

5.4 EMPLOYEE CODE OF CONDUCT – PERSONNEL PRACTICE NOTE 46

1. INTRODUCTION

- 1.1 The public is entitled to expect the highest standard of conduct from all employees who work for local government. The aim of this Code is to set out the minimum standards of conduct expected within High Peak Borough Council, to help you maintain and improve these standards, and to protect you from any misunderstanding or criticism.
- 1.2 The extent to which this Code affects you will depend on your job. Whatever your job you should make sure that you are aware of the Council policies and procedures which are referred to in this Practice Note, namely :
- The Constitution
 - Financial Regulations
 - New Executive arrangements - *Protocol for Officers*
 - Whistleblowing Procedure (*Personnel Practice : 6*)
 - Customer Care Policy (*Personnel Practice : 21*)
 - Comments, Compliments and Complaints Procedure (*Personnel Practice : 23*)
 - Equal Opportunities Policy (*Personnel Practice : 38*)
 - Gifts and Hospitality (*Personnel Practice : 37*)
 - Politically Restricted Posts (*Personnel Practice : 39*)
 - E-Policy (*Personnel Practice : 47*)
- 1.3 You are issued with copies of the appropriate Personnel Practice Notes either with your Staff Handbook, or via your Business Manager.
- 1.4 If you are not sure what is expected of you, ask your manager or contact Personnel Services.

2. STANDARDS

- 2.1 You are expected to give the highest possible standard of service to the public. You must not undermine public confidence in the Council in any way. This means that your behaviour, both in and out of work, should not discredit your employment with the Council. Although your off-duty hours are your personal concern, you must not allow official and private interests to conflict.
- 2.2 Where, as part of your job, you give advice to Councillors or other employees, you must ensure that it is impartial and in accordance with the Council's *Protocol for Officers*.
- 2.3 The Council aims to provide quality services for the public. It is committed to the highest possible standards of openness, integrity and accountability. If you have concerns about any aspect of the Council's work you should voice these concerns. The Whistleblowing Procedure (*Personnel Practice : 6*) explains how you can do this without any fear of recriminations.

3. DISCLOSURE OF INFORMATION

- 3.1 The Council considers that open government is best. By law we are required to make certain information available to councillors, auditors, government departments, service users, and the public (see *Appendix 1*). **Additionally, the Council will be open about other types of information.** You must be aware of which information is open and which is not, and act accordingly.
- 3.2 You must always treat personal data that in the course of your work, you obtain or have access to, as confidential and not use it for personal gain. You must only disclose personal data to other employees, or councillors on a 'need to know' basis. For example, councillors may have to show that they are sorting out a problem on behalf of a constituent, or other employees may need the information to carry out their job. However, you must still make sure that disclosure of data in these situations conforms to the principles of the Data Protection Act . (see *Personnel Practice : TBA*)
- 3.3 You must not disclose personal data about an individual to an organisation or third party, unconnected with the Council, without the written permission of the individual concerned. The only exception would be if you are required to do so by law. (see *Personnel Practice : TBA*)
- 3.4 If a Councillor gives you personal information about an individual, you must not pass on that information, even if it is unrelated to the Council's work. The only exception to this would be if the information is required by law.
- 3.5 You must not use your knowledge of committee proceedings or Council documents to compromise the Council in any way.
- 3.6 You must comply with the Convention Rights of the Human Rights Act 1998 (see *Appendix 2*)

4. POLITICAL NEUTRALITY

- 4.1 As a Council employee, you serve the whole Council. You must therefore serve all councillors, not just those of the controlling group, and make sure that you respect their individual rights.
- 4.2 If, as part of your work, you are asked to advise any of the political groups represented on the Council you must remain politically neutral and comply with the Council's *Protocol for Officers and Personnel Practice Note : 39 – Politically Restricted Posts*
- 4.3 You must always comply with Council policies and procedures, and not allow your own personal or political opinions to interfere with your work.
- 4.4 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in the above paragraphs.

5. RELATIONSHIPS

In the context of this Code of Conduct, relationships are interpreted in their widest sense. They are not restricted to close personal contact, but can include any social contact with another individual. This could be regular or infrequent contact, for example by joint membership of an organisation or club.

5.1. Councillors

5.1.1 Employees are responsible to the Council through its senior managers.

5.1.2 It is essential that there is mutual respect between employees and councillors.

5.1.3 Close personal relationships between employees and individual councillors can damage this respect and should be avoided, because they can embarrass other employees and councillors.

5.2 The local community and service users

5.2.1 Your responsibility is to the community. You should give courteous, efficient and impartial service, treating everyone equally and in accordance with the Council's Customer Care Policy (*Personnel Practice : 21*) and Comments, Compliments and Complaints Procedure (*Personnel Practice : 23*).

5.3 Contractors

5.3.1 If, in the course of your work, you engage or supervise contracts you must advise your manager of any relationships, either business or private, with external contractors, or potential contractors.

5.3.2 You must notify the Council of any financial interest you may have in any contract (*Section 117 of the Local Government Act 1972*). This will also apply if your husband/wife, or partner has a financial interest in any contract.

5.3.3 Orders and contracts must be awarded on merit, by fair competition against other tenders. You must not show any special favour to businesses run by friends, partners or relatives. No part of the local community should be discriminated against.

6. RECRUITMENT AND OTHER EMPLOYMENT MATTERS

6.1 All Members and officers involved in the recruitment process must be appropriately trained.

6.2 If you are involved in recruiting employees you must follow the guidelines set out in the Council's *Recruitment and Selection Handbook*.

6.3 You must ensure that you appoint on merit only and in accordance with the Council's Equal Opportunities Policy (*Personnel Practice : 38*). It would be unlawful to make an appointment that was based on anything other than the ability of the candidate to do the work.

6.4 In order to avoid any possible accusation of bias, you must not take part in recruitment where you are related to an applicant, or have a close personal relationship with him or her.

6.5 Similarly, you must not be involved in decisions about discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend. If in doubt seek advice from your manager.

7. ADDITIONAL EMPLOYMENT

7.1 If your post is graded above scp 28 you must not take on any additional employment without the agreement of the Council.

7.2 If your post is graded spinal column point (scp) 28 or below, you may take on additional employment provided it does not conflict with any of the Council's business. However, before taking on any additional work, you should give details to your Head of Service/Business Manager who will decide whether there is likely to be a conflict of interest.

7.3 You must not, on a private basis, prepare plans, drawings, accounts or any other document for approval by one of the Council's Committees. It is irrelevant whether the work is paid or not.

7.4 Generally, any inventions, creative writing and drawings, which you create in the course of your normal duties with the Council, will belong to the Council.

8. PERSONAL INTERESTS

8.1 You must declare to your Head of Service/Business Manager any financial or non-financial interests that could conflict with the Council's interests. The Head of Legal and Democratic Services is responsible for keeping a register of these interests declared by employees.

8.2 You should make your Head of Service/Business Manager aware of your membership of any formal or informal organisation or network that has secrecy about rules, membership or conduct.

8.3 If you are in any doubt about whether or not you should declare a personal involvement in any organisation, you should ask the Head of Personnel and Administration.

9. EQUALITY ISSUES

9.1 Everyone in the community has a right to be treated with fairness and equity.

9.2 You should ensure that you always act in accordance with the Council's Equal Opportunities Policy (*Personnel Practice* : 38) and comply with legal requirements on equality issues.

10. **SEPARATION OF ROLES DURING TENDERING**

- 10.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 You must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 10.3 If you have access to confidential information on tenders or costs for either internal or external contractors you must not disclose that information to any unauthorised party or organisation.
- 10.4 If you are contemplating a management buy-out, you must inform your Head of Service/Business Manager, and withdraw from the contract awarding process.
- 10.5 You must not show special favour to current or former employees, or their partners, close relatives or associates when awarding contracts to businesses run by them, or employing them in a senior or relevant managerial capacity .

11. **CORRUPTION**

- 11.1 It is a serious criminal offence for you 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.
- 11.2 If an allegation is made, you must be able to demonstrate that you have not corruptly obtained or given any rewards.
- 11.3 The Council's guidelines on the receipt of gifts are given in *Personnel Practice* : 37.

12. **HOSPITALITY**

- 12.1 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community.
- 12.2 You should only accept offers to attend purely social or sporting functions when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded in line with *Personnel Practice* :37.
- 12.3 When you have to decline hospitality you should do so courteously but firmly and explain the Council's procedures and standards.
- 12.4 You may accept hospitality through attendance at conferences and courses if purchasing decisions are not compromised, and where you have the approval of your Head of Service/Business Manager.

12.5 On visits to inspect equipment, etc. to avoid jeopardising the integrity of subsequent purchasing decisions you should ensure that the Council meets the cost of such visits

13. **USE OF FINANCIAL RESOURCES**

13.1 You must make sure you use any public funds entrusted to you in a responsible and lawful manner and in accordance with the Council's *Constitution and Financial Regulations*.

13.2 You should always try to ensure value for money and avoid legal challenge to the Council.

14. **SPONSORSHIP - GIVING AND RECEIVING**

14.1 When an outside organisation wishes to sponsor, or is seeking to sponsor, a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply (*Personnel Practice : 37*) You must take particular care when dealing with contractors or potential contractors.

14.2 Where the Council wishes to sponsor an event or service you must tell your manager if you, your partner, spouse or relative might benefit in any way. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you must make sure ensure that you give impartial advice and that there is no conflict of interest.

EXAMPLES OF STATUTORY ENTITLEMENT TO INFORMATION

1. Service accounts that are required to be audited by Council's auditors.
2. Annual Report and Statement of Accounts.
3. Register of domestic dwellings that are subject to assessment for Council Tax.
4. Reports setting out formal residues and other information about the Council's Direct Service Organisations.
5. Members' allowances.
6. Personal information held by the Council in connection with its housing function.
7. Policy statements, agendas and associated reports of the Executive, committees and sub-committees, except reports that are not to be discussed in public.
8. Register of people eligible to vote in elections.
9. Quarterly written statements showing the number of Council employees.
10. Reports of investigations of maladministration by the Ombudsman.
11. Register of Members' direct and indirect pecuniary interests.
12. Performance indicators.
13. Specifications of work tendered by the Council.
14. Annual report on maintenance or construction work .

The Council could breach the CONVENTION RIGHTS of the Human Rights Act 1998 by

- failing to repair or maintain a Council house
- failing to issue enforcement notices
- disclosing someone's confidential correspondence without justification
- failing to protect the public from some known and avoidable danger
- failing to provide individuals with information essential to the well being of their families
- failing to safeguard confidential information on employees.