

Appendix 2 Current Code



CODE OF CONDUCT FOR EMPLOYEES

Reviewed 07/14

CODE OF CONDUCT FOR EMPLOYEES

CONDUCT IN LOCAL GOVERNMENT

1. BACKGROUND

- 1.1 The Council's business must be conducted at all times with integrity and honesty. All employees must be particularly careful to see that their official duties and private interests do not conflict.
- 1.2 The public is entitled to expect the highest standards of conduct from all employees who work for the Council. This Code outlines the existing laws, regulations and conditions of service and its aim is to help maintain and improve standards and protect employees from misunderstanding or criticism.
- 1.3 The National Joint Council Scheme of Conditions of Service contains a code of practice on appointment and promotion and official conduct and various practices exist on the question of gifts and hospitality and private or other employment. The Local Government Management Board has issued a Code of Conduct for employees in Local Government which has been approved by the Local Authority Associations. This Code covers all these situations and the manner in which the formal rules are interpreted and applied within Dacorum.
- 1.4 The Code applies to all employees of the Council.

2. OFFICIAL CONDUCT

- 2.1 The National Joint Council Scheme for Administrative, Professional, Technical and Clerical staff makes the following provision concerning official conduct. Perhaps because of its age, the following quotes are couched in language which would now be regarded as sexist. For the purposes of anything that is contained within the quotes here and anywhere else within this document, 'he', 'him' and 'his' should be read as including their female counterparts.

"General:

- (a) *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 could in any way be influenced by improper motives;*
- (b) *an Officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests, or put himself in a position where his duty and his private interests conflict. The employing authority should not attempt to preclude Officers from undertaking additional employment, but any such employment must not, in the view of the authority, conflict with or react detrimentally to the authority's interests, or in any way weaken public confidence in the conduct of the authority's business;*

- (c) *the Officer should not be called upon to advise any political group of the employing authority, either as to the work of the group, or as to the work of the authority, neither shall he be required to attend any meeting of any political group."*

"Whole-time Service:

Officers above Band 9, shall devote their whole-time 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."

"Proceedings of Committees:

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."

[In practice, within Dacorum any officer attending a meeting in his/her official capacity is authorised by his/her Chief Officer to communicate the Committee's or Council's decision and any other information which it would be in the best interests of the Council to divulge in the ordinary course of business.

Interest of Officers in Contracts:

If it comes to the knowledge of an Officer 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 he shall, as soon as practicable, give notice in writing to the Chief Executive of the authority of the fact that he is interested therein. (Attention is drawn to the provisions of the Local Government Act 1972, Sections 95 and 117)."

"Information Concerning Officers:

Information concerning an Officer's 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." [NB If required by law, statutory Code of Guidance or by the Police, Inland Revenue, Customs and Excise or any other official law enforcement agency, information reasonably required to be divulged may be so divulged by a Chief or other Senior Officer in the course of his/her duties as such, without prior consent of the officer concerned].

- 2.2 The Joint Negotiating Committee for Chief Officers of Local Authorities' Scheme of Conditions of Service makes very similar provisions for the conduct of Chief Officers, with the following principal differences:

"An Officer shall not be required to advise any political group of the Council, either as to the work of the group or as to the work of the Council, neither shall he be required to attend any meeting of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with any Officer and

which includes adequate safeguards to preserve the neutrality of the Officer in relation to the affairs of the Council."

"No Officer shall communicate to the public the proceedings of any Committee meeting nor the contents of any document relating to the authority which in either case is regarded by the authority as confidential unless required by law or expressly authorised to do so."

3. PECUNIARY INTEREST

- 3.1 The law relating to pecuniary interests of employees in contracts is contained in the Local Government Act 1972 and the National Conditions of Service. In simple terms, if you, as an employee of the Council, have a pecuniary interest in a contract which has been or is proposed to be entered into by the Council, you must notify the Council in writing of this fact. This you may do by writing to the Head of Legal Services using the form at Appendix 1. The Head of Legal Services maintains a register of declarations of Officer interests in contracts for this purpose. The register is open to public inspection during normal office hours.
- 3.2 Whether you have a pecuniary interest in a contract, direct or indirect, which should be declared, will be a matter for your decision. You should however be aware of the following points:
 - 3.2.1 You have an indirect pecuniary interest in a contract if you or any nominee of yours is a member of a Company or other body with which the contract is to be made. An interest arising out of a shareholding of not more than £25,000 or 1/100th of the issued share capital of a particular company (whichever is the lesser) need not be declared.
 - 3.2.2 You have an indirect pecuniary interest in a contract if you are in partnership with a person who has a direct pecuniary interest in the contract.
 - 3.2.3 If you are married, and living with your spouse, the interests of your spouse are deemed to be your interests for these purposes.
 - 3.2.4 You should declare any interests in a contract which your regular partner or any close relative may have. For these purposes a "close relative" would include your parents, child, brother, sister, uncle, aunt, grandparent, grandchild and any other relative who lives with you.
 - 3.2.5 You need not declare your interest in your contract of employment, since the Council is aware of this and you must, by definition, have a pecuniary interest in it.
 - 3.2.6 If you are in any doubt as to whether you have an interest which should be declared and recorded in this way, you should seek the advice of your Chief Officer or the Head of Legal Services.

4. NON-PECUNIARY INTERESTS

Employees are encouraged to declare interests other than pecuniary ones that they consider could at a later date bring about conflict with the Council's interest (eg involvement with an organisation receiving grant aid from the employing local authority). Non-financial interests should be notified to the Group Manager (Legal Governance) using the form at Appendix 2.

5. GIFTS AND HOSPITALITY

5.1 It would be inappropriate to foster an atmosphere in which Council employees refused all invitations for social involvement with persons or bodies who may have had, or may seek to have in the future, business dealings with the Council. Contacts established on a social basis can be helpful and in the Council's interests. At the same time it is very easy for such involvement to be misconstrued as providing an opportunity to bring about undue influence. All employees should seek the advice of their Chief Officer or the Group Manager (Legal Governance) if in any doubt about the right course of action to pursue in such cases.

5.2 The general problem of gifts and hospitality is that very often a careful exercise of judgement may be necessary to decide how the public interest, and the Council's good name, may best be served. Some flexibility is necessary therefore, as extreme strictness can give unnecessary offence to people and organisations with whom the Council's relationships should be cordial. However, an appearance of improper influence is easily created, and with it encouragement of suspicion about the motives of those who serve in local government. The general rule must be "when in doubt, opt out".

5.3 The following guidelines are set out to help employees to avoid the risk of putting themselves in a position which could damage their own position and the public confidence in the Council and are intended to be of assistance to everyone in this delicate area:

5.4 Gifts:

The following paragraphs are particularly directed to gifts from organisations or persons who are, or who seek to provide work, goods or services to the Council, e.g. building contractors, suppliers of goods or equipment and firms able to provide professional or commercial services to the Council. Apart from the items listed below, the employee must refuse any personal gifts offered to him or her or to a member of his or her family, by any persons or body who has or seeks dealings with the Council.

5.4.1 The following are acceptable:

5.4.1.1 A modest gift or gifts of a promotional character given to a wide range of people and not uniquely to you. These gifts are usually given at Christmas time and include calendars, diaries, desk sets, flow charts, tape measures, scales and other articles of use in the office or job. In no circumstances should

a promotional gift or gifts of this nature worth more than £10 (or £10 in total when the value of gifts from one source are aggregated together) be deemed acceptable.

- 5.4.1.2 Gifts on the conclusion of any courtesy visit to a factory or firm or other community or other organisation of a sort normally given by that firm or organisation
- 5.4.2 Obviously, it is wise to err on the side of caution as an obviously expensive gift could raise a question even if it otherwise falls within one of the above categories. If in doubt, you should seek the advice of the relevant Chief Officer or the Group Manager (Legal Governance).
- 5.4.3 When a gift has to be refused, this should be done with tact, because the offering of gifts is common practice in the commercial world. In some cases a gift is simply delivered and there may be a problem of returning it, e.g. a turkey received at Christmas. However, unless they are listed in the acceptable items given above, the above guidelines should be followed. It is sometimes acceptable to the giver for the gift to be the subject of a raffle and the proceeds placed to a charitable fund. However, an arrangement of this sort should only be made with a Chief Officer's approval and recorded by letter.

5.5 Hospitality:

Hospitality is sometimes offered to representatives of the Council and is accepted at official level, where it is reasonable in all the circumstances. Where it is offered to employees, special caution is needed where the host is seeking to do business with the Council or to obtain a decision on their services or supply of goods. It is important to avoid any suggestion of improper influence. The question is one of judgement, and the following examples are intended to give general guidance.

5.5.1 ACCEPTABLE

- 5.5.1.1 A functional working lunch or dinner provided at reasonable cost to allow the parties to discuss business. Such lunches or dinners should not be held in extravagant or luxurious surroundings. An employee must not claim subsistence unless he or she has actually expended the money claimed on, for example the purchase of drinks.
- 5.5.1.2 Invitation to a Society or Institute dinner or function.
- 5.5.1.3 Invitation to participate in Company sporting fixture or attendance as part of a group at an event.

5.5.1.4 Invitations to attend opening ceremonies, celebrations of major commercial or community events.

5.5.2 UNACCEPTABLE

5.5.2.1 Holiday abroad or weekend in any holiday centre.

5.5.2.2 Offer of hotel and tickets for theatre.

5.5.2.3 Use of company flat or hotel suite.

5.5.3 In general terms it will often be more acceptable to join in hospitality offered to a group rather than to accept something unique to yourself. When a particular person or body has a matter currently in issue with the Council, e.g. litigation arising from a contract, then clearly common sense dictates that offers of hospitality be refused even if in normal times they would be in the acceptable list. Any offer of hospitality which does not readily come under the headings above, should be discussed with your Chief Officer or the Group Manager (Legal Governance) before being accepted.

5.6 Registration of Gifts and Hospitality

Any offer of a gift or of hospitality, whether or not it is accepted must be declared to your manager. Any offer of a gift or hospitality worth more than £10.00 which is accepted must be recorded in a register maintained for the purpose by the Group Manager (Legal Governance) using the form at Appendix 3.

6. PRIVATE AND OTHER EMPLOYMENT WHILE IN SERVICE

6.1 The Council recognises that employees sometimes undertake work outside their own official duties, whether or not for payment, which is clearly not against the public interest and is to be encouraged, e.g. participation in the work of an employee's professional institution or lectures at a local college, but it is not permissible for employees to undertake outside work for payment on any matter within the scope of their official duties. Examples of unacceptable practices would include:

- architect, planner or other technical officer drawing plans for a third party for applications for planning consent by his/her own Council;
- any lawyer acting for client purchasing his/her house from the Council
- carpenter replacing door in a Council house in own time and at tenant's expense.

- 6.2 The following rules should be observed in this respect:
- 6.2.1 Employees at all levels are required to avoid getting in a position of conflict by undertaking outside work. A conflict arises when an employee undertakes to do work for or to represent a member of the public or any outside organisation or body, with or without pay, in a matter which is connected with the scope of his/her official duties, or indeed where the work could result in the need for Council approval and, accordingly, such work must not be accepted. It is impossible to set rigid rules or give exhaustive examples of conduct which might give rise to a conflict of interest. The test would be to ask yourself "How would a reasonable member of the public see my conduct?" If, objectively, there would appear on the face of it to be a conflict of interest, the proposed employment should not be undertaken.
 - 6.2.2 Those employees above Band 9, i.e. Senior Officers and above, need specific permission to undertake outside work even if, in their view, the work could not possibly conflict with their duty as an employee of the Council. Such permission will be considered in the light of the particular circumstances of the application to be approved, upon application to the Chief Officer concerned.
 - 6.2.3 Employees below the above salary level must advise their Chief Officer of private or other employment undertaken.
 - 6.2.4 Any employee who undertakes the work outlined in paragraph 6.2.1 above or has not obtained the permission or advised his/her Chief Officer as in 6.2.2 and 6.2.3 above, will render themselves subject to the Conduct Procedure.
 - 6.2.5 Chief Officers must obtain the express permission of the Cabinet to undertake outside work for payment. The Chief Executive is authorised to grant permission for Chief Officers to carry out irregular casual paid outside work. The permission to carry out any such work must be registered in a register kept by the Group Manager (Legal Governance) and open to public inspection during normal office hours.

7. POLITICAL NEUTRALITY

- 7.1 All employees of the Council (with the exception of the political group secretaries) serve the authority as a whole. It follows that they must serve all Councillors and not just those of the majority group, and must ensure that the individual rights of all Councillors are respected.
- 7.2 Many senior employees of the Council are politically restricted, which means that they are disqualified from being Councillors, Members of Parliament or Members of the European Parliament. It also means that they are subject to prescribed restrictions on their political activity.

- 7.3 All employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and not allow their own personal or political opinion to interfere with their work.
- 7.4 It is not the Council's practice to provide dedicated assistance to the political groups, beyond the secretarial and clerical services of the group secretaries. However, you may be invited to attend and advise meetings of one or other of the political groups or be asked to provide a group with statistical or other information. If this occurs, you should be sure to offer the same facility to any other group or section of Councillors. Whatever information or opinion may be disclosed to you at these group meetings must be treated with strict respect for confidentiality.
- 7.5 Information of a general, factual nature which is disclosed on request to a Councillor, should be copied at the same time to the Chair of the appropriate Committee or Cabinet Member(s).

8. RELATIONSHIPS

8.1 With Customers

Employees should always remember their responsibilities to the people of Dacorum and ensure courteous efficient and impartial service delivery to all groups and individuals within the community in accordance with the Council's policies.

8.2 With Councillors

Employees are required to observe the Protocol for Member/Officer Relations.

8.3 With Contractors

8.3.1 Any relationship of a business or private nature with external or potential contractors should be made known to your Manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour may be shown to businesses run by, for instance, friends, partners, or relatives in the tendering process. No part of the local community should be discriminated against.

8.3.2 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 their Manager.

8.3.3 In entering into contractual relationships on behalf of the Council employees must adhere to the rules and advice stipulated in the Procurement Standing Orders and Financial Regulations.

8.4 With Certain Organisations

Employees should declare to their Manager and/or the Head of Legal Services, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct.

- 8.5 All declarations made under section 8.4 of the Code should be made, in writing, to the Chief Executive or the Group Manager (Legal Governance). For this purpose the Group Manager (Legal Governance) maintains a register of declarations, which is open to public scrutiny.

9. EMPLOYMENT MATTERS

- 9.1 Employees involved in appointments should ensure that these are made in accordance with the Council's personnel policies and strictly on the basis of merit. You should not make an appointment 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 or discrimination, you should not be involved in an appointment where you are related to the applicant or have a close personal relationship outside of work with him or her.
- 9.2 Similarly, you should not be involved in decisions relating to discipline or pay adjustments for any other employee who is your relative, partner, or with whom you have a close personal relationship.
- 9.3 You should always ensure that policies relating to equality issues as agreed by the Council are complied with in addition to any requirements of the law. All members of the local community, customers and other employees, have a right to be treated with fairness and equity.

10. COMPETITIVE TENDERING "DUAL HATTEDNESS"

- 10.1 Employees who are privy to confidential information on tenders or bids during a competitive tendering process must not disclose that information to any person or organisation.
- 10.2 Employees who have both a client and a contractor responsibility must be aware of the need for accountability and openness.
- 10.3 Where employees are located in units providing goods or services they must exercise the same degree of fairness and impartiality when dealing with customers, suppliers and contractors. The sections of this Code of Conduct on hospitality apply to provider units in that they should not offer to customer's gifts or hospitality except those which the Council deems to be of an insignificant nature.
- 10.4 Any employee appointed as a Manager of a Direct Labour or Service Organisation remains an employee of the Council and responsible to the Council and as such, the normal rules under the Code of Conduct will apply.

- 10.5 Employees should ensure that no special favour is shown to current or former employees or their close relatives, partners or associates in awarding contracts to private or other businesses run by them or employing them in a senior or relevant managerial capacity. All selection processes should be conducted impartially and employees who are known to have relevant interests should play no part in the selection of tenderers or contractors.

Appendix 1

Dacorum Borough Council's Code of Conduct for Employees

Notification by an Employee of a Financial Interest in a Contract

I, *(full name)*

an employee of Dacorum Borough Council

- (a) GIVE NOTICE that I have a financial interest in a contract which has been, or is proposed to be, entered into with the Council.
- (b) The details of the contract are as follows :-

The contract is made, or will be made, between –

The contract (if already completed) is dated –

The contract relates to –

The nature of my financial interest is -

Date

Signed

NOTE – This notification must be given to the Group Manager (Legal Governance) as soon as you become aware that you have a direct or indirect financial interest in a contract (not being a contract to which you are a party) which has been, or is proposed to be, entered into with the Council.

Appendix 2

Dacorum Borough Council's Code of Conduct for Employees

Notification by an Employee of a Non-Financial Interest

I, *(full name)*

an employee of Dacorum Borough Council

GIVE NOTICE that I have a non-financial interest which I consider could bring about a conflict with the Council's interests. The nature of my non-financial interest is –

Date

Signed

NOTE – This notification must be given to the Group Manager (Legal Governance) as soon as you become aware that you have a non-financial interest which you consider could bring about a conflict with the Council's interests.

Appendix 3

Dacorum Borough Council's Code of Conduct for Employees

Notification by an Employee of Receipt of Gift or Hospitality over the value of £10.00

I, *(full name)*

an employee of Dacorum Borough Council

GIVE NOTICE that I have received the following [gift(s)] [hospitality] *(delete whichever does not apply)* over the value of £10.00

(c) Date(s) of receipt of [gift(s)] [hospitality]

(d) Name(s) and address(es) of donor(s)

(e) Nature of gift(s) and/or hospitality

Date

Signed

NOTE – This notification must be given by an employee to the Group Manager (Legal Governance) upon receipt of any gift or hospitality over the value of £10.00.