

**FERRYHILL TOWN COUNCIL**



**POLICY**

**OFFICERS CODE OF CONDUCT  
Policy, Procedure and Guidance**

## **1.0 POLICY OUTLINE**

### **1.1 What is the policy about?**

The Code sets out the standards which are expected of employees and provides a framework which will help to promote best practice. All employees of the Council are required to observe and uphold the standards of the code and all policies and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action.

The Code provides guidelines for employees to help maintain and improve standards and protect employees from misunderstanding or criticism.

### **1.2 Who does the policy apply to?**

This policy covers all employees, including agency and consultancy staff.

### **1.3 Responsibility**

All employees of the Council 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 members and fellow employees with impartiality.

### **1.4 Confidentiality**

All information will be handled sensitively and used only for its proper purpose. Under the Data Protection Act 2018 and General Data Protection Regulations (GDPR) individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

### **1.5 Dealing with abuses of the policy**

Employees who attempt to abuse this policy may face disciplinary action. The Council takes false or misleading accusations very seriously which may result in further action being taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

### **1.6 Publicising/distribution of the policy**

A copy of this policy is issued to every employee. A copy can also be viewed via the electronic filing folder or in the Constitution files. New employees will be informed of the existence of this policy in recruitment and induction information.

### **1.7 Reviewing the policy**

The Council will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following necessary consultation with the trade unions.

### **1.8 Equality and Diversity**

All employees must ensure that policies relating to equality issues as agreed by the Council are complied with, in addition to the requirements of the law. This applies both in the delivery of our services and in relation to our employment practices. We are committed to including equalities in everything we do. This includes the elimination of unlawful discrimination, promoting

diversity as a positive force and valuing and celebrating our diverse workforce and community. If necessary, an equality impact assessment will be carried out in the preparation of this policy and the assessment will be reviewed on an ongoing basis.

### 1.9 **Further information**

If you require any further advice relating to this document, you should contact your line manager in the first instance.

## 2.0 **PROCEDURE**

### 2.1 **Standards and attitude**

Employees must provide the highest possible standard of service to the public and, where it is part of their duties, and provide appropriate advice to elected Members and fellow employees with impartiality.

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery of services to all groups and people within that community according to the Council's policies.

In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct, which may give rise to suspicion.

### 2.2 **Confidentiality and disclosure of information**

Employees shall not divulge to any person (other than another member of staff or member of the Town Council who requires information for the performance of his/her duties), any information which the member of staff has obtained by reason of his/her employment to the Council, except where that information is anyway in the public domain by virtue of the Local Government Act 2000 or similar legislation such as Data Protection.

In particular, no member of staff shall divulge personal information regarding any employee, person or contractor, having dealings with the Authority and information relating to tenders or other such issues.

Members of staff must not provide information to the Press without the prior approval of the Town Clerk. The press should only be provided with information which would normally be available publicly. However, press releases promoting the Council's decisions and activities are encouraged, subject to the requirements of the Council's Communications Policy.

### 2.3 **Political neutrality**

Employees serve the Council as a whole. Employees must serve all elected Members. In addition, they must ensure that the individual rights of all elected Members are respected. Subject to rules laid down from time to time, employees may be required to advise political groups. They must do so in ways consistent with the employee's neutrality. Whether or not employees are politically restricted by the law, they must follow the lawfully expressed policies of the Council and must not allow their own personal or political

opinions to interfere improperly with their work (see also the Council's Member and Officer Relations Policy)

## **2.4 Relationships**

### **2.4.1 Members**

Mutual respect between employees and members is essential for good local government. Some employees need to work closely with members, but close personal familiarity can damage the relationship and prove embarrassing to other employees and members, and should therefore be avoided.

### **2.4.2 The local community and service users**

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Council.

### **2.4.3 Contractors**

All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Town Clerk at the earliest opportunity. Orders and contracts must be awarded in accordance with Council Standing Orders and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

Employees who, in the course of their job, engage and/or supervise contractors, or have any other official relationship with contractors must declare as soon as possible that relationship in writing to the Town Clerk. Any employees who have, or in the past had, a relationship in a private or domestic capacity with contractors (or their senior staff), must also declare as soon as possible, that relationship in writing to the Town Clerk.

In the case of the Town Clerk any such relationships must be declared to the Mayor.

## **2.5 Appointment and other employment matters**

Employees shall not canvass any Member or Officer of the Council in respect of candidates seeking employment with the Council. Officers shall disclose to the Town Clerk any relationship known to exist between themselves and any person who they know is a candidate for employment with the Council.

Employees who are involved in appointments must ensure that these are made on merit. There is a strong risk of litigation if an employee makes an appointment based on anything other than the ability of the applicant to undertake the duties of the post.

**To avoid accusations of bias, employees must not be involved with appointments where they are related to any applicant or otherwise have a close personal relationship with them.**

By the same token employees must not be involved in supervisory decisions relating to the discipline, promotion or remuneration (re-grading) of any

employee to whom they are related or otherwise have a close personal relationship.

## 2.6 **Outside commitments**

Your off-duty hours are your own concern, but you should make sure that you do not allow yourself to get into a position where your private interests come into conflict with your contractual obligations and are detrimental to the interests of the Council.

All employees paid on spinal column point 29 or above are normally expected to devote their working time only to Ferryhill Town Council. However, in exceptional circumstances, consent can be given for employees to engage in any other business by applying to the Town Clerk.

In the case of the Town Clerk full Council approval is required for any outside work.

## 2.7 **Personal interests**

You must declare to the Town Clerk any financial or non-financial interests which could bring about conflict with the Council's interests. If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed. You must not make, or become involved with, any official or professional decisions about matters in which you have a personal interest. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Council in which you have a pecuniary interest

Such declarations should be made to the Town Clerk. It is a criminal offence to fail to comply with this provision which is set out in full in the Guidance

Note. You must declare to the Town Clerk membership of any organisation not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the freemasons

In the case of the Town Clerk any such declarations must be made known to the full Council.

## 2.8 **Equality**

All members of the local community, customers and other Council employees have a right to be treated with fairness and equality. You should become familiar with and observe all Council policies relating to equality issues, e.g. the Council's equality and diversity policy, in addition to the requirements of the law.

## 2.9 **Tendering procedures**

Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic

capacity with contractors, you must declare that relationship to the Town Clerk (or full Council). If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person. All employees must 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 any capacity.

At all times, employees dealing with Tenders and Contracts must ensure that they comply with the Council's Standing Orders with respect to Contracts and Financial Regulations.

## **2.10 Corruption**

Employees must be aware that it is a serious criminal offence under the Prevention of Corruption Acts 1906 and 1916 for them to receive or give any gift, loan or reward or advantage in their official capacity "for doing, or not doing, anything", or "showing favour, or disfavour to any person". If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. The relevant statutory rules appear in section 3.3 of the Guidance Note. For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to the Town Clerk or, in the case of the Town Clerk, to the full Council

## **2.11 Possible inducements**

### **2.11.1 Introduction**

Employees are expected to use the Council's money and resources with absolute honesty and be able to demonstrate this at all times. A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence. There is a checklist to help you at the end of this section.

### **2.11.2 Gifts generally**

Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Prevention of Corruption Acts 1906 and 1916. Nevertheless, with the exceptions listed below, you should decline any personal gift offered to you, or to a member of your family, by any person or organisation having dealings with the Council.

Any such offer should be reported to the Town Clerk, or to the full Council.

When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately to the Town Clerk, or to the full Council.

### **2.11.3 Exceptions**

Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices, but only if it bears the company's name or insignia.

Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.

### **2.11.4 Hospitality**

Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence. Hospitality is sometimes offered to representatives of the Council in an official or formal capacity. Normally the only officers who would attend would be chief officers and recognised deputies. If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc, who may stand to benefit from the goodwill of the Council. You should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality. In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself.

When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.

Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted. All offers of hospitality should be reported to the Town Clerk.

### **2.11.5 Checklist**

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- Is the donor, or event, significant in the community?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What do you think is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- Could you justify the decision to the Council, press and public?

- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- Are you likely to be expected to respond to the hospitality, and if so, how?
- Are you comfortable about the decision?

#### **2.11.7 Sponsorship - giving and receiving**

Where 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. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner/civil partner, spouse nor relative must benefit from such sponsorship in a direct way without there being full disclosure to the Town Clerk of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

#### **2.13 Financial regulations**

All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Council's financial regulations.

They must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the council.

**Any breaches of these instructions may lead to disciplinary action and could lead to dismissal.**