

 Employment Committee March 2012		Agenda Item No. 7
Title	Employee Code of Conduct	
For further information about this report please contact	Graham Leach Senior Committee Services Officer	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No (If No state why below)
To be undertaken on 4 May 2011	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
The Senior Management Team March 2011 Recognised Trade Unions March & May 2011 The Join Communication Forum December 2011		
Final Decision?		No
Suggested next steps (if not final decision please set out below) This will be recommendation to Council in June because the Employee Code of Conduct forms part of the Constitution.		

--

1. **SUMMARY**

- 1.1 The report brings forward an amended version of the Employee Code of Conduct to ensure it reflects current best practice.

2. **RECOMMENDATION**

- 2.1 The Employment Committee recommends the amended Employee Code of Conduct, as set out at Appendix 1, to Council for adoption.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Employee Code of Conduct had not been revised since it was first published in 1995.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The report does not bring forward any proposed Changes to the Council’s Policy Framework.
 - 4.2 **Fit for the Future** – Although the code of conduct does not directly contribute to Fit for the Future or the Council’s visions to make Warwick District a Great Place to Live Work and Visit, it provides a framework for officer integrity and openness for clarity and equity to all users of the Council services.

5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications of the report

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The Committee could amend the content of the Employee Code of Code of Conduct. One such example would be the value attached to Gifts and Hospitality for Officers is recommended by the Senior Management Team as £10 however legislation for members requires declarations of Gifts and Hospitality for £25 and over.

7. **BACKGROUND**

- 7.1 The revised Code of Conduct for Employees has been considered by the recognised Trade Unions in March 2011, May 2011 and December 2011. In all cases no comments were made or issues raised.
 - 7.2 The revised Code had also been considered by the Senior Management Team in March 2011 who made some minor changes including reducing the value for gifts and hospitality to be declared from an estimated £25 to £10. It was at this point the Code was re-consulted with the recognised Unions in May 2011 but no response was received. It should be noted that the current Code for Employees does not stipulate a value for gifts and hospitality.

WARWICK DISTRICT COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

Introduction

The position of a Local Government Officer is one which requires the highest standard of personal conduct as set out in the National Joint Council Scheme of Conditions of Service. Local Government Officers should also be mindful of the Bribery Act 2010, guidance for which is available from Internal Audit.

The code sets out some of the areas where issues can arise, however this not exhaustive and employees should, where not directly mentioned adhere to the principles of the code. The code is designed to protect the employee and provide clarity for all. However where it is broken, the Council may take disciplinary action and/or prosecution.

There are 3 key points to remember in all that you do

- Ensure your conduct is never influenced by personal gain
- Ensure your conduct could not give anyone reason to question your motives
- Ensure your conduct is in line with our policies

The Code applies to all Warwick District Council Employees. In addition to employees the Code also covers casual members of staff, temporary members of staff, agency staff, volunteers contractors and consultants, although in this instance they are covered by the term Employee. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the standards within this Code.

WARWICK DISTRICT COUNCIL **CODE OF CONDUCT**

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, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure. In addition the Council has a Whistle Blowing Policy which is available via the intranet.

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 councillors, auditors, government departments, service users and the public. The authority itself may decide to open other types of information. Employees must be aware of which information within their authority is open and which is not, and act accordingly.
- 2.2 Employees should not use any information obtained in the course of their duties for personal gain of 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.

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 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 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.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

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. Officers should also be mindful of the details of the Member/Officer Protocol of the Council's Constitution

4.2 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 or 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 the appropriate manager. 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 as set out in the requirements of the Code of Procurement Practice. 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 the appropriate manager.

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 is 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 them.

- 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, close personal friend etc.

6. Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take on any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 6.2 Employees should follow the authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Personal Interests

- 7.1 Employees must declare, any non-financial interests that they consider could bring about conflict with the authority's interests.
- 7.2 Employees must declare any financial interests which would conflict with the authority's interests.
- 7.3 Employees should declare to their membership of any organisation not open to the public without formal membership rules and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 7.4 Any declarations made under headings 7.1 to 7.3 should be recorded on the official registration form (a copy is appended to this Code), noted by the line manager and submitted to Senior Management Support Team or, for the Chief Executive's Office, to the Chief Executive's Personal Assistant for counter-signature and storage. If there is any change in line manager the employee should notify their new manager of their previous declaration.

8. Equality Issues

- 8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

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 the client and the 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 the appropriate manager 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 challenge to the authority.

12. Hospitality

- 12.1 All those covered by this code 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 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. Attendance should be authorised by the line manager and where the value is believed to be over £10 recorded.
- 12.2 There are circumstances in which a working lunch is an acceptable way of doing business provided that no extravagance or lavishness is involved. Similarly, organisations might organise a lunch time reception of people with like interests - these again are acceptable provided that they are not lavish and that the officer's work is such that meeting the people concerned is likely to be beneficial.
- 12.3 Evening receptions and entertainments should be treated with greater doubt, but will not always be inappropriate.
- 12.4 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures operating within the authority.
- 12.5 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking which potentially affects those providing the hospitality.
- 12.6 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 when the authority is not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

- 12.7 In respect of hospitality, hard and fast rules are impossible to set and acceptability will depend on value and circumstances. Wherever there is doubt discuss it with your line manager. All hospitality declined or accepted valued over £10 should be recorded on the official registration form (a copy is appended to this Code) and submitted by Senior Management Support Team, or for Chief Executive's Office, the PA to the Chief Executive.

13. Gifts

- 13.1 All people covered by this code should not accept significant personal gifts from contractors and outside suppliers. Gifts of a promotional nature given to a wide range of people can be accepted personally if they are believed to be of a value of less than £10. Gifts above this level, from organisations the Council does business with, should be declined.
- 13.2 It can cause needless offence to members of the public to refuse a small gift offered by way of gratitude for helpfulness with a problem, etc. Provided that there is no continuing business relationship between the Council and that individual such items may be accepted if they are of modest value and if offence would otherwise be caused. It may sometimes be appropriate for gifts to be passed to the Chairman of the Council as a prize for charity fund raising.
- 13.3 All gifts outlined above either accepted or declined believed to be worth more than £10, recorded on the official registration form (a copy is appended to this Code) and submitted kept by Senior Management Support Team or, for Chief Executive's Office, the PA to the Chief Executive.

14. Sponsorship - Giving and Receiving

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntary, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 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 an appropriate manager 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 or interest involved.

15. Conflicts of Interest

- 15.1 Employees may be called upon to use their expertise outside office hours to assist a third party. There is nothing inherently wrong with this - indeed work with charities, voluntary groups, etc. is to be commended - provided that there is no conflict of interest between the officer's duty to the Council and their outside involvement.
- 15.2 Examples of unacceptable conflict are an employee drawing plans for submission to this Council as Planning Authority; negotiating on behalf of an organisation directly with this Council or in competition to it; advising voluntary organisations in pursuit of financial assistance from this Council. There will, of course, be many others. Any areas of doubt should be discussed with your line manager.

- 15.3 Employees are reminded that if they are aware that they have an interest, whether financial or otherwise, in any contract involving the Council they are under a legal obligation (Section 117, Local Government Act 1972) to disclose that interest. Such disclosures must be on the official registration form (a copy is appended to this Code) and passed Senior Management Support Team or, for Chief Executive's Office, the PA to the Chief Executive.
- 15.4 Employees should be aware that information which is in their possession because of their official position can be useful to third parties. Any information held by any member of staff must only be used for its intended purpose and must not be divulged to third parties inappropriately such that it could in anyway prejudice the; the interests of the Council or its customers or could give unfair advantage to a third party.
- 15.5 Employees should also be mindful of situations when handling sensitive information of instances in their personal life when a friend or relative involved with another organisation the Council is working with. In this situation you should inform your line manager of the potential conflict.
- 16. Use of Council Facilities**
- 16.1 Employees should always make sure that any facilities such as transport, stationery, computer or secretarial services provided by the Council for use in their duties are used strictly for those duties and no other purpose. This will not prevent staff, who may undertake work at home, from time to time taking necessary equipment home for this purpose. You should, however, alert your line manager if you are intending to take home valuable equipment.
- 17. Register**
- 17.1 The Register of Hospitality, Gifts and Employees Interest will be maintained by Senior Management Support Team or for Chief Executive's Office the PA to the Chief Executive, in loose leaf format. An official registration form for the purpose is attached to this Code.
- 18. Disciplinary Action**
- 18.1 This Code of Practice is provided in order to provide a degree of comfort to staff that if they act within its provisions they have no need for concern at subsequent criticism. Any areas of uncertainty should be queried with your line manager as appropriate. Staff who act outside the provisions of the code may expect disciplinary action, as appropriate, to be taken.

**WARWICK DISTRICT COUNCIL
REGISTER OF HOSPITALITY, GIFTS OR EMPLOYEE INTERESTS**

Officer's name	
Service Area	

HOSPITALITY AND GIFTS

Date	
Received from	
Given to or received by	
Type of gift/Nature of Hospitality	
Action taken (e.g. Accepted/Refused/Passed to charity/etc.)	
Relevant circumstances/comments:	

EMPLOYEE INTEREST

Date:	
Nature of interest	
WDC work that could be in conflict with this interest	
How conflict is to be avoided	

APPROVAL

Signature of Employee	
Signature of Head of Service, Deputy Chief Executive or Chief Executive	
Date	