

Officer Code of Conduct

Appendix I

CODE OF CONDUCT FOR SANDWELL METROPOLITAN BOROUGH COUNCIL EMPLOYEES

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INTRODUCTION AND BACKGROUND

In 1995, Sandwell Metropolitan Borough Council (“Council”) voluntarily agreed to adopt the Code of Conduct for Local Government Employees (“the Code”).

Since this time, various governments have stated their intention to update the Code, but in 2011, the proposal to carry this out was dropped by the new Government.

It has therefore fallen to individual authorities to update the Code as they consider appropriate. The Council adopted a new code of conduct for its Members, which sets out high standards of Conduct for its Members. The Council expects the same principles of honesty and integrity from its employees.

The Council recognises the need to promote high ethical standards among its workforce and has updated the Code of Conduct for Employees. Consultation on the Code with Unions has taken place*, and on the (xxxxxx) the Code was adopted by the Council.

* (Consultation to take place)

1. Purpose of the Code

- 1.1 This Code outlines existing law, regulations and conditions of service and provides further guidance to assist employees of the Council in their day-to-day work with the principles of integrity, honesty, impartiality and objectivity.
- 1.2 The Code lays down guidelines which will help maintain and improve standards and protect employees from misunderstanding or criticism. It also provides the openness and accountability necessary to re-enforce public confidence.
- 1.3 Employees must act in accordance with the principles set out in this Code, recognising the duty they have to discharge public functions reasonably and according with the law.

2. Scope of the Code

- 2.1 The Code applies to all employees of the Council, although, inevitably, some of the issues covered by the Code will affect some employees more than it will others.
- 2.2 Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.
- 2.3 The Code is complementary to, and should be read in conjunction with, those obligations which apply to employees that fall within the scope of related policies and Codes, specifically, but not exclusively:-
 - Anti-Corruption and Bribery Policy
 - Corporate Information Security Policy
 - Confidential Reporting Code (“Whistleblowing”)
 - Data Protection Policy
 - Disciplinary Policy and Rules
 - Employees’ Declarations of Interest
 - Financial Regulations
 - Grievance Policy
 - Guidance on the role of the Council’s Funding Officers
 - Information Acceptable Use Policy

- ICT and Electronic Communications Acceptable Use Policy
- Information Classification Policy
- Information Governance Framework (currently under review)
- Officer/Member protocol
- Register of Gifts and Hospitality
- Recruitment and Selection processes
- Standing Orders/Council procedure rules
- Statement of Intent on Equality and Diversity
- Social Media guidelines (currently under review)
- Statement of Policy regarding Access to Information
- The role of Council employees in the management of funded voluntary organisations

3. General Principles of Conduct

The public is entitled to expect the highest standards of conduct from all employees who work for local government. The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with selflessness, integrity, objectivity, honesty and impartiality.

3.1 Selflessness

Employees should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

3.2 Integrity

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

3.3 Objectivity

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

3.4 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.

3.5 Impartiality

Employees 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 members and fellow employees with impartiality.

4. Expectations of Conduct

- 4.1 Employees shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and resolve any conflict between the two, at once, and in favour of the public interest.
- 4.2 Employees shall within their public employed capacity conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, or its members or officers into disrepute.

5. Disclosure of Information and Confidentiality

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

- 5.2 During the course of their work, employees may come into possession of sensitive or personal information. They should not disclose this information to others except in accordance with the Council's procedures. If employees are uncertain as to the Council's procedures in a particular circumstance, they should consult with their Service Manager or relevant Director, as appropriate.
- 5.3 The confidentiality of information received in the course of an employee's duties should be respected and must never be used for personal gain. Employees must not knowingly pass information on to others who might use it in such a way. If employees believe that information should be disclosed in the public interest they should follow the Confidential reporting Code before doing so.
- 5.4 The above should be read in conjunction with the Confidential Reporting Code – School-based employees and the Confidential Reporting Code – Non-School-based employees.
- 5.5 Employees must ensure they maintain registration of their appropriate professional body, and notify the Council of any convictions they receive during the course of employment.
- 5.6 The above should be read in conjunction with the [Corporate Information Security Policy](#).

6. Data Protection

- 6.1 The Data Protection Act 1998 (DPA) applies to personal information about living individuals held by the Council. The DPA places a number of obligations on the Council, including a statutory requirement to keep the personal information we hold in a secure fashion, to inform individuals what we will do with the personal information we collect from them and also to provide individuals, upon request, with a copy of the personal information we hold about them.
- 6.2 The loss of personal data can result in the Council receiving a substantial fine from the Information Commissioner.

- 6.3 It is therefore very important that employees take steps to ensure that they handle personal information with care and they must follow the guidance provided within the Information Management Unit's intranet pages.

7. Political Neutrality

- 7.1 Employees serve the Council as a whole. It follows they must serve all members and not just those of the controlling group, and must ensure that the individual rights of all members are respected.
- 7.2 Employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 7.3 The posts of certain employees are classified as being “politically restricted” if it is a post specified in the Local Government and Housing Act 1989 (as amended by the Local Democracy, Economic Development and Construction Act 2009). It includes a post being regarded as being “politically sensitive”, if the duties consist of or involve giving advice on a regular basis to the Council, its executive, any committee of the executive or any cabinet member, any of its committees or sub-committees or to any joint committee on which the Council is represented or speaking on behalf of the Council on a regular basis to journalists or broadcasters. All Employees must follow every policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 7.4 The above should be read in conjunction with the Councils guidance for [Employees - Politically Restricted Posts](#).

8. Relationships

8.1 Members

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

The above should be read in conjunction with the [Officer/Member Protocol](#).

8.2 The Public

Employees should always remember their responsibilities to the public and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

8.3 Contractors and/or potential contractors

8.3.1 Substantial relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager and declared in accordance with the rules set out in the [Employee Declarations of Interest](#).

8.3.2 Orders and contracts must be awarded on merit, in accordance with the Council's Standing Orders and Contract Procedures, and no inappropriate favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

8.3.3 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, should declare that relationship to the appropriate manager.

8.3.4 Employees involved in the tendering process and dealing with contractors must observe the need for accountability and openness and be fair and impartial when dealing with all customers, suppliers, other contractors and sub-contractors.

8.3.5 Employees who have access to confidential information on tenders or costs should not disclose that information to any unauthorised party or organisation.

8.3.6 Employees should 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.

8.3.7 The above should be read in conjunction with the [Standing Orders/Council Procedure Rules](#) and [Financial Regulations](#).

9. Acceptance of Gifts and Hospitality / Sponsorship - Giving and Receiving

9.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity whether by invitation, tender, negotiation or voluntarily, the basic convention concerning acceptance of gifts or hospitality applies. Particular care must be taken when dealing with contractors or potential contractors.

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

9.3 The above should be read in conjunction with the [Policy on Register of Gifts and Hospitality](#).

10. Anti- Corruption and Bribery

- 10.1 Bribery and/or Corruption have no place in the activities of the Council. The Council's policy is to conduct all of its business in an honest and ethical manner and employees must not promise, give, request, accept or receive a financial or other advantage to induce or reward a person with respect to the improper performance of a relevant function or activity.
- 10.2 It is a criminal offence for employees 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.
- 10.3 Employees must ensure they use public funds entrusted to them in a responsible and lawful manner. In particular, employees should not seek to obtain financial advantage for themselves or any other person or organisation through the improper use of the Council's financial resources or application of its systems or procedures.
- 10.4 The above should be read in conjunction with the [Anti-corruption and Bribery Policy](#).

11. Appointment and Other Employment Matters

Employees involved in appointments should ensure that these are made on the basis of merit and in accordance with the Council's recruitment and selection procedures. It is unlawful for the Council to make an appointment which was 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 should not be involved in the recruitment appointment or any other decision relating to discipline, promotion, pay and conditions of a person to whom they are related or have a close personal relationship.

12. Outside Commitments

- 12.1 Some employees are required to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.

- 12.2 Employees should follow their Council's rules on the ownership of intellectual property or copyright created during their employment as detailed in the [Financial Regulations](#).
- 12.3 The above should be read in conjunction with the [Financial Regulations](#) and [Employees Declarations of Interest](#).
- 12.4 Any matter, or thing capable of being patented under the Patents Act 1977, made developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the Council through the appropriate service manager and subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

13. Personal Interests

- 13.1 Employees must declare to an appropriate manager any financial and/or non-financial interests that they consider could bring about conflict with the authority's interests.
- 13.2 Employees should declare to an appropriate manager 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.
- 13.3 Employees must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.
- 13.4 The above should be read in conjunction with the [Employees Declarations of Interest](#).

14. Equality Issues

All employees of the Council must ensure that policies relating to equality issues are complied with in addition to the requirements of the law. All members of the public, customers and other employees have a right to be treated with fairness and equity.

The above should be read in conjunction with the [Statement of Intent on Equality and Diversity](#).