

HYNDBURN BOROUGH COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

1. STANDARDS

- 1.1 Local government employees are expected to give the highest possible standards of service to the public, and where it is part of their duties, to provide appropriate advice to other colleagues and councillors with impartiality. You may without fear of recrimination bring to the attention of the appropriate level of management, any deficiency in the provision of service. You must report any impropriety or breach of procedure. Normally, you would expect to report to your Head of Service, but in exceptional cases you may approach the Head of Paid Service or the Council's Monitoring Officer (Executive Director, Legal & Democratic Services) if you so wish.

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 open other types of information. You must be aware of the types of information which, in Hyndburn Borough Council, are open and which are not, and act accordingly. If you are in any doubt, ask your line manager for guidance. The Council's policy is to make as much information available to the public as possible.

In preparing committee reports, for example, items should not be made 'exempt', even though this might be technically possible, unless disclosure would prejudice the position of the Council or the individual or company concerned. Generally therefore you should release factual information unless

- (i) it is (or is likely to be) the subject of an exempt report
- (ii) it relates to the personal circumstances of an employee, or a member of the public or a member organisation or company or
- (iii) it is covered by restrictions under the Data Protection Act.

Guidance can be obtained from the Member Services section in respect of reports to committee, and generally from Legal & Democratic Services.

- 2.2 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received by you 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 you without prior approval of that person. The exception is where such disclosure is required or sanctioned by law. Again guidance can be obtained from Legal & Democratic Services.

3. POLITICAL NEUTRALITY

- 3.1 You serve the Authority as a whole. It follows you must serve all members and not just members of any controlling group, and you must ensure that the individual rights of all members are respected.

- 3.2 Some employees will be expected, within the Authority's guidelines, to advise political groups and they must do so in ways which do not compromise their political neutrality. If you are one of these, you have a duty to advise minority groups as well as controlling groups.

The Council's guidelines are as follows: -

- (i) you cannot be required to give advice to a political group as such, but may do so if you wish. In the interests of neutrality and to ensure all parties are able to receive appropriate advice, you should inform your line manager if you decline to assist;
 - (ii) the relevant Head of Service (and Head of Paid Service, in the case of attendance by Heads of Service) should always be notified. Care should be taken to ensure that regular attendance does not give rise to accusations of political partiality;
 - (iii) If you are asked to advise a group meeting at which non-elected people are in attendance, advice should be sought first from the relevant Head of Service or the Head of Paid Service.
- 3.3 Certain posts within the Authority are designated as "politically sensitive". If this applies to your post, you must abide by the rules in the Local Government and Housing Act 1989 as described to you either (a) when you were appointed or (b) when the rules became operative. Please consult the Legal & Democratic Services section if unsure on this aspect. Broadly, you must not hold office with any political party or engage in activities of a political nature.
- 3.4 Whether or not your post is politically restricted, you must follow every lawful expressed policy of the Authority and must not allow your own personal or political opinions to interfere with your work.

4. RELATIONSHIPS

4.1 Councillors

You are responsible to the Authority through its Heads of Service. For some, your job is to give advice to Councillors and your Authority. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity with 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

You should always remember your responsibilities to the community you 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, particularly its Customer Contracts, Complaints and Enquiries procedures, etc.

4.3 Contractors

All personal relationships with contractors or potential contractors should be made known to the appropriate Head of Service. 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. If you engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, you should declare that relationship to your Head of Service.

5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 5.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a personal relationship outside work with him or her.
- 5.2 Similarly, you 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.

6. OUTSIDE COMMITMENTS

- 6.1 You may have conditions of service which require you to obtain written consent to take any outside employment. You should be clear about your contractual obligations and should not take outside employment which conflicts with the Authority's interests.
- 6.2 The Council Policy is as follows: -
- (i) if you are above SCP 28 you shall not engage in any other business or take up any additional appointment without the express consent of the Council;
 - (ii) if you are on SCP 28 or below, you may use your own time as you wish, provided additional employment or other external activities (whether paid or not) do not conflict with the Authority's interests, or weaken confidence in the conduct of the Authority's business;
 - (iii) work arising from additional employment or other outside interests may not be carried out in office time nor use made of Council resources or facilities (including typing) for those purposes without obtaining prior authorisation.
- 6.3 The Council is entitled to all legal right in anything created or produced by you whilst working for the Council which is capable of being protected by copyright or a patent.
- (i) all creative designs, writings and drawings produced by you in the course of your duties belong to the Council; and,
 - (ii) all inventions made by you are the property of the Council if made during the course of your normal duties (which include those described in your notice of terms of employment, and those duties arising from an instruction of a relevant Head of Service or other authorised officer of the Council).

7. PERSONAL INTERESTS

- 7.1 You must declare to an appropriate Officer non-financial interests which you consider could bring about conflict with the Authority's interests for example involvement with an organisation receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence the Council's policies, etc. This would not include involvement as an ordinary member of the public e.g. in being consulted or attending meetings of an organisation on a local issue.

The test is to ask yourself whether your interest is clear and substantial. If you have any uncertainty consult the Executive Director, Legal & Democratic Services. Do not be deterred if you forget to declare an interest at the outset, the door is never closed.

- 7.2 You must declare any financial interests which could conflict with the Authority's interests.
- 7.3 You should declare to the Head of Human Resources membership of any organisation not open to the public without formal membership and commitment of allegiance, and which has secrecy about its rules or conduct.

8. EQUALITY ISSUES

- 8.1 You have an obligation to ensure that policies relating to equality issues as agreed by the Authority are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

9 SEPARATION OF ROLES DURING TENDERING

- 9.1 You must be clear on the separation of client and contractor roles within the Authority. If you are a senior employee with both a client and contractor responsibility you must be aware of the need for accountability and openness. Regulations for compulsory competitive tendering have particular requirement for ensuring that contractor units are not involved in tender evaluation. If in doubt, consult Legal & Democratic Services.
- 9.2 If you are in a contractor or provider unit you must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 9.3 If you are privy to confidential information on tenders or costs for either internal or external contractors you are under a duty not to disclose that information to any unauthorised party or organisation.
- 9.4 You 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 GIFTS AND HOSPITALITY

- 10.1 It is a criminal offence for you 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 your official capacity. It is for you to demonstrate that any such rewards have not been corruptly obtained.

- 10.2 The central test to apply in any situation is “What would the man or woman in the street think?” Ask yourself whether they would think that you might be influenced in your future conduct by the gift or hospitality offered. Would they think that your past conduct might have been influenced by the hope of, or designed to encourage, such a gift of hospitality? If the answer to either of this is “yes”, you should refuse the offer.
- 10.3 The following notes are intended to act as guidance only. It is impossible to prepare guidance to cover all situations, and you should always consult your Head of Service or the Executive Director, Legal & Democratic Services if in doubt or when complex or potentially contentious situations occur.

Gifts

- (i) A gift offered to you may be accepted if:
- it is offered during official authorised hospitality, and/or
 - it is of nominal value (below £10), and (in either case)
 - no ulterior motive is apparent nor is there any danger of misinterpretation by the public (for example, because the offer comes from a person or company tendering for work)
- (ii) Gifts outside of the scope of (i) above should normally be refused. They may, however, be accepted if refusal would give offence. In that case, the gift could be accepted and donated to the Mayoral Charity Fund with a suitable explanation. They should always be refused if an ulterior motive is apparent.
- (iii) Gifts offered by grateful members of the public can similarly be accepted where the value is nominal and a refusal might otherwise give offence. Some members of staff, however, regularly come into contact with the public and a frequent recurrence of small gifts might give the impression that they are expected or a reward for favourable treatment. In these circumstances gifts should normally be refused. (Alternatively they can be donated to the Charity Fund, if refusal would give offence).
- (iv) In any event, you should refuse and offer and avoid situations where you are likely to be offered a gift from a person engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and where you are directly responsible for formulating recommendations to the Council or for monitoring the service received from the person concerned.
- Gifts over £10, which are accepted, must be entered in the Register (see 10.4).

Hospitality

- (v) Hospitality from other individuals or bodies can be a perfectly respectable way of doing business, of making contact and of representing and promoting the interests of the Council. In all cases, however, ask yourself what impression would be created by the particular example.
- (vi) For example, is the scale of hospitality in reasonable proportion to the declared objectives, or might there be a hidden motive?
- (vii) Has the hospitality been offered to you personally, or in your official capacity? Has it been offered to others as well? Are those offering the hospitality, negotiating or discussing with the Council some matter of importance to them, and are you directly involved or responsible for those discussions on behalf of the Council?
- (viii) In all cases, it is better to err on the side of caution. If you have doubts, seek advice. What matters above all else, are the reputations of the Council and local government generally.
- (ix) Acceptance of hospitality at conferences and courses is acceptable where it is clear that it is corporate not personal, where consent is given in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, the Authority must meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

10.4 The Council maintains a Register in which should be recorded all gifts and hospitality accepted by officers. The Register is kept within Legal & Democratic Services and it is your personal responsibility to ensure any gift or hospitality is properly recorded.

11 USE OF FINANCIAL RESOURCES

11.1 You must ensure that you use public funds entrusted to you in a responsible manner, ensuring value for money to the local community and avoiding legal challenge to the Authority. If you are in doubt about your obligations, you must seek advice.

12 SPONSORSHIP – GIVING AND RECEIVING

12.1 Where an outside organisation wishes to sponsor or is sought 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 be taken when dealing with contractors or potential contractors.

12.2 Where the Council wishes to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate Head of Service of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

Ref: Part 5 Code of Conduct for Employees