

**CODE OF CONDUCT – Revised Draft
(March 2014)**

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Code of Conduct for Employees

1. Ethical Standards

- 1.1 Local government employees are expected to abide by the highest ethical principals, giving the highest possible standard of service to the public, and where it is part of their duties, providing appropriate advice to councillors and fellow employees with impartiality. Employees are expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information/Data Security

- 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.
- 2.2 Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Head of Central Services or the Member Services Section. Obstruction of a member of the public who wishes to exercise these rights is a criminal offence.
- 2.3 The public are specifically excluded from certain proceedings of Committees or other meetings associated with the business of the council. No employee shall communicate to the public the content of such proceedings or any document relating to the Authority, unless required by law or expressly authorised by the Chief Executive to do so. Employees making unauthorised communications may become subject to disciplinary action.
- 2.4 Employees should exercise caution and care not to disclose commercially sensitive information. Guidance should be sought from the appropriate Executive Director or the Head of Central Services.
- 2.5 Employees should not use any information obtained in the course of their employment for personal gain or benefit either for themselves or others, nor should they pass it on to others who might use it in such a way.
- 2.6 Personal information received by an employee from a councillor 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.
- 2.7 Employees have a duty to maintain confidentiality and must not disclose any information obtained in the course of their employment to any third party for any unauthorised reason. In particular, employees must not disclose personal information about any individual without the appropriate authority to do so. A disclosure which complies with the requirements of the Whistleblowing Policy will be regarded as authorised disclosure.

2.8 Employees must ensure that they adhere to all of the council's relevant policies and procedures in relation to information security, the use and storage of computers and the proper management of computer held information in relation to the Data Protection Act.

3. Political Neutrality

3.1 Employees serve the authority as a whole. They must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 Employees whose duties require them to advise political groups must do so in ways which do not compromise their political neutrality.

3.3 All employees must follow the policies and decisions of the authority and must not allow their own personal or political opinions interfere with their work.

3.4 Where an employee holds a politically restricted post, the restrictions imposed by the Local Government and Housing Act are deemed to be incorporated in their contract of employment.

4. Relationships

4.1 Councillors

4.1.1 Employees are responsible to the authority through its management structure. Some employees have a specific role to give advice to councillors and senior officers. All employees are responsible for carrying out the authority's work and are expected to follow the advice of those officers who have a specific advisory role, e.g. Section 151 Officer or Monitoring Officer. Mutual respect between employees and councillors is essential.

4.2 The Local Community and Service Users

4.2.1 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 the community.

4.3 Contracts, Grants or Property Matters

4.3.1 Orders and contracts must be awarded on merit, by fair competition against other tenders, and special favour must not be shown to businesses operated or controlled by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

4.3.2 Employees involved in awarding contracts or 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 a contractor who is engaged or who is proposed to be engaged by the Authority, must declare that relationship to the appropriate manager and record

the relationship in the Register of Disclosures of Pecuniary Interests (held by the Head of Central Services as soon as practicable).

4.3.3 Employees must also disclose and record in the Register any interest of themselves or their spouse/partner (if living together) in the following:

- Any grant made by the council;
- Any tenancy of or contract for the purchase of any property in the ownership of the council;
- The receipt as landlord of housing benefit in respect of a property in the Borough.

4.4 The Press and the Media

4.4.1 Employees must not deal direct with the press or the media unless they are required to do so in the course of their work or they have been expressly authorised by an appropriate manager.

4.4.2 All enquiries for information or comment on issues affecting the work of the council must be referred to the Head of Communications.

4.4.3 Any article, publication, or interview given on aspects of council policy or activity must be properly authorised.

5. Appointments and Other Employment Matters

5.1 Appointments

5.1.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. These principles and the council's procedures are detailed in the council's Recruitment, Selection and Induction Policy which supplements the corporate training which is available to all employees involved in the Recruitment and Selection process.

5.1.2 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 them. [Candidates for any appointment with the council when making an application must disclose on the job application form whether they are related to any member of the Council or to any Council employee.] Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after appointment, they will be liable to dismissal.

5.1.3 Elected Members and Executive Directors must disclose to the Authority any relationship known to exist between themselves and a candidate for an appointment of which they are aware.

5.2 Discipline, Promotion and Pay Adjustments

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

5.3 Giving of References

5.3.1 If requested to supply a reference, employees should note that they owe a duty of care in negligence to the person receiving it and also to the subject of the reference and must therefore:

- Ensure the reference is factual, fair and balanced
- Wherever possible, confine their comments to facts only
- Avoid making professional judgements unless they feel qualified to do so
- Avoid statements of pure opinion
- Generally avoid 'pro forma' references

If you have any difficulty in ensuring that the reference is fair and balanced, you should obtain advice from Human Resources.

5.3.2 Employment references

Only Executive Directors, Heads of Service and Section Heads are authorised to give employment references for employees of the council. These should:

- be in writing only (ie no oral references either in person or by telephone)
- be on the council's official headed paper
- be marked 'PRIVATE AND CONFIDENTIAL – GIVEN IN CONFIDENCE'
- include the following disclaimer:

“This reference is strictly confidential and is given only for the purposes for which it is requested. It is given on the strict understanding that no liability shall arise on the part of Newcastle-under-Lyme Borough Council and its employees, out of or in connection with any reliance placed upon it by you or by any third party”.

5.3.3 References other than employment references, ie personal/character references

Employees who wish to provide a personal/character reference for a person who is a council employee must:

- ensure it is clearly marked 'PERSONAL REFERENCE'
- give their home address, not the council's address
- ensure it is not written on the council's official headed paper

6. Outside Commitments

6.1 **Private Work**

6.1.1 “Private work” includes all work, voluntary, or paid employment (including the involvement in any business) other than work undertaken for the council.

6.1.2 It is not intended to prevent employees from engaging in other work but to ensure that no conflict of interest arises. Any Executive Director must have good reason for not approving the work. Employees are permitted to undertake private work provided:

- It does not affect their effectiveness in the performance of, or conflict with, their duties with the council
- The work is not carried out in council time, on the council’s premises or using the council’s materials or equipment
- Employees who work in specific categories of activity, such as professional services or property development, must take particular care to avoid any possible conflict of interest and must only conduct private business outside the boundary of the Borough areas in order to demonstrate that no conflict of interest can be alleged or inferred.

6.1.3 When they are undertaking private work, the employee must not contact staff in connection with the private work they are undertaking other than by letter or email addressed to the appropriate Executive Director or Head of Service or to an officer(s) authorised by the Executive Director/Head of Service to deal with the matter. If it is necessary for the employee to speak to staff either directly or by telephone in connection with the private work they are undertaking, this must be done outside the employee’s paid working hours.

6.1.4 Employees must obtain the approval of the Executive Director for their Service before undertaking any private work and must record each commission, tranche or element of work in the Register of Private Work which is kept for this purpose in their directorate. If approval is not given, the work must not be undertaken. Every employee should contact the Executive Director for advice before deciding to engage in or carrying out any work.

6.1.5 Approvals must be requested and approved on a job specific basis and reviewed/reconfirmed by the relevant Executive Director annually.

6.1.6 Instances of employees undertaking private work which requires the Council’s approval and which is not entered in the Register may be treated as “gross misconduct” under the terms of the Council’s disciplinary procedure.

6.2 **Intellectual Property**

6.2.1 Employees should follow the council's rules on the ownership of intellectual property or copyright created during their employment.

6.2.2 Intellectual property is a generic term that includes inventions and patents, creative writings and drawings. If these are created by the employee during the course of employment then as a general rule they belong to the council.

6.2.3 Advice on intellectual property procedures is available from the Head of Central Services.

7. Personal Interests

7.1 Employees must declare to their line manager (in writing) any non-financial interests that they consider could bring about conflict with the authority's interests.

7.2 Employees must declare to an appropriate manager any financial interests which could conflict with the authority's interests.

7.3 Employees should declare to an appropriate manager membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules and/or membership and/or conduct (eg, a Masonic lodge).

7.4 On no account must employees be directly involved in the processing of any matter or application in which they or their spouse or partner or any close relative have a personal interest.

7.5 Employees must declare to their line manager (in writing), any non-financial interests that they consider could bring about conflict with the council's interests. This may include membership of outside bodies in a personal capacity. In such cases employees should be mindful not to place themselves in a situation where their involvement or working contribution could compromise their continuing professional duty to the interests of the Council.

7.6 As part of their official duties, an employee may be required to serve on an outside body. In such cases employees will be expected to represent and promote the council's interests and policies as the circumstances dictate and as far as this is consistent with their duties as a member of the outside body.

8. Equality Issues

8.1 All employees should ensure that policies relating to equality issues as agreed by the authority 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 fairly and not to be discriminated against.

8.2 Employees should note that cases of racial or sexual harassment are deemed to be gross misconduct under the Council's Disciplinary Procedure.

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 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.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 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 buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 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. Corruption

- 10.1 Employees must be aware that it is a serious criminal offence for them 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. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 10.2 Employees who are in receipt of or affect the receipt of housing benefit and/or other related benefits (i.e. Income Support, Unemployment Benefit, Incapacity Benefit, etc.) must be aware that the obtaining of such benefits by deception would be considered as theft against the Authority as the employer and would therefore constitute Gross Misconduct under the council's Disciplinary Procedure.
- 10.3 Employees must provide Human Resources with details of their home address or in cases where more than one address is frequented the address that they normally class as their home. This does not include c/o addresses unless there are special circumstances which management have been made aware of and are satisfied with. Similarly, changes of name should also be notified to Human Resources.
- 10.4 The council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment it encourages employees with serious concerns about any aspect of the council's work to come forward and voice those concerns. The council's Anti-Fraud and Corruption Strategy makes it clear that employees do so without fear of reprisals. The Whistle Blowing Policy is intended to encourage employees to raise serious concerns within the Council

rather than overlooking a problem or raising them with external bodies first. Polices are available on the Intranet and from Internal Audit.

11. Use of Financial Resources

- 11.1 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.
- 11.2 Employees should be aware of and must adhere to the council's Standing Orders and Financial Regulations.
- 11.3 An employee who becomes aware of any contravention of these rules and regulations must report the matter immediately to their line manager or, if appropriate, they should contact some other responsible officer to ensure that the matter is brought to the council's attention.
- 11.4 An employee must not use any of the council's resources whether financial or physical assets for any purpose other than council business.

12. Gifts and Hospitality

- 12.1 Your conduct should be such that you remain immune from any criticism or suspicion that your actions or decisions have been unduly influenced. Obviously, the acceptance of gifts or hospitality by you could be viewed with suspicion by the public and make you and the Council vulnerable to criticism.
- 12.2 Common sense should be applied when deciding whether to accept gifts or hospitality. In all instances you should consider the nature and the scale of the gift/hospitality, the circumstances in which it is offered and the relationship between the donor and the Council. You should also consider whether you could justify the giving or acceptance of gifts/hospitality to the Council, the media and the public. You should ensure that acceptance of gifts/hospitality does not put your integrity, or that of the Council, into question.
- 12.3 If you are found to have allowed your decision or actions to have been influenced by the acceptance of gifts or hospitality you could find yourself liable for disciplinary action which may include dismissal.
- 12.4 It is impossible to cover every eventuality but these guidelines should assist you in making a decision. If you are in any doubt as to whether to accept or refuse an offer of a gift or hospitality, you should seek advice from your Head of Service or Director.
- 12.5 Particular care should be taken where gifts or hospitality are offered by someone who:
 - (i) Provides, might provide or has recently provided goods or services to the Council, eg a potential contractor in the period leading up to, during and immediately after a tendering exercise; or

- (ii) Needs or has recently received a decision from the Council, eg on a planning application; or
- (iii) Is in dispute with the Council.

Gifts

- 12.6 It is a serious criminal offence for Local Government employees to accept any fee, reward or gift, other than their proper remuneration for doing their job (Local Government Act 1972). Also, the introduction of the Bribery Act 2010 now makes it a criminal offence in relation to the giving or taking of a 'reward for acting dishonestly and or in breach of the law'. This 'reward' could relate to money, payment in kind and the receipt of 'gifts'.
- 12.7 Cash and monetary gifts must always, without exception, be refused.
- 12.8 You may accept a gift that is below £10 in value but you are asked to think about whether it would be more appropriate to donate the gift to the Mayor's Charity.
- 12.9 If you are offered any other gifts that have a greater value, vouchers, tickets to events, special discounts, rewards or preferential treatment, you should refuse to accept them.
- 12.10 You should not accept any gifts, other than promotional gifts (eg diaries, calendars, pens etc) which are offered to you on a regular basis by the same person/organisation. Where such promotional gifts are accepted, these should be used in the workplace.
- 12.11 Gifts offered during a procurement process may not be accepted under any circumstances.
- 12.12 When declining a gift, you should do so politely, explain why it cannot be accepted and, where practical, return the gift to the donor. Where returning the gift is likely to be expensive or inconvenient, it should be donated to a suitable charity, eg the Mayor's Charity and the donor advised of this, together with a polite request not to make similar gifts in the future.
- 12.13 All gifts offered, whether accepted or refused (other than promotional gifts) should be recorded in the Council's gifts and Hospitality Register, which is maintained by the Monitoring Officer.

Hospitality

Receiving Hospitality

12.14 The Council needs to maintain effective relationships with a wide range of partners, agents and community groups and the giving and receiving of hospitality may form part of this activity. However, it is vital to dispel the impression of improper influence being exerted on the Council.

12.15 It is permissible to accept:

- (i) modest refreshments offered in the normal course of a business, eg coffee, sandwiches over a lunchtime meeting;
- (ii) hospitality offered by other non-commercial bodies, provided that there is a general understanding that no indebtedness will result from the acceptance;
- (iii) invitations to functions where you represent the Council in an official capacity or by virtue of professional position, for example, when invited to/attending opening ceremonies, conferences.

12.16 Invitation to represent the Council at purely social or sporting functions should only be accepted where:

- (i) these are part of the life of the community, or
- (ii) where the Council should be seen to be represented and it is consistent with your role in the Council;

and it is seen as a benefit to the Council as a whole and not you as an individual. Taking annual leave in order to attend an event that does not meet the criteria able is not acceptable. In deciding whether to accept a social or sporting invitation it is vital that you consider how the public could view your acceptance.

12.17 Hospitality, other than modest refreshments should not be accepted for visits made to inspect equipment, systems, etc. The Council should meet the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions etc.

12.18 Attendance at award ceremonies where current contractors pay for/sponsor the cost of the event or the attendance of employees is acceptable with the prior approval of the Executive Director for their Service or the Chief Executive and providing this would not compromise a purchasing decision.

12.19 Offers of hospitality that appear immodest or lavish should be refused.

12.20 When refusing hospitality this should be done politely and an explanation given.

12.21 All hospitality refused or accepted (other than modest refreshments) should be recorded in the Council's Gifts and Hospitality Register, which is maintained by the Monitoring Officer.

Giving Hospitality

12.22 Hospitality given by employees of the Council should be justified as being in the public interest. It should be on a scale appropriate to the occasion and should not be lavish or extravagant.

12.23 You should not offer hospitality unless authorised to do so by your Head of Service or Director. Modest hospitality, such as the provision of refreshments, for example, tea/coffee, made to official visitors to Council premises may be offered

without prior Head of Service/Director approval provided approved budget provisions are not exceeded.

13. Prevention of Money Laundering

13.1 The Proceeds of Crime Act 2002 and the UK Money Laundering Regulations 2003 replaces responsibility on Council employees to combat money laundering. Under the legislation it is a criminal offence to:

- assist a money launderer;
- ‘tip-off’ a person suspected to be involved in money laundering that they are suspected or that they are the subject of police investigation;
- fail to report a suspicion of money laundering;
- acquire, use or possess criminal property.

Employees contravening the regulations can be faced with imprisonment (up to 14 years), a fine or both.

13.2 In order to combat money laundering and to protect itself and its employees from the consequences of failing to comply with the legislation, the council has issued guidance for any employee dealing with large sums of money in or out of the Council. The following list identifies a number of areas that the guidance applies to but it is not exhaustive:

- Cashiers
- Officers receiving large sums of money, eg land sales
- Benefits Officers, large payments to landlords
- Employees making payments for large contracts, consultants fees
- Property deals
- Receipt and repayment of performance bonds

13.3 Employees whose duties involve working in the areas listed above should ensure that they are familiar with the guidance which is available from the Internal Audit Section.

14. Sponsorship – Giving and Receiving

14.1 You must apply the basis conventions relating to gifts and hospitality as set out in the Code to any involvement you may have with an outside organisation which wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily.

- 14.2 You must take particular care when dealing with contractors or potential contractors so as not to leave the Council or yourself open to allegations of impropriety.
- 14.3 You must not accept sponsorship from an individual or organisation that is in a legal dispute with the Council.
- 14.4 Where the Council itself wishes to sponsor an event or service, you must make full disclosure in writing to your manager if either yourself, partner, spouse or close relative stands to benefit from such sponsorship.
- 14.5 In the same way, you must make sure that you give impartial advice and that you have no conflict of interest where the Council gives support to community groups through sponsorship, grant aid whether financial or otherwise.
- 14.6 You should not use your position with the Council to seek sponsorship from contractors for personal activities.

15. Records

- 15.1 Employees should keep full and accurate records of all transactions. Where an employee is required to complete records such as car mileage/subsistence claims, time sheets or leave sheets, these must be completed accurately. Falsification of records is criminal and is gross misconduct.

16. Personal Conduct

- 16.1 Employees are expected to be polite and courteous at all times and in particular the following are unacceptable behaviour:
- The use of abusive or offensive language towards members of the public, councillors or other members of staff
 - Threatening or aggressive behaviour
 - Inappropriate sexual conduct
 - Dishonesty
- 16.2 Employees should note that misconduct outside work may impact on their ability to continue to carry out their job role and may damage the council's reputation. Employees who are charged with or convicted of a criminal offence must notify the council. This will not normally, in itself, result in disciplinary action being taken. However, in circumstances where there is a genuine connection between an employee's conduct outside work and their employment, disciplinary action may be taken. If the conduct outside work prevents an employee from being able to continue to undertake their role, either because it would no longer be legal for them to do so, or because of their continued suitability, they may be dismissed.

17. General Note

17.1 Copies of all policies mentioned in this Code of Practice are available on eVoice or from your Head of Service.

18. Review

18.1 The Code of Conduct is reviewed annually or more frequently if appropriate.

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