

CONSTITUTION - PART 5 - CODES AND PROTOCOLS

(Last revised August 2014)

Officers' Code Of Conduct

A Statutory Requirements for Disclosure

- (i) Under s 117 of the Local Government Act 1972, as amended, if it comes to the knowledge of an Officer that a contract in which he has a pecuniary interest, whether direct or indirect, but to which (s)he is not a party, has been, or is proposed, to be entered into by the Authority, (s)he must as soon as practicable give notice in writing to the authority of the fact that (s)he has an interest in the contract.
- (ii) An Officer has an indirect interest in a contract if:-
 - (a) (s)he or a nominee of her/his is a member of a company or other body with which the contract was, or is proposed to be made;
 - (b) (s)he is a partner or in the employment of a person with whom the contract was made or is proposed to be made (i.e employment other than with the Council).
- (iii) An Officer does not have an indirect interest in such a contract if the membership or employment is with another public body as defined in the Act. (Refer to Legal Services for advice on the definition of public body). If the Officer does not have a beneficial interest in the securities of the company or other body then her/his membership does not amount to an indirect interest.
- (iv) In the case of married persons living together the interest of their spouse, if known to the Officer is the interest of the Officer for these purposes.
- (v) A book is kept by the Head of Legal and Governance to register pecuniary interests in accordance with s 117 of the Act.
- (vi) It is a criminal offence to fail to register an interest under s 117 and will lead to disciplinary action whether or not a prosecution is brought.
- (vii) An Officer must not under colour of her/his office or employment accept any fee or reward whatsoever other than his/her proper remuneration from the Council. It is a criminal offence to do so and will lead to disciplinary action whether or not a prosecution is brought.

The statutory requirements are explained further in the Council's Code at Part B below.

1.0 INTRODUCTION

- 1.1 The code applies to all employees of the Council.
- 1.2 Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than others, but the Code covers all employees under a contract of employment with the Council. Activities carried out by employees acting as members of companies or voluntary organisations are subject to the Code.
- 1.3 The public is entitled to expect the highest standard of conduct from the staff of Harrogate Borough Council. The purpose of this Code is to restate existing laws, regulations and conditions of service to assist the Council and its staff in their day-to-day work, in the light of challenges they face in the new and more commercially orientated environment. This includes competitive tendering, market testing, changes in the management of the education and housing services, care in the community, management buy-outs, etc.
- 1.4 Failure to observe the standards set out in this Code will be regarded as serious and any breach will render an employee liable to disciplinary action, which may include dismissal.

2.0 STANDARDS

- 2.1 Harrogate Borough Council 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 other employees and Councillors with impartiality. Employees may, through agreed procedures and without fear of recrimination, bring to the attention of the appropriate level of management, any deficiency in the provision of service. Employees must report any impropriety or breach of procedure.

3.0 DISCLOSURE OF INFORMATION

- 3.1 Harrogate Borough Council believes in open government. Recourse to unpublished or exempt Minutes is the exception rather than the rule. Access to exempt/unpublished Minutes is, however, restricted and no information contained in those Minutes should be divulged to another party except on the express direction of your Chief Officer or the Council. The law requires that certain types of information must be available to Members, Auditors, Government Departments, Service Users and the Public. Employees need to be aware of the types of information which are open and which are not and act accordingly. If in doubt seek advice from your departmental head or chief officer.
- 3.2 Staff 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. Any particular information received by an employee from a Councillor or a fellow employee which is personal to that person and does not belong to the Authority, should not be divulged by the

employee without the prior approval of that person.

4.0 POLITICAL NEUTRALITY

- 4.1 Employees must serve the Council as a whole. It follows they must serve all members not just members of any controlling group and must ensure that individual rights of all members are respected.
- 4.2 Employees should not usually be called upon to advise any political group of the Council either as to the work of the group or as to the work of the Authority. Neither should employees be required to attend any meeting of any political group, except that in certain circumstances, the Chief Executive and the Directors may give advice to political groups. Any other employee must receive clearance from the appropriate director if asked to give advice.
- 4.3 Employees do not answer letters from political parties or on political issues. (Except to acknowledge and confirm what is Council policy). Sometimes it may be appropriate to refer the request to the Council itself.
- 4.4 Employees do not respond where political parties put complaints on behalf of individuals.
- 4.5 Employees do not share platforms with any single political party, although provided that the issue is not a party political one, employees would be permitted to appear with members of all parties where the objective is to give information.
- 4.6 Employees, whether or not politically restricted, must follow every express policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5.0 RELATIONSHIPS

5.1 *Councillors*

Employers are responsible to the Council through its senior managers. For some, their job is to give advice to Councillors and the Council and all are there to carry out the Council's work. Mutual respect between employees and the Council is essential in 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.

5.2 *The Local Community and Service Users*

Employees should always remember their responsibilities to the community they serve and ensure they provide services courteously, efficiently and impartially to all groups and individuals in the community as defined by the Policies of the Council. The Council has recently adopted a Corporate Customer Care Policy and a Customer Care Management Handbook has

been issued to directors, business unit and cost-centre managers in every department; employees are encouraged to read the handbook. Training on customer care is to be given to all employees.

5.3 *Contractors*

All relationships with contractors or potential contractors should be made known to the appropriate manager. To do otherwise contravenes the law. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against

5.4 Employees involved in the awarding of contracts must comply with the Council's Financial Regulations and Standing Orders and Standing Orders Relating to Contracts.

5.5 Employees who engage or supervise contracts or have an official relationship with contractors and have previously had or currently have relationship in a private or domestic capacity, should declare that relationship to the appropriate manager.

6.0 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

6.1 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 upon anything other than the ability of the candidate to undertake the work. 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 personal relationship outside work with him or her.

6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

7.0 OUTSIDE COMMITMENTS

7.1 All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests. All employees on Grade SO1 and above require the consent of the Council to take outside employment.

7.2 Employees are reminded that the Council, on the recommendation of the External Auditor, now maintains a register of officer's outside interests in each department. Employees are required to notify their chief officer before undertaking any other work so that a judgement can be made about possible conflicts of interest.

7.3 Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

8.0 PERSONAL INTERESTS

8.1 The following outside interests should be notified and registered:-

- If you have another job with another employer;
- If you undertake work for an external organisation, regularly or occasionally, and you use any of the Council's facilities or equipment/material;
- If you undertake work for an external organisation, either regularly or occasionally, and you receive the fees;
- If you undertake external work on a self-employed basis;
- If you are involved in any official capacity with an outside organisation which has dealings with the Council, e.g. grant requests or planning applications;
- If you make any significant use of Council equipment/materials for private purposes (NB. unauthorised removal of Council property is a disciplinary offence under financial regulation 19.5);
- If you have any involvement with an external organisation with which the Council places any orders for work, goods and services;
- If you have any involvement with an external organisation which is bidding for formal contracts with the Council.
- If you set up or accept employment with a private business which is engaged in work in direct competition with the Council; and
- If you undertake any external work during normal office hours.

8.2 Your involvement as a member of an outside organisation or as a shareholder of a company does not need to be notified and registered.

9.0 EQUALITY ISSUES

9.1 The Council is an equal opportunities employer and all employees are under an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of community, customers and other employees have a right to be treated with fairness and equality. The full policy is available on the Intranet or HR Support.

10.0 SEPARATION OF ROLES DURING TENDERING

- 10.1 Employees should be clear on the separation of client and contractor roles within the Council. Senior staff who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and subcontractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either external or internal contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Employees should ensure that no special favour is shown to current or recent former staff 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.

11.0 CORRUPTION

- 11.1 It is a serious criminal offence for employees 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. Section 2 of the Guidance on the acceptance of Gifts and Hospitality and Outside interests (“The Guidance notes”) deals specifically with gifts.

12.0 USE OF FINANCIAL RESOURCES

- 12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Authority.

13.0 HOSPITALITY

- 13.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council 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. It should be properly authorised and recorded in the register maintained in each department for that purpose.
- 13.2 When hospitality has to be declined the offer or should be courteously but firmly informed of the procedures and standards operated within the Council.
- 13.3 Employees should not accept significant personal gifts from contractors and outside suppliers although they may keep insignificant tokens such as pens, diaries, etc,

- 13.4 In receiving authorised hospitality employees should be sensitive to the timing of decisions for letting contracts for which the provider is bidding.
- 13.5 Acceptance by employees of hospitality by other public bodies or whilst in attendance at relevant conferences and courses is acceptable.
- 13.6 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 or seeking business with, or a decision from the Council, particularly where the offer is to an individual employee.
- 13.7 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 the hospitality. Section 3 of the Guidance notes deal specifically with hospitality.

14.0 SMOKING POLICY

- 14.1 The Council has introduced a policy on smoking at work. Employees are reminded that smoking in a non-smoking area is regarded as a disciplinary offence.

15.0 SPONSORSHIP - GIVING AND RECEIVING

- 15.1 Where an outside organisation wishes to sponsor or is sought to sponsor a Council activity, whether by invitation, tender, negotiation or voluntary, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.2 Where the Council 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 or to the Council of any such interest. Similarly, where the Council, 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.

16.0 CONTACT WITH PRESS AND MEDIA

- 16.1 Unless specifically nominated and authorised by the Chief Executive or the Chief Officer of the Department concerned, employees are not permitted to give reports or speak to the press and media on matters relating to employment with the Council, Council business or decisions of the Council. In the main, the Chief Executive, Chief Officers, Executive Officers and the communications and Media Manager will be responsible for dealing with the press and media. Employees with this responsibility should guard themselves against declaring a view which is contrary to a position taken by the Council

and which may be deemed to be critical of that decision.

- 16.2 In the event of an industrial dispute involving your Trade Union organisation, an elected representative of the Trade Union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that Trade Union organisation to respond, that employee should exercise great care in presenting the facts of the case and should avoid personal opinions which may be damaging to the Council.
- 16.3 In all circumstances, employees are under a general duty of care to avoid, wherever practicable, a conflict of interest situation arising and should not undertake to criticize damage or act in any way against the best interests of the Council. Should this occur, then the employee will be subject to disciplinary action in accordance with the agreed procedures.

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