

3.2 Officers' Code of Conduct

The Secretary of State may issue a code as regards the conduct which is expected of local government employees. However, Cherwell District Council has, after consultation with representatives of its employees, adopted an "Employee Code of Conduct", which is reproduced below:-

Employee Code of Conduct

Standards

Employees of Cherwell District 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. Employees are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service and, in particular, to report to the appropriate manager any impropriety or breach of procedure. The Council's Confidential Reporting Policy gives further guidance on this.

Disclosure of Information

In the interests of open government, the law requires that certain types of information must be available to Elected Members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of the Council's rules concerning the disclosure of information, and act accordingly. These rules are set out in the Policy Statement on Public Access to Information.

Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor may they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not relate to Council business must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

During the course of their work, employees may come into possession of sensitive or personal information. They should not disclose this information to others except in accordance with the Council's procedures. If employees are uncertain as to the Council's procedures in a particular circumstance, they should consult with their Assistant Director, the Assistant Director: Finance and Procurement, the Assistant Director: Law and Governance or the Assistant Director: HR, OD and Transformation, as appropriate.

Political Neutrality

Employees serve the Council as a whole. It follows that 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. The respective roles of Councillors and employees are set out in the Council's Conventions for the Management of Council Business.

Employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality. The protocol for member/officer relations included in the Conventions for the Management of Council Business contains guidance for advice to political groups.

Certain employees are classified within their contracts of employment as 'politically restricted'. Such employees must understand the limitations that this places by law on their political activity, and act accordingly.

Employees, whether or not politically restricted, must follow every lawful express policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Relationships

Councillors: Employees are responsible to the Council through its senior managers. All employees are required to discharge the duties and responsibilities of their posts, and for some employees this includes giving advice to Councillors. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors.

The Local Community and Service Users: Employees should ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

Contractors: Substantial relationships of a business or private nature with external contractors or potential contractors must be declared to their Assistant Director. Orders and contracts must be awarded on merit, in accordance with the Council's Standing Orders and Contract Procedures, and no inappropriate favour should be shown to businesses run by, for example, friends, partners or relatives.

Employees 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 contractors must declare that relationship to their Service Head.

Appointment and Other Employment Matters

Employees involved in appointments must ensure that these are made on the basis of merit, and in accordance with the Council's Recruitment and Selection Procedures. It is unlawful for the Council to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any employee to whom they are related or with whom they have a close personal relationship.

Outside Commitments

Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual

obligations and should not take outside employment which conflicts with the authority's interests.

Employees must follow such rules as the Council may have on the ownership of intellectual property or copyright.

Personal Interests

Employees must declare to their Assistant Director any financial or non-financial interests that could conflict with the Council's interests.

Employees must declare to their Assistant Director membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

Personal interests will be recorded in a departmental register which will be made available formally to the Chief Executive.

Equality Issues

All employees must ensure that the Council's policies relating to equality issues are complied with, in addition to the requirements of the law. All members of the community, including customers and other employees, must be treated with fairness and equity.

Separation of Roles during Tendering

Employees involved in the tendering process and dealing with contractors must observe the separation of client and contractor roles within the Council. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who have access to, or become aware of, confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised person or organisation.

Employees must ensure that no inappropriate 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 relevant capacity.

Fraud and Corruption

This section should be read in conjunction with the Council's Anti-Fraud and Corruption Policy.

It is a criminal offence for employees in their official capacity 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.

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. In particular, employees must not seek to obtain financial advantage for themselves or any other person or organisation through the improper use of the Council's

financial resources or application of its systems or procedures.

Sponsorship - Giving and Receiving

Where an outside organisation seeks to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the Council's published guidance on the acceptance of gifts or hospitality applies. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, employees must declare to their Assistant Director any benefit that they or any partner or relative may gain from such sponsorship. Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest.

Acceptance of gifts and hospitality – guidance

There are occasions when the Council's Officers are faced with circumstances in which they must decide whether or not to accept gifts or hospitality during the course of business activities. These guidelines are intended to provide the basis for taking decisions in such circumstances.

An officer's response when offered a gift, hospitality or other benefits in kind needs to recognise the normal courtesies of business life. At the same time, it is important to be aware of any improper influence being brought to bear, or creating an appearance of improper influence. There is a judgement to be made which does not cause unnecessary offence to outside organisations, but which recognises that the public interest requires a level of behaviour which is beyond reproach. In applying this judgement, officers are advised to err on the side of caution, and to consult their Assistant Director if in any doubt.

These guidelines are intended to apply to all staff of the District Council. The guidance may be appropriate to spouses and other close relatives of staff members where there is a link between the Council and the organisation offering the gift or hospitality.

Gifts

The acceptance of gifts is strongly discouraged. Staff should refuse tactfully all such offers from individuals or organisations which do, or might, provide work, goods or services to the Council or who need some decision from the Council.

Exceptions from this general rule would include modest gifts of a promotional character such as calendars, diaries, articles for use in the office, etc, or a small gift on the conclusion of a courtesy visit to a factory or firm. Officers should take account of the timing and circumstances relating to the offer of a gift and be sensitive to the possibility of creating an appearance of improper influence.

Hospitality

The acceptance of hospitality is a matter for careful judgement taking account of the particular circumstances. It is not intended that officers should refuse all invitations for social involvement with persons or organisations who have, or may seek to have, business with the Council. It is recognised that contacts established at a social level can

be helpful in pursuing the Council's interests. The important point is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence. This decision is considered to be best taken by the appropriate Assistant Director.

Acceptable forms of hospitality may include meals provided to allow the parties to continue to discuss business where this cannot be contained within normal office hours. Invitations to Institute dinners or functions need give no cause for concern. Invitations to join other company guests for special occasions such as the opening of a new building would be acceptable. Officers should take account of the circumstances of the offer and the value of the hospitality.

In general terms it would usually be more acceptable to join in hospitality offered to a group than to accept something which is unique to yourself. However, when a particular person or company has a matter currently at issue with the Council, common sense will dictate a more restrictive approach.

Procedure

Council staff are expected to exercise their judgement when responding to offers of gifts or hospitality. Where this involves gifts beyond those of a minor promotional nature, or where the officer has any concern about the circumstances, the gift should be refused politely. Where gifts are received through the post they must be subjected to the same considerations as outlined above.

If there is any doubt about the propriety of accepting a gift or hospitality, the Assistant Director should be consulted. A record should be held within each department of those matters which have been referred to an Assistant Director for a decision, and of the action which was taken.

Assistant Directors and Directors should refer to the Chief Executive where they are in receipt of offers or gifts or hospitality of a nature which could be construed as improper influence. A record of the decision and action taken should be retained.

Note: This Code of Conduct forms part of the contract of employment of all Cherwell District Council employees. Failure to comply with the Code may result in disciplinary action.

If employees are uncertain as to any actions that they may need to take to comply with the Code, they should consult with their Assistant Director or the Assistant Director: Finance and Procurement, or the Assistant Director: Law and Governance or the Assistant Director: HR, OD and Transformation, as appropriate. Employees may be represented and/or accompanied by a person of their choice during any such discussion.