



Brindishe  
Federation

# **Brindishe Federation**

**THE EMPLOYEE CODE OF CONDUCT**

## THE EMPLOYEE CODE OF CONDUCT

<p><b>The purpose of the guidelines</b></p>	<p>This Code together with the Protocols set out the standard of conduct expected of all employee in carrying out their duties for the Council, their relationship with Councillors and, in circumstances where their duties overlap or conflict with their private lives, the actions expected of them. The Code forms a key part of all contracts of employment with the Council.</p>
<p><b>As a Lewisham Manager you are expected to</b></p>	<p>Ensure that all members of staff and individuals working for or on behalf of the Council are aware of their obligations under the Code and comply with it.</p> <p>Take appropriate action to deal with any breaches of the Code.</p> <p>Ensure that all gifts/hospitality offered to staff , whether accepted or not, are recorded in the Directorate's Register.</p> <p>Ensure that personal interests are registered as required by the Code.</p>
<p><b>The guidelines will help you</b></p>	<p>To understand the standards required by the Council</p>
<p><b>You can get further support</b></p>	<p>HR will be able to provide advice in the first instance on the application of the Code and on dealing with breaches. Further advice can be obtained from Legal Services</p>

# THE EMPLOYEE CODE OF CONDUCT

## Contents

### INTRODUCTION

### PRINCIPLES

### GENERAL OBLIGATIONS

Respect for Others

Disclosure of Information

Bringing the Council into Disrepute

Political Neutrality and Activity

Relationships and Personal Interests

### DISCLOSURE OF CRIMINAL CONVICTIONS

### APPOINTMENT OF STAFF AND OTHER EMPLOYMENT RELATED MATTERS

### DECISION MAKING

### USE OF COUNCIL FACILITIES

### GIFTS HOSPITALITY AND SPONSORSHIP

### APPENDIX -

**Protocol on Member/Officer Relations**

## THE EMPLOYEE CODE OF CONDUCT

### 1.1 INTRODUCTION

This Code sets out the standard of conduct expected of all employees in carrying out their duties for the Council, their relationship with members and in circumstances where their duties overlap or conflict with their private lives.

The Code takes into account the requirements of legislation and national/regional terms and conditions of employment and supports the Council's wider promotion of organisational integrity.

This Code represents the standard against which employees will be judged by the public, Members, partners and the Council's Standards Committee. It is designed to promote public confidence in the actions of employees and Members and encourages both Members and employees not only to avoid actual impropriety, but at all times to avoid suspicion or appearance of improper conduct.

It is the responsibility of each employee to comply with the Code. Any breaches will be treated seriously and will be dealt with under the Council's Disciplinary Policy. If in any doubt employees should seek advice from their line manager or from HR.

### PRINCIPLES

The principles underlying this Code of Conduct, which must be observed by all employees are:

**Selflessness** – employees should serve only the public interest and should never improperly confer an advantage or disadvantage on any person

**Honesty and integrity** – employees should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. An employee must perform his/her duties with honesty, integrity, impartiality and objectivity.

**Objectivity** – employees should make any decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.

**Accountability** – employees should be accountable to the Council and the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny into their actions.

**Openness** – employees should be as open as possible about their actions and should be prepared to give reasons for them.

**Respect for others** – employees should promote equality and diversity by not discriminating unlawfully against any person and by treating people with respect, regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

**Duty to uphold the law** – employees should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – employees should do whatever they are able to ensure that resources are used prudently and in accordance with the law. An employee must

- (a) use any public funds entrusted to or handled by him/her in a responsible and lawful manner; and
- (b) not make personal use of property or facilities of the Council unless properly authorised to do so.

**Leadership** – employees should promote and support these principles by leadership and example, and should always act in a way that secures and preserves public confidence

## **1.2 GENERAL OBLIGATIONS**

Employees are expected to provide the highest possible standard of service to the public, and to the Council as a whole. An employee must at all times act in accordance with the trust that the public is entitled to place in him/ her and to comply with the law and this Code of Conduct.

Employees are required to comply with all the Council's policies and procedures as amended from time to time.

Employees must bring to the attention of management any deficiency in the provision of service and must report any impropriety or breach of procedure.

### **RESPECT FOR OTHERS**

All employees must promote equality and diversity by not discriminating unlawfully against any person and by treating them with respect, regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

All forms of discrimination, including bullying and harassment are unacceptable and contravene the Council's Respect and Dignity at Work Policy. Any breach of this policy will be treated seriously and will be dealt with under the Council's Disciplinary Policy.

An employee must not do anything which will compromise or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.

### **DISCLOSURE OF INFORMATION**

The law requires that certain types of information must be made available to members, auditors, government departments, service users and the public.

An employee must not disclose information given to him/her in confidence by anyone or information which he/she believes is of a confidential nature without the consent of a person authorised to give it, unless he/she is required to do so by law and must not prevent another person from gaining access to information to which that person is entitled by law. If in doubt, advice should be obtained from the HR Advisory Service.

Employees must never use any information gained in the course of their employment for their personal gain or to advantage or disadvantage anyone known to them, or to disadvantage or discredit the Council.

Only employees authorised by their Executive Director to do so may talk to the media or otherwise make public statements on behalf of their directorate. Generally an employee contacted by the press should refer the matter to the Council's Press Office who will deal with it as appropriate.

## **BRINGING THE COUNCIL INTO DISREPUTE**

An employee must not in his/her official or private capacity conduct him/herself in such a manner which could reasonably be regarded as bringing the Council into disrepute.

## **POLITICAL NEUTRALITY AND ACTIVITY**

Employees are required to serve the whole Council and its members, not just members of any controlling group and must ensure that the individual rights of all members, including co-opted members are respected.

Employees, who as part of their duties are required to provide advice to members or other employees, must do so impartially and must not allow their own personal or political opinions to interfere with their work.

Some employees are in politically restricted posts and are prevented by law from taking part in certain political activities outside their work. The political activities which are restricted for these officers covers the following:

- Standing as a candidate for election to the House of Commons, European Parliament or a local authority (other than a Parish Council).
- Holding office in a political party at any level, except in limited roles concerned only with the internal membership of the party.
- Canvassing at an election
- Speaking in public or publishing any written or artistic work which appears to be intended to affect public support for a political party.

If an employee is in any doubt about whether they hold a politically restricted post or whether any activity is political activity and covered by these rules then advice should be sought from their Executive Director or HR section.

## **RELATIONSHIPS AND PERSONAL INTERESTS**

### **Members**

An effective working relationship based on mutual respect between employees and members is essential to good local government in order to deliver efficient and high quality services to the community. However, close personal familiarity between employees and individual members can damage the relationship and prove embarrassing to other members and employees and should therefore be avoided.

Employees must not seek to involve members in personal matters which relate to any aspect of their employment with the Council e.g., pay and grading, grievances etc.

Employees must have due regard to the Protocol on Member & Officer Relations.

### **Local Community and Service Users**

Employees must ensure that courteous, efficient and impartial services are provided to all groups and individuals within the community.

Employees who provide personal/caring services to vulnerable people within the community, must always act in a professional manner and treat service users with dignity and respect at all times. Employees must never take advantage of the service user by forming inappropriate relationships or seeking/receiving personal favours, loans or gifts, including bequests. The Council's Policy on Receipt

of Gifts and Hospitality must be adhered to at all times. Any abuse will lead to disciplinary action against the employee which could result in the employee's dismissal from the service.

In any case of doubt advice should be sought from the line manager or HR section.

### **Contractors and other service providers**

All relationships with contractors, potential contractors or other external service providers must be made known to management. Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, must declare that relationship to management.

All contracts must be tendered/awarded in accordance with Council policy.

### **Personal interests**

An employee must not in his/her official or personal capacity –

- a) allow his/her personal interests to conflict with the authority's requirements; or
- b) use his/her position improperly to confer an advantage or disadvantage on any person.

Employees must declare to their line manager any non-financial interests that they consider could bring about conflict with the Council's interests (for example acting as a school governor within schools maintained by the Council, involvement with an organisation receiving grant aid from the Council, membership of an NHS Trust Board, involvement with an organisation or pressure group which may seek to influence the authority's policies). Membership of a trade union is exempted from this requirement.

Employees must declare any financial interests which could conflict with the Council's interests.

Employees must declare to their Chief Officer membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about its rules or membership or conduct, for example freemasons.

Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their line manager (for example allocation of Council housing or assessment of housing benefit).

Employees may have dealings with the Council on a personal level, for example as a Council tax payer, tenant or applicant for planning permission. Employees should never seek or accept preferential treatment in those dealing because of their position with the Council or put themselves in a position that could bring the Council into disrepute, through for example non declaration or non-payment of monies owing to the Council e.g. Council tax.

### **Register of Personal Interests**

Employees graded at SMG1 and above must register any financial interests in the authority's register. Other employees below SMG1 who hold positions which are considered by the Chief Executive or the Council's Monitoring Officer to be particularly at risk, such as commissioning, procurement and contract monitoring officers will also be required to register their financial interests. Employees must register their financial interest or subsequent changes by writing to the Council's Monitoring Officer within 28 days of their appointment or change in their personal position of :-

- (a) any business carried on by him/her;
- (b) the name of any firm in which he/she is a partner and the name of any company for which he/she is a remunerated director;
- (c) the name of any corporate body which has a place of business or land in the authority's area where the employee has a beneficial interest in the class of securities of that body which exceeds the value of £25,000 or one hundredth of the total issued share capital of that body;
- (d) a description of any contract for goods, services or works made between the authority and him/herself a firm in which he/she is a partner, a company of which he/she is a director or body of the description in paragraph (c) above;
- (e) the address or other description (sufficient to identify the location) of any land in which he/she has a beneficial interest and which is in the area of the authority;
- (f) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description in sub-paragraph (d).

### **Outside commitments**

Employees' off-duty hours are their personal concern but they must not subordinate their duty to their private interests or put themselves in a position where duty and private interests conflict. The Council would not wish to preclude employees unreasonably from undertaking additional work unless that work breaches employment legislation, conflicts with or detrimentally affects the Council's interests or in any way weakens public confidence in the conduct of the Council's business, or in any other way affects their ability to undertake their Council work.

Employees must not engage in any other business or take up any other additional appointment for financial gain without the agreement in advance of their Chief Officer (relevant Head of Service).

If agreement is given employees must be made aware that no outside work of any sort should be undertaken in the workplace, and use of facilities, for example telephones and photocopying for this, is forbidden.

### **DISCLOSURE OF CRIMINAL CONVICTIONS**

Employees are required to disclose to the Council such details as it may require of any criminal conviction, caution or bind over that are received during their employment with the Council. Failure to do so, for whatever reasons, may be regarded as gross misconduct under the Council's Disciplinary Policy which could lead to dismissal from the Council's service.

### **APPOINTMENT OF STAFF AND OTHER EMPLOYMENT RELATED MATTERS**

(1) An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.

(2) In this paragraph –

- a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

b) "partner" in sub-paragraph (a) above means a member of a couple who live together.

Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the work. 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 personal relationship outside work with them.

Similarly, employees must not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative, partner or close friend.

## **DECISION MAKING**

There are vital legal principles which employees must adhere to at all times when making decisions on behalf of the Council. Decisions must be taken in accordance with the terms of the Council's constitution and its Standing Orders.

Employees must ensure that they use any public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Council.

Employees must have regard to the council's obligations under the Human Rights Act 1998.

## **USE OF COUNCIL FACILITIES**

Employees must use any equipment or facilities provided by the Council for use in the course of their employment in a proper and responsible manner.

Employees must not make personal use of Council's property or facilities unless properly authorised to do so.

Employees must adhere to the Council's Acceptable Use of ICT Policy and associated guides at all times. Failure to follow the Acceptable Use of ICT Policy will lead to disciplinary action under the Council's Disciplinary Policy.

## **GIFTS, HOSPITALITY AND SPONSORSHIP – GIVING AND RECEIVING**

### **Corruption**

It is a criminal offence for an employee to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour to any person in their official capacity. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

An employee should notify the Monitoring Officer, Executive Director or other nominated representative, as appropriate, of any offer of any gift or hospitality, whether or not accepted, which a member of the public with knowledge of the relevant facts might reasonably regard as intended to influence his/her discharge of his/her duties.

Employees are required to adhere to the Council's Fraud and Corruption Policy. Failure to do so will lead to disciplinary action under the Council's Disciplinary Policy.

### **Receipt of Gifts and Hospitality**

An employee must treat with caution any offer, gift, favour or hospitality offered to him/her. Gifts or hospitality shall include any opportunity to acquire goods or services at a price or on terms at which they are not readily available to the public.

Employees should accept offers of hospitality only if there is a genuine need to impart information or to 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 to be represented. It must be properly authorised and recorded.

When hospitality has to be declined the person should be courteously but firmly informed of the procedures and standards operating within the Council.

Employees must not accept personal gifts from contractors and outside suppliers/providers, other than insignificant tokens such as pens or diaries. When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding, and must never accept hospitality from a contractor during a tendering period.

Acceptance by employees of hospitality whilst in 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. Where visits to inspect equipment are required, employees must ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

Employees must adhere to the Code of Practice for Receipt of Gifts and Hospitality which can be found on the Council's intranet (Working for Lewisham), and must ensure that any hospitality received is entered in the Hospitality Register maintained by their directorate Executive Support section.

### **1.1 Sponsorship - giving and receiving**

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

Where the authority wishes to sponsor an event or service, neither an employee or 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 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 involved.

## Protocol on Member/Officer Relations

1. An effective working relationship between members and staff is critical to the successful operation of Council business. Excellent working relationships are required to deliver best value services to local citizens and to maintain confidence in local government in Lewisham. This protocol is designed to help members and staff to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other

### Respective roles

2. Both members and Council staff are public servants. They are indispensable to each other. But their responsibilities are distinct. All members (including the directly elected Mayor) are responsible to the electorate and serve only so long as their term of office lasts. Staff are responsible to the Council as a corporate body, and not to any single member including a directly elected Mayor. Their job is to give advice to all members (including the Mayor) and to the authority, and to carry out the authority's work under the direction and control of the Council, its executive and relevant committees.
3. Respect between members and staff, both personally and for their different roles is essential to good local government.

### 'Members' roles

4. Members have five main areas of responsibility:
  - (a) deciding on overall Council policy and giving the authority political leadership
  - (b) making decisions within overall council policy (for example on planning applications, or on the establishment or closure of a school)
  - (c) monitoring and reviewing performance in implementing policy and delivering services
  - (d) representing the area and the Council externally
  - (e) acting as advocates on behalf of constituents

Depending on whether they are members of the executive or not, and on the committees to which they are appointed, members may exercise only some of these roles. However it is not the role of members to involve themselves in the day to day management of the Council's services.

5. The Mayor, members of the executive and committee chairs and vice chairs have additional responsibilities. Because of this their relationships with employees may be different from and more complex than those of councillors without those responsibilities. This is recognised in the expectations they are entitled to have. However, such members must still respect the impartiality of officers and must not ask them to undertake work of a party political nature, or to do anything which will put them in difficulty in the event of a change in the composition of the authority.
6. As individual members, all councillors and the Mayor have the same rights and duties in their relationship with staff and should be treated equally. Members of overview and scrutiny committees are entitled to officer advice and support in the performance of their roles just as executive members are entitled to officer advice and support in the performance of theirs.

## Officers' roles

- 7 The role of officers is to give advice and information to members to inform their decision making and to implement the policies and decisions of the Council. In giving their advice it is the responsibility of the officer to present his/her professional views and recommendations. Members must not pressurise an officer to make a recommendation contrary to their professional view or use undue pressure to seek to persuade an officer to withdraw a report.
- 8 In discharging their role as an officer of the authority, staff must act in a politically neutral way.
- 9 Certain officers, including the head of paid service, monitoring officer, chief finance officer, the director of children's services, the director of adult services, the director of public health & scrutiny officer have legal responsibilities over and above their obligations to the authority and members of it. Members must respect these obligations and must not obstruct them in the discharge of these responsibilities, or victimise them for discharging these legal duties.

## Expectations

- 10 Members can expect from officers:-
  - (a) a commitment to the council as a whole and not only to any part of it, or to any political group
  - (b) Respect and courtesy
  - (c) The highest standards of integrity
  - (d) A working partnership
  - (e) An understanding of and support for respective roles, workloads and pressures
  - (f) Timely responses to enquiries and complaints
  - (g) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
  - (h) Regular up to date information that can be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
  - (i) Awareness of and sensitivity to the political environment
  - (j) Training and development in order to carry out their role effectively
  - (k) Appropriate confidentiality
  - (l) That they will not use their relationship with members to seek to advance their personal interests or to influence decisions improperly
  - (m) Support for the role of councillors as the local representatives of the authority within arrangements made by the council to do so
  - (n) Compliance with the Employee Code of Conduct at all times

Officers can expect from members:-

- (a) Respect and courtesy
- (b) The highest standards of integrity
- (c) A working partnership
- (d) An understanding of and support for respective roles, workloads and pressures
- (e) Political leadership
- (f) Not to be subject to bullying or to be put under pressure. Members must have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers and the potential vulnerability of officers, particularly at junior levels
- (g) That members will not use their position or relationship with officers to seek to advance their personal interests or those of others or to influence decisions improperly
- (h) Compliance with the Member Code of Conduct at all times

### **Close personal relationships**

- 11 Both members and officers should take care not to give the impression that their distinct roles have become blurred in some way. Maintaining confidence in the separation of these roles necessarily imposes limitations on behaviour. Close personal relationships between members and officers can confuse their separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular member or officer may secure advantageous treatment.

### **Political Groups**

- 12 The operation of political groups is an integral feature of local government. They have an important part to play in the development of policy and the political management of the authority. It is in the interest of the authority to support the effective operation of political groups. However, doing so can create particular pitfalls in terms of the impartiality of officers. This protocol sets out guidance to minimise the risk of that impartiality being compromised.
- 13 National Conditions of Service for Executive Directors and JNC officers provide that they "shall not be required to advise any political group of the Council, either as to the work of the Group or as to the work of the Council, neither shall they be required to attend any meetings of any political groups. This should be without prejudice to any arrangements to the contrary which may be made in agreement with any officer which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the Council"
- 14 The NJC for Local Government Services National Agreement on Pay and Conditions of Service provides that codes of practice for the official conduct and obligations of employees shall be locally determined. The Council applies a similar provision to those applying to JNC officers, without the exception contained in the last sentence.
- 15 Sometimes, officers may be asked to write reports for a political group. Normally it should only be an Executive Director who is asked to do so. Occasionally, subject to the direction of the Executive Director, other senior employees in his/her Directorate may be asked to write reports for a political group. Neither the Executive Director nor any other officer can be compelled to write reports for (or attend) a meeting of a party political group. Sometimes it

will be appropriate for a senior officer to write a report for a political group where they represent an early stage in the decision making process. A report relating to the choices to be made in the budget process might be an example. However, where a senior officer does write such a report for a political group, it should be written as if it was being prepared for the full Council, Executive or the relevant committee. Reports on matters of policy or principle, prior to decisions do not need to be so formally drafted.

- 16 The principles set out in paragraph 15 do not obviate the need for there to be close and regular liaison on matters affecting the council between the Mayor, members of the Executive and committee chairs as appropriate on the one hand and Executive Directors and senior officers on the other.
- 17 Members and officers must always remember that decisions can only be taken in accordance with the Council's constitution and standing orders and that decisions taken by party political groups are not Council decisions. They must only refer matters for decision in accordance with that process.

### **Reports to Council, Executive or Committee**

- 19 Under the constitution adopted by the Council to comply with the Local Government Act 2000, decisions may be made by a directly elected Mayor or an executive or members of it to whom the Mayor has delegated decision making power. In other cases, they may also be taken by the full council or committees or sub committees. The Council's constitution provides that member decisions may only be taken on the basis of a written report containing all relevant considerations. Reports to the Mayor, Executive (whether collectively or decision makers drawn from it,) or to a committee or sub committee should be written by the Executive Director or another officer authorised by him or her.
- 20 It is likely that a sensitive report would be discussed with the Mayor, lead member or committee chair and that member may make suggestions for inclusion in the report. However, the report is the officer's and even if the member is unhappy with its contents, it should not be amended by that member, save with the express approval of the Executive Director. If the report of the Executive Director is thought by the member to be inappropriate, then exceptionally that member should write his or her own report in addition to the report submitted by the Executive Director.
- 21 Where an officer attends a political group, they must inform the monitoring officer who will advise all other groups that the officer has attended and the subject on which they have advised. If a report was prepared by the officer he/she will supply a copy to the other political groups on request. Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.