

Article 11

GREAT AYCLIFFE TOWN COUNCIL



OFFICER'S CODE OF CONDUCT POLICY, PROCEDURE AND GUIDANCE

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Table of Contents

1. POLICY OUTLINE	4
1.1 What is the policy about?	4
1.2 Who does the policy apply to?	4
1.3 Responsibility.....	4
1.4 Confidentiality	4
1.5 Dealing with abuses of the policy.....	4
1.6 Publicising/distribution of the policy	4
1.7 Reviewing the policy	5
1.8 Equality and Diversity	5
1.9 Alternative formats	5
1.10 Forms	5
1.11 Further information	5
2. PROCEDURE	5
2.1 Standards and attitude.....	5
2.2 Confidentiality and disclosure of information.....	6
2.3 Political neutrality.....	6
2.4 Relationships	6
2.4.1 Councillors	6
2.4.2 The local community and service users	6
2.4.3 Contractors.....	7
2.5 Appointment and other employment matters	7
2.6 Outside commitments	7
2.7 Personal interests	8
2.8 Equality.....	8
2.9 Tendering procedures.....	8
2.10 Corruption.....	9
2.11 Possible inducements.....	9
2.11.1 Introduction	9
2.11.2 Gifts generally	9
2.11.3 Gifts to employees with a caring role	9
2.11.4 Exceptions	10
2.11.5 Hospitality	10
2.11.6 Checklist	11
2.11.7 Sponsorship - giving and receiving	11
2.12 Financial regulations.....	11

APPENDIX A - GENERAL DATA PROTECTION REGULATIONS (GDPR)	12
APPENDIX B - Local Government Act 1972 – Section 117	13
APPENDIX C - Organisations to Which Paragraph 7D of the Code Applies	14
APPENDIX D - The Bribery Act 2010	15
APPENDIX E - Officers’ Code of Conduct Declarations of Interest.....	16

OFFICER'S CODE OF CONDUCT

1. POLICY OUTLINE

1.1 What is the Policy About?

The Officer's Code of Conduct sets out the standards which are expected of employees and provides a framework which will help to promote best practice. All employees of the Council are required to observe and uphold the standards of the Code and all supporting policies and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action. The Code provides guidelines for employees to help maintain and improve standards and protect employees from misunderstanding or criticism.

1.2 Who Does the Policy Apply to?

This policy covers all employees.

1.3 Responsibility

All employees of the Council 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.

1.4 Confidentiality / GDPR

All personal information will be handled sensitively and used only for its proper purpose.

Under the General Data Protection Regulation (GDPR) individuals have the right to request their own personal data, subject to the rights of confidentiality of any third parties involved in that information, and officers and employees have a duty to ensure all data is held in a secure and confidential manner, used and shared only for genuine business reasons, and not kept for longer than necessary.

1.5 Dealing With Abuses of the Policy

Employees who attempt to abuse this policy may face disciplinary action. The Council takes false or misleading accusations very seriously, which may result in further action taken through the Council's Disciplinary Procedure. This will not include ill-founded allegations that were made in good faith.

1.6 Publicising and Distribution of the Policy

A copy of this policy is issued to every employee. A copy can also be viewed via the electronic filing folder or as part of the Constitution File.

New employees will be issued with and informed of the existence of this policy in recruitment and induction information.

1.7 Reviewing the Policy

The Council will keep the operation of this policy under review as part of the Annual Constitution Review and will make such changes to the policy as deemed appropriate.

1.8 Equality and Diversity

All employees must ensure that policies relating to equality and diversity issues as agreed by the Council are complied with, in addition to the requirements of the law. This applies both in the delivery of our services and in relation to the Council's employment practices. The Council is committed to including equalities in everything it does. This includes the elimination of unlawful discrimination, promoting diversity as a positive force, and valuing and celebrating its diverse workforce and community.

If necessary, an equality impact assessment will be carried out in the preparation of this policy and the assessment will be reviewed on an ongoing basis.

1.9 Alternative Formats

Where any alternative format of this policy is required, any initial enquiry should be made through your line manager.

1.10 Forms

Forms relating to this policy and procedure will be downloadable from the electronic filing folder, or are available from the Administration Section. Sample forms are included at the back of this document for information purposes only.

1.11 Further Information

If employees require any further advice relating to this document, they should contact their line manager in the first instance.

2. PROCEDURE

2.1 Standards and Attitude

Employees must give the highest possible standard of service to the public and, where it is part of their duties, provide appropriate advice to Elected Members and fellow employees with impartiality.

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery of services to all groups and people within that community according to the Council's policies.

In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct, which may give rise to suspicion.

2.2 Confidentiality and Disclosure of Information

The law says that certain types of information must be open to councillors, auditors, government directorates, service users and the public. If staff do not know whether they can release any particular information, they should always check with their line manager first.

Employees shall not divulge to any person (other than another member of staff or member of the Town Council that requires information for the performance of his/her duties), any information which the member of staff has obtained by reason of his/her employment to the Council, except where that information is anyway in the public domain by virtue of the Local Government Act or similar legislation such as the General Data Protection Regulation or Local Government Transparency Code.

In particular, no member of staff shall divulge personal information regarding any employee, person or contractor, having dealings with the Council and information relating to tenders or other such issues. Staff can only give information according to the requirements of the General Data Protection Regulation (see Appendix A).

Whilst staff are encouraged to be open to the press, the press should only be provided with information which would normally be available publicly. If the employee is in any doubt as to whether or not the information can be disclosed for the press, prior approval from the Town Clerk must be sought in the first instance.

2.3 Political Neutrality

Employees serve the Council as a whole. Employees must serve *all* elected Members.

In addition, they must ensure that the individual rights of all elected Members are respected.

Subject to rules laid down from time to time, employees may be required to advise political groups. They must do so in ways consistent with the employee's neutrality.

Whether or not employees are politically restricted by the law, they must follow the lawfully expressed policies of the Council and must not allow their own personal or political opinions to interfere improperly with their work.

2.4 Relationships

2.4.1 Councillors

Mutual respect between employees and councillors is essential for good local government. Some employees (usually officers) need to work closely with councillors. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors, and should therefore be avoided.

2.4.2 The local community and service users

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Council.

2.4.3 Contractors

All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Town Clerk on Form GATC C1 at the earliest opportunity.

Purchase orders and contracts must be awarded in accordance with the Council's Financial Regulations and Standing Orders for Contracts and Procurement and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

Employees who, in the course of their job, engage, supervise contractors, or have any other official relationship with contractors, must declare as soon as possible, that relationship in writing to the Town Clerk.

Any employees who have, or in the past had, a relationship in a private or domestic capacity with contractors (or their senior staff), must also declare as soon as possible, that relationship in writing to the Town Clerk on Form GATC C1. See Appendix E for further information.

2.5 Staff Appointments and Other Employment Matters

All employees must have regard to the Council's employment related Standing Orders, policies, procedures and protocols.

Employees shall not canvass any Member or Officer of the Council in respect of candidates seeking employment with the Council. Officers paid on spinal column point 12 or above shall disclose to the Town Clerk any relationship known to exist between themselves and any person who they know is a candidate for employment with the Council on Form GATC C2.

Employees who are involved in appointments must ensure that these are made on merit. There is a strong risk of litigation if an employee makes an appointment based on anything other than the ability of the applicant to undertake the duties of the post.

To avoid accusations of bias, employees must not be involved with appointments where they are related to any applicant or otherwise have a close personal relationship with them.

By the same token employees must not be involved in supervisory decisions relating to the discipline, promotion or remuneration (re-grading) of any employee to whom they are related or otherwise have a close personal relationship.

2.6 Outside Commitments

Employee's off-duty hours are their own concern, but staff should make sure that they do not allow themselves to get into a position where their private interests come into conflict with their contractual obligations and are detrimental to the interests of the Council.

All employees paid on spinal column point 12 or above are normally expected to devote their working time only to Great Aycliffe Town Council. However, in exceptional circumstances, consent can be given for employees to engage in any other business by applying to the Town Clerk on Form GATC C3.

2.7 Personal Interests

Employees must declare to the Town Clerk on Form GATC C4 any financial or non-financial interests which could bring about conflict with the Council's interests. If they are in any doubt about a potential conflict of interest, they should bring the matter to the attention of their manager or supervisor so that a decision can be made as to how best to proceed. They must not make, or become involved with any official or professional decisions about matters in which they have a personal interest. Section 117 of the Local Government Act 1972 (See Appendix B) requires staff to make a formal declaration about contracts or personal contracts with the Council in which they have a pecuniary interest.

Such declarations should be made on Form GATC C5 and sent to the Town Clerk. It is a criminal offence to fail to comply with this provision which is set out in full in the Guidance Note.

Employees must declare to the Town Clerk membership of any organisation not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the freemasons. A definition of such an organisation appears in Appendix C. Such declarations should be made on Form GATC C6 and sent to the Town Clerk.

2.8 Equality

All members of the local community, customers and other council employees have a right to be treated with fairness and equity. Employees should become familiar with and observe all Council policies relating to equality issues, e.g. the Council's Equality and Diversity policy, in addition to the requirements of the law.

2.9 Tendering Procedures

Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

If they are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, they must declare that relationship to the Town Clerk, using Form GATC C1.

If staff become privy to confidential information on tenders or costs relating either to internal or external contractors, they must not disclose that information to any unauthorised person.

All employees must 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 any capacity.

At all times, employees dealing with Tenders and Contracts must ensure that they comply with the Council's Standing Orders for Contracts and Procurement and Financial Regulations.

2.10 Corruption

Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 (see Appendix D) for them to receive or give any gift, loan or reward or advantage in their official capacity “for doing, or not doing, anything”, or “showing favour, or disfavour to any person”.

If an allegation is made against a member of staff, it will be for them to demonstrate that any such rewards have not been corruptly obtained. If anyone makes an approach to an employee which seems to them, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, they must report the matter to the Town Clerk.

2.11 Possible Inducements

2.11.1 Introduction

Employees are expected to use the Council’s money and resources with absolute honesty and be able to demonstrate this at all times.

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence. There is a checklist to help staff at the end of this section.

2.11.2 Gifts Generally

Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of their official duties so as to involve the Bribery Act 2010.

Nevertheless, with the exceptions listed below, staff should decline any personal gift offered to them, or to a member of their family, by any person or organisation having dealings with the Council. Any such offer should be reported to the Town Clerk on Form GATC C7.

When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to the place of work, there may be a problem returning it, in which case it should be reported immediately to the Town Clerk.

2.11.3 Gifts to Employees With a Caring Role

There are sometimes special problems encountered by employees who have a “caring” role. Employees responsible for care of infants may be offered small tokens of appreciation from parents at end of term or when leaving to move on to school (See Exceptions 2.11.4). Donations of money to pre-school funds are permitted but not to individual staff.

2.11.4 Exceptions

- Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices, but only if it bears the company's name or insignia.
- Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.
- Gifts of a token nature from parents/children at pre-schools.

2.11.5 Hospitality

Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence. Hospitality is sometimes offered to representatives of the Council in an official or formal capacity.

Normally the only officers who would attend would be chief officers and recognised deputies. If hospitality is offered to staff as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it.

Staff must exercise the utmost care in dealing with contractors, developers, etc, who may stand to benefit from the goodwill of the Council. Staff should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality. In general terms, it is more likely to be acceptable for staff to join in hospitality offered to a group, than to accept something unique to themselves.

When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common-sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.

Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted. All offers of hospitality should be reported to the Town Clerk on Form GATC C7.

2.11.6 Checklist

The question in all these cases is one of judgement, and the following checklist of queries should help staff to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- Is the donor, or event, significant in the community?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What do you think is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- Could you justify the decision to the Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- Are you likely to be expected to respond to the hospitality, and if so, how?
- Are you comfortable about the decision?

2.11.7 Sponsorship - Giving and Receiving

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.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner/civil partner, spouse nor relative must benefit from such sponsorship in a direct way without there being full disclosure to the Town Clerk 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.

2.12 Financial Regulations

All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Council's Financial Regulations. They 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 Council.

Any breaches of these instructions may lead to disciplinary action and could lead to dismissal.

APPENDIX A - GENERAL DATA PROTECTION REGULATION (GDPR)

The General Data Protection Regulation came into force on 25th May 2018.

It is the framework for data protection laws. It replaces the previous 1995 Data Protection directive, which previous UK law was based upon.

It is enforced by the Information Commissioner's Office (ICO).

The act covers paper and electronic data including emails. Data is any information that would enable a living person to be identified such as name, address, date of birth.

If staff have any personal data they should consider:-

- The reasons why it was collected in the first place?
- Is there a valid legal or contractual reason?
- Is it part of an on-going matter?
- Why the Council still needs to retain it?
- That it must be held for no longer than necessary.

If staff hold any personal data, including information contained within old reports, they are classed as a 'Data Controller'.

They must not share that data without the individual's explicit consent.

They will be responsible for any breaches in data protection if they have chosen to retain this information at their home and may be liable to a hefty fine if there is a breach in the regulations.

If staff are in doubt about the regulations, advice is available from the Town Clerk or a Member of the Management Team.

APPENDIX B - Local Government Act 1972 – Section 117

1. If staff become aware that they have a direct or indirect financial interest in a contract which the Council has entered into or intends to enter into, they must tell us immediately.
2. Staff must not accept any fee or regard other than their normal salary.
3. If staff break either of the conditions shown above, they can be prosecuted and fined. (The maximum fine is level 4 on the standard scale).

APPENDIX C - Organisations to Which Paragraph 7D of the Code Applies

Any lodge, chapter, society, trust or regular gathering or meeting which:

1. Is not open to members of the public who are not members of that group.
2. Includes an obligation on the part of the member to make a commitment of allegiance to the lodge, chapter, society or gathering or meeting, and
3. Includes a commitment of secrecy about the rules, membership or how the lodge, chapter, society, trust, gathering or meeting carries out its business.

We do not consider a lodge, chapter, society, trust, gathering or meeting as a secret society if it forms part of a generally recognised religion.

APPENDIX D - The Bribery Act 2010

Under the Bribery Act 2010, it is an offence for staff to:

1. Bribe another person.
2. Be bribed.
3. Bribe a foreign public official.

There is also a 'corporate offence' of failing to prevent bribery. Under this, the Council will be guilty of an offence if an 'associated person' bribes someone else, intending to obtain or retain business, or a business advantage, for the Council. 'Associated persons' may include employees, agents and subsidiaries.

APPENDIX E – Officer’s Code of Conduct Declarations of Interest

The following forms should be completed, where relevant, by appropriate officers to declare interests.

Where appropriate, a nil declaration should be completed and returned to the Town Clerk at the end of each financial year.

Form	Title	Completion Requirement
GATC C1	Business or Personal Relationships With External Contractor or Supplier	To be completed (or nil return)
GATC C2	Relationship With a Candidate For Appointment With The Council	To be completed as necessary during recruitment
GATC C3	NJC Conditions of Service for APT&C Staff – Paragraph 71 Application for Approval of Outside Interests or Employment	To be completed as necessary
GATC C4	Personal Interests	To be completed (or nil return)
GATC C5	Pecuniary Interests	To be completed (or nil return)
GATC C6	Membership of Secret Societies/Organisations	To be completed (or nil return)
GATC C7	Declaration of Offer of Hospitality/Gifts	To be completed as necessary