

## 5B. Code of Conduct for Council Employees

### Summary of the Code of Conduct

This Code of Conduct applies to everyone who is employed by the London Borough of Harrow so that they know what is expected of them and are treated fairly. As a valued and trusted employee, it is crucial that you understand the importance of adhering to the standards of conduct set out in the code. A breach of these standards could lead to disciplinary action. A serious, or repeated breach, may result in dismissal from the Council. The matters covered in this code are not to be considered as being an exhaustive list.

Employees may also be bound by other standards of professional conduct depending on their profession. The Council also expects non-employed staff to comply with the Code of Conduct.

~~The Code is intended to provide guidance on standards of conduct.~~

The Code covers:

1. Introduction
2. General Standards
3. Financial and Non-Financial Interests including:
  - acceptance of hospitality and gifts
  - outside work and private interests
  - contracts sponsorship
  - interests with applicants for employment
4. Relationships with colleagues, managers, councillors, contractors, the press and the public.
5. Health and Safety
6. Equal Opportunities
7. Confidentiality to protect the Council's interests and client's interests.
8. Care of money and property
9. Political neutrality and political restrictions
10. Responsibilities of all Corporate Directors and Directors

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## 1. Introduction

### 1.1. Purpose of the Code

To provide guidance for all employees of the Council on the standards expected of them in the performance of their duties.

~~To bring together existing laws, regulations and conditions of service to~~ provide a comprehensive collection of the requirements and standards of which employees should be aware of.

In most circumstances conduct in breach of this Code will ~~also~~ be constitute misconduct/~~gross- under~~misconduct under the Disciplinary Procedure.

### 1.2. Application of the Code

The Code applies to all Harrow's employees with the exception of teachers. ~~The Council also expects non-employed staff to comply with the Code of Conduct.~~

~~Inevitably it will affect certain senior officers more than others but~~ All employees should be aware of the contents of the Code and its importance. All activities carried out under a contract of employment with the Council ~~or on behalf of the Council~~ are subject to the Code. This may includes activities carried out on behalf of the Council involving other organisations or local authority controlled or influenced companies.

### 2.1. Official Conduct

Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained and must not bring the Council into disrepute.

Local Government employees are expected to give the highest standard of service to the public. The contract of employment is with the Council as a whole and all employees must perform their work impartially to members of the public, other employees and Councillors of all political parties.

All employees must be aware that the London Borough of Harrow exists primarily to serve the public. They must always be courteous to the public.

Employees must carry out their duties in a conscientious manner and must not wilfully neglect their duties nor cause any waste of time and/or productivity.

Employees should abide by the general principles of conduct which can be found at Appendix 1.

### 2.2. Political Neutrality

All the individual rights of Councillors must be respected, and services, support and advice must be made equally available to all political groups. Minority political groups are entitled to the same level of advice and support as the controlling group on the Council. (See also paragraph 9.2).

Certain local government employees may be contractually required not to undertake certain "political activities" (see Para 9.3), but in addition all employees whether restricted or not must follow the lawfully expressed policy of the Council and must not let their own political or personal opinions or beliefs interfere or be apparent in the way that they work, for example, in emails, [email sign-offs](#) and correspondence.

### 2.3. Duty to Report failure in Service Standards

Employees must bring to the attention of the relevant Director any impropriety, breach of procedure or failure of the manner in which services are being provided, without fear of recrimination.

## 3. Pecuniary and Non-Pecuniary Interests

### 3.1. Duty to Declare Certain Contractual Interests

3.1.1. A failure by an employee to declare a pecuniary interest in a contract which the Council is considering entering into or has entered into may be a criminal offence. Section 117 of the Local Government Act 1972 provides that if an employee knows that a contract in which they have a pecuniary interest, whether direct or indirect is before the local authority they must give notice of that interest to the authority. Notice shall be given to the relevant Corporate Director and the particulars of the interest shall be entered into the register held by the Corporate Director. The register is open to inspection by Councillors insofar as there is a legitimate reason for such inspection.

3.1.2. Employees who have an interest in a company or other organisation with which it is likely or possible that the Council will enter into a contract in the future are advised that they must give prior notice of the interest in the company. Separate later notice of each contract entered into is also required, under the provisions of the Act.

~~3.1.3.~~ 3.1.3 It is particularly important that if an employee is considering becoming involved or has become involved with an organisation to provide services to the Council, that that interest is disclosed at an early stage and certainly before any decisions have been taken over the tendering and selection procedures. No further part can be taken by an employee who has such an interest, ~~in the formulation of an internal bid for the provision of services under Compulsory Competitive Tendering, Voluntary Competitive Tendering, or other similar procedures.~~

### 3.2. Corruption

There are certain statutory provisions which back up the general requirement on all employees that all benefits which result from the performance of duties on behalf of the Council may only come officially by proper remuneration.

- (i) Section 117 (2) of the Local Government Act 1972 forbids an employee to accept "any fee or reward whatsoever" other than proper remuneration and can be a criminal offence.
- (ii) All employees, and other associated persons acting on behalf of the Council, are prohibited from offering, promising, giving or

accepting any bribe either within the Council or from or to a third party organisation, in accordance with sections 1 and 2 of the Bribery Act 2010. Such bribes may relate to the improper performance of duties to gain advantage for the Council or personal advantage, financial or otherwise, for the individual, or anyone connected with the individual.

### 3.3. Additional "Outside" Employment

- 3.3.1. Employees on Scale G7 ([spine point 25](#)) or above are required by their contract of employment to seek prior written approval before accepting any work, whether paid or unpaid, outside the Council. Approval must be sought from the Director. Failure to obtain consent is a breach of the terms of the contract of employment.

Even where approval is given it will be on the basis that it will not be to the detriment of the work for the Council and will not in any way be in conflict with the interests of the Council.

If there is any possibility of conflict with the interests of the Council, employees below Scale G7 are required to seek approval from the Director. Employees must ensure that the additional work will not affect their work for the Council.

Approval for private work must be sought and obtained on a 3 yearly basis regardless of whether or not there has been any change in circumstances. If an employee's position with the Council or the nature or scope of the private work changes in any way, approval must be sought from the Director in order to continue to pursue the private work.

- 3.3.2. No office facilities, including IT facilities, or information owned or held by the Council may be used for the purposes of "outside" use or employment [without formal approval](#). It is irrelevant whether or not the work is paid. Prior authority should be obtained for all situations where facilities or information are intended to be used. Employees should also take care not to infringe any copyrights or intellectual property rights held by the Council. Guidance should always be sought where there is any doubt as to what is permitted e.g. supplying information to local authority associations, professional groups.
- 3.3.3. Corporate Directors/[Directors or Head of Paid Service may sign this off and the Monitoring Officer](#) will maintain [a registers](#) of all approvals given.

### 3.4. Hospitality

- 3.4.1. Hospitality should not be accepted unless the employee is representing the Council. In these situations, the hospitality accepted must be commensurate with the occasion and no more than is reasonable.

Where it is necessary to decline an offer of hospitality this should be done courteously but firmly and the person or organisation informed of the procedures and standards operating within the Council.

- 3.4.2. Great care must be taken when considering whether to accept an offer of hospitality from a person or body in a contractual relationship with the Council. This is particularly so where such a relationship is being sought or a contract is being considered for renewal. Authorisation to accept any such hospitality should be sought from the appropriate Director. When receiving authorised hospitality employees should be sensitive to the timing of decisions for letting contracts for which the provider is bidding.
- 3.4.3. Acceptance by employees of hospitality whilst in attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, and where the Director has given consent in advance after being satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc., are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. A record of hospitality offered whether received or declined must be maintained in the register held by the Monitoring Officer Corporate Director, The Corporate Director/ Directors or Head of Paid Service will approve any hospitality.

### 3.5. Gifts

- 3.5.1. It is very important that an employee does not put themselves in a position of being suspected of dishonesty. The difference between accepting a bribe (a criminal offence) and accepting a "thank you" present for work done in a continuing relationship is very slight. To accept any reward means running a risk of a serious accusation being made. The motives of those offering rewards must always be suspected. The acceptance of a gift from those who are vulnerable and in receipt of services equally runs the risk of a serious accusation being made.

The basic rule is that employees are paid for carrying out their jobs well and that no further reward should be given or accepted.

- 3.5.2. It could arise that an employee is provided for in the will of a former service recipient. It is, of course, quite improper for such a gift to be solicited in any way. If an employee becomes aware at any time that they are provided for in the will of any person in receipt of services from the Council then their Director should be informed immediately. If a bequest is received then the member of staff should discuss with the Director whether it is appropriate for the bequest to be retained. This is not considered to be a matter on which more specific advice can be given and if such an occasion

ever arises it will have to be considered at the time. What is considered to be important, in order to protect an employee from accusations of improper conduct, is that the issue is dealt with openly and with the Director being kept fully informed.

3.5.3. Unsolicited gifts are sometimes received, particularly over the Christmas holiday period. All significant gifts should be returned or passed immediately to their Director, Corporate Director or Head of Paid Service. Insignificant gifts, such as pens, calendars or diaries may be retained. If the employee is in any doubt the Director, Corporate Director or Head of Paid Service should be consulted. If the Director, Corporate Director or Head of Paid Service decides that a significant gift can be retained to be shared amongst staff or passed to a charity a record of the gift and the donor should be kept. Consideration should be given to informing the donor of the method chosen for the distribution of the gift. Where the Director, Corporate Director or Head of Paid Service feels that it is inappropriate for the gift to be retained, it must be returned to the donor.

3.5.4. Particular care must be taken when considering whether to accept gifts from contractors who are or will be seeking to obtain contracts from the Authority.

3.5.4.3.5.5. A record of gifts received or declined must be maintained by the Monitoring Officer. The Director, Corporate Director or Head of Paid Service will approve the acceptance of any gifts.

### **3.6. Sponsorship**

3.6.1. Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must again be taken when dealing with contractors or potential contractors. Offers of sponsorship must be brought to the attention of the Director.

3.6.2. 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 the Director 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.

3.6.3. Corporate Directors will maintain a register of interests.

### **3.7. Compliance with Contract Procedure Rules and Financial Regulations**

The Contract Procedure Rules regulate the content of contracts and the procedure for entering into contracts on behalf of the Council. The

Financial Regulations and Financial Standards of the Authority again provide detailed guidance as to what is expected of all employees. Both Contract Procedure Rules and Financial Regulations are set out in full in the Constitution.

All employees are expected to be aware of the content of these documents insofar as they relate to the job being undertaken. It is the responsibility of Corporate Directors to ensure that appropriate training is given and that employees are aware of the applicability of Contract Procedure Rules, Financial Regulations and Financial Standards which can be found in the Council's constitution.

### 3.8. Recruitment and Selection of Employees

3.8.1. Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible appearance 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 them.

The Council's Recruitment, Selection and Appointment Procedures must be followed for all appointments. It is the Council's policy that all employees involved in appointments should have received training and be fully aware of the requirements of this Procedure.

3.8.2. There is a requirement for all candidates for an appointment to disclose any relationship to a member of the Council or a senior employee. This obligation is referred to on all job application forms. ~~There is a similar obligation (Section 4a of the Harrow Scheme for Pay & Conditions of Service Vol.2 on every "senior officer of the Authority ... (to) similarly disclose to the Authority any relationship known to them to exist between themselves and a candidate for an appointment of which they are aware".~~ The appointing Director and Director of Human Resources should be made aware of any such declaration.

3.8.3. Every senior employee, i.e. employees paid G79 or above, shall disclose to the Director of their department any relationship known to the officer to exist between themselves and any candidate for appointment to the Council.

### 3.9. Employment Decisions

Employees should not be involved in decisions relating to discipline, grievance, promotion or pay adjustments for any employee who is a relative, partner or close friend. It is important that employees do not allow the impression to be created that a decision may have been taken for an improper reason. It is not sufficient that the decision was properly taken; the possible appearance of bias must be avoided.

### 3.10. Pecuniary Interests

Certain interests in contracts if not disclosed may make an employee liable to a prosecution (see para 3.1). In addition all employees are expected to disclose all pecuniary interests, which could conflict with the interests of the Council. No actual conflict need arise.

It may not always be clear whether an interest might conflict. Circumstances may change after the interest is obtained which make it more likely that conflict will arise.

It is most likely that a pecuniary interest will arise from investments made in a company which may contract with or be in competition with local authorities or which arises from "outside" employment. (See also para 3.3.

- notice of other employment). Notice should be given to the Director. Advice should be sought if the employee considers there is any element of doubt as to whether the interest should be declared or not.

The pecuniary interests of the employee's family and friends may, depending on the circumstances, also be notifiable to the Director. The test is whether the interest and the relationship is such that a member of the public might reasonably consider that the employee would be influenced by the interest and might not therefore always be acting impartially on behalf of the Council. The likelihood of the employee being able to influence a decision or otherwise influence the delivery of a service would also be a relevant factor to take into consideration. Where the Director considers it to be advisable, the employee will take no further part in procedures, which they have an interest in. All such interests will be recorded in the register of interests kept by the Corporate Director and available for inspection by Members of the Council.

### 3.11. Non-Pecuniary Interests

All other non-pecuniary interests should also be declared to the Director where it is considered that the interest could be in conflict with the interests of the Council.

Examples of such interests are:

- (a) school governor of a school maintained by the Council
- (b) involvement with an organisation receiving grant aid from the Council
- (c) membership and control of a voluntary organisation in the Council's area. National Health Trust
- (d) involvement with an organisation or pressure group which may seek to influence the policies of the Council

All such interests will be referred by the Director / Corporate Director to the Monitoring Officer who will keep a central record ~~recorded in the register of interests kept by the Corporate Director and~~ available for inspection by Members of the Council.

The interests of the employee's family and friends may, depending on the circumstances, also be notifiable to the Director. The test is whether the interest and the relationship is such that a member of the public might reasonably consider that the employee would be influenced by the interest and might not therefore always be acting impartially on behalf of the Council. The likelihood of the employee being able to influence a decision or otherwise influence the delivery of a service would also be a relevant factor to take into consideration.

### 3.12. Personal Interests

Employees must declare to their Director membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

The definition of what constitutes a secret society for the purposes of this code is as follows:

“Any lodge, chapter, society, trust or regular gathering or meeting which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- b) 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, trust, gathering or meeting and
- c) 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.

A lodge, chapter, society, trust gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion”.

## 4. Relationships

### 4.1. General

4.1.1 The Council expects employees to maintain civil good relationships with colleagues and members of the public. It is understood that trade union officials may need to be robust in performing their role. Employees must should respect the rights of others and in particular should act in accordance with the Council's policy on harassment: Dignity and Respect at Work Policy.

4.1.2 The Council is committed to creating an environment free of discrimination, harassment, victimisation and bullying, where everyone is treated with dignity and respect. The Council will not tolerate bullying and harassment of any kind. All allegations of discrimination, harassment, victimisation and bullying will be taken seriously and investigated. If appropriate, disciplinary action will be taken

4.1.3 All employees when carrying out their employment duties must comply with legitimate instructions, and/or procedures and/or this codes of conduct.

4.1.4 Employees must not be absent from work without leave and/or a manager's authority without providing their line manager with a reasonable explanation for their absences

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4.1.5 Employees unable to report for duty because of sickness must comply with the requirements for notification of sickness absence, and the submission of medical certificates (as appropriate) in accordance with the appropriate scheme of conditions of service or departmental rules.

4.1.6 An employee who accepts a caution, is charged with or convicted of any offence must disclose this to the Council immediately via their line manager. This will not normally affect their employment unless the offence damages public confidence or makes the employee unsuitable for the job they do.

4.1.7 In order to be able to practice, employees in roles requiring professional registration to practice are required to maintain their professional registration through payment of fees and re-registering within the required timescales determined by the relevant professional body (unless this is carried out by the Council). Therefore, evidence of ongoing registration is required and must be provided upon request. A failure to maintain registration that results in the employee being unable to undertake their role would amount to a breach of contract and/or a fundamental breach of statutory requirements. This will be regarded as gross misconduct.

## **4.2. With Colleagues**

4.2.1 All employees are expected to apply the same high standards of conduct in their dealings with colleagues as with the public. The disruption of other's work or the acting in any way that unnecessarily makes the tasks of others more difficult or more time consuming is unacceptable behaviour.

4.2.2 This does not apply to lawful industrial action.

4.2.3 Employees should not use their position with the Council improperly to take advantage of other employees.

## **4.3. With Managers**

All employees have a joint responsibility to ensure good working relationships. The manager is expected to provide feedback on performance, give advice on how improvements can be made, define what is expected from an employee and deal with concerns about the work. For some employees there are formal procedures but even where formal procedures do not exist managers are expected to provide this assistance in an appropriate manner (formal or informal).

Managers are expected to provide support for employees in the performance of their duties, including assistance where necessary, in dealing with other employees or the public.

Employees should carry out all reasonable and lawful instructions to the best of their abilities. Documents and records should be kept in an honest way and never altered, damaged or falsified. No matter should be concealed which it is known should be reported.

Claims or allegations against other employees should be raised with the Manager in accordance with Council procedures. Matters may also be taken up with the trade union representative.

#### **4.4. With Councillors**

Councillors' enquiries should be dealt with politely and efficiently. Councillors should deal with all employees courteously and reasonably. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity can damage this relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

If a Councillor makes a request of an employee, which is considered to be improper, or contrary to agreed procedures or one, which cannot reasonably be carried out, the senior manager should be informed immediately.

No personal matters to do with an employee's job should be raised with Councillors directly but should be referred through the accepted Council procedures. In the same way allegations or claims about other employees should be referred to the appropriate manager and not raised directly with Councillors.

Employees should not use Councillors to by-pass formal Council procedures in any way, for example, to influence the outcome of a disciplinary action.

[The above does not stop employees in their private capacity who are residents contacting councillors about ward matters.](#)

#### **4.5. With Contractors**

Reference has been made in many parts of this code to the need for care when dealing with contractors or potential contractors. The appearance of familiarity should be avoided. Careful records should be kept of all meetings, recording the purpose and outcome of meetings. There may be occasions when it is advisable to be accompanied.

Guidance on the acceptance of hospitality and gifts should be carefully observed. Procedures relating to the seeking, opening and selection of contracts must be strictly followed. If at any time an employee considers that a contractor or potential contractor is trying to unduly or improperly influence the consideration of a tender then a senior manager must be informed immediately.

The above paragraphs also apply to contact with consultants and suppliers.

#### **4.6. With the Media and Social Media**

- 4.6.1. Employees should know whether they are expected to respond to requests for information from the press or other media. If in doubt the request should be referred either to the Council's Communications Team or to a senior manager. The gratuitous release of information to the Press should only be done or authorised by an Corporate Director / Director or the Communications Team.
- 4.6.2. If an employee considers that improper pressure is being applied to release information, a senior manager should be informed immediately.
- 4.6.3. No information should be released which is confidential or which could be used to the detriment of the interests of the Council to any person or outside body. Confidential is defined as any matter, which could be classed as exempt under the Access to Information Rules in this constitution. If an employee has any doubts about whether information should be released advice from a senior manager should be sought.
- 4.6.4. If an employee wishes to write any articles or give interviews relating to the work of the Council or which identify the author or speaker as an employee of the Council prior permission must be obtained from their Director. If an employee wishes to speak or write in a private capacity on a matter unconnected with the Council, then the rules on additional employment must be followed. Employees must not use Social Media to bring the authority into disrepute.

#### **4.7. With Service Users and the Public**

- 4.7.1. All members of the public should be treated with courtesy, respect and helpfulness at all times whether on the phone, in writing or in person.
- 4.7.2. Employees should present a positive attitude and manner, ~~and dress in an appropriate way.~~ If specific dress rules exist these should be followed. If no such rules exist then clothing which is appropriate to the job and which portrays a positive attitude to the service should be adopted.
- 4.7.3. Some roles require employees to wear a uniform or personal protective equipment (PPE) and employees must adhere to this requirement and wear designated uniform as per their role.

4.7.4. Employees should be aware that they represent the council and should dress in a professional manner and always strive to maintain a respectful and inclusive atmosphere within the council.

4.7.2.4.7.5. At no time should an employee's behaviour or actions damage public confidence in the employee's honesty or integrity as a Council employee. Information acquired through work must not be misused or improperly disclosed. An employee's position with the Council must not be abused or taken advantage of.

#### **4.8. With External Organisations - Health Trusts, Police, Voluntary Organisations etc.**

4.8.1. The Council expects employees to establish and maintain effective working relationships with representatives of external organisations. Employees must have due regard to Council policies concerning disclosure of information, acceptance of hospitality, maintenance of records, etc.

### **5. Health and Safety**

The Council accepts and will meet its statutory obligations by making every reasonable effort to provide a safe and healthy working environment and to ensure that all reasonable steps are taken to protect the health and safety of its service users.

All employees are expected to know and to follow all appropriate health and safety requirements. It is the responsibility of managers to arrange appropriate training.

### **6. Equal Opportunities**

- 6.1. It is the policy of the Council that there shall be no discrimination in recruitment, employment conditions, training or promotion
- 6.2. All employees have a duty to co-operate with the Council and to promote equal opportunities within their own spheres of responsibility
- 6.3. Managers must observe and promote the Council's Equality of Opportunity and Dignity and Respect at work policy and ensure that they observe all relevant Council policies and procedures.
- 6.4. Corporate Directors and Directors are responsible for implementing and promoting equal opportunities within their departments.

### **7. Confidentiality**

It is accepted that open government is best and is the aim of the Council. The law requires that certain types of information are available to Members, auditors, government departments, service users and the public. Members of the public have the right to certain information under the Freedom of Information Act.

Guidance is given in the Council Constitution as to the information which Councillors are entitled to receive and the grounds on which information can be withheld from the public. If an employee is in any doubt as to whether information should be released guidance from their Manager should be sought.

There is certain information which should be treated as highly confidential and which work colleagues and Members should only be able to see on a strict need to know basis. Some departments already have procedures for dealing with such information and Managers are responsible for ensuring that employees are aware of any such requirements.

Three categories of information in particular should be treated with care:

- (a) Personal information relating to clients, service users or third parties. Recipients of services often have to provide detailed and personal information, which is given and received on the basis of confidentiality. It would be a complete breach of confidentiality if this information were to be revealed to any person who did not have a need to know.
- (b) Personal information relating to employees, for example, confidential references or disciplinary records.
- (c) Financial or other information, which could prejudice the interests of the Council if, revealed. Particular care must be taken of information relating to the selection of contractors and the contents of bids or tenders received. ~~Where internal bids are made under Compulsory Competitive Tendering or Voluntary Competitive Tendering arrangements, the Director is responsible for ensuring that responsibilities of the client side and the contractor side are clear and do not overlap.~~ Employees are not permitted to take advantage of their position within the Council to gain an unfair advantage.

Employees must take care that all information obtained in the course of their employment is not used for personal gain or benefit and nor should it be passed on to others who might similarly gain or benefit.

Particular care should be taken with personal data which is subject to the requirements of the UK GDPR and the Data Protection Act 2018.

## 8. Working with the Council's Money and Property

### 8.1. Care of the Council's Money and Property

- 8.1.1. The property of the Council may only be used for the purposes of the Council and not for personal benefit. At one level this means that ~~private telephone calls should be recorded and paid for and equipment and stationery should not be put to personal use or~~

~~taken home~~. At a higher level this means that in carrying out one's job care must be taken to protect the Council's interests, money and property. For example, faults in equipment or concern about possible fraud by others should be reported.

8.1.2. The Council is entitled to expect at least the same standard of care of its property as employees give to their own property.

8.1.3. An employee should not withhold money from the Council for any reason where no legal basis exists for so doing. There may be circumstances where it is not possible for an employee to continue in a job where money is owed, for example, an employee involved with the collection of Council Tax should not personally owe Council Tax to this or any other Council. An employee must not make fraudulent claims for financial assistance from this or any other local authority. To do so, may make it impossible for an employee to continue in ~~their his/her~~ position with the Council.

8.1.4. When an employee ceases working for the Council all papers and other records, equipment and any other property of the Council must be returned.

## **8.2. Ownership of Intellectual Property**

"Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule they belong to the employer".

8.2.1. Knowledge and information held by the Council is equally the property of the Council and must not be used for the purposes of "outside" employment.

8.2.2. The Council owns the copyright to printed material and computer programs, which it has developed. To release this information can be just as damaging to the interests of the Council as theft. Care must be taken over the less tangible assets of the Council in the same way as other assets.

## **8.3. Care of Clients' Money and Property**

It is necessary to follow procedures, which can demonstrate that full, and proper care has been taken.

Where procedures already exist they must be adhered to. In the absence of formal procedures, employees must carefully record all property, consider the advisability of a witness and if in any doubt seek further advice from the manager.

## **9. Political Neutrality and Political Restrictions**

### **9.1. Advice to Members**

9.1.1. In para 2.2 above reference was made to the fact that employees are employed by the Council and do not work to assist the majority political group or any other political group. There are a few employees who are employed in an administrative/secretarial capacity to provide direct support to the political groups. Subject to this exception advice and other assistance must be freely available to members of all groups.

9.1.2. The rights of Members to information are set out in the Council's Constitution. If any employee considers that grounds exist to refuse a request for information or if the cost of collecting the information is too high, then reference to the Monitoring Officer an appropriate Committee of the Council may be needed who will then advise on the appropriate course of action. Advice from their Director should always be sought in such circumstances.

9.1.3. Employees must provide advice and assistance to all groups equally. Advice should always be given as openly as possible. There are a few limited circumstances where it is accepted by the political groups that confidential advice to one group only can be given. This is a convention only. These circumstances relate to advice on procedural matters relating to a meeting of Council or of a Committee and to the drafting of motions to Council. Very few employees would be involved in giving such confidential advice.

## 9.2. Political Neutrality

All employees should be on their guard to avoid co-operating with or becoming identified with the political actions of any of the political parties whilst engaged in their Council duties.

With the exception set out in respect of senior employees at para 9.3 employees have the same freedom as other members of the community to engage in political activities not involving their Council duties. However, employees must avoid being involved in any activity, which may make it more difficult for them to be seen to be carrying out their duties impartially. This can be a sensitive and difficult area for example during a pre-election period and employees should seek the advice of a senior manager.

## 9.3. Political Restrictions

The Local Government and Housing Act 1989 contains provisions to stop "twin-tracking" and to restrict the political activities of ~~senior~~ employees. Twin tracking arises where a Councillor in one Authority is at the same time an employee of another Local Authority. If any employee is in any doubt whether they are subject to political restriction advice should be sought from their manager. Exemptions from the effect of restrictions may be obtainable. Holders of restricted posts are disqualified from becoming a councillor of any local authority and from becoming an MP ~~or MEP~~. They are also prevented from certain other political activities such as canvassing and speaking publicly in support of a particular political party.

Under s80 of LGA 1972, an authority employee will be disqualified from being elected or holding office as a member of that local authority. S80 (1)(a) and (3) have the effect that this principle also applies more widely to employment with joint authorities and bodies on which the authority is represented and schools maintained by the local authority.

The political restrictions are deemed to be incorporated into the contracts of employment and breach of the restrictions is a breach of contract.

## **10. Responsibilities of all Corporate Directors and Directors**

- 10.1.** To ensure all employees including newly appointed employees are aware of and understand the importance of this Code.
- 10.2.** To ensure all appropriate employees are familiar with and understand the Contract Procedure Rules, Financial Regulations and the Financial Standards of the Council.
- 10.3.** To ensure that all employees involved in the recruitment selection and appointment of Staff are familiar with the Council's policies and procedures, and understand the Code of Practice.
- 10.4.** To ensure that the Health and Safety requirements of the Council are fully understood by all employees with responsibility for their operation.
- 10.5.** To maintain the following records:
  - (a) All decisions relating to approval/non approval for the performance of outside work by employees see para 3.3.
  - (b) The acceptance by any employees of hospitality or of any significant gift by an employee or on behalf of a group of employees (see paras 3.4. and 3.5).
  - (c) Any non-pecuniary interest, potential pecuniary interest or interest in a sponsorship deal declared by an employee, see paras 3.6, 3.10 and 3.11.
  - (d) Any personal interest declared by an employee see para. 3.12.

In addition the Monitoring Officer Head of Paid Service shall, where relevant, maintain a central record of (a) – (d) above. the pecuniary interests of employees of the Council.

All the interests declared with the exception of (c) above shall also be recorded in the personal files of the employee. All employees have the right to know what interests have been recorded that concerns them and the detail of any entry. They may ask for entries to be corrected if necessary.

## Appendix 1 – General principles of conduct

1. **Selflessness** – Employees should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and Integrity** - Employees should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
3. **Objectivity** – Employees should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** – Employees should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** – Employees should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
7. **Respect for others** – Employees should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their protected characteristics.
8. **Duty to Uphold the Law** – Employees should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** – Employees should do whatever they are able to do to ensure that the Council uses its resources prudently and in accordance with the law.