

# Appendix 12 - Code of Conduct for Officers

## 1 Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all the County Council's employees. Your duty is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.
  
- 1.2 The purpose of the Code is to assist you in carrying out your job by making clear the standards of behaviour the Council requires you to meet. It incorporates the existing laws, regulations and conditions of service you should be most aware of in your work for the Council.

## 2 Scope

- 2.1 The Code applies to all employees of the County Council and is recommended to those schools where the Governing Body performs the function of the employer. The Code also applies to contractors, agency staff, volunteers and those on student/work experience placements working on behalf of the Council.
  
- 2.2 You should read the Code in conjunction with professional standards, departmental requirements and guidance regarding standards of conduct in particular areas of work. Some of these additional sources of guidance are listed in the Appendix at the end of this Code. This list is not exhaustive and you should familiarise yourself with any relevant guidance which may be provided in relation to your particular area of work. You should address any further queries you have to your line manager or another senior manager in your department.

## 3 Accountability

- 3.1 As an employee, you are required to serve the whole of the Council and serve all Elected Members equally. You are accountable and owe a duty to the Council and you are expected, where it is a part of your duties, to provide appropriate advice to Elected Members and fellow employees with impartiality. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

3.2 If you fail to comply with the Code's provisions, this may result in action under the Council's Disciplinary Procedure.

#### **4 Maintenance of Standards**

4.1 You should inform your line manager if you identify any deficiency in service resulting from breaches of this Code. If you have concerns about raising the deficiency with your line manager, and wish to maintain confidentiality, you can use the Council's Confidential Reporting Code. In this case, you should inform your line manager or your Executive Director or the Director of Legal & Democratic Services.

4.2 The Council's Customer Service Charter aims to assist you in delivering the Council's vision. You should be aware of what it requires of employees and it can be found on Dnet under Working for the Council – Customer Care.

#### **5 Disclosure of Information**

5.1 The Council is committed to open government and to rights of public scrutiny and participation. Legislation, including the Freedom of Information Act 2000 and the Data Protection Act 1998, requires that certain types of information must be made available to the public and other recognised third parties and to employees and Elected Members. Advice and guidance on the requirements of the Freedom of Information and Data Protection Acts is available from the Director of Legal & Democratic Services.

5.2 You have a responsibility to safeguard the security and confidentiality of personal information you hold and you should ensure that only the appropriate amount of information required is provided to those who have a clearly established and legitimate need to use it. Advice and guidance on your existing statutory or common law obligations regarding confidentiality is also available from the Director of Legal & Democratic Services.

5.3 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.

#### **6 Political Neutrality**

6.1 Certain posts are designated politically restricted by the Local Government and Housing Act 1989. Your contract of employment will tell you whether you hold one of these posts and, if you do, you will be

required by law to observe certain restrictions regarding your out of work activities. For example, you may not:

- Stand for election to local authorities (except Town or Parish Councils), the House of Commons or the European Parliament.
- Hold office in a political party.
- Canvass at elections, or
- Speak or write publicly on matters on party political lines.

6.2 Whether or not politically restricted, you must follow the policies of Derbyshire County Council and must not allow your own personal or political opinions to interfere with your work.

6.3 As a part of your work, you may be required to advise political groups. You must do so in ways which do not compromise your political neutrality.

## **7 Relationships**

### **7.1 Elected Members**

7.1.1 Mutual respect between employees and Elected Members is essential to good local government and working relationships should be kept on a professional basis. Close personal familiarity between yourself and individual Elected Members can damage the relationship and prove embarrassing to other employees and Elected Members and should therefore be avoided.

### **7.2 The Local Community and Service Users and Other Employees**

7.2.1 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all service users, groups and individuals within that community, as set out in the Customer Service Charter and in line with the Council's vision of improving life for local people. These responsibilities apply equally to your conduct with fellow employees, contractors, agency staff, volunteers and those on student/work experience placements working on behalf of the Council.

### **7.3 Contractors**

7.3.1 If you 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, you should declare that relationship to your Executive Director.

7.3.2 Orders and contracts must be awarded on merit, in accordance with Financial Regulations and Standing Orders in Relation to Contracts, 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.

7.3.3 As a private citizen, you should be aware of possible conflicts of interest when you buy goods or use the services of firms who have dealings with the Council and you should follow departmental procedures relating to the disclosure of any such transactions.

## **8 Equalities**

8.1 You must comply with the Council's Equalities and Diversity Policy and legal requirements relating to equality issues. One of the Council's objectives is to promote equality of opportunity and prevent unlawful discrimination in all of its activities.

## **9 Appointment and other Employment Matters**

9.1 If you are involved in the appointment of employees, you should be aware that it is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant or have a close association with the applicant.

9.2 You should not be involved in decisions relating to discipline, promotion or pay and conditions adjustments for another employee who is a relative or with whom you have a close association.

## **10 Taking Other Employment**

10.1 You should not undertake additional employment (paid or unpaid) – or allow your name to be put forward for consideration for such work - if your proposed additional work either will or has the potential to:

- Create a conflict of interest.
- Overlap with official duties.
- Make use of material to which you have access by virtue of your position.
- Weaken public confidence in the Council.

Where you consider your proposed secondary employment may conflict with these requirements, you should inform your line manager

who will advise you on whether you need to seek the agreement of your Executive Director to your proposed additional employment.

## **11 Personal Interests**

11.1 Personal interests must not conflict with your public duty. An official position or information acquired in the course of your employment must not be used to further personal interests or for the interests of others.

11.2 You must declare to your Executive Director any:

- Financial interest which could conflict with the Council's interests.
- Non-financial interest which could conflict with the Council's interests.
- Interest in an existing or proposed contract with the Council.
- Membership of any organisation which could conflict with the Council's interests.

11.3 You should make any such declaration in writing to your Executive Director. Any such declaration by an Executive Director should be made in writing to the Managing Director.

## **12 Stewardship**

12.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Council for personal use unless authorised in advance to do so. You should strive to ensure value for money to the local community and to avoid legal challenge to the County Council.

12.2 Personal Use of Internet and Email – any personal use must be in accordance with the Council's current Internet and Email Policy and Guidance and the related Frequently Asked Questions accessible on Dnet.

1.2 Personal Telephone Calls – Personal incoming and outgoing calls should occur infrequently and be kept as short as possible. You should use personal mobile phones or call boxes for any outgoing personal telephone calls. You may use charge cards to pay for personal telephone calls on Council telephones with the prior agreement of your line manager. You should refer to departmental guidelines on the personal use of Council mobile phones.

12.4 Intellectual Property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, designs and software. Where developed in the course of your duties, such intellectual property is the property of the Council. You should not make use of the Council's intellectual property to conduct private work.

12.5 Any copies of material taken for use within the Council must only be as allowed under the Copyright Act and under the appropriate licensing agreement.

### **13 Corruption**

13.1 You must be aware that it is a serious criminal offence for you to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity.

### **14 Hospitality and Gifts**

14.1 You should only accept hospitality if there is a genuine need to impart information or to represent the Council. You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the Council.

14.2 You should report the offer of hospitality, whether accepted or not, to your line manager.

14.3 Gifts should only be accepted if they are of nominal value (under £50) and reported to your line manager.

14.4 If gifts of more than nominal value (£50 and over) are offered or you suspect that an improper motive exists, you should always decline the offer and report it to your Executive Director or in the case of an Executive Director to the Managing Director. This includes any preferential rates offered for goods and services. Officers should report the offer to your Executive Director or in the case of an Executive Director to the Managing Director.

### **15 Sponsorship**

15.1 Where an outside organisation is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the Code's provisions concerning acceptance of hospitality or gifts and working with contractors apply. No sponsorship deal should be made

without the prior agreement of your Executive Director or in the case of an Executive Director of the Managing Director.

- 15.2 Where the Council wishes to sponsor an event or service, you must declare in writing to your Executive Director or in the case of an Executive Director to the Managing Director, any possible conflict of interest or any benefit you or a member of your family or anybody with whom you have a close association. Similarly, where the Council is providing sponsorship or grant aid in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

## **16 Contact with the Media**

- 16.1 Any enquiries from the media on work-related matters should be referred to the Communications Team. You should seek authorisation from your line manager, who should consult the Communications Team, before you speak, write or give interviews to the media.
- 16.2 If you wish to publish books, articles or letters you have written in connection with your duties, you must first consult your Executive Director or in the case of an Executive Director the Managing Director. Only with the consent of your Executive Director (or in the case of an Executive Director the Managing Director) may items be published.

## Appendix

A number of additional sources of guidance are listed here. However, this list is not exhaustive and you should ensure that you familiarise yourself with any relevant guidance which may be provided in respect of your particular area of work. Any queries in this respect should be addressed to your line manager or Departmental Personnel Section.

- Personnel Policies and Procedures of the Council.
- Terms and Conditions of Employment
- Whistleblowing Policy
- Guidance on the Disciplinary Procedure
- Internet and Email Use Policy and Guidance
- Equal Opportunities Policy
- General Financial Handbook, containing Standing Orders in Relation to Contracts, Financial Regulations, Financial Procedures, guidance on computers and technology, and extracts from the Local Government Act 1972, the Local Government Finance Act 1988 and the Accounts and Audit Regulations 1983.
- Council's Policy Statement - 'Anti-Fraud/Corruption Strategy'.
- Data Protection Act 1998
- Freedom of Information Act 2000
- Computer Misuse Act 1990
- Energy and Utility Procedural Guide
- Policy Statements on AIDS and other Infectious Diseases
- Administrative Document Officers' Travelling and Subsistence Expenses
- Customer Service Charter
- Minimum Practice Standards Established by Service Regulators (e.g. Commission for Social Care Improvement)
- Codes of Practice Established by Professional Bodies (e.g. General Social Care Council)