

# **OFFICERS' CODE OF CONDUCT**

**NOTE:** The current Kirklees document follows. This consists of:

- Gifts, Hospitality and Personal Conduct: Guidelines. This summarises officers' obligations with respect to such matters.
- Personal Conduct. Code of Guiding Principles for Employees. This sets out obligations in more detail.

The Secretary of State intends to introduce a national code at some time.

# **Gifts, Hospitality & Personal Conduct: Guidelines**

## **1. Introduction**

- 1.1 This is a summary of the Council's rules and policies relating to the receipt by Council employees of gifts, hospitality and other matters of personal conduct, established by the Council's Standing Orders and Financial Regulations, Local Conditions of Service and Personal Code of Conduct.
- 1.2 Copies of these documents are available from your Head of Service or Personnel Officer.

## **2. Acceptance of Gifts and Hospitality**

- 2.1 The Prevention of Corruption Acts 1889 and 1916 make it an offence for any employee to accept any gift or consideration as an inducement or reward for: -
  - 2.1.1. Doing, or refraining from doing, anything in their employment capacity.
  - 2.1.2 Showing favour, or disfavour, to any person in their employment capacity.
- 2.2 Any money, gift or consideration received from a person or organisation holding or seeking to obtain a contract with the Local Authority will be deemed to have been received corruptly. Section 117(2) of the Local Government Act 1972 makes it an offence for anyone to accept any fee or reward whatsoever other than their normal remuneration. This is in addition to any disciplinary action that may be taken by the Authority.
- 2.3. It is best to err on the side of caution and, if in doubt, consult with your Head of Service or Nominated Officer. Under no circumstances should a gift or concession of any sort be accepted where this could be construed as a reward for services rendered.
- 2.4. There are rules / procedures entitling you to claim certain expenses and allowances in connection with your employment. These rules must be strictly observed.

## **3. Gifts**

- 3.1. The receipt of personal gifts arising through your official duties must be strongly discouraged. Nothing must be done which could be construed as the acceptance of a gift for services rendered.

- 3.2. All gifts received, without exception, must be recorded in your Services, Gifts and Hospitality record.
  
- 3.3. Unless your Head of Service indicates otherwise, by written instruction;
  - 3.3.1. Items other than those of token value (i.e. more than £10.00) from companies and individuals must be handed to your Head of Service (for return to the donor, use by the Council, or charitable gift).
  - 3.3.2. Items of token value (£10.00 or less) from companies and individuals (except as below) including all marketing items (pens, calendars, diaries, mugs etc) may be used in the work environment.
  - 3.3.3. Items of token value (£10.00 or less) from personal clients with whom the Council has a welfare or caring relationship may be retained (total must not exceed £10.00 per annum per donor).
  - 3.3.4. Gifts received from other parts of the Council, and other public bodies including complementary tickets to events, must also be recorded.

#### **4. Hospitality (Meals, Alcoholic Drink)**

- 4.1. Hospitality received (or given) must be appropriate to the circumstances, incidental to the occasion and justifiable.
- 4.2. All hospitality received (except for tea, coffee or similar beverages, cakes or biscuits) must be recorded in your Service's Gift and Hospitality record.
- 4.3. This relates to hospitality received from individuals, companies, suppliers, contractors, other parts of the Council, and other public bodies.
- 4.4. This should include all meals, entertainment, accommodation and travel received from and paid for by a third party (see 4.3 above).
- 4.5. Meals paid for by the Council as part of a fee for training courses or conference or directly by the Council for official meetings (including meal allowances) are not classed as 'hospitality' and do not need to be recorded.

#### **5. Personal Conduct**

- 5.1. Other Work

5.1.1 Unless your Head of Service indicates otherwise in writing, you must declare / seek written permission in respect of any other paid work.

## 5.2. Interests and Relationships

5.2.1 You must declare to your Head of Service (and the Committee Services Manager) if you have a financial interest in any Council supplier or contractor (not just those within your Service area). You should also make a declaration if close friends or relatives have contractual relationships with the Council, or more particularly where your Service area, or section/department has dealings with such a supplier or contractor.

5.2.2 Declarations should also be made where you are active within, or have a close personal interest in a charity, voluntary organisation, club, society, or similar which has a business relationship with the Council, or is a recipient of grants, or other forms of assistance from the Council.

## 5.3. Secret Organisations

5.3.1 If you are to take part in a recruitment and selection, or disciplinary, process, you must declare to the Committee Services Manager if you are a member of a Secret Organisation.

## 5.4. Media Activities

5.4.1 If you undertake any public speaking, lecturing or similar activities as part of your official duties any fees received belong to the Council.

5.4.2. Where paid leave of absence is granted, half of the fee must be passed to the Council.

5.4.3. Fees may be retained in full if the activities are carried out in your own time.

5.4.4. In all instances you must seek approval from your Head of Service.

# Personal Conduct

## Code of Guiding Principles for Employees

### Introduction

Employment in the Local Governments Service makes strong demands on all employees in respect of conduct, integrity, credibility and loyalty. With these exacting – but vital demands placed on employees, it is considered that a Code of Guiding Principles should be adopted. The Code is designed solely to assist and guide **ALL** employees in their endeavour to meet these demands in their dealings with the public and is in no way intended to reflect any lack of confidence in their honesty or integrity.

### 1. Definition of Conduct

- 1.1 All employees of Kirklees Metropolitan Council should exercise the greatest care in their relationship with the general public and with all with whom the Council do business. The Code is designed to offer advice and safeguards to employees and to ensure high standards of conduct.
- 1.2 The Council expects from its employees the highest standard of integrity and conduct. It is not enough that you should maintain these standards, you must at all times avoid occasion for suspicion or the appearance of improper conduct. An employee's off-duty hours are their own personal concern but common sense and judgement should be exercised to ensure that:-
  - i) You are able to give your allegiance to your employer.
  - ii) Your duty to your employer is not subordinated to your private interests.
  - iii) You avoid putting yourself in a position where your duty and your private interests conflict.
  - iv) Your private activities do not bring discredit to your employer in the services provided.
  - v) If you occupy a politically restricted post, you will not be able to take part in political activities as detailed within the provisions of the Local Government and Housing Act 1989. An appeals procedure does, however, provide for postholders, other than Chief and Deputy Chief Officers, to seek exemption by an Independent Adjudicator.
- 1.3 The public is entitled to demand of any Local Government employee conduct of the highest ethical standard, and public confidence in their credibility and integrity would be shaken should the least suspicion, however ill-founded arise, that they could in any way be influenced by improper motives.

- 1.4 In an attempt to provide some general advice to individual employees, considering personal conduct, the following should be noted:

### **Obligations of Employees**

The Contract of every employee contains a number of implied obligations. One of the principle duties of employees is “to act in good faith”, which includes important matters such as the duty to be honest, the duty not to make a secret profit, and the duty not to disclose confidential information.

Of particular relevance is the duty not to act to the detriment of an employer – an employee must not act in such a way as to harm the interests of the employer. All employees, therefore, even if there are no references to conduct in their expressed Conditions of Service, must pay due regard to their Common Law obligations.

### **Outside Work**

For APT & C Staffs, there is specific reference to the matter of outside work in the National Scheme and Conditions of Service:-

“An Officer’s off-duty hours are his personal concern, but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict. The employing Authority should not attempt to preclude officers from undertaking additional employment, but any employment must not, in the view of the Authority, conflict with or react detrimentally to the Authority’s interests, or in any way weaken public confidence in the conduct of the Authority’s business”. (Paragraph 70b).

“Officers above Scale 6 shall devote their whole time services to the work of their Council and shall not engage in any other business or take up any other additional appointments without the expressed consent of the Council”. (Paragraph 71).

The “expressed consent of the Council”, referred to in Paragraph 71, so far as Kirklees is concerned, has meant, in practice, the decision of the appropriate Head of Service.

It is the intention of the Council that the principles, inherent in Paragraphs 70b and 71, shall apply to all its employees.

## **2. Disclosure of Interest in Contracts**

- 2.1 If it comes to your knowledge that a contract in which you have any financial interest has been, or is proposed to be entered into by the Council, you must inform your Head of Service of the fact in writing as soon as practicable. This is a requirement of Section 117 of the Local Government Act 1972.
- 2.2 As a further safeguard and in the same circumstances, if an employee has family links with any firm having business with the Council it would be prudent to make a declaration. In general, any personal interest should always be declared which may impinge or might reasonably be deemed

by others to impinge on an employee's impartiality/integrity in any matter relevant to their duties.

### **3. Other Employment – Conflict of Interest**

Staff at all levels are required to avoid getting into a position of conflict by undertaking outside work. It is considered that a conflict of interest arises where an employee is to be paid by a member of the public or any outside organisation for work, which is in any way directly or indirectly connected with the scope of their official duties or that of their Section. This must be construed widely. A conflict may arise where an employee engages in activities, paid or unpaid, which would conflict with their official duties.

- 3.1 Staff carrying out outside work must not undertake assignments, which could result in the slightest suspicion that their private clients might receive preferential treatment in dealings with the Council.
- 3.2 An exception to this would be work either on the employee's own behalf or for someone where "a close personal relationship" is involved (as defined in the Local Conditions of Service). In such cases, the employee involved shall declare an interest and take no part whatsoever in any negotiations, recommendations or decisions on behalf of the Authority with regard to such outside work. It will be incumbent upon the employee to ensure that his/her role in the matter remains that of an ordinary member of the public. Disciplinary action, including the possibility of dismissal, may be taken in cases of non-declaration of interest.
- 3.3 It is likely that, where an employee will be acting as a consultant or agent on behalf of a client in dealings with Local Authorities, work involving dealings with Kirklees Metropolitan Council will not be acceptable. For example, Architects, Planners, Engineers or Environmental Health Officers etc, should not prepare for payment plans or other documents in connection with applications for planning permission, building consent, or in connection with an application for an improvement grant for a third party.
- 3.4 Even where the work itself does not have direct implications for the Council, for example when an Architect prepares plans for a client for submission to another Local Authority, due regard must still be given to any possible dealings the client may also have with this Authority; it would be inappropriate for an Architect to act for a builder, who also submitted planning applications to Kirklees.
- 3.5 During the normal course of events, as long as the outside work is unlikely to have any prejudicial effect to the Council's Administration, authorisation will be granted to the employee.
- 3.6 It is imperative for employees to understand Disciplinary Action including dismissal, may be taken in non-declaration/conflict of interest, after the Head of Service has stated in writing the particular arrangements to apply within a Service Area.



## 4. Use of Confidential Information

- 4.1 Certain information, available to many employees, is of a confidential nature and must not be disclosed without authority, to do so is an offence warranting disciplinary action under the Council's disciplinary procedure.
- 4.2 An employee should report immediately to their Line Manager or Head of Service any instance where an unauthorised person seeks to obtain confidential information and most particularly where an inducement is offered. The latter is a criminal offence.
- 4.3 Some Service Areas deal extensively in matters of a confidential nature. Such information should never be disclosed, except to someone, who has a right to, or a duty to receive that information or who has written authority of the person to whom it relates. Employees should be extremely circumspect in dealing with any enquiries about personal information relating to members of staff, Councillors, or members of the public. The enquirer's right to a duty to have information should be checked and special care should be taken with telephone calls where an enquirer claims to have a right to the information. It is usually wise, unless the caller is known, to note the enquiry and to telephone back to the official address of the organisation with the necessary information.
- 4.4 Where an employee (of any grade) has access to confidential information, which may be of value to a competitor, for example contract documents relating to compulsory competitive tendering, any work undertaken for existing or potential competitors will conflict with the Authority's interest and should not be undertaken.
- 4.5 Employees must not use official information for personal gain, financial or otherwise, at any time.
- 4.6 Any employee wishing to take part in outside activities, which involves the disclosure of official information, should, in their own interest, consult and obtain the prior authority of their Head of Service/Executive Director.
- 4.7 The following rules apply to contacts with the media, speeches, lectures etc or publication of books or articles.
  - a) There must be no disclosure of information, which would otherwise not be available to the public. Paragraph 72 of the Purple Book states, "no Officer shall communicate to the public the proceedings of any Committee Meeting etc, nor the contents of any document relating to the Authority unless required by law or expressly authorised to do so". This principle is intended to apply to all employees of the Council.
  - b) There should be no critical discussion of matters of local current or potential political controversy other than where it is approved as part of the employee's role or permission has been granted to respond/explain Council policies. Remember you are a public

servant and the first duty of all Local Government employees is to show loyalty to the Local Authority, which employs them.

- c) Confidential advice/reports given to elected Members must not be disclosed.
- d) Contact with the media should occur only with authorisation of a Head of Service or Nominated Officer.

4.8 An employee leaving the Authority is advised to seek advice as to whether possession of information could lead to possible gain in a new employment.

## **5. Volume of Work**

5.1 A common problem with outside work is that the amount being undertaken by an employee can grow to such an extent that it begins to interfere with Council work. Any employee found undertaking private work in the Authority's time will be subject to disciplinary action, including the possibility of dismissal.

5.2 In other circumstances the conflict between private interest and duty to the Authority may not be as direct as this. For example, an employee may be so tired by undertaking two or more jobs that time-keeping is impaired, sickness absence increases, or performance at work becomes unsatisfactory.

All employees should determine their private workloads with the above factors in mind and should note that the Authority is entitled to monitor a person's performance in their job, on a formal basis, if necessary and take action to ensure the satisfactory standards are met.

5.3 Employees shall give an indication of the estimated private workload when seeking approval from the appropriate Head of Service. Where a Head of Service is of the opinion that the proposed workload is plainly excessive, the consent may be given only subject to agreed restrictions. In all cases, the Heads of Service will have the right to monitor the private workload and review the approval.

## **6. Use of Council Facilities**

6.1 Employees must not undertake private work on Council premises, at any time, regardless of whether an employee is on or off duty.

6.2 The telephone shall not be used for private business whether for out-going or in-coming calls, at any time, regardless of whether an employee is on or off duty.

- 6.3 Council equipment and materials shall not be used for private purposes under any circumstances.
- 6.4 Employees carrying out outside work must not involve other members of staff except by mutual agreement and in their own time. For example, in no circumstances should personal typing be undertaken in office hours, and employees must not put under any pressure Secretaries and Typists to provide such a service. Any member of staff, who makes a request for typing to be undertaken in normal office hours is committing a disciplinary offence.
- 6.5 Employees must not meet private clients on Council premises at any time, even when the employees concerned are in their own time, nor must the Council's name or title be used in connection with private work. Employees must not give Council telephone numbers for contacting them, or use them on letter headings etc, in connection with private work.
- 6.6 Disciplinary action, including the possibility of dismissal, will be taken in cases of misuse of Council facilities.

## **7. Recording Work**

- 7.1 It is in the interest of all employees to record information about outside work. It is not infrequent for allegations to be made by members of the public that an employee is working privately during office hours – it can be difficult for them to appreciate the flexi-time scheme.
- 7.2 Records of the time, place and date of hours worked, meetings attended, etc, will be required to enable the Council to refute such allegations and preserve its integrity. Consent for any employee will be conditional on keeping records (of reasonable information), to the satisfaction of the appropriate Head of Service or Nominated Officer.

## **8. Means of Obtaining Work**

- 8.1 A Local Government employee's work often generates a large number of contacts both with colleagues and members of the public. In either case, "touting" for business will be regarded by the Authority as wholly unacceptable conduct. Disciplinary action, including the possibility of dismissal, may be taken if this occurs.

## **9. Acceptance of Gifts and Hospitality**

- 9.1 The Prevention of Corruption Acts 1889 and 1916 make it an offence for any employee to accept any gift or consideration as an inducement or reward for:-
- a) Doing, or refraining from doing anything in their employment capacity.
  - b) Showing favour or disfavour to any person in their employment capacity.

- 9.2 Any money, gift or consideration received from a person or organisation holding or seeking to obtain a contract with the Local Authority, will be deemed to have been received corruptly. Section 117(2) of the Local Government Act 1972 makes it an offence for anyone to accept any fee or reward whatsoever other than their normal remuneration. This is in addition to any disciplinary action which may be taken by the Authority.
- 9.3 It is best to err on the side of caution and, if in doubt, consult with your Head of Service or Nominated Officer. Under no circumstances should a gift or concession of any sort be accepted where this could be construed as a reward for services rendered.
- 9.4 There are rules / procedures entitling you to claim certain expenses and allowances in connection with your employment. These rules must be strictly observed.

## **10. Granting of Approval for Outside Work**

- 10.1 In granting an application, the appropriate Head of Service or Nominated Officer may place such restrictions upon it as are deemed necessary to safeguard the interests of the Council as an employer.
- 10.2 Further restrictions may be imposed or the approval reviewed, at the sole discretion of the Head of Service or Nominated Officer, should the need arise.
- 10.3 If, following review, the approval is to be withdrawn, the Council will not be liable for any costs incurred by the employee concerned, but a reasonable “winding down” period will be negotiated.
- 10.4 Approval relates only to the particular employment within a particular Service Area, in which the individual is engaged at the time of the application. If the employee transfers or is promoted within that Service Area or elsewhere, fresh approval must be sought.

## **11. Procedure**

- 11.1 Employees shall apply for approval to carry out outside work on form PW1. (An example of this form appears on Page 8 of this document).
- 11.2 The Head of Service or Nominated Officer may request any information they consider necessary to ensure that there will be no conflict of interests.

- 11.3 The Head of Service or Nominated Officer will discuss any proposed restrictions with the employee concerned and approval will not be granted until agreement is reached in respect of any such restrictions.
- 11.4 If approval is granted, the employee will be required to record information about the outside work to enable it to be monitored; the range of information to be agreed with the Head of Service or Nominated Officer.
- 11.5 The bases on which the approval has been granted will be subject to a review, normally on an annual basis, but it will also be made clear that the approval may be withdrawn at any time by the Head of Service or Nominated Officer, if there is good reason to do so (e.g. Extension of C.C.T. to a particular Service).
- 11.6 Employees must ensure they will not be infringing any general restrictions operating within their Service Area. They must also check whether any of the areas of activity, in which they are engaged, has been the subject of a ban on private work, regardless of grade or employment category.

## **12. Right of Appeal**

- 12.1 Any employee, who wishes to dispute the decision of Head of Service or Nominated Officer in relation to outside work, for example, where approval has either been refused or withdrawn, may raise the matter through the Council's agreed Grievance and Disputes Procedure.

# Kirklees Metropolitan Council

## Work to be Undertaken Outside Normal Employment

### Certificate

In connection with my request for approval to:

.....  
.....  
.....

I certify that if this request be approved:-

1. The work to be undertaken will in no way encroach upon my Council responsibilities.
2. No business in connection with this application will be undertaken during normal working hours; either in terms of telephone calls, letter writing, personal interviews, or in any other way.
3. I will not use the Council's name or title, nor undertake anything which might bring it into disrepute, nor will I use any personal contact to secure preferential consideration of any kind from others employed or engaged by the Council.
4. I understand that this outside activity will be recorded and that any permission granted may be subject to review and withdrawn by the Council at its sole discretion.
5. I shall be liable for, and shall indemnify the Council against any expense, liability, loss, claim or proceedings whatsoever arising from or due to my undertaking such work (which will be deemed outside the scope of my employment with the Council) or resulting from the withdrawn by the Council of this permission.
6. I understand that failure to comply with the above terms of approval, or any other restrictions agreed between myself and the appropriate Executive Director/Head of Service as a condition of approval, may result in disciplinary action.
7. I have retained a copy of this certificate.

Signed: .....

Date: .....