



Section C

OFFICERS' CODE OF CONDUCT

Note: A new national code is awaited. Meanwhile the existing national code as supplemented by local provisions will apply.

CODE OF CONDUCT FOR EASTBOURNE BOROUGH COUNCIL EMPLOYEES

PART ONE

THE NATIONAL CODE OF CONDUCT

In consultation with UNISON, the Local Government Management Board has published this Code of Conduct.

Eastbourne Borough Council has adopted this Code in its entirety. It is recommended to our staff as guidance.

1. Standards

- 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 advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.
- 2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

3. Political neutrality

- 3.1 ***Paragraph 70 (c) of the Scheme of Conditions of Service says that an Officer "shall 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 or she be required to attend any meeting of any political group."***

Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

- 3.2 Therefore if an employee is required to advise a political group, he or she must do so in ways which do not compromise his or her political neutrality, and the sensitivity of Members to this need is a pre-requisite.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. Relationships

4.1 Councillors

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

4.3 Contractors

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

- 4.4 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 the appropriate manager.

5. Appointment and other employment matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee 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, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. (See Section 15)
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests. (See Section 17)
- 6.2 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Personal Interests

- 7.1 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the authority's interests.
- 7.2 Employees must declare to an appropriate manager any financial interests which could conflict with the authority's interests. (See Sections 14 and 18)
- 7.3 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. (See Section 19)

8. Equality issues

- 8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity. (See the Council's Equal Opportunity Policy at Section 24)

9. Separation of Roles during Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. It is incumbent upon the Council to make that distinction clear, both through the allocation of responsibility and through the organisational structures it adopts. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. Corruption

- 10.1 Employees must be aware that it is a serious criminal offence for them 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 their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. (See Sections 21 - 22)

11. Use of Financial Resources (See Section 25)

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

12. Hospitality and Gifts (See also Sections 21 - 22)

- 12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded. (See Sections 20 - 21)
- 12.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc. (See Section 20)
- 12.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5 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, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

13. Sponsorship - Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the conventions concerning acceptance of gifts or hospitality apply. (See Section 20). Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

CODE OF CONDUCT FOR
EASTBOURNE BOROUGH COUNCIL EMPLOYEES

PART TWO

SPECIFIC PRACTICES ADOPTED BY EASTBOURNE BOROUGH COUNCIL - Codified here for the first time, but adopted over the years.

14. Declaration of Interests in Contracts

14.1 Employees are reminded that if they have a financial interest in a company, firm, or other organisation, which is proposing to contract with the Council, they must give notice of that fact in writing to the Chief Executive immediately. A financial interest of an employee includes any interest of his/her spouse or partner if they are living together. It is an offence not to comply with this provision the maximum fine for which is £1,000.

14.2 Standing Order 36 is therefore drawn to the attention of all employees.

"The proper officer shall record, in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act, 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council."

"If it comes to the knowledge of an officer employed by the Council that a contract in which he has a pecuniary interest whether direct or indirect (not being a contract to which he himself is a party) has been or is proposed to be entered into by the Council, he shall, as soon as practicable give notice in writing to the proper officer of the fact that he is interested therein."

The register is maintained by the Chief Executive (the "proper Officer"). Declarations must be made in writing to the Chief Executive and confirmation of entry in the register should be obtained.

15. Canvassing of Members

15.1 Standing Order 36.1 is drawn to the attention of all employees and applicants.

"Canvassing of members of the Council or any committee, or Board of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purpose of this part of this Standing Order shall be included in any form of application for such an appointment."

16. Loan Transactions between Officers

16.1 Standing Order 38 is drawn to the attention of all employees.

"No Officer or servant of the Council shall become security for or engage in any loan transaction with any other officer or servant of the Council."

17. Official Conduct - Private Professional Work

17.1 All employees are instructed that:

to carry out private professional work within the Borough of Eastbourne which involves making an application to the Borough Council as a statutory authority for any form of permission or approval

or

to handle any matter in a private capacity in which the employee could find himself or herself in a professional relationship with the Council, including his/her own colleagues, will contravene Section 7,

Paragraph 70(b) of the "Scheme of Conditions of Service for APT & C Staff", which reads:-

"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."

17.2 For the avoidance of doubt it is pointed out that it is not a requirement that the work be paid before it may be caught by these requirements. Freely undertaking work for others, e.g. relatives, friends or voluntary bodies may also be within their scope.

17.3 Additionally Paragraph 71 states, "Officers above Scale 6 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". The maximum of Scale 6 is spinal column point 28.

17.4 If an employee is already or is proposing to be engaged in any activity which might be covered by this instruction, he/she should make this clear to his/her Service Centre Manager who must inform the appropriate Chief Officer.

17.5 If an employee is not allowed to engage in additional work, he/she may appeal through the normal grievance procedure. Where he/she is allowed

to undertake additional work this will be on the express understanding that it will in no way be detrimental to the performance of his/her normal duties and no part of it will be carried out during office hours.

- 17.6 These instructions do not preclude an employee handling a private matter or making an application to the Council for himself/herself or his/her immediate family, e.g. an application related to the property in which he/she lives or proposes to live. However, the employee must still avoid in these circumstances the conflict of interests referred to in Paragraph 17.1 above and should consult his/her Manager.
- 17.7 Failure to observe these instructions may render an employee liable to disciplinary action.
- 17.8 Although there is no requirement, employees who are paid below spinal column point 29 are recommended in their own interests to inform their Director in writing of any involvement in outside or private work.

18. Dealings with the Council

- 18.1 Employees may have dealings with the Council on a personal level, for instance as a Council Tax payer, as a tenant, or as an applicant for a grant or a planning permission. An employee should never seek or accept preferential treatment in these dealings because of his or her position as an employee of the Borough Council. He or she should also avoid placing himself or herself in a position that could lead the public to think that preferential treatment is being given: for instance, by being in substantial arrears to the Council, or by discussing a planning application personally with officers when other members of the public would not have the opportunity to do so. Likewise, an employee should never use his or her position as an employee of the Borough Council to seek preferential treatment for friends or relatives, or any firm or body with which he or she is personally connected.
- 18.2 The Council views an employee's failure to pay any money due to itself was likely to bring the Council's own reputation into disrepute. It is for the Council to demonstrate an employee's liability for any payment, and to institute recovery procedures. But any persistent failure to pay a legitimate demand presented in this connection will be dealt with within the framework of our agreed Disciplinary Procedure.

19. Voluntary declaration of membership of Societies

- 19.1 The Council has decided that it is in the interests of open government for all Councillors to give details of their membership of clubs, organisations and movements, for example Freemason's Lodges. The meeting of the Council on 15 February 1993 therefore resolved that Members of the Council should be invited to register their own membership of clubs, organisations and movements and that this register should be open to public inspection.

- 19.2 The Council also decided it would be helpful to extend the invitation to all employees. It resolved:

"In the case of existing and new employees, that a register be established in which they are invited voluntarily to record their membership of all clubs, organisations and movements, and that it be made clear to employees that no penalty is implicit on them for not participating."

Such a register will be open to inspection only by Members of the Council, and be kept by individual Chief Officers.

- 19.3 All employees are in consequence invited to register their membership of clubs, organisations or movements with their Director. This is entirely voluntary. Such registration enables the Council to protect itself and its staff from any allegation of abuse.

20. Gifts and Hospitality

- 20.1. Employees are expected to use common-sense in assessing any situation where improper influence could be construed and you should not do anything which could give rise to accusations of improper influence and which could not be justified publicly.

The following is intended to assist an employee to reach the right decision in any particular case. If he/she is in any doubt about the right course of action to take he/she should always seek the advice of his/her Manager.

20.2. Gifts

There can be little doubt that the acceptance of gifts from persons who have, or may seek to have, dealings with the Council would be viewed by the public with grave suspicion and would make the employee and the Council extremely vulnerable to criticism. Employees should, therefore, tactfully refuse any personal gift which is offered to themselves or to a member of their family by, or indirectly attributable to any person or body who has, or may have, dealings of any kind whatsoever with the Council or, who has applied, or may apply, to the Council for any planning or other kind of decision.

The only exceptions to this rule are:-

- *small gifts under the value of £10 given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, tape measure and similar articles for use in the office;*
- *small gifts under the value of £10 where the donor is a personal friend or has a similar close social relationships and where refusal would be regarded as impolite. In such cases, however, whilst the gift may be accepted the employee should explain to the donor the problem of accepting such gifts so as to ensure that a difficult situation does not develop.*

If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.

In the event of an employee receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to the Service Centre Manager and Chief Officer who will be responsible for deciding whether the gift should be returned or whether it could be forwarded to some charitable or other deserving cause. In such cases, the Manager concerned should inform the donor what has happened to the gift and explain why and ask if he/she will kindly not send gifts in the future.

In all cases not covered by the exceptions mentioned above, the receiving Officer should complete a Gifts Received form* and each Service Centre Manager and Chief Officer should keep a control record of all gifts received for areas under their control and the action taken should similarly be recorded.

(*See form at end of section)

21. Hospitality

- 21.1 There should be no cause for concern where offers of hospitality are offered by another non-commercial public body but in all other cases hospitality must be treated with caution.
- 21.2 Employees must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having business with or seeking a decision from the Council.
- 21.3 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality. Where hospitality over the value of £10 per occasion is provided, the circumstances and the type of hospitality and the value should be reported to the appropriate Senior Head of Service. A Notification of Hospitality form* should be completed by the Receiving Officer, and the incident should be recorded by the Head of Service for areas under their control in a Control Register.

Acceptable

- *An offer of a drink following a site inspection or visit;*
- *Invitations to attend functions where you represent the Council e.g. dinners where you are invited to speak, National Conferences, open ceremonies, trade shows (etc.) or the functions which you attend by virtue of your professional position and/or in furtherance of good public relations locally;*

- *Hospitality offered by other non-commercial public bodies;*
- *A working lunch of a modest standard provided to enable the parties to continue to discuss business.*

Unacceptable

- *Holidays;*
- *Personal invitations, that are not related to your Council duties, to have evenings out with representatives from a Company or Firm who have dealings with the Council. These should be cleared with the Chief Officer and/or the Chief Executive;*
- *Offer of hotel and tickets for theatre in London or elsewhere (where this is not part of one's normal work) or the use of a Company flat.*

22. Pressure Selling

22.1 This involves the offer of personal inducements to place orders with particular contractors or suppliers. It includes the giving of personal discounts or vouchers for personal use. These amount to unacceptable gifts. Offers of such a nature should be reported to Service Centre Managers or Directors as appropriate.

23. Politically Restricted Posts

23.1 The Local Government and Housing Act 1989 introduced the concept of "politically restricted posts". Local authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity. The Local Government Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No2) Regulations 1990 covers the posts which are politically restricted. These are:

- (a) specified posts, such as the Head of Paid Service (HPS) and the Monitoring Officer. Chief Officers are restricted without exemption or appeal;
- (b) all posts which reach or exceed a prescribed remuneration ceiling (scp 44);
- (c) all posts which meet the duties-related criteria for determining a 'sensitive' post, irrespective of remuneration level. These posts are defined as those which (i) give advice on a regular basis to the employing authority, to any committee or sub-committee or another joint committee on which the authority is represented (but excluding purely factual information) or (ii) speak on behalf of the authority on a regular basis to journalists and broadcasters.

- 23.2. Officers in the Council's designated politically restricted Posts have that fact brought to their attention in their letters of appointment/Contract of Employment.

24. The Council's Equal Opportunity Policy

- 24.1 At its meeting on 29 June 1992 the Council resolved as follows.

This Council wishes its services to be equally available to all the residents of the town and all its visitors.

The Council recognises that to achieve this it should ensure that the make up of its workforce more accurately reflects the population it serves.

To this end the Council declares its intention actively and positively to work towards becoming an Equal Opportunity Employer and in consultation with its staff to adopt an Equal Opportunity Policy and practices.

The aim of its Policy will be that no employee, job applicant, resident or visitor receives less favourable treatment on the grounds of their sex, race, colour, ethnic or national origins, marital status or responsibility for dependants, disability, age, sexual orientation, trade union membership, political activity or religious belief. It will require that all our personnel procedures and particularly our selection criteria will be reviewed and kept under review to ensure that individuals are selected, promoted and generally treated solely on the basis of their real merits and abilities. It will require a thorough review of the access to our services available to disadvantaged groups, in order to enhance our Customer Care initiative.

The Council will be committed to a programme of action to make this Policy effective.

25. Borrowing and Use of Resources

- 25.1 The Council provides resources (equipment, materials, vehicles, personnel) for the service of the whole town. It is only very exceptionally that these resources can without criticism be dedicated by an employee for his or her own use or benefit, and such use of resources must always be with the knowledge and agreement of his or her managers.