

SECTION 12 - OFFICERS CODE OF CONDUCT

1. CODE OF CONDUCT

- 1.1 This Code of Conduct for all Welwyn Hatfield Council (the Council) employees is introduced with effect from 1 May 2002 and replaces the previous Codes of Conduct for Employees. It may be amended from time to time to take into account changing requirements and also to include matters which the Council is required to include by law.
- 1.2 The Code is based on the minimum standards set out in the LGMB Code of Conduct, supplemented by local arrangements. The Code forms part of the Employment Contract and will be referred to in contracts of employment.
- 1.3 It is very important for all employees to read and understand this Code. It is possible in some circumstances that if employees fall below the Code's requirements disciplinary action and possibly dismissal may result. The Code has been developed to ensure that honesty, integrity and high standards of personal behaviour are maintained at all times and applies equally to all Council employees. This Code builds on what is already in place and is likely to be supplemented by a statutory code of conduct. This Code is intended to assist all employees to behave in an appropriate manner at all times. Employees and the Council will seek to observe not only the letter of this code but also its spirit. The key factors are:
- You should be aware of the possible implications of your actions and those of others in official matters.
 - Seek advice from your Line Manager if you have difficulty understanding the Code or complying with it.
 - Realise that if you fail to observe the rules and guidance contained in this Code you may be liable to disciplinary action which could lead to your dismissal.
- 1.4 As an employee your duties under your contract of employment with the Council include:
- (a) A duty of service - to work in accordance with your contract, for example, not to be late or absent without permission.
 - (b) A duty to comply - to act in accordance with reasonable instructions which include disciplinary rules.
 - (c) A duty of care - to be competent, capable and not be negligent at work.
 - (d) A duty of good faith - to be honest and not accept fees, commissions or gifts, or to divulge confidential information about the Council.

2. STANDARDS

- 2.1 Welwyn Hatfield employees are expected to give the highest possible standard of service to the public and to maintain conduct of the highest standards such that public confidence in their integrity is sustained.
- 2.2 Welwyn Hatfield employees are expected to give appropriate advice to Councillors, fellow employees and the public with impartiality.

23 Welwyn Hatfield employees are expected to bring to the attention of the appropriate Manager any deficiency in the provision of service and will be able to do so without fear of recrimination.

24 Employees must also report any impropriety or breach of procedure, using the Anti-Fraud and Corruption Policy or the Whistleblowing Policy where appropriate.

3. DISCLOSURE OF INFORMATION

31 The law requires certain types of information to be available to Councillors, Auditors, Government Departments, Service Users and the public.

32 Welwyn Hatfield Council believes in open government and will provide as much information as it reasonably and legally is able to do. However under no circumstances should the following information be disclosed without the prior agreement of your Manager:

- Confidential Cabinet or Committee reports (green papers)
- Information relating to employees other than where the employee has given specific permission or there is a requirement to do so within the Data Matching Framework
- Personal Information relating to service users.
- Information which could be prejudicial to the Council
- Any other papers given in confidence

33 It is expected that Council reports and documents will not be discussed outside the Council. This paragraph refers to information held both in paper and electronic formats.

34 You must not supply information concerning an employee's personal details to any person outside the Council's employ or within the Council unless that person has a legitimate right to know and/or you have the employee's consent to do so.

35 When you leave the Council's employ you must maintain a proper level of trust and confidence.

36 If there is any doubt about the type of information not in the public domain to be disclosed there is a duty on employees to check with their Line Manager before making any disclosure. The Monitoring Officer will be the final judge of what may or may not be disclosed.

37 Employees must not use any information about the Council 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. Any information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without prior approval of that Councillor except where such disclosure is required or sanctioned by law.

4. POLITICAL NEUTRALITY

4.1 Employees serve the Council as a whole. This means that they must serve all

Councillors, not just those of the controlling Group, and must ensure that the individual rights of all Councillors are respected.

- 42 Employees may be required to advise political Groups. They must do so in ways which do not compromise their political neutrality.
- 43 Employees, whether or not subject to political restriction must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 44 Employees should not discuss any personal issues e.g. their relationship with managers, relating to their job or any other employee's job with Councillors directly. They should go through the accepted Council procedures, through their Line Manager or the Human Resources Manager. In the same way, allegations or claims about other employees should be taken up under the appropriate procedure and not with a Councillor.
- 45 Employees should not use Councillors to bypass formal Council procedures in any way, for example to influence the outcome of any disciplinary matter. This does not affect the rights of Trades Unions to take up matters on behalf of their members through the recognised channels.
- 46 If you have any concerns about working relationships with Councillors you should raise them with your Line Manager, the Human Resources Manager or the Monitoring Officer

5. RELATIONSHIPS

- 51 Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage relationships and prove embarrassing to other employees and Councillors and must therefore be avoided.
- 52 Applicants for posts in the Council are required to disclose any relationship with Councillors or Senior Officers. Should any relationship develop post employment the employee has a duty to notify his/her Line Manager in confidence.
- 53 Employees must comply with the protocol the Council has established which deals with employee/Councillor relationships.
- 54 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 Council. Employees must not discriminate against any sector of the community either in providing access to services, through delivery of that service or in denying service outside the Council's agreed policy. The Council will support employees who are abused or assaulted by members of the public in the course of their duties. If a member of the public is being abusive or completely unreasonable and the employee's attempts to defuse the situation have not been successful, the employee should try to end the conversation in a polite manner and report the incident to the Line Manager. The employee should make every effort not to be rude or abusive in return. This should also be

reported through the Incident reporting mechanism.

55 All relationships with external contractors or potential contractors, of a business or personal nature must be made known to the appropriate Line Manager and Chief Finance Officer. Orders and contracts must be awarded on the basis of value for money and in accordance with Contract Standing Orders.

56 In considering whether it is appropriate to declare relationships employees must err on the side of caution, seeking advice from their Line Manager or the Monitoring Officer as to whether a formal declaration is appropriate. It is vital that the integrity of all employees is maintained in all external contracts.

6. EMPLOYMENT

61 All appointments to the service of the Council must be made on merit. It would be unlawful for an employee 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, employees should avoid, wherever possible, involvement in any appointment where they are related to the applicant or have a personal relationship outside work with him or her. If this is not possible, the relationship must be declared to other panel members at the start of the process.

62 Employees placed in this situation should err on the side of caution and seek advice from their Line Manager or Human Resources Manager. Any relationship must be declared to the Human Resources Manager who will keep a confidential record.

63 Similarly employees should not normally be involved in decisions relating to discipline, promotion or pay for any other employee who is a relative, partner etc. If this is unavoidable any decision relating to a relative must be agreed by the relevant Corporate Director prior to implementation. If in doubt seek advice from your manager.

64 The Officer Employment Procedure Rules must be complied with at all times.

7. OUTSIDE COMMITMENTS

7.1. The Council accepts that an employee's off duty hours are his/her personal concern but that the employee must not subordinate his duty to his private interests and place him/herself in a position where duty and private interests conflict. The Council will not preclude employees undertaking additional employment but any such employment must not actually or potentially, in the Council's view, conflict or react detrimentally to the Council's interests or in any way weaken public confidence in the Council's business, i.e. whether public confidence could reasonably be said could be weakened.

7.2 Employees above spinal column point 30 must not take up additional employment without the express consent of their Director, who will register their decision with Human Resources. Employees should remember that a new job or regrading may take them above spinal column point 30, and the provisions of this paragraph will then apply. For employees below spinal

column point 30, although express permission is not required, the provisions of this code regarding conflict of interest and public perception still apply.

- 7.3 If you wish to undertake additional employment you should approach your Line Manager who will forward your request with his/her recommendation to your Director. Permission will not be unreasonably withheld, but the final decision will be with the Director, subject to the right of appeal set out in paragraph 7.4 below.
- 7.4 Consideration will be given to all the circumstances and in particular to possible conflict of interest, to public perception or overlap with official duties, or to the use of information or documentation not otherwise in the public domain which an employee has access to by virtue of his/her position. It is irrelevant whether or not the work is paid. Examples of external work which are likely, unless there is direct conflict of interest or conflict with the Working Time Regulations to be agreed are evening work in bars or shops, work for charitable organisations. If an employee feels that his/her request has been unreasonably refused, there is a right of appeal to the Chief Executive. Any employee, who before the date of implementation of this Code, has been working in his/her own time is asked to regularise the situation with their Line Manager as soon as possible. No action will be taken against any employee who has been working without approval prior to the introduction of this Code.
- 7.5 Employees must also declare to their Line Manager and The Monitoring Officer any non-financial interest that they or their Line Manager or the Monitoring Officer would reasonably consider might bring about conflict with the Council's interests.
- 7.6 Employees must also declare to their Line Manager and the Monitoring Officer any financial interest which could conflict with the Council's interests.
- 7.7 Absolutely no external work unrelated to Council business or for personal gain must be undertaken in the office and use of any office facilities, telephones, computers etc. is expressly forbidden.

8. EQUALITY

- 8.1 All employees should ensure that the Council's equalities policies are complied with both in letter and spirit in addition to the requirements of the law.

9. SEPARATION OF ROLES DURING TENDERING

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of the client and contractor roles, and the need for accountability and openness. Any employee who believes that his/her position is being or could be compromised through the tender process must raise the matter immediately with the Monitoring Officer.
- 9.2 Employees who are privy to confidential information on tenders or costs of either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.3 Employees contemplating a management buy out should, as soon as they

have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding process.

- 94 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or business associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. CORRUPTION

- 10.1 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, showing favour or disfavour to any person in their official capacity. If an allegation of such a nature is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

- 10.2 Providing the public with the highest quality of service possible requires integrity and honesty at all times.

- 10.3 To prevent any suspicion of dishonesty and to protect employees from suspicion, a Gifts and Hospitality Register will be kept by the Governance Services Manager. Any offer of a gift or hospitality should be dealt with in compliance with sections 12 and 13 of this code. It is the employee's responsibility to ensure that any offers are communicated to the Manager for entering into the register.

- 10.4 Employees aware of breaches to these provisions, or that have suspicions of breaches, must report these in line with the councils anti-fraud and corruption policies.

11. USE OF FINANCIAL RESOURCES

- 11.1 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 Council.

12. HOSPITALITY

Gifts

- 12.1 There can be little doubt that the acceptance of gifts by employees from persons who have or may seek to have dealings with the Council would be viewed by the public with grave suspicion and would make the employee concerned and the Council extremely vulnerable to criticism. An employee should therefore tactfully refuse any personal gift which is offered to him/her (or to a member of his/her family) by anyone who has, or may have, dealings of any kind whatsoever with the Council.

- 12.2 The only exceptions to this rule are:

- (a) Small gifts of only token value often given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, tape measures and similar articles of use in the office; or

- (b) Small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory or other premises.
- 123 If there is any doubt about whether a gift may be accepted it should be politely and tactfully refused. An offer of preferential terms for a firm's products or services for example could constitute a gift (unless negotiated by Trades Unions).
- 124 Employees are reminded that, under the provisions of section 117 of the Local Government Act 1972, they are forbidden under the colour of their office and employment to accept any fee or reward other than their proper remuneration and any person who contravenes this provision would be liable on summary conviction to a fine not exceeding £2,500.
- 125 If an employee received a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to their Director or the Chief Executive and/or who will decide whether it should be returned or could be forwarded to some charitable or other deserving cause. In such cases, the Director concerned should inform the donor what has happened to the gift, explain to him/her why and ask if he/she will kindly not send gifts in future.
- 126 In all cases, other than gifts of only token value, a Departmental record should be kept of all gifts received.

Giving and Receiving Hospitality

- 127 Any hospitality given by employees should be justified as in the public interest. The hospitality given should be on a scale appropriate to the occasion; extravagance and parsimoniousness alike are to be avoided.
- 128 Employees must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with a decision from the Council, particularly where the offer is to an individual.
- 129 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonable incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.
- 1210 Whatever hospitality is offered to an employee, other than hospitality of nominal value only, the circumstance and the type of hospitality should be recorded in a Departmental record.
- 1211 The following are examples of hospitality which are acceptable and with the exception of example (a) need to be declared:-
- (a) An offer of a non-alcoholic drink during or following a site or premises inspection.
- (b) Invitations to attend functions where the employee represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows, etc.) or to functions which they attend by virtue

of their professional position.

- (c) Hospitality offered by other non-commercial public bodies.
- (d) A working lunch of modest standard provided to enable the parties to continue to discuss business.

1212 Anything that is outside the list set out at 12.13 above should be discussed with the appropriate Director. In the case of Directors being offered gifts or hospitality outside the defined areas, the proposition should be discussed beforehand with the Chief Executive and/or the Monitoring Officer.

13. REGISTER OF GIFTS AND HOSPITALITY

131 The Register of Gifts and Hospitality is held by the Governance Services Manager. Employees must inform their Line Manager in writing of any hospitality/gift offered and must include the following details on a form available from the Governance Services Manager.

- Name of employee
- Name of provider of hospitality/gift
- Circumstances of offer
- Approximate value
- Was hospitality/gift accepted or rejected
- Name of Officer authorising acceptance

14. CONTACT WITH THE PRESS

141 Any contact by the Press should be referred to the Policy and Communications Team. Employees must not speak to the Press in their official capacity unless authorised to do so.

142 Publications

1421 If you wish to write to a newspaper or other journal or publish or authorise the publication of any book or article where you could be identified as a Council employee you must obtain permission from your Director. If you wish to write a letter to the local press in your capacity as a local resident you should make this clear, and not use any information in support of your views which you could only have accessed through your work for the Council.

1422 When acting in a personal capacity or as a spokesperson for a private group you must consider any possible conflict of interest between genuine personal interests and your employment with the Council and must not publicise any information or documentation gained in the course of employment which is not otherwise in the public domain. For example if you are spokesperson for a group which is objecting to an action being taken by the Council you should be aware of possible conflicts of interest and public perception of your position.

Lectures

1423 If you are asked to give lectures outside your normal job requirements in your own or the Council's time on matters directly concerning your job with the Council you must obtain your Director's approval in advance and ensure that any fees for acting in an official capacity are paid into the Council's funds.

143 Public Office

If you wish to seek public office either elected (e.g. Councillor) or non-elected (e.g. JP) you must apply to your Director for consent. Such consent will not unreasonably be withheld. Before pursuing your application you should:-

- (a) ensure that you are not prevented from being involved because your post is politically restricted under the Local Government and Housing Act 1989
- (b) be aware of the possible conflicts of loyalty between being a Councillor in one Council and an employee of another
- (c) keep the two roles separate and not use confidential information obtained in one position to gain advantage in the other
- (d) give careful consideration to your involvement in local politics or community matters which may affect the Council, so as to prevent any conflict between public office and employment.

15. TRADE UNIONS

15.1 Trade Unions elected officers and representatives have a legitimate interest in influencing management and protecting the interests of their Members. Elected officers may therefore make contact with the press to state their position and make comment without the need for any such statement to be agreed by the Council's Press Office.

16. USE OF COUNCIL FACILITIES

16.1 Employees should not use Council facilities for their own benefit. However it is accepted that there may be occasions when phone calls of a personal nature are made and received. Employees are required to ensure that this is kept to a minimum. If following investigation, it is considered inappropriate and/or excessive use has occurred, employees will be expected to reimburse the council. Employees are also required to ensure that personal telephone calls received are not intrusive and kept to a reasonable level and that there is a genuine need for such calls during office hours. For example telephone calls to your solicitor relating to a house move may be acceptable; calls relating to social events are not. Managers are required to exercise reasonable judgement in the circumstances. This includes calls made from mobile phone and calls to mobile phones.

17. IT FACILITIES

17.1 The Council will not condone the unauthorised use and copying of software. Any employee found copying software other than for legitimate back up purposes will be subject to the Council's Disciplinary procedure. Any employee giving software to any outside third party will be similarly subject to Disciplinary Procedure.

17.2 Any employee found to have deliberately, recklessly or negligently introduced a virus into the Council's IT systems will be subject to the Disciplinary Procedure.

17.3 Any Officer wishing to use software licensed by the Council at home must check with the IT Client Officer to ensure the Council's licence arrangements

permits this.

18. INTELLECTUAL PROPERTY

18.1 This covers invention, creative writing and drawings. If these are created during the course of employment or in connection with the employment they are the property of the Council. For example you do not own any IT system you have developed for use in the workplace even if some of that development has been done in your own time.

19. INVENTION OR PATENTS

19.1 These are the property of the Council if:

- * they have been made during the course of the employee's duties
- * they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- * it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

19.2 Any employee who believes they have a claim to intellectual property or rights under the Patents Act 1977 must, as soon as they believe they have this right, lodge their claim by writing to the Monitoring Officer who will investigate the claim. An employee may have rights under this Act if he/she owns the patent in an invention or makes a patentable invention outside work duties, or in the course of work duties but where an invention might not reasonably be expected to result and there is no special obligation to benefit the employer.

20. CORRUPTION

20.1 The procedure by which the Council selects developers, consultants and suppliers is set out in Contract Procedure Rules. The Local Government Act 1972 provides that if an employee knows that a contract in which he or she has a pecuniary interest is before the Council he/she must give notice of the interest to the Council. This must be done in writing to the Monitoring Officer.

20.2 Section 117(2) of the Local Government Act 1972 forbids an employee "under colour of his office or employment" to accept "any fee or reward" whatsoever other than proper remuneration.

21. CONDUCT

21.1 At all times an employee must bear in mind the need to uphold the reputation of the Council and not do anything which would bring the Council into disrepute or raise, in the eyes of the public, any potential for disrepute. This requirement also applies to activities outside work where the employee's employment with the Council could be an issue.

22. USE OF COUNCIL PROPERTY

221 Unauthorised use of certain Council property may constitute theft. The Council allows a measure of latitude for the use of minor stationery items such as pens and pencils.

23. BEHAVIOUR

231 All employees are expected to treat colleagues and customers with respect. The Council's policies on equalities, harassment, victimisation and discrimination apply in this area.

232 Everyone has the right to be treated with courtesy and respect at all times and it is the employees responsibility to ensure that they always treat others in this way.

233 Additionally, everyone is entitled to be treated fairly and not be discriminated against and the Council expects employees to reflect this when carrying out their duties.