

# **Part 5 (b)**

## **Officers' Code of Conduct**

## Conduct in Local Government

This is intended to assist and guide officers in their dealings with the public and is in no way intended to reflect any lack of confidence in their honesty or integrity.

### 1. General

The public are entitled to demand of Local Government Officers conduct of the highest standard and public confidence in their integrity would be shaken were the least suspicion, however ill-formed, to arise that they could in any way be influenced by improper motives.

The off-duty hours of employees are their personal concern but they should not subordinate their duty to position where their duty and their private interest conflict. The Council should not attempt to preclude employment from undertaking additional employment, but any such employment must not, in the view of the Council conflict with, or react detrimentally to, the Council's interest, or in any way weaken public confidence in the conduct of the Council's business.

Employees should not be called upon to advise any political group of the employing Council either as to the work of the group or as to the work of the Council neither shall they be required to attend any meeting of any political group.

It is expected that employees of the Council fulfil the duties specified in their Contract of Employment and Job Description.

As breaches of these rules and standards of conduct may result in various forms of disciplinary action which can, in extreme cases, result in termination of employment, it is necessary that guidance should be given regarding such matters. It is not possible in this document to define all acts of misconduct or incapability which could lead to disciplinary action.

### 2. Business gifts and hospitality

As a general policy the Authority does not believe that giving and receiving gifts is appropriate to the efficient conduct of its business. There are, however, limited exceptions to this policy.

### 3. Receipt of gifts

Any employee who is given a gift of any sort by a business contact, e.g. customer, supplier, etc (actual or potential) must disclose the fact of the gift and its nature to his or her immediate superior, and the Monitoring Officer.

If the Council decides that the gift might constitute a bribe or other inducement the employee will be required to give the gift to their Line Manager who will return it to the donor with a suitable covering letter.

In other instances the employee will be required to return the gift to the donor with a polite note explaining the Council's policy.

In exceptional cases, for example, where the Council decides that the gift was made as a token of the donor's gratitude for a service carried out to a very high standard, the recipient will be allowed to retain the gift.

Promotional gifts such as stationery which are not of significant value (eg calendars, diaries, tape measures and similar articles of use in the office) are exempt from this policy and need not be disclosed. However, employees are reminded that since such gifts are sent only to a limited number of employees they should be distributed to other employees where appropriate.

Small gifts are acceptable where the officer concerned and also, perhaps, the officer's spouse, are personal friends of the donor and where refusal would be regarded as churlish. In such cases, however, whilst the gift might be accepted, a letter should be sent by the officer concerned to the donor explaining the problems of accepting such a gift.

Failure to disclose gifts will constitute a disciplinary offence which will be handled in accordance with the Council's formal disciplinary procedure. If the gift in question was of significant value and, for example, the recipient is in a position to influence business dealings with the donor, the offence may be treated as gross misconduct.

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

#### 4. **Giving gifts**

While it is not the Council's policy to offer gifts to suppliers, customers, etc, the Council recognises that on occasions this may be necessary; for example when someone carries out work on a voluntary basis or for a nominal fee. Equally it may be decided that a gift would be appropriate if a service has been carried out in an exceptional manner.

In such a case employees should put the request in writing to their Line Manager stating:

- who the gift is for
- why it should be given
- the nature of the gift
- its approximate value

Employees who send gifts which have not been approved in accordance with this procedure will not be reimbursed with the cost of the gift. Further, such action may, depending on the circumstances, be treated as a disciplinary offence which will be dealt with under the formal disciplinary procedure.

#### 5. **Hospitality**

There can be little doubt that the acceptance of gifts or hospitality by officers 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 officer concerned and the Council extremely vulnerable to criticism.

Employees should only accept offers of hospitality, including invitations to functions, meals and site visits, if there is a genuine need to impart information or represent the local authority.

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 Council should be seen to be represented. It should be properly authorised and recorded.

The following are examples of hospitality which are acceptable and those which are not; this list is not exhaustive or exclusive.

## 6. **Acceptable**

Invitations to attend functions where the person represents the Council or to functions attended by virtue of a professional position.

Some hospitality offered by other non-commercial bodies, eg other councils.

A working lunch of a modest standard provided to enable the parties to continue to discuss business, eg sandwiches/buffet lunch.

## 7. **Unacceptable**

### **Holidays**

**Personal invitations to evenings out** with representatives of a company or a firm which has dealings with the Council.

### **Offers of hotels and theatre tickets.**

Officers would be well advised to keep a note of any gift or hospitality given or accepted, and the occasion relating thereto. Any hospitality given by officers should be justified as in the public interest. It should be on a scale appropriate to the occasion; extravagance should be avoided.

**In all cases, reference should be made to a Senior Officer, who will in turn, if necessary, discuss the matter with the Head of Paid Service or Monitoring Officer. Any hospitality must be disclosed to the Monitoring Officer.**

## 8. **Other employment**

Officers should be aware of the undesirability of undertaking outside work for payment and any matter within the scope of their official duties, or within the scope of the activity of their Department, or a related Department. Thus, for example, Planners/Environmental Health Officers should not prepare for payment plans or other documents in connection with applications for Planning Permission, Building Consent, or in connection with an application for an Improvement Grant for a third party.

Similarly, officers should not normally engage in any business transactions at preferential rates with any business or organisation with whom they are required to have official dealings in similar activities.

Officers at all levels are required to avoid getting into a position of conflict by undertaking outside work, whether paid or unpaid. It is considered that a conflict arises where an employee is to be paid by a member of the public or any outside organisation or body for work which is in any way directly or indirectly connected with the scope of his/her official duties or those of his/her Department. This must be construed widely because the important feature should be whether or not the public could gain the impression that some benefit could accrue to the applicant by reason of the member of staff's involvement in the transaction.

This should not prevent staff from undertaking work occasionally for a friend or relative but in those circumstances the Senior Officer should be informed, and the person concerned should take no part in discussions of or activity related to any approval or disapproval required or issued.

Again, in cases of doubt staff should discuss the matter with a Group Manager who will, if necessary, consult the Head of Paid Service.

#### **9. Use of confidential information**

There is comparatively little confidential information of a general nature because in general most matters are discussed in open Committee. Nevertheless, staff should be extremely careful in case of a conflict of interest arising over the use of information prior to its being made generally available.

Information which is of a kind which employees could use to their own profit could arise anywhere in the wide range of functions performed by local authorities, but the risks are especially great in land use, planning and in the award of contracts. The basic safeguards against misuse of information are the general ones of honesty of the individual and the maximum openness in the conduct of business.

When in doubt staff should err on the side of caution, and not disclose or use any information, but should ask a relevant Senior Officer as to the extent to which the information enquired about may be disclosed.

Nothing is more damaging to the relationship between staff and Members of the Council and between the Council and the public, than ill-considered gossip outside the office about the Council's business.

Some Departments deal extensively in matters of a confidential and a personal kind. Such information should never be disclosed except to somebody who has a right to or duty to receive that information, or who has written authority of the person about whom the information relates. In this connection staff are reminded of the standing instruction to be extremely circumspect in dealing with any enquiries about personal information relating to members of the staff, Councillors or members of the public.

The enquirer's right or duty to have the information should be checked and special care should be taken about telephone calls where the inquirer claims to have a right to the information. It is usually wise, unless the caller is known to you, to note the enquiry and to telephone back to the official address or the organisation with the necessary information, or ask for the request to be put in writing.

People who have access to personal information about individual staff must not disclose this to anyone outside the Authority (including Trade Unions) without the consent of the person concerned. This applies to information held on paper files and on computer.

10. **In conclusion**

In all cases of doubt, staff should err on the side of caution and junior staff are especially advised to take the advice of their supervisor or their Senior Officer before taking any action or making any statement which could be capable of being misconstrued.

Staff should conduct themselves with honesty and integrity at all times, using public funds to the best advantage of the Council and the community they serve. They must not use public money corruptly or fraudulently.