Local Government for Langton Green, Speldhurst, Ashurst and Old Groombridge

EMPLOYEE CODE OF CONDUCT

POLICY FRAMEWORK

The Code sets out the standards which are expected of employees and provides a framework which will help to promote best practice. All employees of the Council are required to observe and uphold the standards of the code and all policies and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action. The Code provides guidelines for employees to help maintain and improve standards and protect employees from misunderstanding or criticism.

Who does the policy apply to?

This policy covers all employees. Elected Members are bound by a separate Code of Conduct as laid out by the Standards Board.

Responsibility

All employees of the Council 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.

Confidentiality

All information will be handled sensitively and used only for its proper purpose.
Under the General Data Protection Regulations Act 2018 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The Council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

Publicising/distribution of the policy

A copy of this policy is issued to every employee.
New employees will be informed of the existence of this policy in recruitment and induction information.

Reviewing the policy
The Council will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following necessary consultation with the County Association and Society of Local Council Clerks.

Equality and Diversity
All employees must ensure that policies relating to equality issues, as agreed by the Council, are complied with, in addition to the requirements of the law. This applies both in the delivery of our services and in relation to our employment practices. We are committed to inclusion and equality in everything we do. This includes the elimination of unlawful discrimination, promoting diversity as a positive force and valuing and celebrating our diverse workforce and community.
If necessary, an equality impact assessment will be carried out in the preparation of this policy and the assessment will be reviewed on an ongoing basis.

Alternative formats
Where any alternative format is required, any initial enquiry should be made through your Chair.

Further information
If you require any further advice relating to this document, you should contact your Chair in the first instance.

PROCEDURE

Standards and attitude
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. 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.
In all it is not enough to avoid actual impropriety, as public perceptions are very important. *Employees should at all times avoid any appearance of improper conduct*, which might give rise to suspicion.

Confidentiality and disclosure of information
Employees shall not divulge to any person (other than another member of staff or member of the Parish 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 Council's Access to Information Procedure Rules.
In particular, no member of staff shall divulge personal information regarding any employee, person or contractor, having dealings with the Authority and information relating to tenders or other such issues.

Whilst staff are encouraged to be open to the press, the press should only be given information which would normally be available publicly. If the employee is in any doubt as to whether or not the information can be disclosed to the press, prior approval from the Council must be sought in the first instance.

Political neutrality

Employees serve the Council as a whole.

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 neutrality.

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.

Relationships

a) **Councillors** - Mutual respect between employees and councillors is essential for good local government.

b) **The local community and service users** - Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Council.

c) **Contractors** - All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared at the earliest opportunity. Orders and contracts must be awarded in accordance with Council standing orders and financial regulations and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

   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. 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.

Grievances

The Parish Council aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and reacting fairly, consistently and in accordance with the Equality Act 2010. Employees are encouraged to raise any concerns, problems or complaints with their line manager, or the Chair or Vice-Chair, in the first instance, with the aim of settling the grievance informally and as quickly as possible.

Appointment and other employment matters

Employees shall not canvass any Member or Officer of the Council in respect of candidates seeking employment with the Council. Officers shall disclose any relationship known to exist between them and any person who they know is a candidate for employment with the Council.

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.

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.
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.

Outside commitments
Your off-duty hours are your own concern, but you should make sure that you do not allow yourself to get into a position where your private interests come into conflict with your contractual obligations and are detrimental to the interests of the Council.

Personal interests
You must declare any financial or non-financial interests which could bring about conflict with the Council's interests.
If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of the Chair so that a decision can be made as to how best to proceed. You must not make, or become involved with any official or professional decisions about matters in which you have a personal interest.
Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Council in which you have a pecuniary interest. Such declarations should be made in writing.
It is a criminal offence to fail to comply with this provision.
You must declare membership of any organisation not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the Freemasons. Such declarations should be made in writing.

Equality
All members of the local community, customers and other Council employees have a right to be treated with fairness and equality. You should become familiar with and observe all Council policies relating to equality issues, e.g. the Council's equality and diversity policy, in addition to the requirements of the law.

Tendering procedures
Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, you must declare that relationship. If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person. All employees must 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 any capacity.
At all times, employees dealing with Tenders and Contracts must ensure that they comply with the Council's Standing Orders with respect to Contracts and Financial Regulations.

Corruption

Employees must be aware that it is a serious criminal offence under the Prevention of Corruption Acts 1906 and 1916 for them to receive or give any gift, loan or reward or advantage in their official capacity "for doing, or not doing, anything", or "showing favour, or disfavour to any person". If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. For your own protection, if anyone makes an approach to you which seems to you, 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 contract, you must report the matter to the Council.

Possible inducements

Employees are expected to use the Council's money and resources with absolute honesty and be able to demonstrate this at all times. A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence.

a) **Gifts generally** - Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Prevention of Corruption Acts 1906 and 1916. Nevertheless, with the exceptions listed below, you should decline any personal gift offered to you, or to a member of your family, by any person or organisation having dealings with the Council.

   Any such offer should be reported to the Council in writing.

   When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately.

b) **Exceptions**

   • Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices, but only if it bears the company's name or insignia.

   • Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.

   • Gifts of a token nature from parents/children at pre-schools.

c) **Hospitality** - Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.

   Hospitality is sometimes offered to representatives of the Council in an official or formal capacity. Normally the only officers who would attend would be chief officers and recognised deputies. If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc, who may stand to benefit from the goodwill of the Council. You should also be careful about attending exhibitions, seminars or visiting manufacturers, etc.

There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality. In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself.

When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common-sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.

Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted. All offers of hospitality should be reported.

d) **Checklist**

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- Is the donor, or event, significant in the community?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What do you think is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- Could you justify the decision to the Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- Are you likely to be expected to respond to the hospitality, and if so, how?
- Are you comfortable about the decision?

Sponsorship - giving and receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner/civil partner, spouse nor relative must benefit from such sponsorship in a direct way without there being full disclosure 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.

Financial regulations

All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Council's financial regulations. They 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 council. Any breaches of these instructions may lead to disciplinary action and could lead to dismissal.