

PART 5

OFFICER CODE OF CONDUCT

Code of Conduct for Employees

1 Introduction

- 1.1 Local Government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate professional advice to Councillors and fellow employees with impartiality and to adhere to the 7 principles of public life:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 1.2 The public are entitled to expect this high standard of service and employees conduct should never be influenced by improper motives i.e. personal gain. The Code applies to all employees of the Council. Those employees involved in processing applications for services, licences or statutory consents (such as planning permission) and those involved in the procurement and purchasing of goods and services should pay particular attention to the Code.
- 1.3 This Code sets out the standards of behaviour expected from you as an employee of Boston Borough Council including the link between your employment and your private life.
- 1.4 This Code should be read in conjunction with other policies, procedures and codes of practice adopted by the Council.
- 1.5 This Code forms part of your terms and conditions of employment. Any breach of the Code may be treated as a disciplinary matter including gross misconduct which could lead to disciplinary action including dismissal where appropriate. For the avoidance of doubt you should seek advice from your manager on any query relating to the Code.
- 1.6 If you are aware of any breaches of this Code you should raise this with your manager immediately. You should also refer to the section of this Code on 'whistle blowing'.

<http://dunlop:8080/share/page/site/all-staff/document-details?nodeRef=workspace://SpacesStore/c47acf87-b809-4db7-8bb0-d4ab0b26ae01> (Whistle Blowing Policy)

<https://secure.speakinconfidence.com/company/en/boston>

2 Financial matters

2.1 Public Funds

You must follow the Councils Contract Procedure rules and Financial Regulations in any financial transactions and other dealings on behalf of the Council.

<http://www.boston.gov.uk/CHttpHandler.ashx?id=6313&p=0>

(Contract Procedure Rules)

<http://www.boston.gov.uk/CHttpHandler.ashx?id=6312&p=0>

(Financial Regulations)

2.2 Declaration of Financial and other interests

You are required by S117 of the Local Government Act 1972 to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The declaration should be made, in writing, to your Head of Service/Director/Chief Executive who will inform the Council's Section 151 Officer of the contents of the declaration.

2.3 Financial inducement, gifts & hospitality

Section 117 of the Local Government Act 1972 provides that it is an offence for an employee to accept any fee or reward other than the proper remuneration for the role in the course of their duties. It is important that you are able to recognise what is and is not acceptable. You should have regard to the Council's guidance on gifts & hospitality. You should also have regard to the role you perform at the Council and whether it might be possible for others to allege undue influence where gifts and/or hospitality may be given e.g. if you work in a regulatory function and, where necessary, seek advice and guidance from your Head of Service.

2.4 You should treat with extreme caution any offer of a gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing or seeking to do business with the Council or may be applying to the Council for some decision to be taken in his favour or someone with whom he is connected. Examples could include (but are not limited to) planning permission, contracts, tenancies of land or buildings, or licences to operate businesses.

2.5 There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be an appropriate

way of doing business provided they are approved either by the Council or by a Head of Service and provided no extravagance is involved. In the same way it may be reasonable for staff to represent the Council at a social function or sporting event organised by outside persons or bodies. Officers attending such functions or events as part of an official Council delegation (e.g. official opening of sports/art facilities) are exempt from the above registration requirement, providing their attendance has been approved by the relevant Director or Heads of Service.

- 2.6 Each employee is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding risk of damage to public confidence in local government. The receipt and detail of gifts and hospitality should always be reported to the Monitoring Officer (via Democratic Services) so that a record can be kept in the Gifts and Hospitality Register. Offers must be recorded, even if they are declined. The Register will be open to the public for inspection.
- 2.7 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operated by the Council and told why hospitality cannot be accepted.
- 2.8 You should not accept significant personal gifts from contractors and outside suppliers, although the Council will allow employees to keep insignificant items of token value such as pens, calendars and diaries. These insignificant items do not require recording in the Gifts and Hospitality Register.
- 2.9 When receiving authorised hospitality staff should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 2.10 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the employee is satisfied that any purchasing decisions will not be compromised. Where visits to inspect equipment, supplies or services are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 2.11 In addition the following may assist employees as it is not just sufficient to make declarations where gifts etc are received. There should be serious thought given to whether anything more than a token gesture should be accepted e.g. pens, diaries, boxes of chocolates. Where accepting anything else is not appropriate but it would cause offence to not accept, the item could be accepted and given to the Mayor's charity.
- (i) Any gifts relating to a regulatory function should be declined as this could be viewed as seeking to influence the outcome of a regulatory

- decision. This would include Planning, Licensing and Private Sector Housing.
- (ii) If the gift is received after the conclusion of a matter and is under £5, there is no reason why the recipient can't retain the gift. If it exceeds that value, and to decline would cause offence, the gift should be donated to the Mayor's Charity. We do need to consider what is appropriate and anything over the value of approximately £25 should be politely declined.
 - (iii) Any prizes won by employees in the course of their work i.e. through competitions at events or through mail shots etc should be carefully considered and advice should be sought if in doubt. Anything other than insignificant items, such as pens or diaries, should be recorded whether accepted or not.
- 2.12 You must be aware that it is a serious criminal offence for you to receive or give in a corrupt manner any gift, loan, fee, reward or advantage from or to another person to do or not to do anything or to favour or disfavour. If an allegation is made, you should be able to prove that any such rewards have not been corruptly obtained. If you are at all unsure about any offer of a gift you should clarify this with the Monitoring Officer.

3 Contracts

- 3.1 If your role involves the engagement or supervision of contractors and you have currently or previously had a relationship with an existing or potential contractor in a private or domestic capacity, you should declare that relationships to your Head of Service.
- 3.2 If you are privy to confidential information on tenders or costs on contracts or tender exercises you should not disclose this information to any party without express consent.
- 3.3 You must ensure there is no special favour shown to current or former relatives or associates in awarding contracts to businesses where they have a connection or employing them. You should not take part in any decision making relating to such contracts following a declaration to your Head of Service.

4 Sponsorship

- 4.1 Where the Council sponsors an event or service, you or any close family or friend should not benefit from that sponsorship and you should declare any potential conflict and/or benefit at the earliest opportunity to your Head of Service/Director/Chief Executive.

5 Use of Council property, facilities and equipment

- 5.1 You should use Council property, facilities and equipment for Council purposes. Limited personal use of telephones etc is allowed in exceptional circumstances. You should not use council vehicles or other resources for personal use.
- 5.2 When using the Councils communication systems you should have regard to the Council's ICT policies, procedures and protocols and have particular regard to data protection. This includes all written forms of communication including emails. Please see the IT Policy for further details.

<http://wright/php/itpolicy/doku.php>

6 Use of mobile phones

- 6.1 The use of mobile phones and devices are strictly prohibited whilst driving council vehicles, using machinery or carrying out other tasks where health & safety may be at risk by a lack of concentration.
- 6.2 The use of personal mobile phones in the workplace should be kept to an absolute minimum. Calls and alerts, whether taken or not are disruptive to others and do not present a professional image. Phones should ideally only be used on breaks or in urgent situations and mobile phones should not be kept visibly at a workstation or area.

7 Miscellaneous

7.1 Customers

You should remember that the Council is a public body and you have a responsibility to the community you serve. You should provide courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Council.

7.2 Equalities

You should at all times recognise the diverse needs of individuals and groups within the community and you should ensure that the Council policies relating to equality and fairness are complied with in addition to the law. You should recognise that all members of the local community, customers, employees and elected members have a right to be treated with dignity, fairness and respect.

7.3 Relationships with other employees

You should treat all colleagues with courtesy and respect and be mindful of different backgrounds, beliefs.

<http://dunlop:8080/share/page/site/all-staff/document-details?nodeRef=workspace://SpacesStore/3f657429-1c95-40e9-9ba0-4e4e7cd9d570> (Bullying and Harassment Policy)

You must declare any personal relationship with another employee of the Council where this may cause, or be perceived to cause, a conflict of interest. The declaration should be made to your Head of Service.

The organisation recognises that employees who work together may form personal friendships and in some cases close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the organisation to ensure that all employees behave in an appropriate and professional manner at work. The following principles have therefore been devised, and apply to all employees regardless of their job or level of seniority.

- Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence his/her conduct while at work. Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This rule applies during all working time, whether at the normal workplace, on clients' premises or elsewhere. Any breach of this rule will be regarded as a serious disciplinary offence leading to disciplinary action up to and including dismissal.
- Any employee who embarks on a close personal relationship with a colleague working in the same department/section must declare the relationship to his/her manager. If the relationship is between a manager/supervisor and an employee whom he/she supervises, the relationship should be declared to a senior manager. The information declared will be recorded on the personal files of both employees and treated in strict confidence.
- In order to avoid a situation in which an employee has managerial authority over another with whom he/she is having a close personal relationship, the organisation reserves the right to elect to transfer one or both of the employees involved in the relationship to a job in another department/section. In these circumstances, the

organisation will consult both of the employees and seek to reach a satisfactory agreement regarding the transfer of one or both of them.

- In such a situation, if it is not possible to transfer at least one of the employees (for example if no suitable vacancies exist, or if an employee refuses to transfer), the organisation reserves the right to dismiss one or both employees (with notice in accordance with the employee's contract, or pay in lieu of notice). Dismissal would, however, be undertaken only as a last resort in circumstances where no other course of action was reasonably open to the organisation.
- Similar principles apply to an employee who begins a close personal relationship with a client, customer, contractor or supplier. If the employee's job allows him/her authority over the client, customer, contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), the relationship must be declared to the employee's manager. In these circumstances, the organisation reserves the right to transfer, or as a last resort to dismiss, the employee following consultation with him/her.

7.4 Appointments and other employment decisions

Where you are involved in appointments you should ensure that these are made on merit. You should not be involved in any appointment, whether on the panel or as a referee where you are related to the application or have a close performance relationship with them.

You should not be involved in decisions relating to discipline or other sanction or in decisions relating to pay where you are related to or have a close personal relationship with the employee who is subject to that decision.

You shall not directly or indirectly seek the support of any Councillor or any appointment with the Council for yourself and others.

You will be disqualified from that appointment if you lobby Councillors indirectly or directly for appointment to a new post within the Council and any such action may constitute a disciplinary offence.

7.5 Standards of dress and appearance

You must ensure that your standard of dress, the type and style of clothes and personal ornamentation worn are appropriate to the nature of the duties and responsibilities you undertake. This will be particularly important in a customer facing role. All employees are required to comply with rules for wearing personal protective equipment (PPE) for health & safety reasons.

7.6 Alcohol & drugs

You are expected to attend work without being under the influence of alcohol or drugs.

Where you are involved with illegal drugs or excessive consumption of alcohol outside of work, this Council will consider the impact this may have on your employment, including any impact on the Council's reputation and/or public confidence. There may also be a direct impact on your work where a driving or other licence may be suspended or revoked as a result of any such behaviour.

7.7 Conflicts of interests

You should not conflict your public duty to your private interests and should not put yourself in a position where they conflict.

If you are involved in the determination of regulatory matters (e.g. Planning, Licensing, Council Tax and Housing Benefit) you must take no part, either directly or indirectly, in considering any application made by yourself, a relative, friend, close associate, neighbour or where you have any interest in any such matter whether business or personal.

Where matters may usually be delegated to officers to decide if it involves a member of staff this will automatically be sent to the Committee for determination.

You should disclose any personal interest that could conflict with the Authority's interests. This may include interests which may impact on your work in e.g. any hobbies or other interests that may impact on your work e.g. something that mainly occurs during the night if you are due to work the next day or something which may cause absence from work such as particularly dangerous sports. Membership of a secret society must be disclosed in confidence to your Head of Service or Monitoring Officer.

7.8 Secondary Employment

If you are a member of the Corporate Management Team you shall devote your whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without express

consent from the Chief Executive. We recognise that due to the nature of modern working patterns and arrangements it may be common for senior staff to hold office or employment elsewhere. Consent will only be given where there is not deemed to be a detrimental impact on the Council's interests or reputation or where your work performance will not be affected.

Other members are staff may undertake secondary employment however any such employment should not conflict with the Councils interests, nor bring it into disrepute and it must be undertaken outside your normal working hours. You should not undertake any private work in Council premises or using Council property of equipment. You should consider any conflict with your work at the Council e.g. working hours particularly where there are regulatory restrictions such as for drivers.

You should notify your Head of Service of any such employment undertaken. This notification does not remove the right of the Council to take action against you where the secondary employment is deemed to be detrimental to the interests or reputation of the Council or where it may affect your work performance for the Council. Your primary employment with the Council must take priority where any conflict may arise.

8 Management of information

8.1 Disclosure of information & confidentiality

The Council is committed to open government. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. You should not communicate to the public the proceedings of any committee meeting or the contents of any document relating to the Council or information relating to any individual where that information is confidential/and or exempt unless expressly authorised to do so.

You have a duty of confidentiality to your employer and have all signed up to the Confidentiality Agreement upon starting employment. You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.

Intellectual property (the generic term that includes inventions, creative writings, software and drawing) arising in the course of your employment are the property of the Council and you should not use that intellectual property for personal benefit.

8.2 Information management and probity of records and other documents

You should not deliberately falsify any records or other documents for financial advantage or otherwise. Such actions will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions.

You have a responsibility to:

- to handle the information they collect and use in their day-to-day work correctly and in line with the policy, principles and procedures set out in this Framework
- to make sure that records are complete and legible
- to keep records accurate and up to date
- to keep track of records
- to make sure confidential records are kept secure
- to follow the Council's retention schedules for all records
- to destroy records according to the Council's disposal policy for the destruction of confidential waste.

8.3 The media

You should not communicate with the media on any matters relating to the Council without the prior approval of your Head of Service. You should direct any media enquiries to Communications who handle all the council's proactive and reactive media communications. This ensures consistency and accuracy in delivery of the council's messages.

8.4 Social Networking Sites

If you use social networking sites either in your work or private life you should have regard to the Council's policy on social media and be aware of offence that may be caused to colleagues and other parties and of bringing the council into disrepute. Any breach of the policy may be considered a disciplinary offence. Use of Social Media within the course of your work should be carefully managed particularly in relation to investigatory roles. Please refer to the Social Media Guidelines for further information.

<http://dunlop:8080/share/page/site/all-staff/document-details?nodeRef=workspace://SpacesStore/ed5af87b-b55b-4970-b9f5-cf3bdfd1d005> (Social Media Guidelines)

9 Public concern & whistle blowing

The Council does not tolerate any form of malpractice. As an employee of the Council you have important part to play in reporting any concerns and you will be expected to co-operate with investigations.

The Council recognises that it may be difficult for you to report legitimate concerns though fear or victimisation or reprisal. In such circumstances you should follow the Councils Whistle Blowing procedure or report it under the Speak in Confidence tool.

10 Working with elected Members

10.1 Political neutrality

You work in a political environment and must have regard to this .You must serve the Council as a whole, serving all elected members and not just those of the controlling group. You should give advice which does not compromise your political neutrality.

You should ensure that whilst at work you remain impartial whatever your personal views.

You must follow the lawfully expressed policies of the Council and not allow your personal or political opinions to interfere with your work.

Where you are requested to advice any political group you should notify your Head of Service and ensure there are adequate safeguards to ensure your political neutrality. You should have regard to the Member/Officer Protocol.

10.2 Relationships with members

You should not place yourself in a position where close familiarity with a member prejudices your work. You should have regard to the Member/Officer Protocol and close familiarity should be avoided.

You should declare any relationship with a Councillor where the relationship could cause, or be perceived to cause a conflict of interest.