Employees should be aware of and apply the Council's policy on racial and sexual harassment. Should employees become victims of racial or sexual harassment in the course of their work they should report this to their manager at the earliest opportunity.

## 9. TENDERING ISSUES

- 9.1 Employees involved in tendering and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Employees must follow the procedures and rules incorporated in the Council's Financial Regulations, Financial Procedures and Rules of Procedure relating to Contracts. Senior officers who have a client and/or contractor

responsibility must be aware of the need for accountability and openness.

- 9.2 Employees in client or contractor units must exercise fairness and impartiality when dealing with customers, suppliers, other contractors and subcontractors.
- 9.3 Employees who have access to confidential information on tenders or costs, for either internal or external contractors, should not disclose that information to any unauthorised party.
- 9.4 Any employees contemplating a management buy-out should inform their Director as soon as they have formed an intent and withdraw from the contract-awarding process.
- 9.5 Employees should ensure that no special favour is shown to current or former employees, or their partners, relatives or assistants, in awarding contracts to businesses run by or employing them in a managerial capacity.

## 10. CORRUPTION

- 10.1 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour or disfavour to anyone in their official capacity. If an allegation is made, the employee would have to demonstrate that any such rewards have not been obtained corruptly.

## 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 community and avoid legal challenge to the authority.
- 11.2 Employees must comply with the Council's Financial Regulations and Financial Procedures to safeguard assets and the use of financial resources.

11.3 Employees should raise concerns about irregularities and suspected irregularities in accordance with the Council's Anti-Fraud and Corruption Strategy and Confidential Reporting Code. Initial notification will be dependent on who is suspected and where the irregularity has occurred. Should there be any doubt the Head of Business Support Services should be consulted.

<u>Concern</u>	<u>First Point of Notification</u>
About a Member	Monitoring Officer
About an outside organisation	Director
In your Division	Director
In another Division	Chief Executive
About your Director	Chief Executive
About Chief Executive Services	Director of Internal Services
About benefit claimant	Benefits Fraud Officer

11.4 All employees are issued with a copy of the Anti-Fraud & Corruption Strategy and the Confidential Reporting Code, copies of which can be found on the Council's intranet site.

## 12. GIFTS AND HOSPITALITY

12.1 Employees should not accept significant personal gifts from contractors or suppliers. Small insignificant items of token value may be accepted, for example, calendars, pens and diaries. If there is any doubt, the gift should be politely and tactfully refused. If any significant gift is received or offered, this should be reported to the employee's Director, who will advise if it may be kept or returned. Should the employee refuse or accept any gift even with the agreement of the employee's Director it should be recorded in the register of gifts and hospitality, which is secured in the Wallfields and Bishop's Stortford Oasis by the Personal Assistants. A copy of the proforma used for registering the acceptance or refusal of gifts is available on the Intranet. Contract tender documents should prohibit gifts.

- 12.2 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 social or sporting functions should be recorded and only be accepted when authorised by the employee's Director. Should the employee refuse or accept any offer of hospitality even with the agreement of the employee's Director it should be recorded in the register of gifts and hospitality, which is secured in the Wallfields and Bishop's Stortford Oasis by the Personal Assistants. A copy of the proforma used for registering the acceptance or refusal of hospitality is available on the Intranet.
- 12.3 When gifts or hospitality has to be declined, those making the offer should be courteously informed of the standards operating within the Council.
- 12.4 Acceptance by employees of hospitality at conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal and where the visit has been authorised. Where visits to inspect equipment or other items are required, employees should ensure the Council meets the cost of the visit to avoid jeopardising the integrity of any purchasing decision.
- 12.5 Fuller details on the Council's policy regarding gifts and hospitality are included in the Council's Staff Codes, which should be referred to for guidance when appropriate, via your Head of Service, HR or the Intranet.
13. SPONSORSHIP - Giving and Receiving
- 13.1 When an outside organisation wishes to sponsor a local government activity, the basic conventions concerning acceptance of gifts and hospitality apply. Any staff involved in a sponsored activity are governed by the conventions outlined in Section 12 above.
- 13.2 Where the Council wishes to sponsor an event or service, no employee, partner or relative must benefit from the sponsorship

in a direct way without there being a full disclosure to the appropriate Director of any such interest.

- 13.3 When the Council gives support in the community, through sponsorship, grant aid or other means, employees should ensure that impartial advice is given and there is no conflict of interest involved.