



## **Part 5b**

# **Officer Code of Conduct**

<b>Officers' Code of Conduct</b>	
<b>Effective from 18 September 2014</b>	<b>Approved by Council on 17 September 2014</b>

**1. Introduction**

1.1 The Council believes that its activities demand the highest standards of confidence from the public and that this confidence will derive from the way in which the Council and its employees conduct themselves in undertaking its business.

1.2 This Code is integral to the ethos of all the Council's core values in particular:

**'We act with integrity and we are trustworthy in all our dealings with people and we are open about the decisions we make and the services we offer'.**

1.3 It is, therefore, important for the Council to provide guidance on standards of conduct which is available to, and understood by staff at all levels. Where examples are listed in the Code as guidance they are not intended to be exhaustive.

1.4 The Code is additional to appropriate statutes, sections of the National Scheme of Conditions of Service, the Financial Regulations and the Council's Constitution, in particular the protocols on Member /Officer Relations.

1.5 The Code applies to all employees of Blackpool Council and is incorporated into and forms part of the contractual relationship between the Council and its employees. As such, it may be used in any proceedings under the Council's disciplinary and grievance procedures.

1.6 The Code of Conduct cannot cover all areas that are likely to arise in practice, but the principles of the Code will apply in order to ensure the integrity of the Council is maintained at all times.

**2. Standards**

2.1 Employees are expected to give the highest possible standard of service to the public, communities, councillors and fellow employees in a courteous, efficient, and impartial manner. All employees are expected to treat others with respect at all times and adhere to the Council's Customer Care Standards.

2.2 The Council is committed to the prevention of fraud and corruption. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner in accordance with the Bribery Act 2010. All employees should act honestly and with integrity and to safeguard the public resources for which they are responsible. Where appropriate they will also be bound by the Council's Anti-Fraud and Corruption Strategy.

2.3 Employees should deal with all matters with a level of competence appropriate to the role and in line with any professional codes of conduct which apply to them.

2.4 Employees should raise any serious and genuine concerns about any wrong-doing in the Council's work or decisions by using the Council's Whistleblowing Policy. They can do this without fear of harassment or victimisation.

- 2.5 Council policies relating to equality issues in employment and service delivery must be 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 in accordance with the Council's Equality Policy and the Equality Act 2010.
- 2.6 Standards of dress, personal appearance and hygiene, as well as those required in the interests of health and safety, can be matters affecting public confidence and employees should therefore make themselves aware of and comply with the expected standards for their role.
- 2.7 In the interests of the public and colleagues, employees must adhere to the Council's Health and Safety Arrangements. Employees must not act either wilfully or unintentionally in a manner liable to place the public, their colleagues, or themselves at risk, and must adhere to the duty of care prescribed in the Council's Health and Safety arrangements. This is particularly the case where an employee has direct responsibility for the welfare of service users.
- 2.8 It is important that all employees working with children, young people and vulnerable adults understand that the nature of their work places them in a position of trust. Such employees should be familiar with government guidance, local procedures and protocols for safeguarding the welfare of children young people and vulnerable adults have a duty to report any child protection or welfare concerns to a designated member of staff in their organisation.

### **3. Disclosure of information**

- 3.1 Employees must respect the confidentiality of any information they are given. Managers and supervisors should make themselves and their staff aware, where information they come into contact with in the course of their employment is confidential. Employees should not prevent another person from gaining access to information to which that person is entitled by law.
- 3.2 All information contained in personal data relating to members of the public and employees must be obtained, held and processed fairly and lawfully in accordance with the General Data Protection Act 1998 and the Data Protection Act 2018 and must not be used or disclosed in any manner incompatible with that legislation. In addition, employees in the course of their employment with the Council will have access to and be entrusted with information about the business of the Council and/or its customers and clients which is confidential or commercially sensitive and must abide by any restrictions set down.
- 3.3 To protect the confidentiality of this information and without prejudice to other obligations an employee may have in handling information, employees must:
- Not disclose to any person or make use of any such confidential information unless authorised to do so
  - Not make any copies, abstracts or summaries of the whole or part of any document, computer record or other records belonging to the Council, except when required to do so in the course of their employment.
- 3.4 Employees must 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. This does not apply to staff benefits schemes.

- 3.5 Intellectual property is a generic term that includes inventions, creative writings and drawings. If any of these are created by employees in the course of their employment with the Council, then as a general rule, they exclusively belong to the Council and cannot be sold or lent to any other person or organisation without prior written permission of the relevant Chief Officer.
- 3.6 Upon the termination of their employment with the Council for whatever reason or otherwise at the Council's request, an employee must immediately return all property belonging to the Council or third party held in connection with their employment which may be in their possession or control.
- 3.7 Employees must not contact the media or disclose information relating to the work of the Council to the media, other than as an official spokesperson of the Council and in accordance with the Protocol on Member/Officer Relations. This includes employees having due regard to the Council's policy on social media.
- 3.8 Employees are required to accept, in full, the rules contained in the relevant information governance policies. Any breach of these policies will be considered a serious breach of the employee's contract terms of employment and the Council may instigate disciplinary proceedings held by the Council.

#### **4. Political neutrality**

- 4.1 Employees holding politically restricted posts are disqualified, under the Local Government and Housing Act 1989, from membership of any local authority, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity. All employees holding a politically restricted post will have been notified, in writing.
- 4.2 Political restricted posts fall into two broad categories: specified posts and sensitive posts. Postholders in specified posts are politically restricted without the right of appeal.

##### **(i) Specified Posts**

- Head of the Council's Paid Service (s4 Local Government and Housing Act)
- Statutory and Non Statutory Chief Officers
- Deputy Chief Officers reporting to a Chief Officer
- The Monitoring Officer (s5 Local Government and Housing Act)
- Officers exercising delegated powers ie: employees whose posts are for the time being specified by the Authority in a list maintained in accordance with s100G(2) of the Local Government Act 1972
- Assistants to political groups.

##### **(ii) Sensitive Posts**

These are posts where the primary role is to give advice on a regular basis to:

- the Authority itself
- any committee or sub-committee of the Authority
- any joint committee on which the Authority is represented
- the Executive of the Authority or any committee of the Executive
- any member of that Executive.

Sensitive posts also include those where the postholder would be expected to speak on behalf of the Council on a regular basis to journalists or broadcasters.

**Note:** Teachers and head teachers are all exempt from political restrictions.

- 4.3 Employees, whether or not in a politically restricted post, must not allow their own personal or political opinions to interfere with their work. This shall not prevent employees expressing a professional view in accordance with their duties.
- 4.4 Employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality and in line with the Protocol on Member/Officer Relations.
- 4.5 Mutual respect between employees and councillors is essential to good working relationships. 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 when dealing with Council business.

## **5. Appointment and other employment matters**

- 5.1 Employees involved in appointment and promotions should ensure that any decisions are made in accordance with the Council's Equal Opportunities Policy and Procedures on the basis of merit.
- 5.2 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, or seek to influence an appointment or promotion for any purpose.
- 5.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay for an employee who is a relative, partner or close friend.
- 5.4 Employees must not approach elected members on matters relating to reorganisations, terms and conditions of employment or other employment matters that affect them individually except through procedures laid down in human resources policies and procedures or agreed by the Head of Paid Service.

## **6. Outside commitments**

- 6.1 All employees should not engage in any other business or take outside employment which conflicts with the Council's interests, for example, working with or for someone who does business or seeks to do business with the Council or obtain grants, consents or permits from the Council.
- 6.2 Officers on administrative, professional or technical grades above Grade F must not engage in any other business, such as any paid or unpaid employment or running a business, or take up any other additional appointment, without first receiving the express consent in writing from their relevant Chief Officer. The Chief Officer (responsible for HR) should be notified of any approvals granted.

Consent is **not**, however, required for:

- (i) work in connection with religious bodies
- (ii) work in connection with the social and charitable life of the town
- (iii) work in connection with Friendly Societies, trade unions, staff organisations etc

- (iv) contributions to professional and trade periodicals or societies and other literary and recreational and artistic pursuits
- (v) part-time teaching in technical colleges, evening schools, and tutorial work outside normal working hours.

- 6.3 Employees may not undertake outside work for payment by a member of the public on any matter connected with their official duties.
- 6.4 Employees may accept appointments as Presiding Officers / Poll Clerks at Elections or as Census Enumerators, with the necessary days of absence to count against their leave entitlement.
- 6.5 The Council will not attempt to preclude any of its employees from engaging in any other businesses or from undertaking additional employment but any such employment must not, conflict with or be detrimental to the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business.
- 6.6 Employees should not use the Council's premises, facilities and other resources in connection with their outside commitments.

## **7. Personal interests**

- 7.1 Employees must declare in writing via the appropriate form to their relevant Chief Officer, if they have any personal interests or involvement which might conflict with their employment or with the interests of the Council.

For example:

- membership of another local authority with which the Council deals regularly
- membership of any voluntary organisation, club or society that regularly seeks assistance from the council or to which the Council appoints representatives
- membership of any organisation (other than a political party or a trade union) which seeks to influence the Council's policies and decisions.
- any land in which they have an interest which is to be, or likely to be, the subject of a Council decision.

## **8. Involvement in contracts**

- 8.1 Orders and contracts must be awarded on merit by fair competition against other tenders, in accordance with the Council's Financial Regulations and Contracts Procedure Rules. No special favour should be shown to businesses run, for example, by friends, partners or relatives in the tendering process and the process should fully comply with the Council's equality framework.
- 8.2 Employees who have access to confidential information on tenders or costs for contractors must not disclose that information to any unauthorised party or organisation.
- 8.3 Employees who engage or supervise contractors, or have any other official relationships with contractors and have previously had or currently have a relationship in a business or personal capacity with contractors or potential contractors, must declare that relationship in writing via the register of interest form to their relevant Chief Officer.
- 8.4 Employees in their official relationships with contractors and potential contractors must not conduct themselves in such a manner so as to imply that they are in a position of giving special favour. Nor shall they canvass directly or indirectly or infer that they seek a gift, loan, fee, reward or advantage, or any offer of such.

**9. Gifts and hospitality**

- 9.1 Employees need to be aware that it is a serious criminal offence for them 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. Employees should advise their Chief Officer at the earliest opportunity of any such approach which is made to them. Any allegation of wrongdoing will be investigated under the Authority's Disciplinary Procedure.
- 9.2 Employees should only accept offers of hospitality if there is a genuine need to represent the Council. Offers to attend purely social or sporting functions must not be accepted unless there is a reasonable expectation for the Council to be represented. The acceptance of hospitality should be properly authorised in advance, formally accepted and registered, by informing the employee's Chief Officer. Hospitality should be registered within 28 days of its acceptance.
- 9.3 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality. Employees should not accept hospitality, entertainment or working lunches from contractors and outside suppliers or people or organisations subject to decisions by the Council, such as environmental health, licensing and development control. Where visits to suppliers are required, employees should ensure that the Council meets the employees' costs of such visits rather than accept hospitality from suppliers.
- 9.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the Authority is satisfied that any purchasing decision is not compromised. In those circumstances, employees are not required to register the hospitality.
- 9.5 Employees should not accept personal gifts from contractors and outside suppliers, people or organisations subject to decisions by the Council, with the exception of items of token value such as pens, and diaries.
- 9.6 Each employee is personally responsible for decisions regarding the acceptance of hospitality or gift items. If there is any doubt such items should be refused and employees should seek advice from a more senior member of management or the Chief Officer.
- 9.7 Employees must register any gift other than of token value, which cannot be politely refused, by completing the appropriate form and submitting this to their relevant Chief Officer within 28 days of receipt. Guidance written on this subject matter is intended so that employees can make their own decisions about what should be declared. However, as a general rule any gift that has an estimated value of over £25 must be declared.
- 9.8 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the requirements of this Code concerning the acceptance of gifts or hospitality apply. Particular care must be taken when contractors or potential contractors are potential sponsors to avoid the appearance that providing sponsorship is linked to the awarding of any contract.

**10. Compliance with the Code**

- 10.1 The Code of Conduct is part of every employee's contract. Failure to comply with the Code of Conduct for Employees may result in disciplinary action being taken under the Disciplinary Policy and Procedure. The Council reserves the right to take legal action against employees where breaches of the Code warrant such action.

- 10.2 The Chief Officer (responsible for HR) and the Monitoring Officer and are jointly responsible for the implementation of the Employee Code of Conduct and for ensuring it is regularly reviewed.