



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Employee Code of Conduct Policy

DOCUMENT CONTROL

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DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
Personnel Committee	31 January 2023

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1st November 2025 but sooner if impacted by legislative changes.

REVISION HISTORY

Version	Revision date	Summary of revision

Contents

Standards	4
Disclosure of Information	4
Political Neutrality	4
Relationships	5
Appointment and other employment matters	5
Outside commitments	5
Personal interests	6
Equality issues	6
Separation of roles during tendering	6
Fraud and corruption	6
Gifts and hospitality	7
Sponsorship - giving and receiving	7

Appendix 1 - Acceptance of gifts and hospitality – guidance notes

This Code of Conduct forms part of the contract of employment for all employees. Failure to comply with the Code may result in disciplinary action.

If an employee is uncertain as to any action(s) that they may need to take to comply with the Code they should consult with one of the following:

- Line Manager
- Assistant Director
- Corporate Director

Employees are reminded that they are expected to familiarise themselves with and comply with all Council policies and procedures which are available on the Council's intranet, including but not limited to the Use of Social Media at Work and at Home Guidance and Data Protection Policy.

1. Standards

- 1.1 Employees of Cherwell District Council (CDC) 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 elected members 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 Confidential Reporting policy gives further guidance on this.

2 Disclosure of Information

- 2.1 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. CDC may decide to be open about other types of information. Employees must be aware of the rules concerning the disclosure of information, and act accordingly. These rules are set out in the policy statement on public access to information.
- 2.2 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 an elected member which is personal to that elected member and does not relate to CDC business must not be divulged by the employee without the prior approval of that elected member, except where such disclosure is required or sanctioned by the law.
- 2.3 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 CDC procedures. If employees are uncertain as to CDC procedures in a particular circumstance relating to sensitive or personal information, they should consult with their line manager, Assistant Director or Director (as appropriate), Information Governance Manager or the Monitoring Officer.

3 Political Neutrality

- 3.1 Employees serve the Council as a whole. It follows that they must serve all elected members and not just those of the controlling group and must ensure that the individual rights of all elected members are respected. The respective

roles of elected members and employees are set out in the CDC conventions for the management of Council business.

- 3.2 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.
- 3.3 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. Further information regarding politically restricted posts is available on the Council's intranet.
- 3.4 Employees, whether or not politically restricted, must familiarise themselves with and comply with all CDC policies and procedures and must not allow their own personal or political opinions to interfere with their work.

4 Relationships

4.1 Elected members:

Employees are responsible to CDC 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 elected members. Mutual respect between employees and elected members is essential to good local government. Close personal familiarity between employees and individual elected members can damage the relationship and prove embarrassing. Close personal relationships such as family relationships between employees and individual elected members and between fellow employees must be declared to Legal and Democratic Services. Employees in such personal relationships must avoid any situation which could give rise to a conflict of interest as a consequence of the relationship and their work for CDC.

The respective roles of officers and elected members are set out in Constitution held on the Council's website.

4.2 The local community and service users:

Employees should ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

4.3 Contractors:

Substantial relationships of a business or private nature with external contractors or potential contractors must be declared to the Directors. Orders and contracts must be awarded on merit, in accordance with the CDC standing orders and contract procedures, and no inappropriate favour should be shown to businesses run by, for example, friends, partners or relatives.

4.4 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 the Directors.

5 Appointment and other employment matters

- 5.1 Employees involved in appointments must ensure that these are made on the basis of merit, and in accordance with CDC recruitment and selection procedures. It is unlawful for CDC 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.

- 5.2 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.

6 Outside commitments

- 6.1 Employees of Assistant Director grade and above are contractually required to devote their whole-time service to the work of the Council and must seek prior written approval before accepting any work outside of CDC. Written approval must be sought from their Director who should consult with the Monitoring Officer. Failure to seek prior written approval may be treated as a disciplinary matter. Where approval is given it will be on the basis that it will not be to the detriment of work for CDC and will not in any way conflict with the interests of CDC.
- 6.2 All other employees below Assistant Director grade must seek prior approval of their Assistant Director in writing before accepting any work outside of CDC to ensure that none of their outside activities are detrimental to the Council's interests. Failure to seek prior approval may be treated as a disciplinary matter.
- 6.3 Human Resources department will maintain a register of all approval given.
- 6.4 Where employees work part-time, off duty hours are their own concern, but their private interests must not interfere with their performance in their job, conflict with their job or conflict with the interests of CDC.
- 6.5 CDC will not prevent employees from undertaking additional work unless such work, in CDC's opinion, conflicts with or is detrimental to CDC's interests or would in any way weaken public confidence in the conduct of CDC's business.
- 6.6 Employees must follow such rules as CDC may have on the ownership of intellectual property or copyright.

7 Personal interests

- 7.1 Employees must declare to their Assistant Director or Director (as appropriate) any financial or non-financial interests that could conflict with CDC interests.
- 7.2 Employees must declare to their Assistant Director or Director (as appropriate) 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.
- 7.3 Personal interests will be recorded in a central register maintained by Legal and Democratic Services which will be made available formally to the Director HR and the Monitoring Officer.

8 Equality issues

- 8.1 All employees must ensure that CDC 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.

9 Separation of roles during tendering

- 9.1 Employees involved in the tendering process and dealing with contractors must observe the separation of client and contractor roles within CDC. 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 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.
- 9.4 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.

10 Fraud and corruption

- 10.1 This section should be read in conjunction with the CDC anti-fraud and corruption and anti-bribery policies.
- 10.2 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. This behaviour is broadly the definition of bribery.
- 10.3 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 CDC financial resources or application of its systems or procedures. This behaviour would be deemed in breach of the Bribery Act 2010 and constitute a criminal offence. Any employee found to be involved in bribery is liable to disciplinary action, dismissal and prosecution.

11 Gifts and hospitality

- 11.1 Employees should not accept offers of gifts or hospitality except in accordance with CDC published guidance, which is attached as an appendix to this Code.

12 Sponsorship - giving and receiving

- 12.1 Where an outside organisation seeks to sponsor a CDC activity, whether by invitation, tender, negotiation or voluntarily, the CDC published guidance on the acceptance of gifts or hospitality applies. Particular care must be taken when dealing with contractors or potential contractors.
- 12.2 Where CDC wishes to sponsor an event or service, employees must declare to

the Directors any benefit that they or any partner or relative may gain from such sponsorship. Similarly, where CDC 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.

Appendix 1

Acceptance of gifts and hospitality – guidance notes

1 Introduction

There are occasions when CDC 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.

Referring to the CDC anti-bribery policy it is a criminal offence to:-
offer, give, receive, or solicit something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties.

If an Officer believes that a gift, hospitality or other benefit offered is intended to make them act in a corrupt manner, they must refuse the offer and report the matter to their Assistant Director or Director (as appropriate), the Monitoring Officer and the s 151 Officer immediately.

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 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 or Director (as appropriate), the Monitoring Officer and the s 151 Officer if in any doubt.

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

2 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.

Staff are to consult their Assistant Director or Director (as appropriate) if in any doubt who should then consult the Monitoring Officer and the s151 Officer

3 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 CDC. It is recognised that contacts established at a social level can be helpful in pursuing CDC 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 relevant Assistant Director or Director (as appropriate) in conjunction with the Monitoring Officer.

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. Any hospitality accepted must be commensurate with the occasion and no more than is reasonable.

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 CDC, common sense will dictate a more restrictive approach.

Staff are to consult their Assistant Director or Director (as appropriate), the Monitoring Officer and the s 151 Officer if in any doubt.

4 Procedure

CDC 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.

Any gift or hospitality accepted, other than modest gifts of a promotional character such as calendars, diaries, and articles for use in the office such as pens must be recorded on a central register maintained by Legal and Democratic Services.

If there is any doubt about the propriety of accepting a gift or hospitality, the Directors should be consulted. **A record should be held within each department of those matters which have been referred to the Directors for a decision, and of the action which was taken and on the central register maintained by Legal and Democratic Services.**

Assistant Director / Director should refer to the Monitoring Officer and s 151 Officer where they are in receipt of offers of gifts or hospitality of a nature which could be construed as improper influence. **A record of the decision and action taken should be retained on the central register maintained by Legal and Democratic Services.**