

## **PART 4.2 - OFFICERS' CODE OF CONDUCT AND GUIDE**

*This Code applies to all staff, employees, interims and those employed by Swale Borough Council working in partnership arrangements*

### **INTRODUCTION – Why is it important?**

1. Our community expects the highest standards of conduct from all of us who work for the Borough Council.
2. The Council expects high standards from its employees because we provide services that can affect the health, wealth and well being of local people. We are subject to democratic control and accountable to the electorate and it is local people who fund Council spending and take an interest in the way money is spent.
3. The Council expects you to comply with both the letter and the spirit of its Equalities Strategy not to discriminate, either in employment practices or in the provision of facilities and services to the public, by reference to Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation . All Members of the local community, users of service and other employees have a right to be treated with fairness and equity.

### **AIMS OF THE CODE – What does the Code do?**

4. This Code sets out the minimum standards by which the Council and its staff work. It is not a complete list of what we can and cannot do, but its aim is to enable us to understand the ground rules.
5. However the Code cannot be exhaustive and you should seek guidance on any matter where you are unsure of the standards required.

### **SCOPE OF THE CODE**

6. Following the Code is part of your conditions of employment with the Council. If you do not follow it, it may mean that the formal disciplinary procedure will apply. It also applies to persons under the Strategic Partnership Agreement and interims. Although the Code relates primarily to your working hours it can also apply where due to your role you might be on call. You should also be aware that the Code could apply to comments you make when using social media such as Facebook and Twitter.

### **WHAT DO ELECTED MEMBERS EXPECT?**

7. We are responsible to the elected Members who represent the local community. The Council is looking continually to improve its responsiveness to the people of its district. It expects you to be courteous, efficient, helpful, as open as possible and impartial in your dealings with the public.

### **Working safely**

8. The Council is committed to promoting good health, welfare and safe working. You have to take reasonable care for your own health and safety and for the safety of others who may be affected by what you do. Failure to do so may endanger you, the public and other staff.

### **Working honestly**

9. It is a serious criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in your official capacity. If an allegation is made the matter will be investigated using procedures set out in the Council's grievance and disciplinary policies. You must not show favouritism or give preferential treatment to friends, partners or relations in the allocation of Council services or benefits.

10. You must report to the Head of Legal Services any dealings that you become aware of where you suspect that the money involved may have been acquired through illegal practices, whether or not that money relates to a client's funds or those of any contractor or third-party with whom the Council may be involved.

11. This is particularly important now that the Bribery Act 2010 has come into force. The Council has adopted a Policy Statement which makes it clear that it is committed to the highest standards of personal and professional conduct, including a policy of zero tolerance towards bribery. All staff should make themselves familiar with the contents of this Policy Statement.

12. The receipt of minor articles, often by way of trade advertisements, which will be used on the Council's business e.g. diaries calendars, office requisites and the like, which are customarily distributed at Christmas, and occasionally at other times, will not be regarded as the acceptance of a gift; but if there is any doubt the gift should be refused. Similar principles should be followed in connection with the acceptance of favours other than gifts, such as trading discounts.

### **DISCLOSURE OF INFORMATION – What can I disclose?**

13. Open government is best because it gives assurance to our communities that decisions are being taken in as open as transparent a way as possible. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. You must be aware of which information the Council does make public and act accordingly. In particular liability under Data Protection legislation must be observed and safeguarded. Information gathered while working for the Council should not be used for commercial or personal gain or otherwise misused.

14. You are under a special obligation to further the interests of the Council. Ownership of any copyright, design right, database or invention you make during the course of your normal duties or any duties specifically assigned to you will be with the Council.

15. In your dealings with consultants and contractors you should, wherever appropriate, ensure that the Council acquires ownership of any database or intellectual property rights produced specifically in connection with work for the Council.

16. You should not knowingly use any information obtained in the course of your employment for personal gain or benefit, nor should you knowingly pass it on to others who might use it in such a way.

## **POLITICAL NEUTRALITY AND RELATIONSHIPS WITH COUNCILLORS**

17. Mutual respect between staff and Councillors is essential to good Local Government. You serve the Council as a whole not just the controlling group. You are expected to contribute to proper and effective working relationships with Councillors. You must ensure that the individual rights of Councillors are respected and you must ensure that you maintain political neutrality and do nothing that might embarrass others or damage your relationship with Members. There are rules around political allegiances and if in any doubt raise the matter with your line manager.

18. Close personal familiarity between individual Councillors and Officers can damage this relationship and give rise to the appearance of improper conduct and prove embarrassing to other staff and Councillors and therefore should be avoided.

19. You must report to your Head of Service any occasions when a member asks or pressures you to deal with a matter outside of Council procedure or policy. You must take up any work problem or personal problems you have with managers, do not raise them directly with Members

20. The Local Government Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No.2) Regulations 1990 impose, as a result of the salary level or scope of duties, restrictions on the political activities of certain Officers. Full details will be provided to you if you are in such a post.

21. You must follow every lawful expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work.

22. During the period between an election being called and polling day there are strict legal guidelines covering publicity and promotional material. This is because in the run up to local elections (and national elections were they to run at the same time) there is understandably heightened sensitivity around the Council's publicity.

23. The restrictions apply to a broad range of activities because the definition of publicity and promotional activities is so wide. In particular:

- the election guidelines reinforce the general requirement of the Local Government Act 1986, which says: "A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party."; and

the 1986 Act makes it clear that the timing of the release of publicity or information will be a critical factor in deciding whether material is designed to affect public support for a political party. This means even greater care must be taken in issuing publicity following the calling of an election.

24. The guidelines are clear that it is very important that the Council's Officers are seen to be politically neutral, and that any launches or events are either held well in advance of, or delayed until after, the election so that they solely promote the Council's services rather than being construed in any way, shape or form as political vehicles.

## **RELATIONSHIPS – What are my responsibilities?**

### **The Local Community and Service Users**

25. You must always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Council.

### **Contractors**

26. All relationships of a business or private nature with external contractors, or potential contractors, must be declared appropriately. Orders and contracts must be awarded on merit in accordance with the Council's Financial and Contracts Rules and the Best Value Regime. No special favour must be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community must be discriminated against.

### **With Other Employees**

27. Close personal relationships between Council employees will sometimes occur. It is very important that any relationship is not seen to bring advantage to either party and close personal relationships between a senior manager and one of their staff should be avoided. If a close personal relationship develops between a manager and a member of their staff it may be necessary to relocate one of the individuals to alternative work.

### **Media**

28. The Council has authorised the Chief Executive, Directors and their nominated representatives and the Communications and Marketing Section to communicate with the media. Other employees who are not authorised to deal with representatives of the press or media should immediately refer any enquiries they received to the Director or to the Communications and Marketing Section Manager. Employees who have specific authority to deal with such enquiries should only reply to requests for information or questions which relate to the facts of a situation. Where an expression of opinion or official statement of policy is required the Director must first be consulted. Employees should avoid being led by representatives of the media into making unguarded comments that might be construed as official policy. Every assistance should be given to Members who need information to deal

with comments by the press or media.

29. An employee, who speaks as a private individual direct to the press, or at a public meeting, or where their remarks may be reported to the press, should ensure that nothing they say might lead the public to think they are acting in their capacity as a Council employee. Where employees are speaking on behalf of a recognised trade union this must be made clear.

### **APPOINTMENT AND OTHER EMPLOYMENT MATTERS – When Can I be involved?**

30. If you are involved in appointments you must ensure that these are made on the basis of merit. It would be unlawful for you to make an appointment which was 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, you must not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her. You must not let your political or personal preferences influence your judgement. You must not canvass the support of colleagues for any candidate and you must resist any attempt by others to canvass you.

31. Similarly, you must not be involved in decisions relating to discipline promotion or pay adjustments for any Officer with whom you have a close personal relationship.

### **OUTSIDE COMMITMENTS**

32. What you do during your off duty hours is your personal concern but you should not put yourself in a position where your duties and private interests conflict. You should not undertake outside work if your official duties overlap in a way which would cause a conflict of interest or if the outside work is likely to affect adversely the performance of your contract with the Borough Council. No outside work of any sort should be undertaken on Borough Council premises. Correspondence and incoming phone calls related to outside work are not permissible. You may not engage in any other business or take up any other additional employment without the express consent, in writing, of your Director or as specified in your letter of appointment.

33. You must not use the Council's equipment, property or contacts in any authorised private work that you do and you must not do any private work during your working hours. You must seek the approval of your manager before publishing or making private gain from any work which may be associated with your official capacity.

34. Council facilities must not be used for private use.

35. Outside of your employment, you must not undertake any private commitments or activities that may bring the Council into disrepute or impair your performance or detrimentally conflict with the Council's interests. If you are absent ill you must not undertake activities that may be detrimental to or inhibit your return to fitness and work.

36. The Council encourages voluntary work, public duties and activities in support of local community groups and your involvement in these areas is welcomed.

37. When acting in a professional capacity you may publish books and articles, give lectures or speak on radio and television and may illustrate these by reference to the Council's activities or policies. You should, however, consult your Director before doing so and should make it clear that the views you express are your own and not those of the Borough Council.

38. Those employees holding supervisory or managerial positions are expected to give first priority to their employment with Swale Borough Council and prior permission to undertake other paid employment must be obtained from their Director.

## **PERSONAL INTERESTS**

39. You must record in the Central Register the following interests:-

- i) **All paid employment (other than by the Borough Council) and occupations, including Directorships, Partnerships and Consultancies.**
- ii) **Ownership of any land which is within the Borough.**
- iii) **Companies or other Corporate Bodies having a place of business within the Borough and in which the Officer has a beneficial interest in a class of securities of a nominal value of greater than £25,000 or 1/100<sup>th</sup> of the issued share capital, whichever is the less.**
- iv) **Any tenancy or licence of land or premises in the Borough.**
- v) **Membership of any organisation that falls within the following definition:**

*'Any lodge, chapter, society, trust or regular gathering or meeting, which:*

- (a) is not open to Members of the public who are not Members of that lodge, chapter, society or trust; and*
  - (b) includes in the grant of Membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and*
  - (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, Membership or conduct of the lodge, chapter, society, trust, gathering, or meeting.'*
- "A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion."*

vi) **Any other financial or non-financial interest which could conflict with the Council's interests.**

40. Private and personal interests include those of your family and friends, as well as those arising through Membership of, or association with, clubs, societies and other organisations.

41. You must not process any claim or application to the Council from yourself, a relative or personal friend. You must disclose any such claim or application to your supervisor or manager who will arrange for it to be dealt with by another member of staff. You have a

personal interest in a matter if that matter affects the wellbeing or financial position of you, your relatives or your friends more than it would affect other people in the Council's area. Such an interest may be either non-financial or financial.

42. When you submit a planning application to the Council, you must notify the Council's Monitoring Officer at the same time. If you are present at any meeting of the Council, when an issue in which you have a personal interest is being discussed, you must declare the interest and its nature and leave the meeting.

43. You must provide written notification of your personal and financial interests that could bring you into conflict with the Council's interests to the Council's Monitoring Officer annually within 28 days of 1 April in any year and within 28 days of becoming aware of any new personal or financial interest or change to any personal or financial interest. The Monitoring Officer maintains a register for this purpose.

44. The same principles would apply to sponsorship of corporate activities, events and functions. The register should include details of the name of sponsors, descriptions of the sponsorship offered and whether it is accepted or declined.

## **SEPARATION OF ROLES DURING TENDERING**

45. If you are involved in the tendering process and are dealing with contractors you must be clear on the separation of client and contractor roles within the Council. Senior Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness. If you are employed in contractor or client units you must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. If you are privy to confidential matters on tenders or costs for either internal or external contractors you must not disclose those matters to any unauthorised party or organisation.

46. If you are contemplating a management buyout you must, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

47. You must ensure that no special favour is shown to current or recent former Officers or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or managerial capacity.

## **Hospitality**

48. You must only accept offers of hospitality if there is a genuine need to impart information or represent the Council through the particular engagement. Offers to attend purely social or sporting functions should only be accepted when these are for the benefit of the Council or in connection with a civic or courtesy visit. All hospitality received must be

properly authorised in advance and recorded in the register of gifts and hospitality held by the Monitoring Officer.

49. When hospitality has to be declined, those making the offer must be courteously but firmly informed of the procedures and standards operating within the Council. Any firm or individual who wishes to make a gesture of goodwill to the Council or its Officers should be redirected to the Mayor's Charity Fund.

50. When receiving authorised gifts or hospitality you must be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality. You must decline hospitality which may compromise your impartiality or have the perception of doing so.

51. Acceptance by you of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where your manager gives consent in advance and where your manager is satisfied that any purchasing decisions are not compromised.

52. Hospitality, excluding light refreshments, can only be given in exceptional circumstances where there is an expected demonstrable benefit to the Council and with the prior approval of your Head of Service or Director.

### **Free Seminars/Conferences/Product Familiarisation Sessions**

53. You may attend such relevant seminars, training sessions, conferences, courses or trips for product/service familiarisation but must be recorded in advance in the Directorate's Gifts and Hospitality Register. In all cases, the Director/Section Manager must give consent prior to attendance and be satisfied that no immediate or subsequent purchasing decisions are compromised by you attending. Where visits to inspect equipment etc. are required, you must ensure that the Council meets the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decision.

54. Where modest meals or refreshments are provided by the other party, and to refuse would give offence or be unreasonable, these may be accepted and recorded in the Gifts and Hospitality Register, but these should be authorised in advance in writing by the Director/Section Manager wherever possible. Where this is not possible, the written sanction of the Director/Section Manager should be obtained and recorded as soon as possible thereafter.

### **Review of Gifts and Hospitality Registers**

55. The Chief Executive and each Director shall review their respective Gifts and Hospitality Registers (and in the case of the Chief Executive also the Corporate Gift/Sponsorship Register) on a three-monthly basis and will sign the Register to signify that they are satisfied to the best of their knowledge that there is full compliance with the

provisions relating to gifts and hospitality. The Monitoring Officer will ensure that reminders are sent to staff at least annually.

56. If there is any doubt about whether an invitation should be accepted it may be



preferable to entertain prospective contractors on the Council's premises. The level of hospitality offered will obviously vary according to the circumstances of each situation, but in all cases, you should be able to justify the arrangements you have made in the interest of the Council as a whole. All hospitality should be properly authorised and recorded in a register held by the Director. (In the case of a Director this will be recorded in a register held by the Chief Executive). See Appendix 3 for the form which needs to be completed.

## **STANDARD OF APPEARANCE**

57. The Council has the right to expect high standards of appearance from staff whilst undertaking their duties. Employees should be neat, well groomed and professional in appearance whilst dressing appropriately for the task they are undertaking. Where uniforms are provided as part of your role you are expected to wear these at all times you are on duty during your normal officer hours. If part of your duties involves being on call, this requirement would not apply to your out of hours work.

58. Where provided, safety equipment and protective clothing must be worn as instructed. No such equipment may be tampered with and any defects apparent must be brought to the attention of the appropriate manager without delay.

59. For the protection of the public and employees, it is important that you are easily identifiable whilst at work either within the offices or within the community. Cardkey identification cards, where provided, must be worn, so as to be clearly visible, at all times. When making visits to the homes or premises of the public, official Council identification should be presented promptly and where appropriate ahead of being requested.

## **FRAUD AND THEFT**

60. The Council will not tolerate fraud or theft committed by employees at or during the course of their work. If evidence comes to light that fraud or theft has occurred the matter will be fully investigated internally and if sufficient evidence is available of possible involvement in fraud or theft staff will be suspended. If sufficient evidence is available that a loss has been incurred by the Council and by implication a criminal act has occurred, the matter will be referred to the Police who may undertake their own quite separate investigation. Under the Council's Disciplinary Policy staff may be subject to disciplinary action or dismissed if there is evidence to suggest either fraud or theft has been committed. Offences committed outside work may also be dealt with under the Disciplinary Policy and you should ensure that you understand how this could affect your employment with the Council.

## **BREACH OF THE CODE**

61. Breach of this Code of Conduct by you will be regarded as a disciplinary offence. Serious breach will be regarded as gross misconduct. Examples of serious breach include:

failure to inform an appropriate manager about fraud or impropriety of which you are aware; misuse of confidential information; failure to declare a personal or prejudicial interest in a contract and making private gain as a result; private activities which bring the Council into disrepute; preferential treatment of contractors or clients in return for gifts or hospitality; use of Council equipment or facilities for private gain.

