

## **Section 10 - Officers' Code of Conduct**

The Code of Conduct sets out standards of conduct expected from Stroud District Council employees. It is supplemented by other policies and procedures, which form part of the Employee Handbook.

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## **Introduction**

The public is entitled to expect the highest standards of conduct from Stroud District Council employees.

## **Aim and Scope**

The Code applies to all employees of the Council. Employees must comply with this Code fully as it forms part of their Terms and Conditions of Employment.

## **Standards**

Employees who are aware of breaches of the Code of Conduct must raise these with their line manager. Employees should also refer to the Whistle Blowing policy.

## **Disclosure of information**

It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information.

Employees must be aware of which information within their authority is open and which is not, and act accordingly.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

Employees should only give confidential information or documents to those have a legitimate right to them.

Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

## **Political neutrality**

Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected. The Member/Officer protocol can be found in the Council's Constitution document.

Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

## **Relationships**

### **With Councillors**

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

It is not expected that employees will discuss any matter relating to their personal employment (or that of any other SDC employee) with members outside of the operation of any formal procedures.

### **With the local community and service users**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

### **With contractors**

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate 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.

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 Strategic Team Member, using the Register of Employees' Interests form, available on the Hub.

## **Appointment and other employment matters**

Employees involved in appointments should 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 duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them.

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

## **Personal Appearance**

The Council expects employees to observe a standard of personal appearance which is appropriate to the nature of the work undertaken and which portrays a professional approach which the public will have confidence in. See also the section on Dress Code in the Employee Handbook.

## **Personal interests**

Employees must declare to an appropriate Strategic Head of Service, any non-financial interests that they consider could bring about conflict with the authority's interests, using the Register of Employees' Interests form.

Employees must also declare any financial interests which conflict with the authority's interests.

As a further guide the national groups responsible for drafting the Code used these examples of possible areas of conflict - involvement with an organisation receiving grant aid from the Council and involvement with a pressure group or organisation which may seek to influence the Council's policies. These would be relevant under the first category on the Register of Interests Form.

Under the Council's Local Code of Conduct for Councillors and Officers dealing with planning matters, should an Officer of the Council (or any close relative or associate) submit their own development proposal, they should take no part in its processing. Furthermore the Officer shall inform in writing both the Strategic Head (Development Services) and the Council's Monitoring Officer of all such proposals as soon as they are submitted.

## **Equality issues**

All employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## **Separation of roles during tendering**

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their Strategic Head of Service and withdraw from the contract awarding processes.

Employees should ensure that no special 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 senior or relevant managerial capacity.

## **Corruption**

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing

favour or disfavour to any person 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.

### **Use of financial resources**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

Employees involved in financial activities and transactions for the Council, must follow the Financial Regulations and accompanying Guidelines.

### **Hospitality**

Contacts established at a social level can often be helpful if pursuing the Council's interests. What is important is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence. The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group than to accept something unique to yourself.

When a particular person or body has a matter currently in issue with a local authority then common sense dictates a more restrictive approach (e.g. negotiations with an outside organisation). An important criterion in exercising your judgement is what interpretation others may reasonably put on your acceptance.

The following checklist of questions should help Managers and Corporate Team Members to decide whether a gift or offer of hospitality should be accepted or rejected:

- Is the donor, or event, significant in the community or in your Council's area?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving your Council?
- Could you justify the decision to your Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- How will you respond to the hospitality?
- Are you comfortable with the decision?

### **Gifts**

The acceptance of gifts is a dangerous practice and the general rule should be to refuse tactfully all such offers from organisations or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (e.g. planning applications).

Exceptions from this general rule would include modest gifts of a promotional character (e.g. calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm).

Such exceptions relate only to modest gifts and an expensive gift would raise questions even if it would otherwise fall within one of the above categories. It is impossible to be more precise in dealing with what do and do not amount to acceptable gifts and this is very much a matter for the individual judgement of Managers given the particular circumstances.

Any gifts or hospitality offered or received must be entered on to the Corporate Register held by Democratic Services.

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

Where an outside organisation wishes to sponsor or is seeking 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 nor 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 authority 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 involved.

### **Undertaking additional work**

Full time employees are expected to devote their whole service to the work of the Council, and shall not engage in any other business, including self employment, or take up any other appointment without the express prior consent of their line manager. The Council reserves the right to withdraw such consent, if it is deemed necessary.

All prospective employees shall, prior to appointment, provide details of any employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employments exceed 48 per week – as per the Working Time Regulations 1998).

All existing employees must declare any other additional employment to their manager to enable the Council to ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.

Employees should avoid situations whereby their work and personal interests conflict or may appear to conflict.

Undertaking unpaid activities outside Council's employment may, on occasions, be detrimental to the Council's interests. Employees should be mindful of any potential conflict of interests in such situations.

No personal business activity or outside work of any type should be undertaken by an employee during their normal working hours for Stroud District Council.

For unpaid activities such as serving on a School Governing Body or paid work such as being a member of the Territorial Army refer to the Council's Hours and Leave Policy.