

CHESHIRE EAST

GOVERNANCE AND CONSTITUTION COMMITTEE

Date of meeting: 1 December 2008
Report of: HR Joint Transition Group
Title: OFFICER CODE OF CONDUCT

1.0 Purpose of Report

- 1.1 To consider a Code of Conduct for employees of the new Cheshire East Council.

2.0 Decision Required

- 2.1 To recommend the Council approve the Officer Code of Conduct for the new Council.

3.0 Financial Implications for Transition Costs

- 3.1 There are no transitional costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no costs resulting from the adoption of the Code.

5.0 Legal Implications

- 5.1 Now that the Council is starting to make appointments to the new Council it is vital that there is a Code of Conduct for officers in place. This is a key document to ensure the good governance of the new Council and provides clear direction to employees on the standards of conduct expected of them.
- 5.2 The Government have recently issued a revised draft Officer Code of Conduct for consultation. This has been awaited for many years and it may be some time before any final document is agreed. It is therefore necessary for the Council to agree its own Code, which can be reviewed if necessary when any final national framework is issued.

6.0 Risk Assessment

6.1

Risk	Mitigation
Failure to have a Code places the Council risk of inappropriate behaviour by employees	Introduce a Code of Conduct
Failure to have clear advice to employees on appropriate behaviour makes dealing with inappropriate conduct more difficult to address	Introduce a clear Code and issue to all employees.

7.0 Background and Options

- 7.1 The Member Code of Conduct has already been agreed and now Officers of the new Council are being appointed it is vital to have a Code for them to guide standards of conduct.
- 7.2 As indicated above the Government has taken many years to issue a draft officer code for consultation (which has just come out) and it could be some time yet before that is finalised. It is therefore recommended that the Council proceeds to develop and adopt its own Code without further delay.
- 7.3 It is important that the Officer Code is clear and straightforward as it will apply to employees of the new Council at all levels. It should be noted that Schools have their own Codes of Conduct.
- 7.4 There is an argument for developing a detailed Code which seeks to address all issues an employee may face. However, it is almost impossible to include guidance on every possible circumstance and there is a danger that, if something new arises which isn't covered, an employee can argue that they had received no advice on this and couldn't be expected to know what to do and this can carry some weight in disciplinary processes.
- 7.5 The approach adopted has therefore been to go for a much more high level approach, focused on Core principles supported by guidance on a number of key areas. It then signposts employees to other policies, procedures, etc. which they need to be aware of. Whilst these will exist in current authorities, there is still a need to develop many of these policies for the new Council (for example, a Health and Safety policy). A copy of the draft Code is attached as Appendix 1.
- 7.6 It is thought better that an overarching document is agreed to guide employees rather than to wait until all the supporting policies and procedures are in place.
- 7.6 The Governance Group has been consulted on the draft Code and their views have been taken into account.

8.0 Trade Union Consultation

- 8.1 The trade unions have been consulted on the draft Code of Conduct and have not raised any concerns.

9.0 Overview of Day One, Year One and Term One Issues

- 9.1 As indicated, there are a number of other policies, procedures, guidance which the Council needs to consider in support of this overarching document. This will be a key issue in Year One.

10.0 Reasons for Recommendation

- 10.1 To ensure that an agreed Code of Conduct is in place to guide officers of the new Council.

For further information:

Portfolio Holder: Councillor Frank Keegan

Officer: Trish Barnett

Tel No: 01244 972273

Email: tricia.barnett@cheshire.gov.uk

Background Documents:

Documents are available for inspection at:

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CHESHIRE EAST

CODE OF CONDUCT

FOR EMPLOYEES

November 2008

CONTENTS

- 1. Code of Conduct - Core Principles**
- 2. Code of Conduct - Core Standards**
- 3. Code of Conduct - Core Standards - Guidance**
- 4. Code of Conduct - Associated Forms & Referral Points**
- 5. Other Standards relevant to different groups of employees throughout the Council**
- 6. Cheshire East Core Values**

1. CORE PRINCIPLES

The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do.

SELFLESSNESS

Employees should take decisions solely in the terms of the public interest. They should not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees should make decisions on merit.

ACCOUNTABILITY

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

HONESTY

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

RESPECT FOR OTHERS

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted members of the authority professionally.

TRUST

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

LEADERSHIP

Employees should promote and support these principles by leadership and example.

The Code of Conduct principles operate within the overall framework of the Core Values Our Values for Cheshire East are depicted by the acronym **A S P I R E** (Explained further in section 6 of the Guidance Notes).

2. CORE STANDARDS

Our customers, the general public, are entitled to expect the highest Standards of Conduct from us. The aim of this code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

- 1. GIFTS AND HOSPITALITY**
- 2. SPONSORSHIP**
- 3. USE OF FINANCIAL RESOURCES**
- 4. USE OF COUNCIL FACILITIES**
- 5. INTELLECTUAL PROPERTY**
- 6. POLITICAL NEUTRALITY**
- 7. OTHER EMPLOYMENT AND EXTERNAL ACTIVITIES**
- 8. FINANCIAL AND NON-FINANCIAL INTERESTS**
- 9. RELATIONSHIPS**
- 10. APPOINTMENTS & OTHER EMPLOYMENT MATTERS**
- 11. TENDERING & CONTRACTS**
- 12. PRIVATE USE OF FIRMS DEALING WITH THE COUNCIL**
- 13. DISCLOSURE OF INFORMATION**
- 14. COMPLIANCE WITH THE CODE & CONFIDENTIAL REPORTING**

You should also be aware of and abide by Service specific Standards or Regulations, especially when working with vulnerable adults and children or working in a school. The rules within the Standards of Conduct, for staff in Community Services, for example, if you are offered a gift, are much stricter than those included in this standard Code of Conduct.

Please liaise with your Manager who should refer you to the appropriate Standards. At the end of the Code of Conduct Guidance notes, you will also find a matrix to help sign post you to other relevant Standards

3. CODE OF CONDUCT STANDARDS – GUIDANCE

1. GIFTS AND HOSPITALITY

1.1. If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality please do so courteously and explain that the Council's rules do not allow you to accept.

1.2. You must refuse offers of hospitality where suggestions of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.

1.3. You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

1.4. Whatever gift/hospitality is provided to you, other than hospitality of nominal value only such as drink or small item of stationery, you should report the circumstances and the type of hospitality to your Head of Service.

1.5. It is a serious criminal offence to corruptly 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. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Head of Service, who will record every request on the relevant form. (Consider the decision checklist in section 4 of the Guidance Notes)

2. SPONSORSHIP - Giving and Receiving

2.1. If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

2.2. If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

! You must inform your Head of Service of any personal interest you may have and complete a declaration of interest form.

3. USE OF FINANCIAL RESOURCES

You must ensure that you use public funds entrusted to you in a responsible and lawful manner. Please try to ensure value for money to the local community and to avoid the risk of legal challenge to the Council.

! Employees must follow Standing Orders, Financial Regulations and operating procedures and advise management where they consider changes can be made to increase value for money.

4. USE OF COUNCIL FACILITIES

4.1 At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.

4.2 There are certain minor exceptions to these rules - the use of telephones, fax machines and photocopiers.

4.3. Telephones

Ideally, private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum and costs reimbursed to the Council, unless it is an emergency.

4.4. Fax machines and photocopiers

If necessary, personal fax messages may be despatched to locations within Great Britain. Photocopies of personal documents (up to a maximum of 10 copies at any one time) may be taken and costs reimbursed to the Council.

! Costs must be reimbursed to the relevant person using the Council's reimbursement process.

5. INTELLECTUAL PROPERTY

Intellectual property mean products of the mind, for example inventions, designs, trade marks, creative writings, programs and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the Council, belong to the Council.

! This is a complex area, further guidance must always be sought from the Legal Services in any particular case.

6. POLITICAL NEUTRALITY

6.1. Employees work for the Council as a whole. You must therefore work for all the councillors and not just those of any controlling group or particular political party.

6.2 You must follow every lawful policy of the authority and must not allow your own personal or political opinions to interfere with your work.

6.3. Certain employees hold politically restricted posts (PoRPs). If your job is politically restricted, you will be notified. You are disqualified from membership of any local authority, other than a parish or community council or from being an MP or MEP.

! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.

7. OTHER EMPLOYMENT & EXTERNAL ACTIVITIES

7.1 As a general rule you must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.

7.2 If you are above NJC Grade 7 or equivalent, you must obtain the consent of your Head of Service before you do private work.

7.3 Whether or not you need to obtain consent before doing private work, **you must not**;

- Do private work during working hours nor on the Council premises nor use Council equipment.
- Undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime.
- Undertake private work for any person, firm or company if it will involve the Council.
- Prepare or assist with any applications, for example, planning or building, in any private capacity if you deal with these normally.
- Access Council Services, for example, if you want to make a planning application personally, unless you declare your employment in writing, in a covering letter with your application and submit this via your line manager.
- Undertake private work that needs approval or consent from the Council
- Undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work.
- Undertake private work for another employee responsible for supervising you or whom you supervise, or for an elected member of the Council.

7.4 Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

! Employees must seek consent from their line manager before undertaking other work. All employees must declare an interest where a conflict may arise.

8. FINANCIAL AND NON-FINANCIAL INTERESTS

8.1. The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.

8.2. If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Head of Service.

8.3. You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive E.g. a Council employee who is an Honorary Officer of an Association and who is involved in dealing with an application for a grant by the Association. In such a case, again you should inform your Head of Service.

8.4 Employees are able to act as a member of another local authority, a school governor, or member of a community organisation but may still be required to declare their interest if any potential conflict.

8.5 Membership of organisations with secrecy about rules, membership or conduct may be incompatible with your work. If, in connection with your employment with the Council, you use such membership for either your own, or someone else's personal or business gain, you will be in breach of the Code.

8.6 Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.

8.7 Employees who during the course of attending a meeting believe they that may be in conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

! Declare an interest on the Declaration form if there is a potential conflict.

9. RELATIONSHIPS

9.1 Councillors

Mutual respect between employees and councillors is essential. Close personal familiarity between employees and individual councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

9.2 The Local Community and Service Users

You should always remember your responsibilities to the Community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

9.3 Contractors

If you have a business or private relationship with external contractors or potential contractors you should tell your 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. No part of the local community should be discriminated against.

9.4 If you engage or supervise contractors or work 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.

! Declare an interest on the Declaration form if there is a potential conflict.

10. APPOINTMENTS & OTHER EMPLOYMENT MATTERS

10.1. If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. 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 outside work with him or her.

10.2. Similarly, you should not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc

! Declare an interest on the Declaration form if there is a potential conflict.

11. TENDERING AND CONTRACTS

11.1. During the Tendering process, if you are involved in the 'in-house' bid (except Executive Directors and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Head of Service as to how the CCT process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.

11.2. Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

11.3. 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.

11.4. If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

! Refer to the appropriate Corporate Procurement rules and guidance.

12. PRIVATE USE OF SERVICES OF FIRMS DEALING WITH THE COUNCIL

12.1 You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. This is a difficult and sensitive area. Please try to avoid offending anyone and if necessary, explain the Council's policy.

12.2 If you think that any offer of preferential terms is designed to promote a firm's interest, you should not deal with the firm.

12.3 You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement which applies to e.g. your trade union.

! If you require further guidance please refer to the Corporate Procurement Team.

13. DISCLOSURE OF INFORMATION

13.1 You must not:

- Use information about work which is confidential, for personal gain or benefit or pass it on to others who might use it in this way.
- Give information to the media unless you are authorised to do so.
- Disclose confidential information to someone else, unless it is a request from an approved source, e.g.. HMRC, Department of Social Security and, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.

13.2 Data Protection Act (Disclosing information)

You must use personal data held on computer in accordance with the Data Protection Act. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

! If you are unsure please seek guidance from the Data Protection Officer or Communications Team ,depending on the nature of the request.

14. COMPLIANCE WITH THE CODE

14.1. It is important that local government employees are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Code.

14.2 Employees who consider other employees to be guilty of misconduct must report this to their Line Manager or raise through one of the other available procedures e.g. grievance.

14.3 Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

14.4 If in some instances, the employee cannot make use of the existing procedures, for any reason then they should raise complaints or genuine matters of concern with the relevant person through the Whistle Blowing Policy.

! This code is reviewed annually. Employees should therefore ensure they regularly familiarise themselves with the Code and its Guidance Notes.

4. ASSOCIATED FORMS & REFERRAL POINTS

DRAFT – These forms may have to be redrafted and referral points established post vesting day

The forms can be found on the HR website under the Code of Conduct.

Name	Action taken by :	Held By/Refer to
Declaration of interest form	Employee to Head of Service	
Ext. Gifts/Hosp/Spons form	Employee to Head of Service	
Reimbursement of Costs	Employee to Business Support	
Register of PoRP	N/A	HR
Whistle Blowing Policy	N/A	HR intranet

Checklist for Assessing Potential Conflict – Gifts and Hospitality

Employees should consider the following Checklist:

- (a) Have you obtained the prior approval of your Chief Officer?
- (b) Is the donor, or the event, significant in the community or in the Council's area?
- (c) Are you expected to attend because of your position in the Authority?
- (d) Will the event be attended by others in the Authority or in other Authorities?
- (e) Have you considered the motivation behind the invitation?
- (f) Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this Council?
- (g) Could you justify the decision to the Council, press and public?
- (h) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- (i) How will you respond to the hospitality?

5. CODE OF CONDUCT – MATRIX OF REGULATIONS AND STANDARDS RELEVANT TO SPECIFIC DIRECTORATES

In determining acceptable standards, employees are asked to familiarise themselves not only with those included in the Code of Conduct but also those included in Service specific Codes, corporate policies or operational procedures used by their own Services.

This matrix signposts employees to other key Regulations & Standards, although this should only be used for guidance. Each heading is not mutually exclusive and an employee may find that all headings could apply to them.

NOTE – These policies have yet to be developed for the new Council.

APPLIES TO ALL EMPLOYEES	WORKING WITH THE PUBLIC	WORKING WITH SERVICE USERS	WORKING WITH RESOURCES	USING COMMUNICATIONS	WORKING WITH PARTNERS/OTHER ORGANISATIONS	WORKING WITH INFORMATION
Recruitment and Selection Diversity Dignity at Work Health and Safety Cheshire Standards Confidentiality Core Values Working time regulations Whistle Blowing	R & S Diversity Freedom of Information	Confidentiality Code Standards of Conduct for Staff in Community Services (Vulnerable Adults) Code of Conduct (Children) <i>tbc</i> Integrity Code for Schools Code of Conduct (schools)	Anti-fraud & Corruption Financial Regulations	Acceptable Use Policy IT Code of Practice	Confidentiality	Confidentiality Data Protection Freedom of Information

6. CHESHIRE EAST CORE VALUES “ASPIRE FRAMEWORK”

Values are the things in life that we consider to be important. In relation to work, values are what give purpose to our jobs; guiding our behaviours and the decisions we make. Values underpin the culture of our authority and the way we conduct ourselves at work.

Action – take responsibility for making the right things happen We will: <ul style="list-style-type: none"> • Implement agreed changes as quickly as possible • Balance urgency with quality and efficiency in delivery • Take responsibility for solving problems where possible • Be flexible about the way we work 	Support – work and learn together in order to succeed We will: <ul style="list-style-type: none"> • Communicate clearly and openly • Share information and best practice with others • Work together being prepared to compromise • Encourage and support others to achieve their potential 	People – put customer and community needs at the heart of what we do We will: <ul style="list-style-type: none"> • Do our best to understand people’s needs and requirements • Treat each person as an individual providing choice where possible • Work hard to make our processes simple • Agree realistic timescales and keep people informed
Integrity – be open, honest and fair, expecting the same of others We will: <ul style="list-style-type: none"> • Treat everyone with dignity and respect • Speak up when others are behaving inappropriately • Face up to difficult or awkward questions and situations • Separate personal feelings from professional requirements 	Recognition – value all views, efforts and achievements We will: <ul style="list-style-type: none"> • Involve all members of our team, valuing their differences • Acknowledge everyone’s efforts and contributions • Give and receive feedback positively and constructively • Celebrate success 	Excellence – strive to improve all that we do We will: <ul style="list-style-type: none"> • Take the initiative and make suggestions • Keep up to date with new developments • Try new ideas and approaches • Reflect and learn from our own and others’ experiences