

Part Seven – Council Officers

Section Four – Officers’ Code of Conduct

I. STANDARDS

- 1.1 The Royal Borough's employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.
- 1.2 The Council has published standing orders and financial procedure rules, which describe important rules and standards. Copies of these documents are available, and all employees are required to work in accordance with them.
- 1.3 Employees are required to inform the head of their department if they are convicted of any criminal offence while employed by the Council, except for parking offences.

2. RAISING CONCERNS (‘WHISTLE-BLOWING’)

- 2.1 Employees are expected to raise any concerns they may have about the way services are being provided, or about possible impropriety or serious breach of procedures. Matters of concern may range from possible fraud to the mistreatment or abuse of service users, clients or customers.
- 2.2 Employees raising such concerns in good faith need have no fear of recrimination - they will be properly supported. In addition, their identity will not be revealed if that is their wish.
- 2.3 Whilst any such concerns should ideally be reported to the relevant manager, it is appreciated that employees may not be inclined to do this. Any concerns can therefore be raised with either:
 - (a) The relevant manager; and/or
 - (b) Director of Human Resources and Organisational Development or Head of Service in Human Resources; and/or
 - (c) The Director of Audit, Risk, Fraud and Insurance.
- 2.4 The relevant manager, Director of Human Resources and Organisational Development, Head of Service in Human Resources or the Director of Audit, Risk, Fraud and Insurance will arrange for appropriate senior management to properly investigate any concern raised. As indicated above, the employee’s identity will not be revealed if requested.
- 2.5 When the concern has been investigated, the relevant manager, Director of Human Resources or Head of Service in Human Resources will advise the employee of the outcome. Where the matter has been referred to the Tri-Borough Director of Audit, Risk, Fraud and Insurance, the Director will advise the employee of the outcome.
- 2.6 Any concern that is raised, and which involves the possibility of fraud, bribery, or corruption in relation to any person associated with the Council, or poor value-for-money taking place or the Financial Procedure Rules being breached, must be referred without delay to the Director of Audit, Risk, Fraud and Insurance. If a concern is raised

which relates to any of these issues, the relevant manager, Director of Human Resources and Organisational Development or Head of Service in Human Resources must refer it, without delay, with the Director of Audit, Risk, Fraud and Insurance.

- 2.7 Despite the genuine assurances of support and confidentiality, it is recognised that some staff may still be fearful about raising their concerns **within** the organisation. It is also possible that employees who **do** raise concerns, either with their manager, the Director of Human Resources and Organisational Development or Head of Service in Human Resources or with the Director of Audit, Risk, Fraud and Insurance may be dissatisfied with the outcome of the subsequent investigation.
- 2.8 In either case, the employee can make use of a confidential helpline service operated by an independent charity, Public Concern at Work. This organisation has practical experience of “whistle blowing” and its work in this field has been endorsed by the Audit Commission and the Nolan Committee (which has been looking into standards in public life). Its helpline is staffed by qualified lawyers who can give advice, in strict confidence, about how best to raise or pursue concerns that staff may have about malpractice within the organisation. The helpline number is 020 7404 6609.

3. DISCLOSURE OF INFORMATION

- 3.1 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 Royal Borough itself may decide to be open about other types of information. Employees must be aware of which information the Council is and is not open about, and act accordingly.
- 3.2 Employees should not use any 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. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
- 3.3 Employees should be aware that the Council's constitution limits communication with the news media. The main focus for this is through the Head of Communications. Only executive directors and directors may give any information to the press about any aspect of the Council's business.
- 3.4 Making unauthorised or improper use of confidential information is a serious offence, which the Council may regard as gross misconduct, and which may place an employee's job in jeopardy.

4. POLITICAL NEUTRALITY

- 4.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the majority party and must ensure that the individual rights of all Councillors are respected.
- 4.2 Subject to local conventions, employees may also be required to advise political groups. They must do so in ways that do not compromise their political neutrality.
- 4.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

4.4 Political assistants appointed on fixed-term contracts are exempt from the standards set in paragraphs 4.1 to 4.3.

5. RELATIONSHIPS

5.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors, so it should therefore be avoided.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they 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.

5.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the relevant manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

5.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the relevant manager.

6. APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

6.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6.3 All staff must declare to their manager if they are related to any candidate for employment by the Council.

7. OUTSIDE COMMITMENTS

7.1 All employees must obtain the consent of their Chief Officer to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Royal Borough's interests.

7.2 Employees should follow local rules on the ownership of intellectual property or copyright created during their employment.

8. PERSONAL INTERESTS

8.1 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the Council's interests.

8.2 Employees must declare to an appropriate manager any financial interests that could conflict with the Council's interests.

8.3 Employees should declare to the Director of Human Resources and Organisational Development or Head of Service in Human Resources or senior line manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

9. EQUALITY ISSUES

9.1 All employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9.2 All employees must ensure that they do not treat anyone less or more favourably because of their gender, sexual orientation, marital status, disability, ethnic origin, religion, belief or age.

9.3 All employees have a personal responsibility both to their employer and to their colleagues to protect and respect the dignity of those with whom they work. Employees should be aware that it is a criminal offence to harass intentionally any other person.

10. SEPARATION OF ROLES DURING TENDERING

10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

10.3 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.

10.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the relevant manager and withdraw from the contract awarding process.

10.5 Employees 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.

11. CORRUPTION

- 11.1 It is a serious criminal offence for any person to request, accept or receive a bribe as a reward for improperly performing a function which they are required to carry out in good faith, impartially or from a position of trust. It is also an offence to bribe another person to induce or reward them to perform such a function improperly. A bribe is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. The prevention of bribery and corruption is of utmost importance to the Council and will be prosecuted to the full extent of the law.
- 11.2 The Council's disciplinary code cites corrupt practices, which includes bribery, as an example of gross misconduct. Employees may be dismissed for even a single act of gross misconduct.

12. USE OF FINANCIAL RESOURCES

- 12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value-for-money to the local community and to avoid legal challenge to the Authority.

13. HOSPITALITY

- 13.1 The Royal Borough needs to maintain effective relationships with a wide range of allies, partners, agents and community groups. The giving and receiving of modest hospitality may form part of this activity.
- 13.2 Employees must not accept hospitality that they would feel unable to report openly to a superior, an Executive Member or a committee. If an employee feels it would be open to misinterpretation in any way then the hospitality must be declined as tactfully as possible.
- 13.3 Employees must be alert to circumstances that might give rise to criticism, such as the forthcoming award of or tender for a contract or the determination of a planning application. Any offer of a gift or hospitality during a tender process must be reported to the Executive Director.
- 13.4 Employees must record hospitality that has been offered with an estimated value of £20 or more, and which has either been accepted or declined. This must be recorded in the Council's Gifts and Hospitality Register System using the standard intranet based form.
- 13.5 Trips to view facilities can be an important part of evaluating proposals. Generally travel or accommodation costs should be borne by the Council and then properly approved beforehand.
- 13.6 If an employee is ever in doubt about the propriety of accepting any hospitality, he or she must take advice from his or her manager.

14. SPONSORSHIP - GIVING AND RECEIVING

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

15. HOSPITALITY PROVIDED TO OTHERS

15.1 The key principle here is the appropriate use of public money. There are certain sorts of justification for the expenditure of public funds on the giving of hospitality as follows:

- (a) Hospitality which is incidental for meetings with parties external to the Council (light refreshments).
- (b) Hospitality which is a by-product of the necessity to do business in a particular way, for example a modest lunch might be appropriate if it is most practical for a meeting to be held over lunchtime.
- (c) The giving of hospitality as part of a public event – for example consultation activity or an event which realistically is likely to need a degree of incentive built into it.
- (d) A modest celebration where the absence of hospitality would sit ill within the purpose of the event.
- (e) Where there is a considered reason for offering hospitality to partnership organisations, as part of partnership working.

15.2 The following reasons would not be sufficient justification for the expenditure of public funds:

- (a) Expenditure on staff at any event unrelated to a pure business purpose.
- (b) Expenditure on friends or family.

15.3 The key principle is transparency.

15.4 Whether expenditure is incurred by the employee and reclaimed or is paid for directly by the Council then, if valued at £20 per head or more, this must be recorded using the standard intranet-based form.

16. GIFTS OFFERED OR RECEIVED

16.1 In addition to the expectations set out in Paragraph 11 above, employees who are offered, or who received unsolicited gifts with a value of £20 or more should first record this in the Gifts and Hospitality Register System, and secondly discuss with their line manager what action should follow such an offer or receipt.