

OFFICER CODE OF CONDUCT

APPLICABLE TO:

All Council Employees [except School based staff employed or managed by a Governing Body under LMS Regulations]

1. INTRODUCTION

The NJC Scheme of Conditions of Service for local government services [Part 2, Section 2] refers to official conduct and reads as follows:

"Employees will maintain conduct of the highest standard, such that public confidence in their integrity is sustained".

This Officer Code of Conduct is based on this principle and should assist employees in their day to day work.

Although the Conditions of Service referred to apply only to certain officers, this Code will cover all employees of the Council, although some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others.

The Code itself cannot cover all cases likely to arise in practice, but the principles do. Ultimately, the Council relies on the integrity, common sense and professional judgement of individual employees. It is not enough to avoid actual impropriety. Employees must, at all times, seek to avoid any occasion for suspicion or appearance of improper conduct.

Employees must not hesitate, at any time, to seek advice from Human Resources on the interpretation of the Code, or when circumstances arise which it does not cover.

Executive Directors may supplement the Code by more detailed guidance where this is considered necessary for particular services.

It must be emphasised that the Code is not intended to prohibit all social involvement by the Authority's staff with the outside world. Nor would it be right to restrict private dealings between staff and any particular firm. It is, however, important that any staff must judge the wisdom of their actions not by any comparison with the practices which, no doubt for good reasons, are followed in the private sector, but rather by reference to the traditional public service principles of accountability and responsibility as in the extract from the NJC Conditions set out above.

The principles embodied in this Code are not regarded as exhaustive, either in the examples quoted or the regulation and guidance prescribed.

The Code has been produced to protect employees and the Council. It represents the standard against which the conduct of employees will be judged by the public, elected members and their fellow employees.

It is the responsibility of all employees, without fear of recrimination, to report to the appropriate level of management and/or to the Council's Internal Audit Service any impropriety or breach of procedure.

In any case of doubt about the interpretation of this Code, employees must consult Human Resources. The onus is on the employee to seek clarification should there be doubt regarding any particular issue.

2. CORPORATE STRATEGY – STATEMENT OF VISION AND VALUES

The Council has already agreed its Statement of Vision and Values and it is essential that these are taken into account by staff when working within the framework of this Code.

3. GIFTS, HOSPITALITY AND OTHER FAVOURS

This part of the Code has been divided into three sections for ease of reference: Gifts, Hospitality and other Favours. The guidelines relating to each section, however, apply equally to each other.

3.1 Fundamental Considerations

In the private sector, corporate hospitality and promotions are accepted as part of the normal conduct of business. However, within local government a greater burden of responsibility rests with Members and employees, not only to ensure the propriety of all dealings, but also to be able to demonstrate it publicly.

Gifts and hospitality must not be accepted from the same party on a frequent or regular basis, to avoid any concern that proper working relationships are consequently being compromised.

It is impossible to set and adhere to a financial limit on the value of favours which may be regarded as acceptable. Generally any favour accepted should be low in value.

If a favour, particularly in the form of hospitality, proves to be significantly more valuable than expected when it was accepted, this should be reported immediately to the appropriate Executive Director.

Whilst many of the favours likely to be offered will be in the form of gifts or hospitality, there is a variety of other favours which may be offered, including loans [preferential or otherwise], works to personal property or holidays, which are likely to be substantial in value, and personal in nature. Such favours must be refused.

Due regard must be paid to the circumstances of any offer of a favour. For example, a working lunch immediately prior to the acceptance of a tender, or the letting of a contract, may be questionable, whereas it could be acceptable during the currency of the contract.

The essential principle is that favours must not affect proper working relationships, or allow concern that they are affecting proper working relationships.

A secretive treatment of favours is much more likely to give rise to concern of impropriety than favours dealt with in the open knowledge of colleagues.

3.2 Statutory and Legal Considerations

Insofar as Members are concerned, paragraphs 8 and 13 of the Code of Conduct for Elected Members deals with gifts and hospitality. Although the National Code of Local Government Conduct has been designed specifically for Members, employees should be aware of its provisions and operate within them.

In relation to Officers specifically, Section 117(2) of the Local Government Act 1972 states that an Officer shall not, under colour of his/her office, accept any fee or reward whatsoever other than his/her proper remuneration. Any breach is a criminal offence.

Employees must always be aware that the acceptance of inducements might be seen as corruption, which is a criminal offence under the Public Bodies Corrupt Practices Act 1889 and/or the Prevention of Corruption Act 1916. This later Act also states that, if it is proved that any money, gift or other consideration has been paid or given to or received by an employee by or from a person holding or seeking a contract, it shall be deemed to have been paid, given or received corruptly unless the contrary is proved. The burden of disproof is, therefore, on the employee.

3.3 Register to be Maintained

To demonstrate the openness and integrity of the circumstances relating to the offer and acceptance of gifts, hospitality or other favours, each Executive Director must establish and maintain a formal declaration book for themselves and staff within their respective services, of all favours etc offered, detailing the nature of the favour and indicating whether such favours are declined or accepted. Each person will be responsible for entering details of all favours offered to, or accepted by, them in the appropriate formal declaration book. The Chief Executive will maintain an individual formal declaration book and the Monitoring Officer will review the entries. The Chief Internal Auditor is available to provide detailed advice on the format of registers to directorates, together with what should be included within them.

Registers must be open for inspection at any time, and without prior notice to the following:

- [a] Chief Executive
- [b] All Executive Directors
- [c] Monitoring Officer
- [d] Internal Auditors
- [e] External Auditors

3.4 **Gifts**

There are a number of considerations to be taken into account where gifts are concerned. The nature of the gift in terms of value and the motivation of the person giving the gift are the two main issues. A distinction must also be drawn between items which may be used at work, as opposed to gifts of a personal nature which should be refused.

Most firms, as part of their normal commercial activity, distribute gifts which range from the promotional [e.g. calendars, diaries etc] to the more expensive [e.g. wines and spirits]. The more expensive gifts are obviously distributed where they will have the greatest specific impact. While this may be commonplace and acceptable conduct in some parts of the private sector, the requirements of the public sector are very different.

3.5 **Guidance**

- [a] Officers must refuse any personal gift offered to them by any person or firm who has or seeks dealings with the Council.
- [b] The exception to this is modest promotional material of low value such as calendars and diaries which are, in many cases, unsolicited and simply delivered by post. Even here, however, staff must use judgement, and more expensive promotional items must be refused and returned.
- [c] From time to time, staff may find themselves in a position where they have to refuse and/or return gifts. This requires diplomatic handling and staff must not behave in ways which donors of gifts might regard as impolite or unnecessarily critical of a recognised private sector practice.
- [d] It is sometimes acceptable to the giver for a gift which in other circumstances would be refused as in [c] to be donated instead to charity. An arrangement of this sort must only be made with an Executive Director's approval, must be entered in the formal

declaration book, and recorded by letter to the giver indicating that the gift has been donated to charity.

3.6 **Hospitality**

Contacts established socially can be helpful in the Council's interests. It is therefore appropriate in certain circumstances for the Authority's staff to accept invitations for social involvement with persons or bodies, including those who have, or may seek to have, business dealings with the Council. At the same time it is very easy for such involvement to be misconstrued as providing an opportunity to bring about undue influence and there will, therefore, be occasions when hospitality must be declined.

Where hospitality is offered to staff, it may be accepted where it appears reasonable in all the circumstances to do so. Due regard must be taken as to whether the invitation has been extended to other Officers of the Council or to Officers of similar standing from other public authorities. Where hospitality is offered to one employee only, special caution is needed as an employee alone may be viewed as more vulnerable than a number of employees. However, such "safety in numbers", whilst more likely to demonstrate the principle of openness, must not be seen as absolute protection, particularly where the host is seeking to do business with the Council or to obtain a decision from it.

Hospitality or entertainment is sometimes offered to an official representative of the Council and may be accepted in the following circumstances:

- If the Chief Executive, as Head of Paid Service, or his/her nominated officer, can justify acceptance in the context of fulfilling duties as a representative of the Council; and
- If the extent of the hospitality/entertainment is reasonable, and is likely to be regarded as a normal part of the courtesies of public life.

It is important to avoid any suggestion of improper influence. Again, this is a matter of judgement, and the following examples are intended to give general guidance:

[a] Acceptable

- (i) A working lunch of a modest standard provided to allow the parties to continue to discuss business.
- (ii) Invitation to a Society or institute dinner or function.
- (iii) Invitation to take part in company jubilee or other anniversary celebration.

- (iv) Invitation to trade fairs or similar events, where there is a general invitation to customers.
- (v) Invitation to cultural or sporting occasions 'sponsored' by the company concerned.

[b] Unacceptable

- (i) Offer of a holiday, hotel accommodation, or company flat at the company's expense.
- (ii) Offer of theatre tickets or tickets to a sporting occasion etc, except under [v] above.

It is generally more acceptable to join in hospitality offered to a group than to accept something unique to the individual. When a particular person or body has a matter currently in issue with the Council [e.g. arbitration arising from a contract or an industrial development proposal], an offer of hospitality must clearly be refused even if in normal times it would be acceptable.

Where an external organisation requires an employee of the Council to visit workshops to inspect plant, etc, it is expected that the organisation concerned would provide reasonable travel expenses.

If an employee is invited to give a lecture in his/her capacity as a Council employee reasonable travel expenses may be retained by the employee but any fee payable must be paid to the Council.

3.7 Favours

It is accepted that favours may often be offered by outside agencies in good faith and to promote a good working relationship and understanding. Constant refusals to accept such offers could impair essential working relationships and possibly create an atmosphere of distrust with a consequential detrimental effect on the business being conducted.

However, it is vitally important to be able to demonstrate that local authority business is conducted with the utmost integrity, without any taint of impropriety or corruption. Accordingly, offers of personal favours by organisations or individuals with whom the Council deals must be treated by employees with due caution. Favours must not affect proper working relationships, or allow concern that they are affecting proper working relationships.

A distinction must be drawn between favours perceived to be offered as goodwill gestures and those which might be seen to be inducements. Any favour which could be regarded as an inducement to influence the business of the Council in an improper manner cannot be accepted. The

offer of any such favour must immediately be reported to the employee's Executive Director.

4. PROVISION OF HOSPITALITY BY OFFICERS

These guidelines should be observed whenever hospitality is provided by the Council. For the purpose of these rules, hospitality is deemed to exclude the refreshments normally provided at meetings.

- [a] Any hospitality must be proportionate to the occasion.
- [b] Wherever possible, hospitality should be provided on Council premises and wherever practicable, the services of the Civic Suites should be used.
- [c] Generally only soft drinks should be provided in the work place. Any variation from this guideline should be authorised by the Executive Director or their nominee.
- [d] Any hospitality provided at civic events and/ or ceremonial events will be at the discretion of the Executive Director of Corporate Resources.

5. OTHER EMPLOYMENT

5.1 The attention of employees is drawn to the following paragraph:

Paragraph 71 of the National Conditions of Service relates to 'Wholetime Service':

"Officers above Scale 6 shall devote their wholetime service to the work of their Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council".

This provision also applies to those officers covered by other Conditions of Service, e.g. JNC for Chief Officers.

Those officers above Scale 6, i.e. senior officers and above, therefore need specific permission to undertake outside work of any kind and this permission must be sought, in writing, from the relevant Head of Service, Executive Director or the Chief Executive as appropriate. Each case will be considered on its individual merits.

5.2 Although the extract from the Conditions of Service refers specifically to officers, the general guidance applicable to employees at all levels is that they must not undertake any outside work which would put them in a position of conflict of interest with their Council employment. Such a conflict would arise when an employee is to be paid by a member of the

public, or any outside organisation or body, for work which is in any way connected with the scope of his/her official duties.

- 5.3 All employees must ensure that they do not undertake any work if their official duties overlap in some way with their proposed work. It is irrelevant whether or not such work is paid for. If work is undertaken which makes use of materials which are similar to which the employee has access by virtue of his/her Council employment, receipts for the purchase of such materials must always be retained.
- 5.4 No outside work of any sort should be undertaken at the employee's place of work or on any Council premises. Correspondence and telephone calls related to outside interests are not allowed during working hours.
- 5.5 Exactly what constitutes a business can be open to interpretation. The amount of time such an activity occupies, and/or whether additional income is received as a result, are examples of factors to be taken into account in determining this. For the purposes of this Code, a business will be construed as incorporating any work or activity of whatever nature, whether paid or unpaid, undertaken by an employee in connection with any trade, profession, occupation or commercial venture including the purchase and sale of goods and services.

If employees are in any doubt, they must consult Human Resources.

6. DISCLOSURE OF OFFICIAL INFORMATION

- 6.1 Employees often receive official information which has not been made public and is still confidential. Such information must not be used for the personal advantage of an employee or his/her family or friends, nor must they pass it to others who might use it in such a way.
- 6.2 Information must not be disclosed to the press, elected members, or made public without authority. All contact with the press must be made via the Corporate Communications Team within the Office of the Chief Executive, unless employees are specifically authorised to make contact themselves by their Executive Director.

6.3 Proceedings of Committee

"No Officer shall communicate to the public the proceedings of any committee meeting etc, nor the contents of any document relating to the Authority, unless required by law or expressly authorised to do so".

It is recognised that Officers, as part of their normal duties, will have contact with the public concerning committee proceedings. In relation to this paragraph, the appropriate Executive Director will determine which officers are authorised to disclose information.

6.4 Information Concerning Officers

"Information concerning officers' private affairs shall not be supplied to any person outside the service of the employing authority unless the consent of such officer is first obtained".

6.5 **Guidance**

- (a) Information which is confidential must not be disclosed to third parties except in response to a request from a statutory source, e.g. Inland Revenue, Department of Social Security and, where authorised, from bank managers or building societies. If there is a doubt as to whether information should be disclosed advice should be sought from Human Resources.
- (b) Staff are encouraged, when acting in a private capacity, not to comment publicly on the Council's policy or a specific decision. If any circumstances do arise in which staff find it necessary to make public comments, they are expected to exercise prudence, discretion and properly recognise the fact that there will be grounds for such comment only in exceptional cases, for example:
 - (i) recognised trade union officials will from time to time be required to issue statements on behalf of their trade union commenting on a matter relating to the Council;
 - (ii) statements made by staff acting as officials of bodies such as parish councils and community and professional associations.
- (c) Advance knowledge of any impending Council decision, particularly those relating to investment decisions or proposed developments, must not be used to further private interests.
- (d) All employees must be circumspect in what is said outside the Council about matters going on inside it.

7. **DISCLOSURE OF PECUNIARY AND NON-PECUNIARY INTERESTS**

7.1 The Local Government Act 1972, Section 117 makes specific provision requiring employees to disclose pecuniary interests, whether direct or indirect, in any contract with which the Council is concerned. The relevant extracts from Section 117 are as follows:

- (a) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect [not being a contract to which he is himself a party], has been, or is proposed to be, entered into by the authority or any committee

thereof, he shall as soon as practicable give notice in writing to the authority to the fact that he is interested therein.

- (b) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

7.2 Failure to declare an interest may be a criminal offence

- (a) Section 117 of the Local Government Act 1972 states that employees are required to give notice in writing to the Chief Executive as soon as practicable of any interests under that section.
- (b) There are also areas other than contracts where a pecuniary interest must be disclosed, even though there is no statutory requirement. Remuneration from a firm which has dealings with the Council is a direct interest. If the remuneration were to be paid by the firm to a partner or relative, this would also be regarded as direct interest.

7.3 Guidance

- (a) All members of staff must disclose in writing a relevant pecuniary interest in a contract to their Executive Director.
- (b) Staff must carefully consider their position to avoid conflict of interest where either there is a direct pecuniary interest but no contract, or they, or their partner or a relative, are receiving remuneration from a firm which is dealing with the Council.

"Remuneration" includes commission, honoraria, dividends, agency fees and interest, as well as salary, wages or fees. "Firm" includes all organisations and individuals.

7.4 Non-Pecuniary Interest

There may be a conflict of interest even where no pecuniary interest or advantage exists or accrues. This covers areas where relationships might be seen to influence judgements and convey the impression of personal motive. A simple example is where a Council employee, who acts as an honorary officer of a voluntary association, is also directly involved during the course of his/her employment with claims for grant from the Council. When such circumstances arise, the employee must advise their Executive Director in writing of their interest.

Employees must not allow the impression to be created that they are, or may be, using their position to promote a private or personal interest including those of their family and friends as well as those arising through

membership of, or association with, clubs, societies and other organisations.

In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him/her. Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments, for any other employee who is a partner or relative. Equally, the canvassing by an employee of Members or Officers of the Council for themselves or anyone else in relation to a job appointment is strictly prohibited and will lead to the automatic disqualification of the person concerned and disciplinary action for the employee.

8. USE OF SERVICES OF FIRMS DEALING WITH THE COUNCIL

8.1 Staff must be extremely cautious when using the services of firms which they know to have dealings with the Council. Particular care must be taken where staff deal with outside firms or companies who they deal with as part of their normal Council duties.

8.2 It is worth drawing attention here to the Prevention of Corruption Act 1916. This provides that any money, gift or consideration which is proved to have been given to the employee of a public authority by a person or his agent holding or seeking to obtain a public contract should be deemed to have been given corruptly as an inducement or reward unless the recipient proves to the contrary. In other words, in this respect, it is for the recipient to "prove his/her innocence".

8.3 Guidance

(a) Goods or services for private use may be bought from firms trading with the Council, providing the price offered is readily available to the general public, either directly or by way of a recognised trading organisation.

(b) Where however an employee has good reason to believe that an offer of preferential terms, in the form of either goods or services, might in fact be a specific inducement to promote a firm's interests he/she must decline to have such dealings with that firm. Nor must a member of staff use his/her position with the Council to obtain a discount or preferential terms. The purchase of goods and services at discounted terms under a scheme or arrangement which applies to members of a trade union or other organisation is excluded from this paragraph.

(c) Staff must avoid contact with firms engaged in "pressure selling", where inducements and discounts are offered in return for orders. The proper action is for the officer concerned to report the matter immediately to their Executive Director.

To avoid any suggestion of restraint of trade or unfair discrimination against any particular firm, the staff involved must always explain diplomatically the dangers to both parties inherent in such preferential offers.

9. USE OF COUNCIL FACILITIES

- 9.1 Employees of the Council are provided with facilities, including office equipment, computer facilities, transport, telephones, secretarial services etc, to use in carrying out their official duties. Certain facilities, such as telephones and photocopiers, are available to staff for private use on agreed terms. However, Council work must always be given priority and, if employees wish to make use of Council equipment for their own use, prior approval must always be obtained by consulting Human Resources in the first instance. Unauthorised use of equipment will render an employee liable to disciplinary action and/or legal proceedings.
- 9.2 The Council recognises the importance of information technology in delivering efficient, high quality services. All employees are required to take appropriate measures to ensure the security of information, and the protection of IT equipment and information from threats such as computer viruses and theft. There have been instances where a computer virus has been introduced onto computers by employees utilising their own software and this must in no circumstances take place without the prior written approval both of the Council's IT Division and the employee's Executive Director.
- 9.3 The use of IT equipment is regulated by various Procedure Rules including the Council's 'ICT Policy for Employees' and acts of parliament including the Data Protection Act (1998) and the Freedom of Information Act (2001). All employees are obliged to act in accordance with these regulations and employees must be aware of the requirements of these policies for both business and personal use of IT equipment. Details can be accessed through the Council's Intranet site ([HR Policy 3.16](#)) or paper copies are accessible through Human Resources and the Data Protection Officer.
- 9.4 Employees who have responsibility for the use of equipment, machinery, etc must always ensure that routine checks are carried out prior to use. Any defect or damage must be reported immediately by the employee to their supervisor.

10. ATTENDANCE AT PUBLIC MEETINGS

- 10.1 There exists some uncertainty in the minds of senior management and Members about the circumstances in which employees are expected to attend public meetings which are not hosted or organised by the Council.

This is a particular problem for officers who, on the one hand, recognise their responsibilities to Members but, on the other, are hesitant to be

drawn into issues which might be more appropriately settled in the political arena. Understandably, Officers are particularly reluctant to become involved in such meetings immediately prior to an election.

10.2 Members have expressed the view that they should be able to rely upon the support of Officers in dealing with matters of concern within their wards. Members are often called upon to explain Council decisions about which they have no detailed or technical knowledge and which, in some cases, they do not personally support. In these cases, Members consider that the attendance of Officers at meetings with the public is essential.

10.3 **Guidance**

Members must be able to count on the support of Officers to explain particular proposals and schemes in detail [but not to deal with general issues affecting an area or a ward]. This may be required at public meetings in the Member's ward, subject to the following conditions being met:

- [a] the appropriate Executive Director agrees that it would be appropriate for an Officer to attend the meeting in his/her professional capacity and that this is an appropriate use of the relevant Officer's time in all the circumstances;
- [b] the venue for the meeting is not in the ownership of, or occupied by, a particular political group;
- [c] notices inviting attendance at the meeting do not refer to any political group;
- [d] costs involved in meetings called by ward members are not to be met by the Council;
- [e] the Executive Director is satisfied that notices inviting attendance at the public meeting have been widely distributed in the area concerned;
- [f] all Councillors for the ward[s] affected, together with the Chair and Opposition Spokespersons of the committee[s] concerned, are invited to attend the meeting;
- [g] all requests for attendance at public meetings are vetted by the Service Director (Organisational Development) or a nominated officer to ensure that all appropriate services are represented and that these guidelines have been observed; and
- [h] Officers must not be required to attend public meetings during the period preceding European, parliamentary or municipal elections from the notice of election to the day of the poll.

11. **CUSTOMER CARE**

11.1 It is important that, as an employee of the Council, you carry out your duties to the best of your abilities and give the best professional advice on all matters. Many employees of the Council are 'front line' service providers and it is essential that the image portrayed reflects the quality of the organisation. The reputation of the Council depends on the conduct of its employees and it is important, therefore, that the highest standards of conduct and service to the public are maintained at all times. You must always be courteous, helpful and efficient when dealing with members of the public and other outside bodies and give adequate information to ensure that they receive a satisfactory service. In achieving this, you must ensure that your safety and that of your colleagues is always taken into consideration.

11.2 In your relationship with the public you must:

- put the public first
- be polite, whatever the circumstances
- listen and show interest
- remember to demonstrate to the customer that you are here to provide a service
- make the customer feel that they matter
- keep the customer informed
- maintain a high standard of work

11.3 When receiving telephone calls:

- give the name of your service and also your name
- speak clearly, use plain language not jargon
- treat the person as if you were talking to them face to face
- take the caller's name and call back if necessary
- always remember that your tone of voice will convey as much information to the customer as the words you use.

11.4 When dealing with customers/clients on a face to face basis:

- be courteous at all times
- treat people's property as if it was your own

- be patient, allow time for our customers who are elderly or disabled
- introduce yourself, wear your identification badge where it is appropriate
- wear the correct type of clothing, always taking into account any health and safety considerations.

11.5 Always remember that customer care is the link between you, the customer and the Council.

12. DEALINGS WITH THE COUNCIL

12.1 You may have dealings with the Council on a personal level, for example as a Council Tax payer, as a tenant, or as an applicant for a grant or planning permission. You must never seek or accept preferential treatment in those dealings because of your position as a Council employee. You must also seek to avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment.

12.2 Similarly, you must never use your position as an employee to seek preferential treatment for friends or relatives or any firm or body with which you or your friends or relatives are personally connected.

12.3 All employees must disclose to the appropriate Executive Director any personal interests which may conflict with the authority's interests [e.g. acting as a school governor within schools maintained by the authority, involvement with an organisation receiving grant aid, involvement with an organisation or pressure group which may seek to influence the authority's policies]. Each Executive Director will maintain a register of such disclosures which must be available for examination. If employees are in doubt as to what should be included they must err on the side of caution and disclose the interest.

13. RELATIONSHIP WITH ELECTED MEMBERS

13.1 Both Councillors and employees are servants of the public, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council and their job is to give advice to Councillors and to carry out the Council's work under the direction and control of the Council and its committees.

13.2 Mutual respect between Councillors and employees is essential and close personal familiarity between individual Councillors and employees can damage the relationship and prove embarrassing to other Councillors and employees.

13.3 Employees serve the Council as a whole and consequently must serve all Councillors, not just those of any controlling group. Some employees are

required to advise political groups and must advise minority groups as well as controlling groups. They must do so in ways which do not compromise their political neutrality.

- 13.4 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 13.5 Political assistants appointed on fixed-term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the advice in paragraphs 13.3 and 13.4.

14. PROTOCOL FOR PROCESSING CORRESPONDENCE ADDRESSED TO ELECTED MEMBERS

- 14.1 Letters addressed to Elected Members are their property and, generally speaking, the permission of the addressee must be obtained before the contents are revealed to, or shared with, any other person. In the circumstances where a Member requests an Officer to treat a matter on a confidential basis, this must be respected except in the following circumstances:
 - (a) If an Officer believes that, in keeping a matter confidential, the Council's Financial Procedure Rules or other established procedures, policies, etc are likely to be breached. In such circumstances he/she must discuss the matter with his/her Executive Director;
 - (b) If the content of a letter from an Elected Member, or the response, is likely to be the subject of a report to committee, or if it impinges upon an existing policy of the Council or if it is known that there is media interest, Officers must acquaint the appropriate committee Chair and Spokesperson[s] of the main opposition political group[s] of the existence of the letter.
- 14.2 If a letter is addressed to an Elected Member in circumstances which might be regarded as akin to an official communication to the Council, there is a responsibility on the part of Officers to advise that such a letter must be dealt with through the appropriate democratic processes of the Council. Official correspondence on behalf of the Council should normally be handled by Officers, and it would be appropriate for an Officer discussing such correspondence with a Member to suggest that course of action and to offer to deal with the correspondence on behalf of the Council, or at least offer to prepare the reply for the Member concerned.

An example of such circumstances would arise if a Member were to receive an invitation, in his/her capacity as an Elected Member, to represent the Council on the management committee of an outside body. In such a case, the relevant Officer must report the invitation to the appropriate Committee and/or Cabinet Member.

- 14.3 Officers must note that letters received by Members from Officers in response to ward matters may be circulated in the neighbourhood concerned, within the criteria laid down and provided that party political slogans, or references to a political party, do not appear on the face of the Council communication, which must remain in its original form.

[Details of the criteria referred to are available from the Head of Democratic Services].

- 14.4 Candidates in an election who are not serving Members of the Council must be treated in the same way as any member of the public and must not be given the facilities enjoyed by Elected Members to pursue ward issues.

15. PROTOCOL FOR RELAYING VERBAL COMMUNICATIONS WITH ELECTED MEMBERS

Should it be necessary to reproduce any part of the contents of a verbal communication with an Elected Member in written form, Officers should, as a matter of courtesy, send a copy of the correspondence to the Member with whom the conversation was held.

16. AWARDING OF CONTRACTS/TENDERS

- 16.1 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 16.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors and be able to demonstrate that this has been done. Employees must ensure that no special favour is shown to current or former employees or their partners, relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 16.3 Employees must also ensure that they are aware of, and comply with, the Council's Contract Procedure Rules and Financial Procedure Rules when awarding contracts for goods and/or services.

17. EQUALITY AND DIVERSITY STRATEGY

- 17.1 The authority has a comprehensive Equality and Diversity Strategy and Diversity in Employment Policy which, in particular, commits it to working towards equality of opportunity for gender, ethnicity, disability, age, religion, and sexual orientation. All employees must ensure that policies relating to equality issues are complied with, in addition to the requirements of the law, e.g. the Sex Discrimination Act, Race Relations Act, Disability Discrimination Act, etc. All members of the local community,

customers and other employees have a right to be treated with fairness and equality.

17.2 The Council also has a specific policy to combat harassment, discrimination and bullying. This policy (the Dignity at Work Policy) sets out the standards of behaviour expected from all employees. It:

- emphasises the need to treat everyone fairly;
- draws attention to the many forms of harassment, discrimination and bullying at work and to their serious adverse effects;
- makes explicit those behaviours which will not be tolerated;
- provides practical guidance to all employees on how to deal with harassment, discrimination and bullying.

The Policy stresses that all employees have the right to be treated with dignity, integrity and respect.

17.3 Racist language or behaviour will not be tolerated by the Council. Employees found guilty of such language or behaviour are likely to face serious disciplinary action up to and including dismissal.

18. USE OF OFFICIAL CARS

18.1 Official cars which, for the purposes of this Code, include private hire vehicles, must be used only in the conduct of the official business of the Council. Vehicles must be booked through the prescribed service and no private hire operator must be contacted directly, except when the journey concerned is outside normal working hours and unforeseen.

18.2 Vehicle waiting time should be kept to a minimum.

18.3 Wherever practicable, public transport or private vehicles must be used. The use of official cars must be governed by the following considerations:

- (a) there is a substantial saving in expenditure and time, or the journey is essential and a matter of urgency;
- (b) due to disability, illness, or potential risk of bodily harm or distress, the use of other means of transport is not possible;
- (c) it is necessary to carry bulky documents or materials;
- (d) there is an urgent need to carry out essential work during the journey;
- (e) the nature of the journey, i.e. lengthy travelling time/short waiting time, as opposed to a short journey/long waiting time;

- (f) the need to use an official car in order to reflect the status of the occasion [subject to the provisions in paragraph 18.5[c] below].

18.4 All journeys by official cars must be authorised by an Officer of appropriate seniority.

18.5 Official cars must not be used for travelling to or from home unless under exceptional circumstances, i.e.

- (a) emergency callouts or duties;
- (b) out of hours working in circumstances where, if a private vehicle had been used, car mileage allowance would be claimable;
- (c) the Officer concerned is representing the Council on formal ceremonial occasions, in which case the use of official cars is restricted to Executive Directors.

19. GUIDELINES FOR USE BY EXECUTIVE DIRECTORS IN DETERMINING THE NEED TO ACQUIRE/USE MOBILE PHONES

19.1 The Council is a large multifunctional organisation with a large number of employees. It is committed to providing high quality, efficient services to the public in the most cost-effective way. It recognises that to do this it needs to employ modern methods of operation and equipment. Some of these methods and equipment are, however, expensive and the Council wishes to ensure that additional expense is both appropriate and necessary.

19.2 The Council is satisfied that there are many circumstances in which it is beneficial to clients, staff and Council services to use mobile phones. Such phones are, however, relatively expensive and charges are incurred for rental or purchase, line charges and call charges. Call charges to and from mobile phones can be more expensive than for landline phones. The Council has therefore approved the following guidelines which Executive Directors must have regard to:

- (a) before deciding to acquire; and
- (b) in deciding to continue to use mobile phones.

19.3 Guidelines

Mobile phones must only be acquired/retained when one or more of the following criteria are met:

- (a) When their availability is essential to provide for the security of staff visiting sites or clients away from their normal base and where there

are identified risks to staff [e.g. on certain home visits and visiting empty properties and sites with clients].

- (b) Where mobile staff need to be able to take immediate and effective action when away from their base in order to protect the public [e.g. building surveyors in relation to dangerous structures, etc and traffic engineers regarding traffic signal failures].
- (c) Where staff regularly operate away from a fixed base and there is a demonstrable need to have immediate two-way contact [architects, etc visiting and between sites].
- (d) Where staff need to be in immediate contact outside normal working hours to activate/implement arrangements to deal with minor/major emergencies.
- (e) Where it is cost effective and enables the Council to deploy its human and material resources in a way which improves its ability to provide services [e.g. in achieving more productive use of mobile work teams].
- (f) When staff need to be able to resolve staffing shortages/issues at residential establishments [e.g. in the Homelessness Service] outside normal working hours.
- (g) When providing services for outside agencies where the contacts require the availability of mobile phones.
- (h) When it is necessary for open air events organisation and associated public safety.
- (i) Where it is not sufficient to use landline telephones, pagers or other methods of communication [e.g. radio telephones].
- (j) When there are other special needs not referred to above, which must be approved in every case by the relevant Executive Director personally.

Subject to item [i], in every case where mobile phones are acquired, the personal approval of the Executive Director must be obtained.

Executive Directors must be satisfied that, in determining the number of mobile phones to be used, it is not possible and appropriate to reorganise working methods so that shared use of such phones can be arranged.

19.4 Records and Ongoing Control

- (a) Executive Directors must maintain a register of mobile phones in use within their services. The register must indicate the criteria which justify the acquisition and use of each phone.

- (b) Itemised billing is mandatory and Executive Directors must make arrangements for the scrutiny of each bill. Personal calls must be indicated on itemised bills and paid for by the employee concerned.
- (c) The register must be available for inspection by Officers of the Internal Audit Service.
- (d) Each Head of Service is required to review, at least annually, the numbers, uses and justifications for retention of mobile phones within their services.
- (e) Even where a mobile phone is available, users must, wherever possible, use a landline phone for calls and thus avoid the higher call charges for mobile phones.

20. NO SMOKING POLICY

- 20.1 The object of the Council's No Smoking policy is to establish a healthy environment for all persons [Members, employees and visitors], employed in or visiting Council premises, including travelling in Council vehicles.
- 20.2 The policy accepts that an environment polluted by smoke is inherently unhealthy.
- 20.3 There are no longer any areas where employees will be allowed to smoke at work. It is a disciplinary offence to smoke on Council premises..
- 20.4 There is also a ban on the sales or advertising of tobacco on all Council premises.
- 20.5 Assistance to cease smoking will be given to smokers by the Council. Time off with pay may be allowed for attendance at smoking cessation courses and counselling will be provided where appropriate.
- 20.6 It is not the Council's intention to discriminate between job applicants on the basis of whether or not they smoke. It is expected, however, that all applicants will be made aware of the Council's policy.
- 20.7 In accordance with the policy, smoking is not permitted in Council premises or vehicles. The only exception will be service users of residential and day care establishments. Smoking by employees will not be permitted whilst visiting private premises.

Note: The only exceptions will be service users of residential and day care centres. They will also be permitted to smoke whilst being transported in Council vehicles. In addition, in recognition of enforcement difficulties, service users and other members of the public may be provided with designated smoking areas in appropriate buildings, subject to the availability of space. Special consideration will be given to this provision

during periods of private hire, or where service users or members of the public have to use the service over a lengthy period, or are likely to be under severe stress or be in acute distress.

20.8 This policy does not generally restrict smoking outdoors. However, smoking will not be permitted in the following areas:

- (a) school playgrounds and other outdoor areas, whilst being used by children and young persons under the age of 16.
- (b) Smoking by employees immediately outside Council buildings is not permitted.

20.9 A breach of the policy will occur if an employee:

- refuses to stop smoking at work when asked to do so
- defaces or removes signs and notices associated with this policy
- intentionally breaches the policy in any other way

Appropriate managerial action will be taken in respect of employees who have breached the policy, which may include the offer of support and counselling and, in appropriate cases, disciplinary action in accordance with agreed procedures.

20.10 Should any member of staff smoke in contravention of this policy, the line manager/supervisor will take the following action:

- (a) remind the employee of the Council's No Smoking Policy;
- (b) explain the reason for the policy, i.e. to promote the health and safety of staff, service users and members of the public;
- (c) stress the positive benefits of a smoke-free environment;
- (d) offer the employee referral to a special counselling session for individuals who wish to stop smoking during working hours, for those employees that do not wish or intend to cease smoking completely. Alternatively, to offer a place on a smoking cessation course for those who do wish to stop smoking altogether. Advice on such counselling sessions will be provided by the Occupational Health Unit;
- (e) advise the employee that any further failure to comply with the policy will lead to disciplinary action being taken against them. Smoking in contravention of the policy will be treated as an act of misconduct and will, therefore, be subject to action under the Council's Disciplinary Procedure.

20.11 In the event of any employee persisting in smoking in contravention of the No Smoking Policy, line managers/supervisors must initially contact Human Resources before implementing any disciplinary action.

21. CASH HANDLING

21.1 Every employee engaged in any way in the handling of money must accept that once he/she has received it, it is his/her own individual and personal responsibility, which cannot be abrogated or shared with any other person, to ensure its correctness and safe custody and that he/she will be held responsible and may be liable for any failure to account properly for the money until he/she parts with it in an authorised way.

21.2 The proceedings and business of the Council are regulated by various Procedural Rules, including Financial Procedure Rules and Contract Procedure Rules. All employees are obliged to act in accordance with them and employees are therefore advised to familiarise themselves with their requirements.

22. CORPORATE IDENTITY

22.1 The Council adopts a corporate approach to image, communications and customer care. A co-ordinated approach to the use of a symbol and colour scheme is an effective method of increasing public awareness of Council services.

22.2 The Council has published a 'Corporate Identity Style Manual' which gives advice to employees on the implementation of the corporate image. This is available from the Corporate Communications Team and must be followed.