

CEREDIGION COUNTY COUNCIL

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

The Council

Employees working for the Council serve the whole Authority, are accountable to, and owe a duty to the Council. They must act in accordance with the principles set out in 'The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001' recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

1. Introduction

1.1. The public is entitled to expect the highest standards of conduct from all employees of the Council.

2. Status of The Code

2.1. The Code of Conduct sets out the minimum standards that employees should observe and will form part of their Contract of Employment. Its aim is to lay down guidelines for employees that will help maintain and improve standards, and also protect them from misunderstanding or from criticism. Any breaches of this Code may lead to disciplinary action being taken.

3. Principles of Public Life

3.1 The Nolan Report on Standards in Public Life defined good conduct for employees of public bodies as that of acting:

- Fairly
- In good faith
- In an impartial way; and
- So as to meet the specified objectives of the body to which he/she has been appointed.

3.2 The following principles underpin this Code of Conduct

3.2.1 Selflessness

Holders of public office should take decisions solely in terms of the public's interest. They should not do so in order to gain any benefits whether financial or otherwise for themselves, their family or their friends.

3.2.2 Integrity

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

3.2.3 Objectivity

In carrying out public business including public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices purely on merit.

3.2.4 Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

3.2.5 Openness

Holders of public office should be as open as possible about all decisions and actions they take. They should give the reasons for their decisions and restrict information only when the wider public interest clearly so demands.

3.2.6 Honesty

Holders of public office have a duty to declare any personal interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

3.2.7 Leadership

Holders of public office should promote and support these principles by leadership and example.

4. Service Standards

4.1 Employees must give the highest possible standard of service to the public and, where it is part of their duties, provide appropriate advice to Members and fellow employees with impartiality.

4.2 Employees must always remember their responsibility to the community they serve and ensure courteous, efficient and impartial delivery of services to all groups and people within that community according to Council Policies.

4.3 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so. In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical, particularly when it involves children and vulnerable adults, or otherwise inconsistent with this Code, the employee should report the matter immediately to their line manager or Chief Officer acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and the Council's Whistleblowing Policy.

5. Political Neutrality

5.1 Employees serve the Authority as a whole. They are accountable to, and owe a duty to the Authority. It follows that 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.

- 5.2 Subject to rules laid down from time to time employees may be required to provide information or clarification to political groups. They must do so in ways consistent with the employee's political neutrality.
- 5.3 Whether or not employees are politically restricted by the law, they must follow the lawfully expressed policies of the Council and must not allow their own personal or political opinions to interfere with their work.
- 5.4 Where employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

6. Personal Interests

- 6.1 Employees must declare in writing to their Chief Officer any financial or non-financial interests that they consider could bring about conflict with the Authority's interests.
- 6.2 If an employee has an interest in an item under consideration he/she should not take any part in any discussions on that matter.
- 6.3 Employees shall declare in writing, to their Chief Officer any membership of secret societies. This includes any lodge, chapter, society, trust or regular gathering or meeting (other than professional association), which:
- 6.3.1 Is not open to members of the public who are not members of that lodge, chapter, society, trust; and
 - 6.3.2 Includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
 - 6.3.3 Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

Contractors

- 6.4 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Chief Officer in writing. Orders and contracts must be awarded in accordance with the Council's Financial Regulations and Contract Standing Orders (or Contract Procedure Rules), on merit, by fair and open competition against other tenders and no special favour should be shown to businesses run by, for example, friends, partners, close relatives or associates in the tendering process. No part of the local community should be discriminated against.
- 6.5 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 their Chief Officer in writing.

Council Services and Regulatory Functions

- 6.6 The same principles apply to employees who may have conflicts of interest in relation to services the Council provides or where the Council has a regulatory function. Employees must, as soon as possible, make known in writing to their Chief Officer, all relationships of a business or private nature which they have with businesses, organisations or individuals for whom the Council provides services or acts in a regulatory capacity, where a conflict of interest might be thought to occur. In considering whether a conflict of interest might be thought to occur, it must be remembered that the public see the Council as one organisation, not as a set of separate sections and departments. The aim of declaring a potential conflict of interest is so that the Council and the employee can be seen to be above any possibility of suspicion of undue influence.
- 6.7 Employees shall not recommend that particular businesses are used by individuals or other businesses, where this could be misconstrued as a recommendation of the Council or a recommendation by the employee in their official capacity.
- 6.8 In any of the above cases, the Chief Officer will decide whether the employee who has a conflict of interest should cease to be involved with the particular piece of work giving rise to the conflict, or whether the conflict should be avoided in some other way.
- 6.9 Any disclosure in relation to 6.1 to 6.8 must also be declared to the Council's Monitoring Officer by completing the Council's Declaration and Registration of Hospitality and Interests form which is available on Ceredigion's intranet site under "Policies and Procedures".

7. Appointment and Other Employment Matters

- 7.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees must not be involved in any appointment or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have close personal relationship outside work.
- 7.2 Employees shall not canvass any Member or Officer of the Council in respect of candidates seeking employment with the Council.

8. Equality Issues

- 8.1 All local government employees must comply with policies relating to equality issues, as agreed by the Authority, 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. Ceredigion County Council has adopted the principle, in the transaction of public business and the administration of justice in Wales, that it will treat the Welsh and English languages on the basis of equality. Information on the Council's Welsh Language Scheme is available on Ceredigion's intranet site under "Policies and Procedures".

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 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.
- 9.2 Employees in contractor or client units must exercise fairness, transparency, impartiality as well as acting ethically when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 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.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate Chief Officer and withdraw from the contract awarding processes.
- 9.5 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.

10. Corruption

- 10.1 Employees in their official capacity must be aware that it is a serious criminal offence under the Prevention of Corruption Acts for them to receive or give any gifts, loans, fees, rewards or any other advantage for doing or not doing anything or showing favour or disfavour to any person or organisation.
- 10.2 If anyone makes an approach to an employee which seems (or might seem to a third party) to be aimed at obtaining some form of preferential treatment or in any suspicious circumstances in connection with a service provided by the Council, a regulatory function of the Council or a contract, then for their own protection the employees must report the matter directly to their Chief Officer.

11. Use of Financial Resources

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner so that the Council obtains value for money and avoids legal challenge to the Authority.

12. Hospitality

- 12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. It should be properly authorised and recorded.

- 12.2 When hospitality has to be declined, the person offering hospitality should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 12.3 Employees should not accept significant personal gifts from contractors, outside suppliers, other organisations or individuals although the Authority will allow employees to keep insignificant gifts of token value such as pens, diaries, etc. up to the value of £10. If in doubt you must check with your line manager.
- 12.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing and public perception in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 12.5 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, where the line manager gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 12.6 Acceptable examples:
- An offer of a drink following a site inspection; invitations to attend functions where the Officer represents his/her Council, or to functions attended by virtue of a professional position; some hospitality offered by other non-commercial bodies; and a working lunch of a modest standard provided to enable the parties to continue to discuss business.
- 12.7 Further details on how to register hospitality declarations can be found on the Council's intranet site under "Council Policies" under the heading "Declaration and Registration of Hospitality and Interests".

13. Sponsorship – Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor, or is seeking to sponsor, a local government activity, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or sub-contractors.
- 13.2 Where the Authority wishes to sponsor an event or service, neither an employee nor any partner, spouse, close relative or associate must benefit from such sponsorship in a direct way, without there being full disclosure in writing to an appropriate Chief Officer 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.

14. Confidentiality

- 14.1 Openness in the dissemination of information and decision-making should be the norm in the Council. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.
- 14.2 Employees who are not aware of which information is open and which is not, must seek clarification from their line manager who will seek advice from the Monitoring Officer where appropriate.
- 14.3 Employees should not use any information obtained in the course of their employment for personal gain, benefit or furthering their private interests and those of their close relatives or associates nor for causing disadvantage to any person or organisation, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Member which is personal to that Member and does not belong to the Authority, should not be divulged by the employee without the prior approval of that Member, except where such disclosure is required or sanctioned by law.
- 14.4 All press releases must be placed through the Council's Corporate Communication Officer or in his/her absence through the relevant Chief Officer.
- 14.5 While staff are encouraged to be open to the press, the press should only be given information which would normally be available publicly. If the employee is in any doubt as to whether or not the information can be disclosed to the press, prior approval from the Chief Officer must be sought in the first instance or alternatively obtain advice from the Council's Corporate Communications Officer or Monitoring Officer.

15. Other employment/Private Work/Other Activities

- 15.1 Unless your contract specifies otherwise you may carry out other employment provided that you inform your line manager. Any other employment must not affect the work that you do for Ceredigion County Council or affect your ability to do your job. It must not damage the Council's reputation or have a negative effect on its duties or interests.
- 15.2 You cannot carry out other employment in the Council's offices and you must not use any of the Council's facilities, for example, phones, computers, printers, faxes, photocopiers etc.
- 15.3 You must not carry out other employment during your paid working time, which includes when you are off sick.
- 15.4 You can provide a service to voluntary or other organisations during your own time. However, it is important that the service that you provide does not affect your job or the Council's reputation. You must tell your line manager if you provide a service to an organisation where there may be a conflict of interest relating to your employment.

- 15.5 You must not use your position as a Council employee to favour any voluntary or other organisations.
- 15.6 You should not do any private work for Ceredigion County Council tenants or to Council property unless you have written permission from your Chief Officer.
- 15.7 You must give the Council any money you receive for work you do such as lectures, broadcasts or magazine articles that are part of your job. However, you can keep money for any work which the Council does not pay you for and which you do in your own time, or when you are on holiday or flexi-leave.
- 15.8 Where employees undertake private work which overlaps or conflicts in any way with the duties and responsibilities of their post, or causes a conflict of interest or makes use of material to which the employee has access by virtue of his/her position they shall declare that interest to their Chief Officer and take no further part in the process for, or on behalf of, the Council. In considering whether a conflict of interest might be seen to occur, it must be remembered that the public see the Council as one organisation, not a set of separate sections and departments. The aim of declaring a potential conflict of interest is so that the Council and the employee can be seen to be above any possibility of suspicion of undue influence.

16. Patent Rights

- 16.1 Any matter or thing capable of being patented under the Patents Acts which is made, developed or discovered by the employee, either alone or in concert, while in the performance of his/her normal duties or duties specifically assigned to the employee, will forthwith be disclosed to their Chief Officer or Chief Executive and, subject to the provisions of the Patents Acts, shall belong to and be the absolute property of Ceredigion County Council.
- 16.2 An employee must, notwithstanding the termination of his or her contract of employment, sign and execute all such documents and do all such acts as the Council may reasonably require:
- a) To apply for and obtain in the sole name of Ceredigion County Council, unless it otherwise directs, any patent, registered design or other protection of any nature whatsoever in respect of the invention in any country throughout the world and, when so obtained or vested, to renew and maintain the same.
 - b) To resist any objection or opposition to obtaining, and any petitions or applications for revocation of, any such patent, registered design or other protection.
 - c) To bring any proceedings for infringements of any such patent, registered design or other protection.
- 16.3 Ceredigion County Council hereby undertakes to indemnify the employee in respect of all costs, claims and damages, howsoever and wheresoever incurred in connection with the discharge by the employee of any and all such requirements as explained in (a) to (c) above.

16.4 In respect of any invention that belongs to Ceredigion County Council by virtue of the Patents Acts, it shall be for the Council in the first instance to decide whether to apply for patent or other protection in law.

17. Copyright

17.1 All records, documents and other papers, including copies and summaries thereof, which pertain to the finance and administration of the Council and which are made or acquired by the employee in the course of his/her employment shall be the property of the Council. The copyright in all such original records, documents and papers shall at all times belong to the Council.

17.2 The copyright in any work or design compiled, edited or otherwise brought into existence by the employee as a scholarly work produced in furtherance of his or her professional career shall belong to the employee. For this purpose, 'scholarly work' includes items such as books, contributions to books, articles and conference papers.

17.3 The copyright in any material produced by the employee for his/her personal use and reference shall belong to the employee. However, the copyright in documents produced by the employee in the course of his/her employment for the purposes of the Council and produced, used or disseminated by the Council shall belong to the Council.

18. Investigations by Monitoring Officer

18.1 Where the Council's Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 employees must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

19. Behaviour Outside Work

19.1 As a general rule, an employee's private life is his/her own concern. However, some forms of behaviour occurring away from work, such as violence or dishonesty can have a significant impact on the Council and the service it provides. Employees must therefore ensure that their behaviour in and away from work will not bring the name of the Authority into disrepute or attract damaging publicity for the Council.