

# **CODE OF CONDUCT**

## **INTRODUCTION**

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially oriented environment. This includes the introduction and extension of compulsory competitive tendering (CCT), market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

## **STATUS OF THE CODE**

The Code has been adopted by the Council following consultation with employee representatives. In the absence of a satisfactory explanation any significant breach of it is likely to be treated as a serious disciplinary matter.

## **WHO THE CODE IS AIMED AT**

The Code applies to all of the Council's employees. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment although employees engaged on temporary contracts may in some circumstances be excluded from its provisions. Such employees should check with their Chief Officer if they are in any doubt about particularly situations. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

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### **1. STANDARDS**

- 1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, without fear of recrimination, to bring to the attention of their Chief Officer or the Chief Executive any deficiency in the provision of service. Employees must report to their Chief Officer or Chief Executive any impropriety or breach of procedure. Advice in confidence, about what might be "reportable"

and to whom can be obtained from the Chief Internal Auditor or Personnel Manager.

## **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. Your Chief Officer will tell you the rules and practices which relate to the disclosure of information in your Service. Enquiries from the media should normally be referred to your Chief Officer unless he/she has delegated responsibility for dealing with particular matters to another officer.
- 2.2. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 2.3. Employees should be aware of and observe the 8 principles of the Data Protection Act 1984 with regard to personal information about individuals which is (or is intended to be) stored on computer. These principles are not complicated and simply require employees to exercise a reasonable standard of care when dealing with this personal information. Employees should obtain the information fairly and keep it up to date; hold it and use it only for the registered purposes; disclose it only to those organisations and individuals that have a legal right or are registered as having a need to know that information; not obtain or hold information unless it is necessary for the registered purposes; and take reasonable security measures to prevent access to, or loss of, the information. Employees should refer to their own Service guidelines and/or manager for more information, where applicable.

## **3. POLITICAL NEUTRALITY**

- 3.1. Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2. Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.3. Nothing in this section is intended to compromise the right of employees to join and take part in the activities of political parties, other than as set out for politically restricted posts in the Local Government and Housing Act 1989. You

will have been informed by letter or via your contract of employment whether your post is politically restricted.

#### **4. RELATIONSHIPS**

- 4.1. **Councillors** : Employees are responsible to the authority 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.
- 4.2. **The Local Community and Service Users** : 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 authority.
- 4.3. **Contractors** : All relationships of a business or private nature with external contractors, or potential contractors, should be made known to your Chief 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.
- 4.4. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Chief Officer.

#### **5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 5.1. Employees involved in appointments should ensure that these 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 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.
- 5.2. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.
- 5.3 The Councils Constitution states that:

*(i) A candidate for any Council appointment will, when making application, inform the Chief Executive of any relation they know to be a Member or senior officer of the Council. A candidate who knowingly fails to disclose a relationship will be disqualified for the appointment and if appointed be liable to dismissal without notice. Every Member or senior officer of the Council will inform the Chief*

*Executive of any relationship known to him/her with any person he/she knows is a candidate for an appointment. The Chief Executive will report any such disclosure to the Council or appropriate Member or officer making the appointment.*

*(iii) For the purpose of this rule only “senior officer” means any Council officer graded SO or above. Persons will be deemed to be related if they are – parent, grandparent, spouse, partner, child, grandchild, brother, sister, uncle, aunt, nephew or niece of a member/candidate/senior officer.*

*(iv) Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Director, except where the Director is the officer to whom the candidate has declared a relationship, in which case the Chief Executive or Director of Central Services will approve any proposed offer of employment.*

5.4 Irrespective of the grade of the officer to whom a candidate is a relative, managers are encouraged to notify their Chief Officer if they are considering appointing any candidate who is a relative of another member of staff or a Member of the Council. In the event that a Director is related to the candidate, the Director should inform the Chief Executive.

5.5 If any manager is unsure as to whether they need to declare an appointee who is related to a member of staff or Member, they should seek the advice of their Chief Officer.

## **6. OUTSIDE COMMITMENTS**

6.1. Most employees have contracts which require them to obtain written consent to take any outside employment. You should be clear about your contractual obligations and ensure you follow the appropriate procedures for obtaining consent to take outside employment.

6.2. Employees should be aware that any intellectual property created in the course of their employment remains in the ownership of the Authority. Intellectual property comprises inventions and original/ creative writings and drawings.

## **7. PERSONAL INTERESTS**

7.1. Employees must declare to their Chief Officer any non – financial interests that they consider could bring about conflict with the authority’s interests.

7.2. Employees must declare to their Chief Officer any financial interests which could conflict with the authority’s interests.

7.3. Employees should declare to their Chief 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.

## 8. EQUALITY & DIVERSITY

- 8.1 The Council has an Equality Policy (available on the Council's intranet or from Personnel). This provides a framework to ensure that the Council meets its statutory obligations and policy objectives to protect people from harassment, unfair discrimination or being treated unfairly: when applying for a job (by helping to make sure that we appoint the best applicants to vacant posts); as a Council employee, or; as clients and customers seeking or receiving Council services. The policy provides a means to ensure that we positively promote equality of opportunity in all areas of the Council's activities as an employer and provider of services.
- 8.2 The Council therefore expects all of its employees to play a part in making sure that it meets its commitments, and ensures that Tonbridge & Malling is a pleasant place to work and provides high quality services, fairly and equitably to the whole community. All employees are responsible for acquainting themselves with the terms of the policy.
- 8.3 All employees are required to treat colleagues and the public in a fair and equitable way, avoiding unfair discrimination in any form and anything that would demean, distress or offend other people. Remember that your colleagues may have different standards to you and may be offended or feel harassed by behaviour that you think is acceptable. The Council's Anti - Bullying and Harassment policy and the Grievance procedure, for reporting and recording such incidents, are available on the Council's intranet or from Personnel.
- 8.4 The Council takes these commitments very seriously and any deliberate act of discrimination or other serious breach of the policy by employees will be considered as an act of gross misconduct and will result in disciplinary action, possibly leading to dismissal.
- 8.5 Some examples of unacceptable behaviour are (this list is not exhaustive):
- displaying offensive material which conveys an offensive message in relation to a protected characteristic
  - making offensive comments or remarks in relation to a protected characteristic or about a person because of a perceived protected characteristic
  - swearing, rudeness or non-verbal behaviour which intimidates or offends others (this is sometimes referred to as 'banter' but can be offensive to others and will not be tolerated)

### 8.6 Protected Characteristics

There are 9 protected characteristics: • age •disability •gender reassignment •marriage and civil partnership •pregnancy and maternity •race •religion or belief •sex

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

- 9.1. Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3. Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4. Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their Chief Officer and withdraw from the contract awarding processes.
- 9.5. 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.

## **10. CORRUPTION**

- 10.1. 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. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **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 local community and to avoid legal challenge to the authority.

## **12. HOSPITALITY**

- 12.1. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. It should be properly authorised and recorded in the hospitality book kept in the Chief Executive's office.

- 12.2. When hospitality has to be declined the 'offeror' should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3. Employees should not accept significant personal gifts from contractors and outside suppliers, although you may keep insignificant items of token value such as pens, diaries, etc.
- 12.4. When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5. 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, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

### **13. SPONSORSHIP - GIVING AND RECEIVING**

- 13.1. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government 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 contractors or potential contractors.
- 13.2. Where the authority 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 their Chief Officer of any such interest. Similarly, where the authority 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.

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