

SPENNYMOOR TOWN COUNCIL



EMPLOYEE CODE OF CONDUCT

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Employee Code of Conduct

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees of the Council.

2. Status of the Code

- 2.1 The code sets out the **minimum** standards that employees should observe and will form part of their Contract of Employment. Its aim is to lay down guidelines for employees which will help maintain and improve standards, and also protect them from misunderstandings or from criticism. **Any breaches of this code may lead to disciplinary action being taken.**
- 2.2 In addition to this code all employees must abide by the terms of the Council's Standing Orders and Financial Regulations

3. Seven Principles of Public Life

- 3.1 The Nolan Report on Standards in Public Life defined good conduct for employees of public bodies as that of acting:
- *Fairly*
 - *In good faith*
 - *In a disinterested way; and,*
 - *So as to meet the specified objectives of the body to which he/she has been appointed*
- 3.2 There are a number of principles, of which seven stand out, and which have been taken from the Nolan Report. These principles underpin this Code of Conduct.

3.2.1 Selflessness

Holders of public office should take decisions solely in terms of the public's interest. They should not do so in order to gain any benefits financial or otherwise for themselves, their family or their friends.

3.2.2 Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations which might influence them in the performance of their official duties.

3.2.3 Objectivity

In carrying out public business including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices purely on merit.

3.2.4 Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

3.2.5 Openness

Holders of public office should be as open as possible about all decisions and actions that they take. They should give the reasons for their decisions and restrict information only when the wider public interest clearly demands.

3.2.6 Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public's interest.

4. Service Standards

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

4.2 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.

5. Political Neutrality

- 5.1 Employees must serve all elected Members. In addition, they must ensure that the individual rights of all elected Members are respected.
- 5.2 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 political neutrality.
- 5.3 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.

6. Personal Interests

Memberships of Pressure Groups or/and Secret Societies

- 6.1 Employees shall disclose in writing to the Town Clerk any personal interest that may conflict with the Council's interests, for example, involvement with an organisation or pressure group which may seek to influence Council policy.
- 6.2 Employees shall also declare in writing, to the Town Clerk any membership of secret societies. This includes any lodge, chapter, society, trust or regular gathering or meeting (other than a professional association), which:
 - 6.2.1 is not open to members of the public who are not members of that lodge, chapter, society or trust; or,
 - 6.2.2 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; or,
 - 6.2.3 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.

6.3. Any declaration in relation to 6.1 or 6.2 shall be kept in the Register of Officer's Interests in the Town Clerk's Office and on the employee's personal file.

6.3.1 In the event of the Town Clerk having such an interest as described herein, the Town Clerk shall declare that interest in writing to the Lead Member for Council Policy and Infrastructure and the Town Mayor and such an interest will be recorded in the Register of Officer Interests and on the Town Clerk's personal file.

6.4 Employees must as soon as possible, make known in writing to the Town Clerk, all relationships of a business or private nature which they have with contractors or potential contractors. Orders and contracts must be awarded on merit by fair competition against other tenders and no special favours must be shown to potential contractors (particularly those run by, for example, friends, personal or business associates, spouses or relatives) in the tendering process. No part of the community can be improperly or illegally discriminated for or against.

6.5 Employees who, in the course of their job, engage, 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.

6.6 Any declaration in relation to 6.4 or 6.5 shall be kept in the Register of Interests in the Town Clerk's Office and on the employee's personal file.

6.6.1 In the event of the Town Clerk having such an interest as described herein, the Town Clerk shall declare that interest in writing to the Lead Member for Council Policy and Infrastructure and the Town Mayor and such an interest will be recorded in the Register of Officer Interests and on the Town Clerk's personal file.

7. Council Services and Regulatory Functions

- 7.1 The same principles apply to employees who may have conflicts of interest in relation to services the Council provides or where the Council has a regulatory function. Employees must, as soon as possible, make known in writing to the Town Clerk, all relationships of a business or private nature which they have with businesses, organisations or individuals for whom the Council provides services or acts in a regulatory capacity, whenever a conflict of interest might be thought to occur. In considering whether a conflict of interest might be thought to occur, it must be remembered that the public see the Council as one organization. The aim of declaring a potential conflict of interest is so that the Council and the employee can be seen to be above any possibility of suspicion of undue influence.
- 7.2 Employees shall not recommend that particular businesses are used by individuals or other businesses, where this could be misconstrued as a recommendation of the Council or a recommendation by the employee in their official capacity.
- 7.3 In any of the above cases, the Town Clerk will decide whether the employee who has a conflict of interest, should cease to be involved with the particular piece of work giving rise to the conflict, or whether the conflict should be avoided in some other way.
- 7.4 Any declaration in relation to 7.1 shall be kept in the Register of Interests in the Town Clerk's Office and on the employee's personal file.
- 7.5 In the event of the Town Clerk having such an interest as described herein, the Town Clerk shall declare that interest in writing to the Spokesperson for the Majority Group of the Council and the Town Mayor who will seek independent advice as they deem appropriate as to whether the Town Clerk should cease to be involved with the particular piece of work giving rise to the conflict.

8. Whistle Blowing

- 8.1 The Council's commitment to the highest standards of openness and accountability means that Officers have a duty to:
- 8.1.1 Raise with the Town Clerk issues they have reason to think might involve fraud, corruption or any irregularities which they feel have been dealt with improperly.
 - 8.1.2 Provide them with any evidence or relevant information that they have in this respect.
- 8.2 The Council will take reasonable steps to protect the anonymity of the individual, unless the Council has no alternative but to rely upon any statements made by an individual.
- 8.3 The Town Clerk, however, may take appropriate action if frivolous, reckless or malicious allegations have been made.

9. Appointment and Other Employment Matters

- 9.1 Employees shall not canvass any Member or Officer of the Council in respect of candidates seeking employment with the Council.
- 9.2 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.
- 9.3 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.
- 9.4 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.

10. Equality Issues

- 10.1 Employees must ensure that all members of the community, customers and fellow employees are treated with fairness and equality.

11. Fairness in Tendering

- 11.1 Employees involved in the tendering process must exercise and display fairness and impartiality when dealing with customers, suppliers, tenderers, contractors and subcontractors.
- 11.2 In the event that employees contemplate management buy-outs or otherwise consider tendering for Spennymoor Town Council work and otherwise are not restricted from tendering they must advise the Town Clerk accordingly as soon as they have formed a definite intent and withdraw immediately from any contract awarding process.
- 11.3 Employees must avoid any suggestion of impropriety when dealing with current or former employees, friends, personal or business partners, spouses or relatives in awarding contracts to a business run by them or employing them in a senior or otherwise relevant managerial capacity. Where possible, employees must remove themselves from the awarding role in such situations.
- 11.4 At all times employees dealing with Tenders and Contracts must ensure that they comply with the Council's Standing Orders and Financial Regulations.

12. Corruption and Bribery

- 12.1 Employees in their official capacity must be aware that it is a serious criminal offence under the Prevention of Corruption and Bribery Acts for them corruptly to receive or give any gifts, loans, fees, rewards or any other advantage for doing or not doing anything or showing favour or disfavour to any person.
- 12.2 Where any substantiated allegation is made the onus is on the employees to demonstrate that any such rewards given or received have not been corruptly obtained.

- 12.3 If anyone makes an approach to an employee which seems (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 service provided by the Council, a regulatory function of the Council or a contract, then for their own protection the employees must report the matter directly to the Town Clerk.

13. Use of Financial Resources

- 13.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. In all situations employees shall strive to ensure "value for money" to the local community and to avoid any action which by its nature, could lead to a legal challenge of Spennymoor Town Council.

14. Gifts and Hospitality

- 14.1 Employees are expected to use the Council's money and resources with absolute honesty and be able to demonstrate that at all times. It is a criminal offence for employees to give, get or ask for any gift, reward or advantage for work done in his/her official capacity and it is up to the employee to show that any such reward was not improperly obtained.
- 14.2 Any offer, gift, favour or hospitality directed at individual employees should be treated with caution. This applies particularly when the organization or individual making the offer maybe doing or hoping to do business with Spennymoor Town Council (whether by receiving business from the Council, receiving Council services or being subject to a regulatory function of the Council).
- 14.3 All personal gifts from contractors, outside suppliers and similar persons or organisations who may in some way do business with the Council (as defined in Paragraph 14.2 above), shall be discouraged, refused or donated to the Mayor's Charity. The only exceptions to this are insignificant items of token value which may include such things as pens, diaries or token hospitality. There may be occasions when in the line of undertaking Council duties, it is appropriate to attend business lunches, dinners or events etc., however, in all cases the Town Clerks prior approval must be obtained. In all cases where the value of the gifts or hospitality exceeds £50 the Town Clerk's approval must be obtained and interest recorded in the Register of Interests held in the Town Clerk's Office.

- 14.4 No member of staff shall accept hospitality from suppliers, contractors or other parties with whom the Council has dealings other than business lunches, dinners or events in appropriate circumstances. Under no circumstances should staff accept any offer of hotel or overnight accommodation.
- 14.5 Firms offering inducement in return for orders (so called pressure selling) must be informed by the member of staff involved that such gifts will not be accepted unless they are part of a contract encouraged by the Council for the supply of goods and services which involved the making of such gifts which can be resold by the Council as part of the Council's normal service activities e.g. bar operations. All gifts offered should be reported by the staff to the Town Clerk

15. Sponsorship - Giving and Receiving

- 15.1 Where an outside organisation seeks to sponsor a Spennymoor Town Council activity whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning hospitality and gifts must apply. In this respect, particular care must be taken in dealings with contractors or potential contractors.
- 15.2 Where Spennymoor Town Council seeks to sponsor an event or service, special care must be taken to ensure that if any benefit accrues to employees, friends, personal or business associates, spouses or relatives, full disclosure is made to the Town Clerk. Similarly, if Spennymoor Town Council, through sponsorship, grant aid, financial or other means gives support in the community, employees must ensure that impartial advice is given and conflicts of interest avoided.

16. Confidentiality

- 16.1 Employees shall not divulge to any person (other than another member of staff or member of the Council that 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 or the Access to Information Rules.

- 16.2 In particular, no member of staff shall divulge personal information regarding any employee, person or contractor, having dealings with the Authority e.g. information relating to tenders or other such issues.
- 16.3 Whilst staff are encouraged to be open to the press, the press should only be given information which would normally be available publicly. All comments to the press in relation to Town Council business shall be channeled through the Town Clerk and/or the relevant Lead Member for the service area.

17. Private Work/Other Activities

- 17.1 No employee should undertake private work if it overlaps or conflicts in any way with the duties and responsibilities of their post, if it causes a conflict of interest, or it makes use of material to which the employee has access by virtue of his or her position. In considering whether a conflict of interest might be seen to occur, it must be remembered that the public see the Council as one organisation, not as a set of separate sections and departments. The aim of declaring a potential conflict of interest is so that the Council and the employee can be seen to be above any possibility of suspicion of undue influence
- 17.2 Normally employees shall not work privately for a client for whom the Council has a service provision role or towards whom the Council is acting in a regulatory capacity
- 17.3 In addition all employees paid on spinal column point 33 or above are normally expected to devote their working time only to Spennymoor Town Council. However, in exceptional circumstances consent can be given for employees to engage in any other business by applying to the Town Clerk.

18. Approval Procedure for Private Work/Other Activities

- 18.1 Employees considering or about to start an activity (trade, profession or vocation) in an area allied to Council services must note the requirements of their conditions of employment.
- 18.2 Employees can be given consent to engage in any other activity (for example private work or a position of responsibility outside official duties) only by applying to the Town Clerk.

- 18.3 In the first instance employees must write formally to the Town Clerk outlining the proposed activity clearly stating what involvement he/she anticipates having.
- 18.4 The Town Clerk then needs to be satisfied that in giving his/her consent to the activity that this will neither interfere with the employee's performance of his/her duties nor lead to any suspicion of improper influence on the Council's services. In this respect the comments and assurances of Line Managers will be sought.
- 18.5 The Town Clerk will then notify the employee in writing of the decision.
- 18.6 The employee must also understand that private work or outside activity must not be undertaken during Council time, nor using the Council's equipment or materials.
- 18.7 For the avoidance of doubt the Town Clerk is expressly prohibited from paid employment for anyone other than Spennymoor Town Council.

19. Close Relatives, Friends or Partners of Employees

- 19.1 Any employee whose partner, close relative or friend is considering becoming engaged in any business which might provide services to the Council, use services of the Council or for whom the Council might act in a regulatory capacity must follow the instructions set out in paragraphs 18.1 to 18.7 above. This is to minimise the risk of suspicion that some influence may be exerted.

20. Tenders and Contracts

- 20.1 No employee shall use his/her position and knowledge in the Council to gain access to information which puts himself/herself or anyone else in a better position than any other contractor to undertake external work. Any evidence that such a situation exists will be investigated as a disciplinary matter and could lead to the invitation to tender being withdrawn.
- 20.3 Responsibility on the issue of employees "advising" external tenderers, who may be partners, relatives or friends, rests with the individual employee. If

he/she considers there may be a conflict of interest, he/she must immediately withdraw from any such discussion and seek guidance on the situation from the Town Clerk.

21. Register of Interests/Updating

21.1 The Register of Officer's Interests will be reviewed annually by the Town Clerk

22. Conclusion

22.1 As emphasised earlier in this code although the guidelines are set down and apply to all employees of Spennymoor Town Council and relevance may be greater for those employees involved, for example, in the management and policy making process of the Authority, nonetheless, a copy of this code will be made available to every employee, who will be asked to sign for it, whatever their position and they will be expected to comply with it.

Footnotes:

Statutory Contractual Base

- Local Government Act 1972, Section 117
- Prevention of Corruption Acts
- Bribery Acts
- National Scheme Conditions of Service for APT and C Services

Action Checklist

Always

1. Make sure you consult your Line Manager and inform the Town Clerk in writing using the form STC3, if you are engaged in, or are about to be engaged in, private work or outside activity.
2. Make sure you do not risk any conflict of interest between your private employment/business interests (or those of your partner, family or friends) and your duties of employment with the Council.
3. Make sure you have read and understood the Council's procedures and guidance.

Never

1. Abuse your official position to obtain gifts, monetary reward or other favours from people who are receiving a service from Spennymoor Town Council or obtain preferential rates for private deals.
2. Abuse your official position to show favouritism in awarding contract.
3. Allow private or personal contacts to influence or appear to influence your work with the Council or other work the Council undertakes.
4. Allow a breach of confidence in connection with information on a commercial/confidential nature.

NOTE

1. Ultimately the responsibility rests with each employee to advise of any potential or existing conflict of interest that may arise.
2. Failure to comply with any part of these procedures and associated documents may result in disciplinary action being taken.

1. To be completed by Employee

NAME:

JOB TITLE:

WORKPLACE:

SIGNATURE: DATE:

Details of proposed additional employment or activity

2. To be completed by Line Manager and countersigned by the Town Clerk

I have discussed this proposal with the employee concerned and the following action and safeguards (if applicable) have/need to be put in place:

NAME: DESIGNATION:

SIGNATURE: DATE:

AUTHORISED BY:

NAME: LINE MANAGER/
TOWN CLERK:

SIGNATURE: DATE: