

# EAST CAMBRIDGESHIRE DISTRICT COUNCIL'S EMPLOYEE CODE OF CONDUCT

This Code applies to all staff at the Council. Set out below are the rules concerning how staff should conduct themselves whilst undertaking your employment duties at / for the Council. They incorporate the Council and Employees obligations in relation to the Bribery Act 2010 (and any Code/Guidance issued under that legislation). Employees are responsible for knowing the contents of this Code, as compliance is a condition of staff contracts of employment. A breach can lead to disciplinary action and/ or dismissal.

## 1. Standards

- 1.1 Local Government employees have a duty to provide the highest possible standard of service and ensure, where appropriate, that other employees do so also.
- 1.2 Employees should notify their line manager (who will notify the Monitoring Officer) if they believe that they / or other employees or members have acted unlawfully or that their actions amount to maladministration or their actions are likely to bring the authority into disrepute. However, employees can make anonymous complaints regarding others under the Council's Whistleblowing<sup>1</sup> procedures if they are concerned that it will cause problems at work. Such a complaint will be directed to the Council's Monitoring Officer and will be dealt with in confidence.

## 2. Disclosure of information & confidentiality

- 2.1 The general thrust of public service is that it should be undertaken in an open and transparent manner. This is supported through legislation (access to information rules, data protection and freedom of information). The law requires that certain types of information should be made available to Members, Auditors, Government departments, service users and the public. Employees must be aware of which information their Council does and does not release, and (where applicable) ensure that requests for data/ information is logged by the relevant data protection / or freedom of Information staff. Employees should attend any training sessions provided by the Council on the above – and seek advice when unsure from their line manager or Legal Services.
- 2.2 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 personal information received from a councillor should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is a legal requirement.

## 3. Political Neutrality

- 3.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling / or particular group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways that do not compromise their political

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<sup>1</sup> See intranet

neutrality. Employees should make themselves familiar with the Protocol on Member/Officer Relations and the Guidance for staff, members and candidates during an election period. If an issue is unclear employees should seek advice from the Monitoring Officer.

- 3.3 Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.
- 3.5 Where a local authority employee holds a politically restricted post, they may not:
  - 3.5.1 be an elected member of another principal council;
  - 3.5.2 hold office in a political party;
  - 3.5.3 canvass on behalf of a political party;
  - 3.5.4 become an MP or MEP; or
  - 3.5.5 speak or write publicly with the intention of affecting public support for a political party.

More in-depth guidance is provided in the Council's Policy/ Guide "Politically Restricted Posts", and employees should follow any requirements within that Policy document.

#### **4. Relationships**

- 4.1 Councillors: Employees are responsible to the Council, although they have a general duty to act in the interests of the local community. The roles of employees and councillors are different: councillors are responsible to the electorate and serve elections terms of office; employees serve under a contract of employment and are accountable to the Council and carry out the Council's work under the direction of their line managers, Committees/ Sub-Committees and Council. Some employees give advice to councillors and senior managers in the course of their work for the Council and should do so in a balanced and professional manner. Mutual respect between employees and councillors is essential to good local government. However, close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to others and should therefore be avoided.<sup>2</sup>
- 4.2 The Public 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 Council.
- 4.3 Contractors: All relationships of a business or private nature with Council contractors, or potential contractors, should be made known to the appropriate manager (and where applicable, **must be** disclosed to the Monitoring Officer on the Register of interest form<sup>3</sup>). Orders and contracts must be awarded in

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<sup>2</sup> See Protocol on Member / Officer Relations

<sup>3</sup> See Register of Staff Interest / Gifts & Hospitality Record on intranet

accordance with the Contract Procedure Rules and Procurement legislation (see also 9 below). 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.

- 4.4 Employees must notify their line manager and complete the Register of Interests/ Gift & Hospitality form and forward this to the Monitoring Officer if they have an interest in a contract with the Council. Employees should not be involved in any business relating to this contract (including procurement/ supervision of such a Contractor, as part of the post contract award management of the contract).

## **5. Appointment and other Employment Matters**

- 5.1 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, which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or with whom have a close personal relationship outside work.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any employee who is a relative, partner or with whom they have a close personal relationship outside of work.

## **6. Outside Commitments**

- 6.1 No employee should take employment or voluntary work that conflicts with the Council's interests. Before accepting any offer of employment or volunteering to undertake unpaid work, employees should seek the consent of their line manager/service lead. Where appropriate, a final decision will be made in consultation with the HR Manager and the Monitoring Officer.
- 6.2 Employees should be clear about their contractual obligations and if, after taking such employment/ voluntary work, a conflict arises, they should declare this to their line manager/service lead. Consent will be required to continue undertaking that additional work from the HR Manager.
- 6.3 In the event that consent is given under 6.1/ 6.2, under no circumstances should any work be undertaken during the employees working hours with the Council or with the use of Council facilities or resources. Telephone calls or correspondence (paper or email) relating to outside commitments are not allowed.
- 6.4 Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment. Intellectual property is a general term that includes things like inventions/ document creation, creative writing and drawing. If these are created during employment, then they are (as a general rule) owned by the Council. This will include things created for an outside interest – during work time/ or whilst using work facilities in contravention of 6.3.

## **7. Personal Interests<sup>4</sup>**

- 7.1 Employees must declare any financial or non-financial interests, which could conflict with the Council's interests on the Register of Staff Interest/ Gifts & Hospitality within **28 days** of realising that such an interest has arisen. Staff will be sent yearly reminders, but the obligation is on the employee to ensure that their interest is registered within the time limit specified. **Following notification employees should not have any further involvement and should not make / or participate in decisions relating to the matter/ provide advice and should not be present in an advisory or non-advisory capacity when such matters are considered by a Committee/ Sub-Committee or Council, without the consent of the Monitoring Officer. For the avoidance of doubt this does not apply to situations where the Council considers general pay and conditions.**
- 7.2 Employees should declare to the Monitoring Officer membership of any organisation that is not open to the public (is a formal membership with commitment of allegiance, secrecy about rules or membership or conduct).
- 7.3 Planning applications: Employees wishing to make a planning application to the Council should in, all but the most minor of householder applications:
- 7.3.1 appoint an agent to deal with all aspects of the case;
  - 7.3.2 not take part in any direct discussions with planning officers, other Members or representatives of other bodies covering the matter;
  - 7.3.3 not attend meetings that might be arranged to discuss any aspect of the case; and
  - 7.3.4 notify their line manager and make an appropriate entry in the register of Gifts, contracts etc. of the application.
- 7.4 In relation to 7.3, the Planning Manager's decision on what is a minor householder application is final.

## **8. Equality Issues**

- 8.1 All local government employees should ensure that the Council's Equality, Diversity and Inclusion Policy is complied with, in addition to any legal requirements. The public, service user, councillors, contractors and other employees have a right to be treated with fairness and equity.

## **9. Separation of roles during tendering**

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of the Council and contractor roles and must be aware of the need for accountability and openness and comply with Contract Procedures/ Procurement legislation. Employees should not be involved in the tender process where they are related to a tenderer, or with whom have a close personal relationship outside work.
- 9.2 Where visits to inspect equipment, etc. are required as part of the procurement/ selection process, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

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<sup>4</sup> Definition includes an employees involvement with an organisation receiving grant aid from the Council, or organisation or pressure group that seeks to influence Council policy.

- 9.3 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.
- 9.4 Employees contemplating a management buy-out/ service delegation should, as soon as they have formed a definite intent, inform their line manager and withdraw from the Council process (be that service delegation or contract award).
- 9.5 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.

## **10. Bribery and Corruption (See Anti-Fraud & Corruption Strategy)**

10.1 Any payment or gift loan, fee, reward or advantage given to an employee for doing, or not doing, anything or showing favour, or disfavour, to any person in their official role is bribery and is a serious criminal offence. If an allegation is made, it is for the employee to demonstrate that any such rewards have not been corruptly obtained. Any such offences could lead an employee to be fined or imprisoned and / could lead to them losing their job.

10.2 Employees must not:

10.2.1 solicit any gift or hospitality in the course of your employment.

10.2.2 offer or receiving from any person or organisation that has had, has or may have any links to the Council, which contravenes the Gifts and Hospitality rule 11.

10.3 If an employee is aware that someone is breaching this part of the Code you should notify the Council's Monitoring Officer.

## **11. Gifts & hospitality**

11.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. 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. They should only be authorised as per 11.2 below, and recorded on the Register of Interests/ Gifts and Hospitality form with the Monitoring Officer. This register is open to inspection from the public and members, and copies may be provided, if a request is made, under the Freedom of Information Act 2000.

11.2 Subject to consent under 11.4, Employees should not accept a personal gift or hospitality with a total value in excess of **£25.00**.

11.3 Gifts of pens or stationery of minimal value (below **£5.00**) can be accepted without completing the Register of Interests/ Gifts and Hospitality form. However, all other offers of gifts and hospitality must be notified to the Monitoring Officer (whether accepted or refused) on the form, within **28 days**. This declaration will be kept on a Central file for 3 years. Gifts/ hospitality or series of these must not exceed the threshold within 11.2 above, within the 3-year period.

- 11.4 On a *pre-application basis* the Monitoring Officer may exercise discretion to permit gifts or hospitality, which exceeds the threshold limits in paragraph 11.2. Employees should not, however, assume that this will be agreed, and should not indicate any acceptance/ or arrangement of plans until such consent has been given.
- 11.5 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 11.6 Acceptance by employees of hospitality *through attendance at relevant conferences and courses* is acceptable where it is clear that the hospitality is corporate rather than personal and where the Council is satisfied that any purchasing decisions are not likely to be compromised. Employees should seek prior authority from their line manager to attend such training, by completing the training request forms. The Register of Interests/ Gifts and Hospitality form *does not need to be completed* for such conferences/ courses.

## **12. Use of Financial & Council resources**

- 12.1 Employees must ensure that they use the 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 Council.
- 12.2 Employees should also ensure that they use Council resources properly and efficiently for Council business purposes and in accordance with any Council Procedure Rules/ Codes/ Protocols and Policies.

## **13. Sponsorship – Giving and Receiving**

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, where by invitation, tender, negotiation or voluntarily, the basic rule concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 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 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.
- 13.3 Employees are forbidden from directly or indirectly making an offer of, or donating to any political, charitable or not for profit organisation in the course of their employment as a way to obtain an advantage in a Council business transaction.

## **14 Safeguarding**

The Council provides a wide range of services and facilities and will promote the welfare and protection of children and adults at risk within all services by:

- Respecting their rights, wishes, feelings and privacy;
- Taking seriously and responding appropriately and promptly to all concerns, incidents and allegations;

- Requiring organisations that the Council contracts to provide the Council with services have appropriate safeguarding procedures and training in place;
- Not tolerating harassment of any Council employees, elected members, contractors, agency staff, volunteers, suppliers, consultants or children/adults who raise concerns of abuse; and
- Seeking to prevent abuse by promoting good practice, creating a safe and healthy environment and avoiding situations where abuse or allegations of abuse could occur.

It is expected that all employees:

- Understand the different forms of abuse as well as their roles and responsibilities under this Employee Code of Conduct and the Council's Safeguarding Policy (if applicable to their post) - <https://intranet.eastcambs.gov.uk/policies/adult-and-child-protection>
- Undertake safeguarding training, which will be provided by the Council every two years, or, if the employee has undertaken safeguarding training with another entity, for example, the Church of England, that they provide a copy of their training certificate to HR to obviate the need for additional safeguarding training provided by the Council.
- Know how to record and report safeguarding concerns, incidents or allegations.

## **15. Conflicts of Interest**

15.1 The purpose of this section is to guide employees of the Council to avoid any conflicts of interest, both actual and perceived, in relation to the Council's trading companies, namely East Cambs Trading Company Limited and East Cambs Street Scene Limited, and particularly in respect of those employees who the Council nominates as directors of the Council's trading companies.

15.2 The guidance in this section does not take the place of any terms and conditions of employment and is intended as supplementary guidance to clarify roles and responsibilities.

15.3 In order to achieve and maintain standards:

The Council will:

Maintain a board of directors for the trading companies made up of officers of the Council and an independent Chairman;

- Restrict circulation of documents containing confidential information to only those officers who have a need to know for the performance of their duties on behalf of the Council. Any determination as to what information is to be classified as confidential and which officers are eligible to receive such information shall be made by the Monitoring Officer; and
- Ensure that appropriate decisions of the trading companies are delegated to an appropriate officer, Committee or Council, where a potential conflict of interest exists or might arise from an employee of the Council.

Employees will:

- Ensure that confidential information obtained by them, whilst acting on behalf of the Council, is not disclosed to other employees or persons representing the board of the trading companies;
- Not, without the express consent of their Director, act in a formal or informal advisory capacity for the Council and the trading companies;
- Not accept, except for any secondment officers approved by the Council, any paid officer role or other appointments with the trading companies; and
- Comply with statutory rules and regulations relating to the Council's Employee Code of Conduct and their contracts and terms and conditions of employment.

### **Monitoring Officer**

March 2023