



## EMPLOYEE CODE OF CONDUCT

### WRITTEN BY:

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### REVISED:

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### INTRODUCTION

1.1 The public is entitled to expect conduct of the highest standard of local government employees. The public must have confidence in the integrity of Biddulph Town Council.

1.2 Employees should know the standards of conduct expected of them. Employees should also be protected against unjustified allegations.

### OBJECTIVES OF THE POLICY

2.1 The aim of this Code is to set out the minimum standards of conduct expected within Biddulph Town Council, to help staff maintain and improve standards, and protect from any misunderstanding or criticism. Breaches of the standards set out in the Code will be dealt with through the **Disciplinary and Capability Policy**. Any concerns or queries should be raised with the Chief Officer or the Town Mayor.

2.2 It is impossible to cover every eventuality in this document and there will always be some room for interpretation. It is not a definitive statement of the law nor does it take away the requirement for individuals to comply with the law. It is intended as a guide that will assist employees to reach a decision in any particular case. Codes of Conduct do not of themselves create the

standards, but they are an indispensable factor in achieving the standards required.

## PROVISIONS

3.1 Employees are expected to give the highest possible standard of service to the public. The role of Officers is to serve the Council in providing advice, implementing policies, and delivering services to the local community.

3.2 Employees are expected through agreed procedures and without fear of recrimination, to bring to the attention of their immediate manager any deficiency in the provision of service. Employees must also report to their immediate manager, or the Monitoring Officer, any impropriety or breach of policy.

### **Declarations of Interest**

3.3 This document sets out the Council's expectation of the way in which its employees will notify interests of theirs which could - however, inadvertently - be seen by the public as affecting the integrity of the Council's employees and the arrangements for the Council's business to be carried out.

3.4 Declarations of interest (including "nil" returns) are required from employees taking decisions for, or on behalf, of the Town Council would include those:

- Procuring contracts, and/or placing orders for works, goods or services with outside suppliers or playing a significant part in the procurement, such as tender evaluation.
- Involved in the provision disposal or design of land, buildings and infrastructure schemes (such as roads).

Any information disclosed by employees will not be subject to public scrutiny, as it will contain personal data protected under the Data Protection Act.

3.5 The Code requires employees specified in 3.4 to register their own personal interest. This should include consideration of:

- Interests in companies
- Land/ assets owned/ managed in the area
- Membership of organisations

In addition, where a close associated person of the employee e.g. spouse, partner or family and friends or those living with the employee has an interest in a company or organisation, which may be affected by a decision of the Town Council (award of a contract, etc.), the employee may wish to register that there is an interest of a close associated person. Employees will be required to

revisit any declarations of interest at their annual appraisal meeting, or if there is a significant change in the interim.

Employees are encouraged to highlight any potential interests during Council meetings, as appropriate. This is at the employees' discretion, taking into consideration that employees are not decision-makers.

### **Gifts**

3.6 The general convention should be that gifts offered by persons who are providing or seek to provide goods or services to the Council or who are seeking decisions from the Council should be politely refused and returned. This applies particularly to personal gifts offered to employees or members of their families and those (other than those of a minor nature) offered by individuals or organisations receiving services from the Council (e.g. presents from traders in the town).

3.7 There is a need to recognise and provide for items of a very minor nature which come into the workplace as a consequence of normal commercial practice or as a token of appreciation. These are the items of a promotional character which are given to a wide range of people and not personally only to the employee. These gifts are usually given at Christmas time and include calendars, diaries, desk sets, flow charts, tape measures and other minor articles of use in the office or job.

Similar arrangements apply where the refusal of a small gift would give needless offence. The small gift should only be accepted if the giver merely wishes to express thanks for advice, help or co-operation received. This should not be done if the giver is currently seeking a decision of the Council. Where appropriate, this gift should be donated to the Mayor's charity raffle prizes. In all cases, the giver should be thanked for their consideration.

3.8 It is wise to err on the side of caution. If employees have concerns or queries, the Chief Officer's advice should be sought.

### **Hospitality**

3.9 If employees are invited to an event (e.g. the opening of a new building, school awards ceremony or church function) hospitality is offered to a wide range of individuals and may be accepted. This is a case where the modest hospitality is secondary to a specific working arrangement.

An offer of hospitality to individual employees calls for special caution particularly if the 'host' is doing or trying to do business with the Council, or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence.

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- Is the donor, or event, significant in the community?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What do you think is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- Could you justify the decision to the Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- Are you likely to be expected to respond to the hospitality, and if so, how?
- Are you comfortable about the decision?

### **Other Employment**

3.10 It is a basic principle, that whilst employees' off-duty hours are their personal concern, they should not subordinate their duty to their private interests nor should they place themselves in a position where their duty and their private interests conflict. Where an employee takes up any additional employment, such employment should not in any way conflict with or react detrimentally to the authority's interests or in any way weaken public confidence in the conduct of the Council.

3.11 Before committing themselves to any such second employment, employees should discuss this with the Chief Officer, including details of the proposed employment and identifying the name of the proposed employer.

3.12 It is considered that a conflict arises when an employee is to be employed by a member of the public or an outside organisation or body for work which is in any way connected with the scope of the employee's duties with the Town Council. An exception to this may be when Officers are requested to assist other Town or Parish Councils, such as with minute-taking activities.

Another area which can lead to difficulties is where an employee has business interests (direct or indirect) outside the employment with the Council. This would arise, for example, where an employee is a major shareholder or

'sleeping partner' in a business where the work experience of the employee is of prime importance to the business.

This advice does not preclude any employee from undertaking voluntary unpaid work outside normal hours for a charitable or similar organisation. In fact, the Council encourages employees to become involved with bodies of this nature but subject to the advice contained elsewhere in this document.

Employees are encouraged to discuss additional employment opportunities with the Chief Officer and/ or the **Finance Strategy and Management** Committee.

### **Use of Council facilities, resources, etc.**

3.13 Any facilities, equipment, tools etc. provided by the Council for use in an employee's duties should be used only for those duties and for no other purpose except where the Council has agreed to private use. This applies to all facilities and property, including the use of telephones, photocopiers, vehicles, **cleaning** or other similar equipment.

Situations where the Council may permit private use may include internet searches during lunch breaks (not including accessing private social media) or receiving/ making emergency telephone calls. This will be at the discretion of the Chief Officer.

It is also important to ensure that there is no suggestion that an employee uses their position to gain the use of Council services without payment.

### **Relationships with organisations that deal with the Council**

3.14 Employees should exercise caution about using the services of firms which have dealings with the Council.

No employee should purchase for private purposes goods or services from a firm which has dealings with the Council where the firm is offering preferential terms to the employee (directly or indirectly) because of a contractual, business or other relationship with the Council.

This does not prevent an employee from using this business for private purposes, but it must be made clear that the rates of payment should not be affected by the employee's position. For example, employees should not accept discounted products from market traders at the Artisan Market, as a result of being employed by the Council.

### **Use of confidential, private or personal information**

3.15 Many employees obtain information in their official position which has not been made public and/or is confidential. Such information, acquired in the

course of official duties, must not be used for the personal advantage of the employee or a relative or an acquaintance or friend or any other organisation.

3.16 The same rules apply to personal information about other employees.

This type of information may only be disclosed to a third party where there is a legal responsibility to provide it (for example, on a request from the Inspector of Taxes; or the DSS) or where the employee provides a written authority for the information to be provided (for example, to a building society or a bank).

These restrictions apply equally to information which an employee may obtain from his employment about a contractor, debtor or creditor of the Council.

Such information should be disclosed to a third party only in the circumstances set out.

3.17 Some information about employees is safeguarded by statute (for example, by the Data Protection Act or the Local Government and Housing Act 1989) and any employee who discloses such information could be liable to criminal prosecution and dismissal for gross misconduct.

3.18 No employee may communicate to the public or press, information about the discussions in, or decisions of, the Council or any Committee, Working Group or Sub-Committee, taken following the exclusion of public and press unless authorised to do so.

### **Political interest/activity**

3.19 The Local Government and Housing Act 1989 imposes restrictions on public political activity by certain staff of local authorities.

Employees that fall within the following categories are included within these restrictions:

- Those whose posts are specified in the Act. This means that within the Council, the Chief Officer is automatically included. In addition, the restrictions will also catch any person who reports directly to the Chief Officer (except in a secretarial or clerical role).
- Any officer who occupies a post which has delegated authority to discharge a function of the Council

Any officer whose duties consist of: giving advice to portfolio holders on a regular basis; regularly attending committee meetings giving advice to committee in the individual's own capacity; holding a specialist or lead adviser role; or, speaking regularly to journalists or broadcasters on behalf of the authority.

### **Relationships**

3.20 Councillors

It is essential that there is mutual respect between employees and Councillors. 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.

Employees must not also use their relationships with Councillors in order to influence decisions improperly.

Councillors are governed by the Councillor Code of Conduct, highlighting that Officers of the Council must be treated with respect. Any issues arising in this relationship should be referred to the Chief Officer and the Monitoring Officer.

### 3.21 Our Customers

Employees should always remember their responsibility to the community they serve, Councillors and other employees and ensure courteous, efficient and impartial service delivery.

### 3.22 Contractors

If in the course of an employee's work, they engage or supervise contracts they must advise their manager of any relationships, either business or private, with external contractors or potential contractors.

## RELEVANT LEGISLATION

4.1 Data Protection Act 1998 safeguards some information, and any employee who discloses such information could be liable to criminal prosecution and dismissal for gross misconduct.

4.2 The Local Government and Housing Act 1989 has the effect of imposing restrictions on public political activity by certain staff of local authorities.