

WARWICK DISTRICT COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

Introduction

The position of the Local Government Officer is one which requires the highest standard of personal conduct. Indeed, this requirement is set out in the National Joint Council Scheme of Conditions of Service which states:-

'The public is entitled to demand of a Local Government Officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he/she could in any way be influenced by improper motives.'
(Paragraph 70A)

It is salutary to note that under the Prevention of Corruption Act 1916 the giving of any money, gift or consideration to an Officer by a person trying to obtain a public contract is DEEMED to have been given corruptly unless the RECIPIENT proves to the contrary. In other words, Officers are presumed guilty until they prove their innocence.

However innocent might be the intent by the person offering a gift or hospitality what we need to be aware of continually is its potential appearance to the outside world - particularly those who are keen to seize on any opportunity presented to them.

This Code of Conduct has been prepared, in accordance with National Guidelines, in order to give guidance on where the line should be drawn. The purpose of the Code is therefore to offer protection to staff abiding by it from possible subsequent criticism.

Who the Code is Aimed At

The Code applies to all Warwick District Council 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 with Warwick District Council, including office holders such as registrars. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

CHIEF EXECUTIVE
JANUARY 1995

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.

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. 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 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.

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.

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. 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 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.

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 to their Head of Business Unit or Manager, any non-financial interests that they consider could bring about conflict with the authority's interests.

7.2 Employees must declare to their Head of Business Unit or Manager any financial interests which would conflict with the authority's interests.

7.3 Employees should declare to their Head of Business Unit or Manager 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.

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 Employees 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. It should be properly authorised and 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 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, acceptability will depend on value and circumstances. Wherever there is doubt discuss it with your Section or Divisional Head, Chief Officer or Director, or as the case may be Chief Executive. All hospitality accepted should be recorded in a Register kept by each Business Units/Service.

13. Gifts

- 13.1 Employees should not accept significant personal gifts from contractors and outside suppliers. Inexpensive gifts of a promotional nature given to a wide range of people can be regarded as trivial and accepted personally. This will include such items as diaries, calendars, pens, charts, etc. Gifts above this trivial level, from organisations with whom we do business 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 accepted, other than those trivial gifts detailed in 13.1, should be recorded in a Register kept by Business Units/Service.

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 his/her 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 others. Any areas of doubt should be discussed with your immediate supervisor.
- 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 in writing to your Head of Business Unit, Manager or Chief Executive as appropriate.
- 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 that could prejudice the Council's interests; the interests of its customers in any way; or give unfair advantage to a third party.

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 a lot of work at home, from time to time taking pens, files or even word processors home for this purpose. You should, however, alert your Section Head if you are intending to take home valuable equipment.

17. Register

- 17.1 The Register of Hospitality and Gifts will be maintained by each Business Unit/Service, in looseleaf format. An example of the looseleaf sheet 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 Business Unit Head or Manager or Director or the Chief Executive as appropriate. Staff who act outside the provisions of the code may expect disciplinary action, as appropriate, to be taken.

CHIEF EXECUTIVE