

## **OFFICER CODE OF CONDUCT**

## **Code of Conduct for Employees**

### **1 Introduction**

- 1.1 Local Government 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 professional advice to Councillors and fellow employees with impartiality and to adhere to the seven principles of public life:

#### **SELFLESSNESS**

Employees must serve only the public interest and must never improperly confer an advantage or disadvantage on any person.

#### **HONESTY AND INTEGRITY**

Employees must not place themselves in situations where their honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Employees must avoid placing themselves under any obligation to outside individuals or organisations that might try inappropriately to influence them in their work. They must not act or take decisions in order to gain financial or material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

#### **OBJECTIVITY**

Employees must make decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias, including when making appointments, awarding contracts, recommending individuals for rewards or benefits and pursuing matters on behalf of their constituents.

#### **ACCOUNTABILITY**

Employees must be accountable to the public for their actions and decisions and the manner in which they carry out their responsibilities. They must co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### **OPENNESS**

Employees must act and take decisions in an open and transparent manner. They should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## **LEADERSHIP**

Employees must exhibit these principles in their own behaviour. They must actively promote and robustly support the principles of leadership, be willing to challenge poor behaviour wherever it occurs and act in a way that secures or preserves public confidence.

- 1.2 The public are entitled to expect this high standard of service and employees conduct should never be influenced by improper motives i.e. personal gain, nor be involved in activities which are not consistent with our values and priorities. The Code applies to all employees of the Council. Those employees involved in processing applications for services, licences or statutory consents (such as planning permission) and those involved in the procurement and purchasing of goods and services should pay particular attention to the Code.
- 1.3 This Code sets out the standards of behaviour, attitude and conduct expected from you as an employee of Boston Borough Council including the link between your employment and your private life.
- 1.4 This Code should be read in conjunction with other policies, procedures and codes of practice adopted by the Council.
- 1.5 This Code forms part of your terms and conditions of employment. Any breach of the Code may be treated as a disciplinary matter including gross misconduct which could lead to disciplinary action including dismissal where appropriate. For the avoidance of doubt you should seek advice from your manager on any query relating to the Code.
- 1.6 If you are aware of any breaches of this Code you should raise this with your manager immediately. You should also refer to the section of this Code on 'whistle blowing'. Refer to the Whistleblowing Policy also.

## **2 Personal conduct**

- 2.1 The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service:

### **2. Official conduct**

- 2.1 Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
- 2.2 Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

## BOSTON BOROUGH COUNCIL

### CONSTITUTION

APRIL 2018

---

2.3 The way you behave during working and non working hours may affect the reputation of the Council and/or be considered unacceptable behaviour and as a council employee (public official), misconduct or activities, both in and out of work, may give rise to disciplinary action and may ultimately have a bearing on your employment with the Council.

2.4 Examples of unacceptable behaviour in the workplace are (this list is not exhaustive):

- Slamming doors or throwing items
- Repeatedly raising your voice in an aggressive manner
- Use of bad language (swearing), walking away from management, ignoring colleagues, refusal to interact with colleagues for work purposes
- Making vexatious allegations against colleagues

### 3. Financial matters

#### 3.1 Public Funds

You must follow the Councils Contract Procedure rules and Financial Regulations in any financial transactions and other dealings on behalf of the Council.

<http://www.boston.gov.uk/CHttpHandler.ashx?id=6313&p=0>

(Contract Procedure Rules)

<http://www.boston.gov.uk/CHttpHandler.ashx?id=6312&p=0>

(Financial Regulations)

#### 3.2 Declaration of Financial and other interests

You are required by S117 of the Local Government Act 1972 to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The declaration should be made, in writing, to your Head of Service/Director/Chief Executive who will inform the Council's Section 151 Officer of the contents of the declaration.

You should also declare other relevant interests such as ownership of or interests in any land, property or business other than your private dwelling i.e. business or other residential properties. The nature of the interest should also be declared i.e. rental properties. You may also be required to declare other interests depending on your job role. For example if you work in Development Management you may be required to declare any interests in any planning applications such as close family members etc. or if you work in Housing

Benefits you may need to declare any relationships with benefit claimants whether they be close personal or business relationships such as landlord/tenant.

Any such declaration should be made to People Services and will be recorded on a central register. Access is restricted to People Services staff and will only be disclosed to management where a potential conflict exists and requires notification. This information will be held until we are notified by you that the interest no longer exists.

**3.3 Financial inducement, gifts & hospitality**

Section 117 of the Local Government Act 1972 provides that it is an offence for an employee to accept any fee or reward other than the proper remuneration for the role in the course of their duties. It is important that you are able to recognise what is and is not acceptable. You should have regard to the Council's guidance on gifts & hospitality. You should also have regard to the role you perform at the Council and whether it might be possible for others to allege undue influence where gifts and/or hospitality may be given e.g. if you work in a regulatory function and, where necessary, seek advice and guidance from your Head of Service.

3.4 You should treat with extreme caution any offer of a gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing or seeking to do business with the Council or may be applying to the Council for some decision to be taken in his favour or someone with whom he is connected. Examples could include (but are not limited to) planning permission, contracts, tenancies of land or buildings, or licences to operate businesses.

3.5 You should also ensure that no direct or indirect personal gain is obtained through the purchasing of items for the council. For example if you have a personal loyalty card to collect points you should not use this whilst making purchases on behalf of the council. You may also be a member of a cashback type arrangement on line either for your own benefit or an organisation with which you have a connection. You should not gain from the use of such arrangements whilst purchasing on behalf of the council. If any arrangements are in place which may benefit the council i.e. donation of points to the Mayor's Charity this may be acceptable.

3.6 There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be an appropriate way of doing business provided they are approved either by the Council or by a Head of Service and provided no extravagance is involved. In the same way it may be reasonable for staff to represent the Council at a social function or sporting event organised by outside persons or bodies. Officers attending such functions or events as part of an official Council delegation (e.g. official

## BOSTON BOROUGH COUNCIL

### CONSTITUTION

APRIL 2018

---

opening of sports/art facilities) are exempt from the above registration requirement, providing their attendance has been approved by the relevant Director or Heads of Service.

- 3.7 Each employee is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding risk of damage to public confidence in local government. The receipt and detail of gifts and hospitality should always be reported to People Services so that a record can be kept in the Gifts and Hospitality Register. Offers must be recorded, even if they are declined. The Register will be open to the public for inspection. This data is held for 3 years.
- 3.8 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operated by the Council and told why hospitality cannot be accepted.
- 3.9 You should not accept significant personal gifts from contractors, outside suppliers or members of the public, although the Council will allow employees to keep insignificant items of token value such as pens, calendars and diaries. These insignificant items do not require recording in the Gifts and Hospitality Register.
- 3.10 When receiving authorised hospitality staff should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 3.11 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the employee is satisfied that any purchasing decisions will not be compromised. Where visits to inspect equipment, supplies or services are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 3.12 In addition the following may assist employees as it is not just sufficient to make declarations where gifts etc are received. There should be serious thought given to whether anything more than a token gesture should be accepted e.g. pens, diaries, boxes of chocolates. Where accepting anything else is not appropriate but it would cause offence to not accept, the item could be accepted and given to the Mayor's charity.
  - (i) Any gifts relating to a regulatory function should be declined as this could be viewed as seeking to influence the outcome of a regulatory decision. This would include Planning, Licensing and Private Sector Housing.
  - (ii) If the gift is received after the conclusion of a matter and is under £5, there is no reason why the recipient can't retain the gift. If it exceeds

that value, and to decline would cause offence, the gift should be donated to the Mayor's Charity. We do need to consider what is appropriate and anything over the value of approximately £25 should be politely declined.

- (iii) Any prizes won by employees in the course of their work i.e. through competitions at events or through mail shots etc should be carefully considered and advice should be sought if in doubt. Anything other than insignificant items, such as pens or diaries, should be recorded whether accepted or not.

3.13 You must be aware that it is a serious criminal offence for you to receive or give in a corrupt manner any gift, loan, fee, reward or advantage from or to another person to do or not to do anything or to favour or disfavour. If an allegation is made, you should be able to prove that any such rewards have not been corruptly obtained. If you are at all unsure about any offer of a gift you should clarify this with the Monitoring Officer.

#### 3.14 Personal debts

You have a duty to make any payments due by you to the Council in good time. Checks may be made by the Council, where legally entitled to do so, to ensure that you are not wrongly receiving benefits or are in arrears with payments such as Council Tax or other payments. If you are experiencing difficulties making payments please contact the relevant service/ section or the People Services Manager for advice on who to contact.

### **4. Contracts**

4.1 If your role involves the engagement or supervision of contractors and you have currently or previously had a relationship with an existing or potential contractor in a private or domestic capacity, you should declare that relationships to your Head of Service.

4.2 If you are privy to confidential information on tenders or costs on contracts or tender exercises you should not disclose this information to any party without express consent.

4.3 You must ensure there is no special favour shown to current or former relatives or associates in awarding contracts to businesses where they have a connection or employing them. You should not take part in any decision making relating to such contracts following a declaration to your Head of Service.

### **5 Sponsorship**

5.1 Where the Council sponsors an event or service, you or any close family or friend should not benefit from that sponsorship and you should declare any

potential conflict and/or benefit at the earliest opportunity to your Head of Service/Director/Chief Executive.

## **6 Use of Council property, facilities and equipment**

- 6.1 You should use Council property, facilities and equipment for Council purposes. Limited personal use of telephones etc is allowed in exceptional circumstances. Access to the internet is available to PC users during official breaks. You should not use council vehicles or other resources for personal use. If you need to use facilities in urgent cases you should inform your line manager and ensure time taken is recorded and given back.
- 6.2 When using the Council's communication systems you should have regard to the Council's ICT policies, procedures and protocols and have particular regard to data protection. This includes all written forms of communication including emails. Please see the IT Policy for further details.
- 6.3 For various reasons the Council monitors all email traffic, internet and computer . In addition use of mobile phones may also log your location. Your activity may be flagged for review if it appears excessive in terms of time spent accessing content not related to work and/or you are accessing inappropriate material and/or we may review these records where legitimate concerns are being investigated. Please see the Employee Monitoring & Surveillance Policy for further information.

## **7 Use of mobile phones**

- 7.1 The use of mobile phones and devices are strictly prohibited whilst driving council vehicles, using machinery or carrying out other tasks where health & safety may be at risk by a lack of concentration. If you are driving your own vehicle on council business these rules also apply.
- 7.2 The use of personal mobile phones in the workplace should be kept to an absolute minimum. Calls and alerts, whether taken or not are disruptive to others and do not present a professional image. Phones should only be used on breaks or in urgent situations and mobile phones should not be kept visibly when working in customer facing roles. This includes the use of personal devices to undertake non work related activity such as use of social media or internet browsing.

Managers may implement local arrangements regarding the use of personal devices within services to ensure the particular needs of their service are met.

## **8 Miscellaneous**

- 8.1 Customers

You should remember that the Council is a public body and you have a responsibility to the community you serve. You should provide courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Council.

## 8.2 Equalities

You should at all times recognise the diverse needs of individuals and groups within the community and you should ensure that the Council policies relating to equality and fairness are complied with in addition to the law. You should recognise that all members of the local community, customers, employees and elected members have a right to be treated with dignity, fairness and respect.

## 8.3 Relationships with other employees

You should treat all colleagues, including elected members, with courtesy and respect and be mindful of different backgrounds, beliefs.

See the Bullying and Harassment Policy for more information.

You must declare any personal relationship with another employee or elected member of the Council where this may cause, or be perceived to cause, a conflict of interest. The declaration should be made in writing to People Services and will be retained on your personal file. This information will be shared with relevant members of management. The information will be retained unless a declaration is received if the relationship changes or ends. In this case information will be retained for 12 months from that point.

The organisation recognises that employees/elected members who work together may form personal friendships and in some cases close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the organisation to ensure that all employees behave in an appropriate and professional manner at work. The following principles have therefore been devised, and apply to all employees regardless of their job or level of seniority.

- Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence his/her conduct while at work. Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This rule applies during all working time, whether at the normal workplace, on clients' premises or elsewhere. Any breach of this rule will be regarded as a serious disciplinary offence leading to disciplinary action up to and including dismissal.

- Any employee who embarks on a close personal relationship with a colleague working in the same department/section must declare the relationship to his/her manager. If the relationship is between a manager/supervisor and an employee whom he/she supervises, the relationship should be declared to a senior manager. The information declared will be recorded on the personal files of both employees and treated in strict confidence.
- In order to avoid a situation in which an employee has managerial authority over another with whom he/she is having a close personal relationship, the organisation reserves the right to elect to transfer one or both of the employees involved in the relationship to a job in another department/section. In these circumstances, the organisation will consult both of the employees and seek to reach a satisfactory agreement regarding the transfer of one or both of them.
- In such a situation, if it is not possible to transfer at least one of the employees (for example if no suitable vacancies exist, or if an employee refuses to transfer), the organisation reserves the right to dismiss one or both employees (with notice in accordance with the employee's contract, or pay in lieu of notice). Dismissal would, however, be undertaken only as a last resort in circumstances where no other course of action was reasonably open to the organisation.
- Similar principles apply to an employee who begins a close personal relationship with a client, customer, contractor or supplier. If the employee's job allows him/her authority over the client, customer, contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), the relationship must be declared to the employee's manager. In these circumstances, the organisation reserves the right to transfer, or as a last resort to dismiss, the employee following consultation with him/her.

#### 8.4 Appointments and other employment decisions

Where you are involved in appointments you should ensure that these are made on merit. You should not be involved in any appointment, whether on the panel or as a referee where you are related to the application or have a close personal relationship with them.

You should not be involved in decisions relating to discipline or other sanction or in decisions relating to pay where you are related to or have a close personal relationship with the employee who is subject to that decision.

You shall not directly or indirectly seek the support of any Councillor or any appointment with the Council for yourself and others.

You will be disqualified from that appointment if you lobby Councillors indirectly or directly for appointment to a new post within the Council and any such action may constitute a disciplinary offence.

**8.5 Standards of dress and appearance**

You must ensure that your standard of dress, the type and style of clothes and personal ornamentation worn are appropriate to the nature of the duties and responsibilities you undertake. This will be particularly important in a customer facing role. All employees are required to comply with rules for wearing personal protective equipment (PPE) for health & safety reasons.

**8.6 Alcohol & drugs**

You are expected to attend work without being under the influence of alcohol or drugs (whether illegal or prescription).

Where you are involved with illegal drugs or excessive consumption of alcohol outside of work, this Council will consider the impact this may have on your employment, including any impact on the Council's reputation and/or public confidence. There may also be a direct impact on your work where a driving or other licence may be suspended or revoked as a result of any such behaviour.

See the Alcohol & Drugs Policy for more information.

**8.7 Conflicts of interests**

You should not conflict your public duty to your private interests and should not put yourself in a position where they conflict.

If you are involved in the determination of regulatory matters (e.g. Planning, Licensing, Council Tax and Housing Benefit) you must take no part, either directly or indirectly, in considering any application made by yourself, a relative, friend, close associate, neighbour or where you have any interest in any such matter whether business or personal.

Where matters may usually be delegated to officers to decide if it involves a member of staff this will automatically be sent to the Committee for determination.

You should disclose any personal interest that could conflict with the Authority's interests. This may include interests which may impact on your work in e.g. any hobbies or other interests that may impact on your work e.g. something that mainly occurs during the night if you are due to work the next day or something which may cause absence from work such as particularly

dangerous sports Membership of a secret society must be disclosed in confidence to your Head of Service or Monitoring Officer.

8.8 Secondary Employment / Volunteer roles / Business ownership/association etc.

If you are a member of the Corporate Management Team you shall devote your whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without express consent from the Chief Executive. We recognise that due to the nature of modern working patterns and arrangements it may be common for senior staff to hold office or employment elsewhere. Consent will only be given where there is not deemed to be a detrimental impact on the Council's interests or reputation or where your work performance will not be affected.

Other members are staff may undertake secondary employment/voluntary roles or have personal business interests however any such employment or volunteering etc. should not conflict with the Council's interests, nor bring it into disrepute and it must be undertaken outside your normal working hours. You should not undertake any private work in Council premises or using Council property or equipment. You should consider any conflict with your work at the Council e.g. working hours particularly where there are regulatory restrictions such as for drivers.

You should notify People Services of any such employment, voluntary work or business interests. This notification does not remove the right of the Council to take action against you where the secondary employment, voluntary work or business association is deemed to be detrimental to the interests or reputation of the Council or where it may affect your work performance for the Council. Your primary employment with the Council must take priority where any conflict may arise.

Voluntary work may include regular activities such as a volunteer leader such as Scouts or a sports club or treasurer for a sports club. Business interests may include owning residential or commercial property where the properties are rented or may be a role in a family or other business including a directorship or other active or formal role.

Any such declarations will be retained until a further declaration is made should circumstances change i.e. a second job may end. In these circumstances records will be held for 12 months from that point.

You should also ensure you refer any information to the council obtained in the course of activities elsewhere that have a bearing on the council e.g. suspected benefit fraud.

The correct treatment of any additional earnings or income should be considered in light of your employment with the council. Any incorrect payments, avoidance or evasion of tax may cause damage to the councils reputation should this come to light.

Declarations of secondary employment etc. are recorded on a central register held confidentially within People Services.

## **9 Management of information**

### **9.1 Disclosure of information & confidentiality**

The Council is committed to open government. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. You should not communicate to the public the proceedings of any committee meeting or the contents of any document relating to the Council or information relating to any individual where that information is confidential/and or exempt unless expressly authorised to do so.

You have a duty of confidentiality to your employer and have all signed up to the Confidentiality Agreement upon starting employment. You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.

Intellectual property (the generic term that includes inventions, creative writings, software and drawing) arising in the course of your employment are the property of the Council and you should not use that intellectual property for personal benefit.

### **9.2 Information management and probity of records and other documents**

You should not deliberately falsify any records or other documents for financial advantage or otherwise. Such actions will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions. It is a criminal offence (Section 55 of the Data Protection Act) to provide information to a third party without due reason.

You have a responsibility to:

- to handle the information you collect and use in your day-to-day work correctly and in line with the policy, principles and procedures set out in this Framework
- to make sure that records are complete and legible
- to keep records accurate and up to date
- to keep track of records

- to make sure confidential records are kept secure
- to follow the Council's retention schedules for all records
- to destroy records according to the Council's disposal policy for the destruction of confidential waste
- to comply with Data Protection regulations

### 9.3 The media

You should not communicate with the media on any matters relating to the Council without the prior approval of your Head of Service. You should direct any media enquiries to Communications who handle all the council's proactive and reactive media communications. This ensures consistency and accuracy in delivery of the council's messages.

### 9.4 Social Media

If you use social media either in your work or private life you should have regard to the Council's policy on social media and be aware of offence that may be caused to colleagues and other parties and of bringing the council into disrepute. Any breach of the policy may be considered a disciplinary offence. Use of Social Media within the course of your work should be carefully managed particularly in relation to investigatory roles. Please refer to the Social Media Guidelines for further information.

You should receive training on the use of social media in investigations prior to using such a tool.

## **10 Public concern & whistle blowing**

10.1 The Council does not tolerate any form of malpractice. As an employee of the Council you have an important part to play in reporting any concerns and you will be expected to co-operate with investigations.

10.2 The Council recognises that it may be difficult for you to report legitimate concerns though fear or victimisation or reprisal. In such circumstances you should follow the Council's Whistle Blowing procedure.

## **11 Working with elected Members**

### 11.1 Political neutrality

You work in a political environment and must have regard to this. You must serve the Council as a whole, serving all elected members and not just those of the controlling group. You should give advice which does not compromise your political neutrality.

You should ensure that whilst at work you remain impartial whatever your personal views.

You must follow the lawfully expressed policies of the Council and not allow your personal or political opinions to interfere with your work.

Where you are requested to advise any political group you should notify your Head of Service and ensure there are adequate safeguards to ensure your political neutrality. You should have regard to the Member/Officer Protocol.

#### 11.2 Relationships with members

You should not place yourself in a position where close familiarity with a member prejudices your work. You should have regard to the Member/Officer Protocol and close familiarity should be avoided.

You should declare any relationship with a Councillor where the relationship could cause, or be perceived to cause a conflict of interest. This declaration should be made to People Services.