

## **OFFICERS' CODE OF CONDUCT**

Mendip District Council's reputation and the trust and confidence in its integrity are of vital importance. It must discharge its day-to-day responsibilities with openness and honesty. This philosophy is captured in this Code. These principles are presented to assist staff in carrying out their day-to-day responsibilities in accordance with legal requirements placed upon them and the Council and any policies adopted by the Council. For its part, the Council has a responsibility to take appropriate action where employees feel that they are subject to inappropriate action by a third party.

Provisions relating to the conduct expected of local government employees are also embodied in legislation and national agreements such as the Green Book. These are further supported by the codes of ethical behaviour of the various professional bodies.

The Council has a zero tolerance commitment to bribery and corruption.

This Code may be supplemented by sectional practice notes that will give more detailed guidance on particular areas. If further guidance is needed on any aspect of this Code it can be obtained initially by approaching your line manager.

### **Status of this Code of Conduct**

This Code is based on the seven Nolan Principles of Public Life as revised by the Fourteenth Report of the Committee on Standards in Public Life entitled 'A review of best practice in promoting good behaviour in public life' published in January 2013.

The seven Principles are listed and defined in the Schedule attached to this Code.

Whilst not themselves amounting to a disciplinary code, any failure to follow the standards set in this document or the seven Nolan principles of public life may, depending upon circumstances, give rise to disciplinary action.

### **Who are the Standards aimed at?**

The Standards apply to all employees of the Council including those employed on whatever basis including secondment, temporary assignments and work with voluntary organisations or trusts. It also applies to those acting as a board member of arms-length voluntary organisation or trust

## **1. Standards**

- 1.1 Employees must give service or advice to the best of their ability and within the rules of their relevant professional conduct of any relevant professional or trade body.
- 1.2 Employees should consistently offer objective professional and technical advice and at all times carry out their responsibilities in an impartial manner. They are entitled to expect that no officer or Member of the Council will seek to pressure or persuade them to do otherwise. Where it is alleged that such action has taken place, the Council will investigate the allegation if requested to do so under the grievance procedure.
- 1.3 There may be occasions when employees, carrying out their duties for the Council, find themselves at odds with national government advice or guidance. In such circumstances it is particularly important that they are seen to behave with complete objectivity and impartiality obtaining managerial and professional advice and guidance where appropriate. They are entitled to expect to receive the unequivocal support of senior Managers in so doing.

## **2. Confidentiality and Openness**

- 2.1 Openness is as defined in the attached Schedule. Without prejudice to that definition, employees should act on the presumption that open government serves the public better than secrecy.
- 2.2 In their dealings with colleagues, Members and the Council's Managers, employees should ensure that communication is as open and informative as possible within the constraints imposed by the law, by the Council's Constitution or by commercial or personal sensitivity.
- 2.3 Wherever it might be relevant to their job, employees should be aware of and implement relevant statute and common law which provides for either confidentiality or rights of access to information for Members, auditors and citizens (and in some cases for regulatory bodies and government departments).
- 2.4 Employees must not communicate to the public the proceedings of any committee/board meeting etc., or the contents of any document relating to the Council unless required by law or expressly authorised to do so.
- 2.5 Employees must not disclose either orally or in writing to an unauthorised person any information of a confidential nature that they have acquired through their official duties, or to which they have access owing to their position unless expressly authorised to do so.
- 2.6 Any express or implied responsibility to keep information confidential

should be respected by employees and there should be awareness that such responsibility might arise from the nature of the information itself, for example, its commercial or personal sensitivity. It will be extremely rare that employees will be entitled to accept confidences in the course of their duties that cannot be shared with their Manager.

- 2.7 Employees should not use 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. When employees obtain confidential information belonging to the Council then they must not disclose that information to any person not authorised to receive it (unless the material must by law be openly available). When employees receive from Members information not belonging to the Council or information belonging to the Council that by established convention is to be kept confidential, then they must not disclose that information without the appropriate Member's consent.
- 2.8 Employees must gain authorisation from their Manager, Corporate Manager or Chief Executive to take part in any broadcast (sound or vision) about the business of the Council, or publish any article, or disclose information to the media, or deliver a lecture on the business of the Council.

### **3. Political Neutrality**

- 3.1 Employees have a duty to the Council as a whole and must serve all Members regardless of political group, ensuring that the individual rights of all Members are respected.
- 3.2 Some employees will have a particular relationship, especially in policy development, with Members from the controlling group. Employees who are in this position should be aware of any established conventions about such relationships, and about the rights of Members from minority groups. Such conventions should also guide the provision of information and access in such circumstances.
- 3.3 Employees must follow every policy of the Council and must not allow their own personal or political opinions to interfere with the way in which they carry out their work or their duty to implement the policies of the Council.
- 3.4 Employees need to know whether their post is subject to the political restrictions placed on certain post holders by the Local Government and Housing Act, 1989 as amended by the Local Democracy, Economic Development and Construction Act 2009. Relevant employees should

be aware of the nature of those restrictions and ensure that they abide by them.

#### **4. Relationships**

4.1 Officers should be mindful of the content of all relevant Council policies in respect of their relationships and dealings with other staff, elected members, customers and contractors, the Anti-Fraud and Corruption Policy and the Whistleblowing Policy are particularly relevant in this regard.

#### 4.2 Elected Members

Employees are responsible to the Council. For some employees, part of their job is to give advice to Members and the Council and all are there to carry out the Council's work. Mutual respect between Members and employees is essential to good local government. Close personal familiarity between individual Members and employees should be avoided as it can damage the professional relationship and prove embarrassing to other Members and employees.

#### 4.3 The Local Community and Service Users

Employees should remember their responsibilities to the community they serve and ensure courteous, high quality, efficient and impartial service delivery to all groups and individuals within that community. Such courtesy and efficiency should be shown to all persons with whom employees deal remembering that all opportunities need to be taken to enhance the reputation of the Council whether locally, nationally or internationally.

#### 4.4 Contractors

Relationships with contractors or potential contractors should be made known in accordance with the legal requirements to declare financial interests (Section 117 Local Government Act 1972). Advice on this can be obtained from the Monitoring Officer.

Contracts must be awarded on merit in fair competition against other tenders and no favouritism should be shown to businesses run by friends, partners or relatives, nor should there be improper discrimination against particular individuals, groups or sections of the community. Employees who monitor the performance of contractors should behave in a fair and equitable fashion towards all contractors, including in-house contractor organisations, and should not show

favouritism to or improperly discriminate against any particular contractor or breach any duty of confidentiality.

4.5 Employees who engage or supervise contractors for the Council and who wish to engage a contractor with whom they previously had or currently have a relationship in a private or a domestic capacity should declare that relationship. Employees should not use, in a private or domestic capacity, a contractor with whom they have had official dealings as employees of the Council, without declaring it to his/her Corporate Manager. Similarly Contractors should be required to disclose private or domestic relationships with any officer or Member. The Council will seek to ensure that the attention of contractors is drawn to the requirements of the Local Government Act 1972 and this Code, and the seven Nolan principles of Public Life

#### 4.6 Appointments and Employee Relationships

Employees should ensure that the appointment of officers is made on the basis of merit and in accordance with the Council's policies and procedures. Merit is determined on the basis of matching the chosen candidate with the job description and person specification and ignoring all other extraneous considerations e.g. close personal relationship with Members or other employees.

Employees in the course of their duties should not be involved in the appointment, pay adjustment, approval of expenses, general terms and conditions, promotion or discipline of partners, relatives or close friends.

All applicants for posts within the Council are required to disclose on the application form whether, to their knowledge, they are related to any elected member or officer of the Council. Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered at any time after the appointment that may be construed as gross misconduct and the employee may be liable to dismissal.

The canvassing of a Member or Manager of the Council in connection with an appointment to a vacancy on the Council's establishment automatically disqualifies the applicant.

4.7 Close personal relationships between employees should not be permitted to influence the matter in which services are provided if that is or could be detrimental to services.

4.8 Employees should not be put under pressure by colleagues, particularly those in a position of seniority, and Members to act or not to act so as to breach this Code or any other national, local or departmental rules of

conduct. If such pressure is exerted, it should be reported to the relevant Corporate Manager or to the Chief Executive.

## **5. Other Employment/Work and Conduct Outside of Work**

- 5.1 Employees should not engage in unauthorised employment/work during hours when contracted to work for the Council or engage in outside employment/work that may conflict with their Council work or be detrimental to it. This applies irrespective of whether or not the work is paid. All such cases should be discussed with his/her Manager, Corporate Manager or the Chief Executive.
- 5.2 Officers at Grade F and above shall devote their whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the written consent of the Chief Executive.
- 5.3 To enable the Council to comply with the Working Time Regulations, employees should inform Human Resources if they intend to take an additional job (either with the Council or with an external organisation) whilst working for the Council.
- 5.4 Intellectual property rights and copyright issues are complex and their application to particular groups of employees will vary widely. Sectional guidance will clarify legal issues for different groups of employees. However, the general rule is that property and copyright in all materials (such as written documents, computer programmes, maps, diagrams, recordings, etc.) produced in the course of any employee's employment with the Council will belong to the Council and not to the employee. If the employee is undertaking development work, in their own time and not related to their assigned responsibilities, but which could be considered linked to their employment, he/she should inform their Manager at an early stage to enable an agreement on ownership to be reached. The Council's legal rights must be respected as unauthorised use of material protected by copyright or intellectual property rights can give rise to criminal, civil or disciplinary proceedings.
- 5.5 It is important that an employee's actions or conduct outside of work do not impinge on their performance and their work. Although not exclusive, some examples which may impinge are:
- ❖ Acceptance of gifts, presentations and rewards;
  - ❖ Involvement in criminal or civil actions;
  - ❖ Self interest in Council contracts;
  - ❖ Unauthorised action on behalf of the Council;

- ❖ Public criticism of the Council's decision and/or activities.

## **6. Disclosable Interests**

- 6.1 Officers should declare, in a register maintained by the Council in accordance with this Code, the seven Nolan principles and the Constitution, financial and any other interests that they consider could bring about conflict with the Council's interests (e.g. acting as a school governor, involvement with an organisation receiving grant aid from the employing local authority, or involvement with an organisation or pressure group which may seek to influence Council policies).
- 6.2 Employees must, in accordance with any Council arrangements, register membership of any organisation not open to the public which requires of members any form of commitment or allegiance, and which has secrecy about rules, membership or conduct.
- 6.3 Employees will be reminded annually of the need to inform the Council of their Disclosable Interests.

## **7. Equal Opportunities**

- (a) The Council is committed to equality of opportunities and access (physical access and communication of information) for all people particularly those who are:
  - employees of the council
  - seeking and using council services
  - external or internal candidates for a job, whether full or part time or job share, permanent or temporary
  - in receipt of goods or services from the council, its contractors or organisations, voluntary or otherwise, with whom the council is working in partnership

These objectives are complementary in that the Council believes that quality and sensitivity of service is enhanced when the make-up of the workforce reflects the community it serves.

- (b) It is recognised that people still experience inequality in society because of their background. The Council will therefore not tolerate discrimination, directly or indirectly, on the grounds of age, disability, sex, gender reassignment, pregnancy, maternity, race (including colour, nationality, ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as 'protected

characteristics'.

- (c) The Council will lead by example and take active steps to challenge prejudice, discrimination and harassment and promote equality of opportunity.
  - (d) The policy will underpin all decisions taken by the Council and all actions by its employees.
  - (e) Employees who feel they have been unlawfully discriminated against may use the Council's Grievance Policy and Procedure or the Respect, Dignity and Fairness at Work Policy as appropriate.
  - (f) Service users who wish to raise any concerns can do so through the Council's Complaints Procedure
  - (g) Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Council's disciplinary procedure. Such acts may constitute gross misconduct and could lead to dismissal without notice.
- 7.1 The Council is committed to ensuring equal opportunities in employment and service delivery, and believes that an effective equal opportunities policy is an essential means of ensuring that all employees are treated fairly and have equal access to opportunities. This will also strengthen its influence in eliminating discrimination in the wider community. The Council's policy is designed to ensure that no employee or job applicant should receive less favourable treatment than another on any of the grounds listed in 7.1.2 above. All employees must fully comply with both the spirit and letter of current non-discrimination legislation and the Council's equal opportunities policy and treat all members of the public and colleagues with respect and fairness.
- 7.2 Employees should be fully aware of the Council's commitment to equality and diversity.
- 7.3 Employees should note that the following acts may be unlawful as well as constituting misconduct liable to disciplinary action (which could in some cases include summary dismissal): -
- (a) Discriminating in the course of their employment against clients, colleagues or job applicants or in respect of job transfer or promotion applications, on any of the grounds listed in 7.1.2 above.
  - (b) Inducing, or attempting to induce, colleagues or Managers to



practice unlawful discrimination.

(c) Verbal, physical, sexual, disability or racial harassment of a nature that is offensive to the victim.

(d) Victimising individuals who have made allegations or complaints on any of the grounds listed in 7.1.2 above or who have provided information about such discrimination or harassment.

7.4 For its part the Council will investigate any allegation of discrimination or harassment and will take action as appropriate.

## **8. Internal Tendering, Service Level Agreements and Externalisation**

8.1 Internal arrangements for the recognition of separate client and contractor roles must be clear and tendering procedures open. Managers who have both a client and contractor responsibility must be aware of the need for accountability and openness.

8.2 Where employees work in contractor or provider units they must exercise fairness and impartiality when dealing with all clients, suppliers and sub-contractors.

8.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

8.4 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding or negotiating Service Level Agreements or contracts to internal trading units, private or other businesses run by them or employing them. All selection processes should be conducted impartially and employees who are known to have relevant interest should play no part in the selection of tenderers or contractors.

8.5 Where existing internal services are to be externalised extreme care must be taken to ensure accountability and the absence of conflict of interest in the planning and execution of any project. Clear separation of the client and prospective externalised contractor roles should be effected at the outset of the process.

## **9. Protection of Public Funds**

9.1 Employees must use public funds entrusted to them, in accordance with the Constitution and to the best advantage of the Council and the

community they serve, always trying to ensure value for money for the local taxpayer.

## **10. Hospitality**

- 10.1 As a public body the Council must not allow receipt of gifts or hospitality to create a conflict between private and public interest. It is therefore an 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. In law it is for staff to demonstrate that such rewards have not been corruptly obtained rather than for the prosecution to prove its case. (See Para. 6.). Managers should be informed immediately of the receipt of any unsolicited benefits of the kind mentioned above.
- 10.2 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 Council in the community. Offers to attend social or sporting functions at another's expenses should be accepted only when these are part of the life of the community or where the Council should be seen to be represented perhaps including occasions when a genuine business benefit may be obtained by the Council as a result. It should be properly authorised by their Manager and recorded on a maintained register and must not be excessive in the context of the occasion or the justification for attendance. When hospitality offered by contractors has to be declined they should be courteously but firmly informed of the procedures and standards operating in local government. If an employee is in any doubt about the propriety of accepting a gift then advice should be sought from their Manager.
- 10.3 Celebrations at the opening of Council projects built by contractors should be organised by, or in close co-operation with, the relevant Corporate Manager and the Chief Executive.
- 10.4 Visits to sites or buildings belonging to providers of services on behalf of the Council or other contractors should normally be at the Council's expense and be officially authorised.
- 10.5 Employees must not accept significant personal gifts, services or other benefits from contractors and service providers such as drink, cars, holidays, tickets, etc., although items such as inexpensive calendars, diaries, pens, etc., marked with the donor's name may be acceptable. Where unsolicited gifts are received, this should be drawn to the attention of their Manager, Corporate Manager or Chief Executive, who will keep a record of the circumstances.

This area is covered by national/local agreements and various legislation. If an employee requires further information or advice, they should contact their Manager, Corporate Manager or the Chief Executive.

- 10.6 Where visits to inspect equipment etc. are required, the Council should meet the cost of such visits to avoid jeopardizing the integrity of subsequent purchasing decisions. Normal refreshments on such visits may be accepted.
- 10.7 When receiving authorised hospitality employees should be sensitive to the timing of decisions for letting contracts, or where there are contractual disputes.

## **11. Sponsorship**

- 11.1 Where an outside organisation wishes to sponsor or is sought to sponsor a Council activity, whether by invitation, tender, negotiation or on a voluntary basis these rules concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors. While such sponsorship may be proper, actively seeking it may in some circumstances be unwise. Sponsorships should be publicly reported.
- 11.2 Where the Council wishes to sponsor an event or service neither employees nor any partner/spouse or 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, making available land or by other financial means, give support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.
- 11.3 Acceptance by employees of commercial sponsorship for attendance at relevant conferences and courses is acceptable, but only where Corporate Manager or the Chief Executive gives consent in advance and where the Council is satisfied that purchasing decisions are not compromised.

## **12. Health and Safety**

- 12.1 The Council has a legal obligation to protect the health and safety at work of all of its employees and others in the workplace. Equally, employees should at all times be aware of, and fulfil, their legal responsibility to protect their own and others health and safety at work.

This legal obligation is supported by the Council's Health and Safety Policy Part 1 Statement of Intent, January 2012, where it provides;

"Our vision is a place to be proud of where people, communities and businesses are encouraged to achieve their potential. We aim to be an organisation where everyone can fulfil their potential free from work-related ill health or injury. This includes our employees, service users, partners and others who may be affected by our work activities. Our statement of general policy is to provide and maintain a safe and healthy working environment in accordance with the values of our corporate plan."

- 12.2 Guidance will be provided on health and safety and all employees should ensure that they are fully aware of such guidance and act in accordance with it so as to enable the Council to meet the duties imposed by the law. Details may be obtained from Managers. The Council will actively encourage employees to participate in raising standards, and is receptive to suggestions.

### **13. Post-Employment Duties**

- 13.1 The duty of fidelity which each employee owes to the Council and which requires an employee to act in an honest fashion and not in a manner which will harm the Council, may in certain respects, continue following the end of that employee's employment. For example, even though the Council no longer employs them, a former employee must not disclose trade secrets or confidential information that belongs to the Council.
- 13.2 Certain employees may have access to intellectual property (such as copyrighted materials) that belongs to the Council. An employee might even have contributed to the creation of that intellectual property during the period of employment. However, where part or whole of that property belongs to the Council a former employee cannot use it for any purpose without the Council's written agreement. Such intellectual property rights may sometimes be difficult to define but Council or sectional guidance will be issued to cover specific categories.

## **SCHEDULE**

### **THE SEVEN PRINCIPLES OF PUBLIC LIFE**

#### **SELFLESSNESS**

Holders of public office should act solely in terms of the public interest.

#### **INTEGRITY**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **OBJECTIVITY**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **ACCOUNTABILITY**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **OPENNESS**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **HONESTY**

Holders of public office should be truthful.

#### **LEADERSHIP**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.