

**PROPOSED CHANGES ARE SHOWN IN BOLD ITALIC TYPE**



## **Employees' Code Of Conduct**

The purpose of this Code is to lay down guidelines which will maintain and improve standards and help to protect employees from misunderstanding or criticism. The Code applies to all employees of the District Council.

Employees should note and observe the guidelines set out in the following Code. If an employee is in any doubt about the proper course of action they should seek the advice of the Monitoring Officer or, in his absence, the Deputy Monitoring Officer.

Contravention of this Code may result in disciplinary action being taken.

### **1. Standards**

1.1 Huntingdonshire District Council's employees are expected to give the highest possible standard of service to the public and, where it forms part of their duties, provide appropriate advice to Councillors and colleagues with impartiality. Public confidence in the integrity of employees collectively or individually may be damaged if there is any suspicion that they may be influenced in any way by improper motives. Employees are expected to raise any question of potential impropriety through the agreed whistle-blowing procedure without fear of reprimand.

1.2 *The Council has published codes of financial management and procurement which describe important rules and standards. Copies of these documents are available on the intranet, and all employees are required to comply with them.*

1.3 *All Employees are required to inform their Head of Service if they are convicted of any criminal offence while employed by the Council, except for parking offences or motoring offences. Employees who are required to use their car for work purposes should also inform their Head of Service if their driving licence has been suspended either as a result of a single offence or an accumulation of penalty points.*

### **2. Disclosure of Information**

- 2.1 The Council is committed to open government. The law requires that certain types of information must be available to Councillors, auditors, Government departments, service users and the public. The Freedom of Information Act 2000 and the Publication Scheme made by the Council under the Act provides the route through which information may be sought by the public on other matters. Employees should make themselves aware of categories of information which are available to the public and those which must not be disclosed 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 this on to others who may use it in such a way. ***Making unauthorised use of confidential information is a serious offence, and may be subject to disciplinary proceedings.***
- 2.3 Any particular information received by an employee from a Councillor which is personal to that Councillor and does not relate to the business of the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by law.

### **3. Political Neutrality**

- 3.1 Employees serve the Council as a whole. It follows that they must serve all Councillors and not just those of a particular group. The individual rights of all Councillors must be respected.
- 3.2 Subject to the Council's Protocol on Member/Employee relations, employees may also be invited to advise political groups. They should do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether designated as occupying politically restricted posts or not, must follow every lawful policy of the Council and must not allow their own political opinions to interfere with their work. It is important that employees – particularly senior officers - are seen to be politically neutral on matters on which the Council is called upon to make decisions.
- 3.4 Unless they hold a dispensation, Council employees holding politically restricted posts, as defined in the Local Government and Housing Act 1989, are disqualified from membership of any local authority, other than a town or parish council, from being an MP or MEP and are subject to prescribed restrictions on their political activity.
- 3.5 ***The Head of People, Performance & Partnerships*** will maintain and keep up to date a register of politically restricted posts. He/she will also advise on the steps which need to be taken to apply for a dispensation from a 'political restriction' designation.
- 3.6 Employees may be properly required in the course of their official duties to explain a decision of the Council, or the Cabinet or one of its panels or committee on a particular matter. Here, the employee is acting only as a spokesperson for the Council on a matter on which it has already formed its

views and no breach of political neutrality should arise. The possibility of conflict leading to weakening of public confidence in the Council or its employees would arise where an employee publicly voices or associates themselves with an expression of opinion which runs counter to that of the Council.

#### **4. Relationships with Councillors**

- 4.1 Employees are responsible to the Council through their line manager. For some, their role includes giving advice to Councillors and colleagues alike. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage this relationship and prove embarrassing to other employees and Councillors. This should therefore be avoided.

#### **5. THE LOCAL COMMUNITY AND SERVICE USERS**

- 5.1 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 Council.

#### **6. Contractors**

- 6.1 All relationships of a business or private nature with external contractors, or potential contractors, should be declared to the Monitoring Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and 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.
- 6.2 Employees who engage or supervise contractors and have previously had or currently have a relationship in a private or domestic capacity with those contractors, must declare that relationship to the Monitoring Officer as soon as this comes to their attention. The Monitoring Officer will maintain a register for this purpose.

#### **7. Appointments and Other Employment Matters**

- 7.1 Employees involved in the recruitment and appointment process should ensure that appointments 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 must not be involved in an appointment where they, their partners or close relatives are related to an applicant, or have a close personal relationship outside work with him or her.
- 7.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any employee who is a relative, partner or with whom they have a close personal relationship outside work.

#### **8. OUTSIDE COMMITMENTS**

- 8.1 Employees above Grade 9 must obtain the express consent of their Chief Officer or Head of Service before engaging in any other employment. All officers should notify the Monitoring Officer if they hold any other appointment. The Monitoring Officer will maintain a register of outside employment for this purpose. Any officer may appeal under the Council's grievance procedure against the refusal

of a Chief Officer or Head of Service to give consent for this purpose.

- 8.2 Employees who are entitled to take on outside employment should not accept employment which, in the view of the Council, would conflict or would have a detrimental effect on the Council's interests, would undermine the professional integrity of the Council, any of its services or of the employee concerned, or in any other way would weaken public confidence in the conduct of the Council's business.
- 8.3 Similarly work should not be taken outside the Council which conflicts or overlaps with an employee's position within the Council. The Council is the employee's principal employer and an employee should avoid any possible conflict in terms of the loyalty and attention to duty expected of him/her by the Council on the one hand and from any other outside employer on the other.
- 8.4 Employees involved in any outside employment or business with a firm which may be competing with the Council's own services for work should under no circumstances use any information obtained from their Council employment which might assist the outside firm or in any other way put themselves in a position where there is a conflict of interest.
- 8.5 Employees should follow such rules as the Council may make on the ownership of intellectual property or copyright created during their employment. Intellectual property is a general term that includes inventions, creative writings and drawings. If these are created by an employee during the course of his/her employment with the Council, then as a general rule they belong to the employer (ie. the Council). However, intellectual property is covered by various legislation and each case will be considered on its merits.
- 8.6 Any employee of the Council wishing to take out a patent for an invention which is, or would be, in any way related to the benefit of the Council's operations shall, after obtaining provisional protection, obtain the permission of the Council via his/her Chief Officer before taking any further steps. The request for permission shall then be dealt with by the Cabinet according to the circumstances of the case.

Unless the Cabinet is satisfied that the invention is in no way connected with the official work performed by the employee concerned, permission to proceed with the application for a patent shall be subject to equitable conditions as may be imposed by the Council. Such conditions will have regard to;

- 8.7
- (a) the use of the invention by the Council; and
  - (b) the share of any royalties to be received by the Council in the event of its commercial exploitation or the outright sale of the patent.

## **9. PERSONAL INTERESTS**

- 9.1 Employees must declare to the Monitoring Officer any financial or non-financial interests that they consider could bring about conflict with the Council's interests. These shall be entered in a register maintained for the purpose.
- 9.2 Non-financial interests, eg. an involvement in voluntary and community groups can, in certain circumstances, give rise to conflicts of interest between the voluntary role and the official role, just as much as paid employment or business interests. Personal interests could include involvement with an organisation

receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence Council policy etc.

## **10. EQUALITY ISSUES**

- 10.1 Employees shall ensure that all customers and other colleagues are treated with fairness and equity.
- 10.2 The Council has compiled its own policies relating to equality issues in addition to the requirements of the law and has made staff aware of these.

## **11. SEPARATION OF ROLES DURING TENDERING**

- 11.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council.
- 11.2 Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 11.3 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub contractors.
- 11.4 Employees who are privy to confidential information on tenders or costs for either internal or external contracts should not disclose that information to any unauthorised party or organisation.
- 11.5 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their line manager and withdraw from the contract awarding processes.
- 11.6 Employees shall ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts.

## **12. FRAUD AND CORRUPTION**

- 12.1 Fraud means obtaining or attempting to obtain a material advantage, by unfair or wrongful means, e.g. making false representations. The Council will not tolerate behaviour of this kind and will take prompt action whenever fraud is suspected. Employees should 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 any person in their official capacity. Employees should ensure that they are able to demonstrate transparency and openness in the decisions that they take.
- 12.2 The procedures by which the Council selects developers or consultants for schemes and for the supply of goods and services should be clearly defined and publicly known.
- 12.3 If an employee knows that a contract in which he/she has a pecuniary interest is before the Council, he/she must give notice without delay of his/her interest to the Monitoring Officer who will maintain a register of pecuniary interests for this purpose.

**12.4** *The Council has its own Anti-Fraud & Corruption Policy which provides details of the Council's approach to tackling fraud, corruption and theft.*

**12.5** *The Council is committed to the highest possible standards of openness, probity and accountability. It is committed to dealing with fraud and other forms of malpractice. In line with those commitments, employees and others with serious concerns about any aspect of the Council's work are encouraged to come forward and voice those concerns internally at an early stage without fear of reprisal. The Council has its own Whistle Blowing Policy & Procedure which provides further details and guidance.*

### **13. USE OF FINANCIAL RESOURCES**

13.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. Those who are involved in the process of procurement should strive to ensure value for money to the local community and the avoidance of legal challenge to the Council.

13.2 Compliance with the Council's Code of Financial Management and Code of Procurement is essential for all employees involved in the use or collection of public funds.

13.3 Employees who have concerns over the lawfulness of certain actions should express their concerns immediately to the Monitoring Officer.

### **14. HOSPITALITY AND GIFTS**

14.1 Employees shall only accept offers of hospitality if there is a genuine need to impart information, to develop partnership working or represent the Council in the community. Offers to attend purely social or sporting functions should only be accepted when these are an explicit part of the life of the community, where there are clear opportunities to network with partners or stakeholders or where the Council should be seen to be represented. They should be authorised by the employee's Chief Officer or Head of Service and notified to the Monitoring Officer who shall maintain a register for this purpose.

- 14.2 When hospitality has to be declined, those making the offer shall be courteously, but firmly informed of the procedures and standards which the Council operates.
- 14.3 When receiving hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking which affect those providing the hospitality.
- 14.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal. Travel costs should usually be met by the Authority.
- 14.5 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.
- 14.6 Employees should not accept significant personal gifts from contractors and outside suppliers, although gifts of a token value (such as pens, diaries, etc) may be kept. In the event of an employee receiving a gift without notice or warning, the matter should be reported to the Monitoring Officer, who will be responsible for deciding what action should be taken.
- 14.7 Employees must be aware that it is a serious criminal offence 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.
- 14.8 An employee in receipt of any hospitality or gift in excess of £25 must notify the Monitoring Officer who will maintain a register of hospitality and gifts accepted by employees. ***An employee shall not accept any hospitality or gift that could be thought by a reasonable person to be lavish or extraordinary for an employee of the Council to receive.***
- 14.9 Circumstances may arise where a service user leaves a gift in their will to a specific employee to show their appreciation for the services they have received. Employees who are offered gifts or bequests should explain the Council's policy and decline to accept. Where bequests are not made known until the reading of a will the bequest should be immediately notified to the Chief Officer or Head of Service. All bequests must be returned to the estate of the deceased.

## **15. SPONSORSHIP GIVING AND RECEIVING**

- 15.1 When an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the rules concerning acceptance of gifts of hospitality will apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.2 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

Monitoring Officer.

- 15.3 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.
- 15.4 The Monitoring Officer will maintain a register where there is disclosure relating to sponsorship.

## **16 DEVELOPMENT PROPOSALS SUBMITTED BY OFFICERS**

**16.1 *It is important that the processes by which planning decisions are made are developed in such a way to avoid accusations of impropriety.***

**16.2 *Where an employee submits an application on his/her own personal behalf the employee should disclose this in writing to the Monitoring Officer and the Head of Planning Services to ensure that the application is handled in a manner that avoids any possibility of suspicion that preference or bias is shown.***

**16.3 *Applications received for planning permission or other consents from a member of staff (or their spouse/partner) who is involved in the planning or development process will be determined by the Development Management Panel. Officers should take no part in the processing of their own application and should inform the Council's Monitoring Officer at the earliest opportunity of the fact that they or their partner have submitted an application.***

***Employees who are not employed within the Planning Division may by virtue of their involvement with a voluntary group, or as a friend or neighbour of the applicant have an involvement in a planning***



*application. To avoid accusations of any conflict with the Council's interests, those employees will be required to register their interest in the application / consent with the Monitoring Officer. Employees should not act as an agent for individuals (including a company, group, or body) in a paid capacity.*

**17. USE OF INTERNET, INTRANET AND E-MAIL FACILITIES**

**17.1** *The Council's e-mail, internet, web access and intranet facilities are provided primarily to assist Council business.*

**17.2** *Personal use of e-mail and the intranet is allowed provided that it does not interfere with the efficient running of the section / service. However employees' use of these systems are subject to the provisions of the Guidance Documents available on the intranet. Any violation or abuse of the provisions of this policy will be subject to disciplinary action.*

**17.3** *Up to date information of the Council's e-mail and internet usage policy is available on the intranet and should be reviewed regularly by users of the Council's internet and e-mail facilities.*

**16. DEBT**

**16.1** You should never place yourself in debt or under an obligation to someone if it may influence your work in any way. If you encounter a situation where your work brings you into contact with someone to whom you are in debt, you should immediately report the matter to your Chief Officer or Head of Service.

**17. REGISTERS**

**17.1** All registers maintained by the Monitoring Officer under this code will be made available for inspection by Councillors and employees of the Council and by any statutory external audit agency responsible for auditing the Council's accounts and procedures.

***Copies of the following declaration forms are available from the Human***

**Resources and Democratic & Central Services Intranet Pages:-**

<http://teams.huntsdc.gov.uk/admin/default.aspx>

- ◆ **Register of employees in receipt of hospitality or gifts in excess of £25**
- ◆ **Register of financial or non-financial interests that could bring about conflict with the Council's interests**
- ◆ **Register of employees engaging in any other employment**
- ◆ **Register of pecuniary interest in contracts before the Council**
- ◆ **Register of relationships of a business or private nature with external or private contractors**
- ◆ **Register of sponsorship received or given from or to an outside organisation**

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