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Lewes District Council



Working in partnership with **Eastbourne Homes**

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Draft

1. Introduction

- 1.1. This Code is designed to ensure that the integrity of the council, its employees and its workers (casuals, agency and consultants) is maintained and that there is clear guidance on the conduct required of them while working for the council.
- 1.2. The Code describes the conduct required in a range of circumstances which you may come across as part of your duties. These are detailed below, but they are neither exhaustive nor exclusive and other circumstances will arise where you will have to consider what conduct the council would expect.
- 1.3. In such circumstances, you should realise that the council's (and your) principal aim is to serve the public, who expect a high standard of integrity and service. You should therefore, avoid doing anything that could reflect adversely on the council. If any doubt exists as to the proper course of action, seek advice from your manager or Head of Service.
- 1.4. This Code sets out the minimum standards of conduct that employees and workers are expected to observe when carrying out their duties. You should take time to read this and make sure you understand it. If you require clarification you should speak to your manager.

2. Scope

- 2.1 The Code applies to all employees and workers. Failure to adhere to the Code may result in disciplinary action and in some cases criminal prosecution, or termination of a contract for services.

3. Standards

- 3.1 You are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to councillors and colleagues with impartiality.
- 3.2 In performing your duties, you must act with integrity, honesty, objectivity and without bias.
- 3.3 You are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any impropriety or breach of procedure which would impact on the provision of the service.
- 3.4 You must comply with the council's Vision and Values and Competency Frameworks and any council policies which may have a bearing on how

to conduct yourself, e.g. Equality and Fairness Policy, Dignity at Work Policy.

4. Disclosure of Information and Confidentiality

- 4.1 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.
- 4.2 You must be aware of which information the council is and is not open about, and act accordingly.
- 4.3 No confidential information, politically or commercially sensitive information should be released to anyone without authorisation from your manager. No personal information, which is protected by the General Data Protection Regulation and Data Protection Act, should be released to anyone without authorisation from either your manager, the council's Data Protection Officer, or Information Governance Manager.
- 4.4 You should not use any information obtained in the course of your work for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 4.5 You must not deal direct with the press or the media in relation to anything related to council business unless required to do so as part of your duties, or you have been expressly authorised by the council's Press Office (Cobb PR).

5. Political Neutrality

- 5.1 You serve the council as a whole. It follows you must serve all the councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 5.2 As part of your work you may be required to provide advice to councillors or other employees. You must do so impartially and must not allow your own personal and political opinions to interfere with your work.
- 5.3 Certain posts are designated politically restricted by specific regulations. If you hold one of these posts, you will be required by law to observe certain restrictions regarding your out of work activities. For example, you may not:
 - Stand for election to local authorities (except Town or Parish councils), the House of Commons or the European Parliament
 - Hold office in a political party

- Canvass at elections, or
- Speak or write publically on matters on party political lines

6. Relationships

6.1 Personal Relationships

You must declare to your manager in writing, using the Register of Interests – Declaration Form, any close personal relationship with someone at work to ensure that your impartiality, objectivity and honesty is not compromised.

6.2 Councillors

Mutual respect between employees and councillors is essential to good local government and working relationships should be kept on a professional basis. Close personal familiarity between yourself and the individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

6.3 The Local Community and Service Users

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the councils.

6.4 Contractors

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

If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors you should declare that relationship to the appropriate manager.

7. Appointment and Other Employment Matters

- 7.1 If you are involved in the appointment of employees or workers, you should be aware that it is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake

the duties of the post. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant or have a close personal relationship with the applicant.

- 7.2 You should not be involved in decisions relating to discipline, promotion or pay and conditions adjustments for another employee or worker who is a relative or with whom you have a close personal relationship.
- 7.3 The canvassing of any member of the councils', directly or indirectly, for any appointment under the councils' will automatically disqualify the candidate concerned for that appointment.

8. Conduct Outside of Work and Criminal Offences

- 8.1 You are expected to conduct yourself at all times (inside and outside of work) in a manner which will maintain public confidence in both your integrity and the services provided by the council. In general what you do outside of work is your personal concern, unless those actions would cause a breakdown in your relationship with the council.
- 8.2 This also extends to the use of social networking. Owing to the open nature of social media, control over this content is generally considered to have been lost once it hits the public domain regardless of the privacy settings of an account. Making derogatory personal comments or offensive remarks about the council and/or other employees or workers could fall within the council's Dignity at Work policy, for which disciplinary action could result.
- 8.3 You must inform your manager if you are arrested/convicted/cautioned of a crime and if arrested must notify the manager of the development and outcome of the case as soon as it happens.
- 8.4 Disclosing all convictions does not necessarily mean disciplinary action will be taken against you. The extent to which a criminal offence may affect employment depends on whether the conduct:
 - makes the employee unsuitable for their work; and/or
 - may reflect adversely on the council's reputation or ability to perform its function
- 8.5 Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.
- 8.6 Where it is deemed that there is an adverse impact on your employment, the council's Disciplinary Procedure will apply.

9. Additional Employment and Private Professional Work

9.1 You should not undertake additional employment (paid or unpaid), if your proposed additional work either will or has the potential to:

- breach employment legislation
- conflict with or detrimentally affect the council's interests
- weaken public confidence in the council
- affect your ability to undertake your council work

If in any doubt you should seek advice from your line manager.

9.2 You should not carry out private professional work within the Eastbourne Borough or Lewes District which involves making an application as a statutory authority for any form of permission or approval; or handle any matter in a private capacity in which you could find yourself in a professional relationship with the council, including your own colleagues.

10. Personal Interests

10.1 Personal interest must not conflict with your public duty. An official position or information acquired in the course of your work for the council must not be used to further personal interests or the interests of others.

10.2 You must declare in writing, using the Register of Interests – Declaration Form, any:

- Financial or non-financial interest which could conflict with the council's interests
- Interest in an existing or proposed contract with the council
- Membership of any organisation or club which could result in a conflict with the council's interests, or of any organisation or club which is not open to the public and which has secrecy about its rules

10.3 You may have dealings with the council on a personal level, for instance as a council Tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in these dealings because of your position as an employee or worker of the council. You should also avoid placing yourself in a position that could lead the public to think that preferential treatment is being given: for instance, by being in substantial arrears to the council, or by discussing a planning application personally with officers when other members of the public would not have the

opportunity to do so. Likewise, you should never use your position as an employee or worker of the council to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

- 10.4 The council views failure to pay any money due to itself as likely to bring the council's own reputation into disrepute. It is for the council to demonstrate an individual's liability for any payment, and to institute recovery procedures. But any persistent failure to pay a legitimate demand presented in this connection will be dealt with within the framework of our agreed Disciplinary Procedure.
- 10.5 No officer or servant of the council shall become security for or engage in any loan transaction with any other officer or servant of the council.

11. Equality Issues

- 11.1 You are expected to work to eliminate discrimination, promote equality and good relations.
- 11.2 You should ensure that policies relating to equality issues in addition to the requirements of the law are complied with.
- 11.3 All members of the local community, customers and other colleagues have a right to be treated with fairness and equity.

12. Separation of Roles during Tendering

- 12.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the councils.
- 12.2 Senior employees and workers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.3 If you are a contractor or client service area you must exercise fairness and impartiality when dealing with all customers', suppliers, other contractors and subcontractors.
- 12.4 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 12.5 If you are contemplating a management buyout you should, as soon as you have formed a definite intent, inform the appropriate manager to withdraw from the contract awarding process.

- 12.6 You 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.

13. Safeguarding of Children and Vulnerable Adults

- 13.1 The Children's Act 2004 includes a specific duty on councils to have regard to the need to safeguard and promote the welfare of children and to co-operate with other agencies to improve the wellbeing of children and young people, therefore all employees and workers are expected to work to promote safeguarding within the councils and with members of the public.
- 13.2 You should ensure that all policies relating to Safeguarding of Children and Vulnerable Adults as agreed by the councils are complied with in addition to the requirements of the law.
- 13.3 You have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by employees and workers, councillors and others acting for or on behalf of the councils, and allegations brought to our attention by a member of the public in line with the Safeguarding Policy.

14. Use of Finance and Other Resources

- 14.1 You must ensure that public funds entrusted to you are used in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the councils.
- 14.2 You must not utilise property, vehicles, equipment, materials or other facilities of the councils for personal use unless authorised in advance to do so. You must comply with the councils' Financial Procedures.
- 14.3 Intellectual property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, design and software. Where developed in the course of your duties, such intellectual property is the property of the councils. You should not make use of the council's intellectual property to conduct private work.

15. Corruption

15.1 You must be aware that it is a serious criminal offence for you to solicit or receive or give any gift, loan, fee, reward or advantage for doing, or neglecting to do something or showing favour, or disfavour, to any person in your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained.

16. Acceptance of Hospitality and Gifts

16.1 You should exercise discretion in offering or accepting hospitality. It is essential that any suggestion or improper influence should be avoided. If you are in any doubt about the right course of action to take you should always seek the advice of your manager.

16.2 You should only accept 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 as represented. They should be properly authorised and recorded.

16.3 You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the councils.

16.4 Your acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the council gives consent in advance and where the council is satisfied that any purchasing decisions are not compromised.

16.5 You must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public or any organisation with whom you are brought into contact by reason of your duties. The only exceptions to this rule are:

- small gifts under the value of £10 given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, pens, mugs and similar articles for use in the office
- small gifts under the value of £10 offered during official authorised hospitality e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation
- small gifts or tokens of appreciation under the value of £10 where the donor is a service user or client and where refusal would cause offence

16.6 You should handle the refusal of gifts and hospitality with tact – courteously and firmly informing the donor of the procedures and standards operating within the council.

16.7 In the event of you receiving a gift without warning, which does not fall in any of the exceptions mentioned above including inducements such as air miles, trading discounts, vouchers or offers of hospitality must be reported to your Head of Service and a Gifts & Hospitality Declaration Form completed.

16.9 The use of personal loyalty cards whilst making purchases on behalf of the council is unacceptable. It may bring into question the impartiality of the use of that supplier.

17. Sponsorship – Giving and Receiving

17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

17.2 Where the councils wish to sponsor an event or service neither you 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 councils through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

18. Health and Safety

18.1 You have a duty of care as prescribed in the corporate health and safety policy, and you must not act wilfully or intentionally in a manner liable to place the public, your colleagues or yourself at risk.

19. Personal Appearance

19.1 The appearance of our employees and workers can affect the way customers view the councils. You should be mindful of your overall appearance and wear appropriate clothing for your role ensuring that you look professional whilst carrying out your duties and responsibilities. If you are unsure what is appropriate for your role guidance can be sought from your manager.

19.2 Consideration must be given to health and safety and any personal protective equipment must be worn as required at all times.

- 19.3 If you are provided with a uniform you have responsibility to keep it clean and smart.
- 19.4 Good standards of personal hygiene are required and you are required to wear identity badges at all times whilst at work whilst carrying out work related duties.

20. Related Documents and Policies

Your attention is drawn to the following documents which should be read in conjunction with the Code of Conduct.

- Register of Interests – Declaration Form Gifts and Hospitality Declaration Form
- Close Personal Relationships in Employment Guidance
- Anti Fraud and Corruption Policy
- Data Protection Policy
- Safeguarding Policy
- Social Media Policy
- Equality and Fairness Policy
- Dignity at Work Policy
- IT Acceptable Use Policy
- Drug and Alcohol Policy