

Meeting of:	Cabinet
Date of Meeting:	Thursday, 22 February 2024
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Employee Code of Conduct Protocol Review 2024
Purpose of Report:	To seek Cabinet Approval for the revised Employee Code of Conduct Protocol
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Head of Human Resources and Organisation Development
Elected Member and Officer Consultation:	Director of Corporate Resources
Policy Framework:	This is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Council's Employee Code of Conduct Protocol was last presented to Cabinet for approval in January 2016. • Following an internal audit report the Protocol has been reviewed and revised and a revised Protocol is presented to Cabinet for approval. • Amendments to the Protocol have, in the main included the removal of previous hyperlinks and web referrals to ensure that any reference to policies, procedures and processes include the latest hyperlinks and up-to-date policies, procedures and processes. • In addition, amendments have been made to role titles, which may have changed since 2016 and updates to wording, for example the inclusion of 1.10 and enhancing clause 2.2. • Following approval (and supported by the Council's Communications team) work will commence to cascade the revised Protocol and invite staff to refresh themselves of their responsibilities under the Code of Conduct. 	

Recommendations

1. That Cabinet considers and approves the revised Code of Conduct Protocol as described in this report and Appendix A.
2. That, subject to recommendation one, Cabinet approves the proposals described in this report for the Head of Human Resources and Organisation Development to ensure the revised Code is communicated to all staff.

Reasons for Recommendations

1. To ensure the Council's Code of Conduct Protocol remains current and references all relevant legislation, policies, procedure and process updates.
2. To provide the most up-to-date and relevant Protocol which can be cascaded to all relevant staff (with the exception of teaching staff who have a separate policy). To ensure staff remain aware of their obligations in line with the Council's constitution and the Code of Conduct Protocol.

1. Background

- 1.1 The Code of Conduct outlines certain conditions of service which apply to all staff of the Council, and is designed to provide clear guidance to assist staff in their day to day work.
- 1.2 The Code of Conduct identifies a number of protocols that staff need to adhere to such as Standards and Attitudes, Confidentiality and Disclosure of information, Personal interests, Whistleblowing and Financial Procedure Rules, amongst other matters
- 1.3 The public is entitled to expect the highest standards of conduct from all staff who work for the Vale of Glamorgan Council, therefore, following an internal audit report the Protocol has been reviewed and revised and the revised Protocol is presented to Cabinet for approval.
- 1.4 This report describes the amendments made to the Code of Conduct and seeks Cabinet approval for the same.

2. Key Issues for Consideration

- 2.1 Amendments to the Code of Conduct Protocol have been made following the internal audit report. These have included in the main the removal of previous hyperlinks and web referrals to ensure that any reference to policies, procedures and processes include the latest hyperlinks and up-to-date policies, procedures and processes.
- 2.2 In addition, amendments have been made to role titles, which may have changed since 2016 (Managing Director to Chief Executive) and tweaks to wording, for

example the inclusion of 1.10 and enhancing clause 2.2 as referred to in paragraphs 2.3 and 2.4 below).

- 2.3** Clause 1.10 has been added to ensure staff are aware that the Code of Conduct Protocol is in addition to (and does not supersede) any requirements to adhere to separate professional codes of codes, for example the Code of Professional Practice for Social Care.
- 2.4** Clause 2.2 has been enhanced to reference professional standards at work, specifically in relation to the Council not tolerating aggressive behaviour whilst at work, either verbally (in person or via digital means, for example e-mail) or physically.
- 2.5** Appendix A sets out the revised Code of Conduct Protocol and it is recommended that Cabinet consider and approve this.
- 2.6** Subject to Cabinet's approval (and supported by the Council's communications team) work will commence to cascade the revised Protocol and invite staff to refresh themselves of their responsibilities under the Code of Conduct. This addresses the findings recommendations included in the recent internal audit to refresh staff understanding.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change. This Protocol provides the framework for staff to properly conduct their duties in line with good governance and upholding professional standards and ethics.
- 3.2** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of 'Working Together for a Brighter Future'. This plan is reflective of the Welsh Government's Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision: • Objective 1 - To work with and for our communities. • Objective 2 - To support learning, employment and sustainable economic growth. • Objective 3 - To support people at home and in their community. • Objective 4 - To respect, enhance and enjoy our environment.
- 3.3** To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals for Wales. The 2015 Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two, these being: • A prosperous Wales • A resilient Wales • A healthier Wales • A more equal Wales • A Wales of cohesive communities • A Wales of vibrant culture and Welsh Language • A globally responsible Wales.
- 3.4** The public is entitled to expect the highest standards of conduct from all employees who work for the Vale of Glamorgan Council. The Council has

adopted the statutory Code of Conduct which outlines the existing rules and conditions of service which apply to staff (with the exception of school staff who have separate Protocol) and is designed to provide clear guidance on how to conduct work in a professional manner.

- 3.5 The Protocol promotes an internal culture of honesty, integrity, accountability and respect for others, which supports our staff being able to deliver for our communities and in turn each of our wellbeing objectives.
- 3.6 Improving the behaviour and interactions our people have with service users and communities will encourage public participation and engagement in local decision-making, which helps to shape and improve local services and communities.
- 3.7 When people operate within the guidance of the Code of Conduct this should ensure that our resources are used efficiently and effectively, including reducing the environmental impacts of our work.

4. Climate Change and Nature Implications

- 4.1 There are no climate change or nature implications associated with this report. That said, the report will be cascaded and communicated in the most effective and efficient way, minimising any printing and utilising communication methods which reduce our carbon footprint.
- 4.2 Any associated forms which staff members will be required to complete, as stated within the Protocol will be provided digitally to again submit via e-mail or automation where possible, again reducing the Council's carbon footprint.

5. Resources and Legal Considerations

Financial

- 5.1 The report and revised Code of Conduct Protocol seeks to ensure all staff members are aware of their responsibilities and obligations as employees of the Council, including the acceptance of hospitality and gifts which could bring the Council into disrepute.

Employment

- 5.2 The Code of Conduct Protocol seeks to ensure all staff members, with the exception of those in schools are aware of their responsibilities and obligations in relation to the Council's Code of Conduct and Constitution. That they understand the processes to be followed in circumstances such as the declaration of personal relationships and any implications should the Protocol and Code of Conduct not be followed.

Legal (Including Equalities)

- 5.3** Public Service organisations have a responsibility to embed effective standards for countering fraud, corruption, and bribery into the organisations. This supports good governance and provides a framework for staff to follow in the professional and proper conduct of their duties.
- 5.4** The Code of Conduct (as set out within the Council's Constitution) and this Protocol applies to all Vale of Glamorgan Council employees with the exception of teachers, for whom alternative arrangements will apply. The issues covered in the Protocol will affect some more than others in the proper course of their duties
- 5.5** The Protocol sets out the standards which are expected of staff and provides a framework which will help to promote best practice. Reference should also be made to Data Protection Principles and the Council's Whistleblowing/Speak Out Policy.
- 5.6** All employees of the Council are required to observe and uphold the standards of the Code and all policies, protocols and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action, including dismissal. Breaches of the Code can also amount to breaches of law including potentially criminal matters.

6. Background Papers

None.



CODE OF CONDUCT PROTOCOL

**Human Resources Division
Directorate of Resources**

Reviewed February 2023

Code of Conduct Protocol

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1. Introduction

- 1.1. The public is entitled to expect the highest standards of conduct from all employees who work for the Vale of Glamorgan Council. The Council has adopted the statutory Code of Conduct which outlines the existing rules and conditions of service which apply to you as a Council employee and is designed to provide clear guidance to assist you in your day to day work.
- 1.2. The Code of Conduct (as set out within the Council's Constitution) and this Protocol applies to all Vale of Glamorgan Council employees with the exception of teachers, for whom alternative arrangements will apply. The issues covered in this document will affect some more than others.
- 1.3. The following link will connect you to the Council's Constitution [Council Constitution \(valeofglamorgan.gov.uk\)](http://valeofglamorgan.gov.uk) on the Vale of Glamorgan website. The **Code of Conduct for Qualifying Employees of the Council** can be found within Section 21 of the Council's Constitution.
- 1.4. You will see that the Code sets out the standards which are expected of you and provides a framework which will help to promote best practice. Reference should also be made to Data Protection Principles and the Council's Whistleblowing/Speak Out Policy.
- 1.5. All employees of the Council are required to observe and uphold the standards of the Code and all policies, protocols and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action, including dismissal. Breaches of the Code can also amount to breaches of law including potentially criminal matters.
- 1.6. It is important to adhere to the Code at all times. This Protocol provides additional details on the requirements and expectations of the Code, supplementary information and the procedures to assist you to remain compliant with the Code and this Council's expectations of you as an employee of the Council. As you would expect, the Protocol cannot consider every possible situation that you may encounter, but it is hoped that it will provide you with an idea of what is acceptable or unacceptable behaviour and will assist you in recognising a potential issue and/or inappropriate conduct.
- 1.7. It is also hoped that this Protocol will assist you in handling such a situation or where to go to for further advice if it does occur and provide you with the procedure to enable you to apply /register your application/notifications as required under the Statutory Code of Conduct and appeal arrangements.
- 1.8. You should be aware that any breach of the requirements of the Statutory Code of Conduct or the Code of Conduct Protocol may lead to disciplinary action and could lead to dismissal.
- 1.9. You should therefore read the Council's Code of Conduct and this Protocol carefully, and if you are unclear/uncertain about any aspect of their content, you should contact your immediate manager or supervisor to obtain a definitive response which should

be confirmed in writing to you. If you are still unclear/uncertain you can seek further guidance from your Head of Service, Supervisor, HR Officer or Internal Audit.

- 1.10 In addition to the Code of Conduct you should adhere to all professional codes of conduct that may also be associated and/or a requirement of your role. This code of conduct is designed to sit alongside such professional codes of conduct and not replace them. Examples of professional codes of conduct would include the Code of Professional Practice for Social Care.

2. Standards and Attitude

- 2.1. All employees of the Council are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.
- 2.2. Your attitude in dealing with people (whether they are colleagues or citizens) reflects on the Council so it is important that you are helpful, polite and courteous. The Council will not tolerate aggressive which includes swearing, violent or intimidatory behaviour between colleagues and communication (whether digital or in person) at work should always be respectful and professional.
- 2.3. All employees are expected to comply with all of the Council's policies, protocols and procedures.
- 2.4. All employees are expected to report immediately, in the first instance, to their manager or supervisor any illegality, impropriety, breach of procedure or policy of the Council. In addition, the Council has a Whistleblowing/Speak Out, which gives guidance on what to do when you have a concern, whom to report the concern to and provides an overview of how your concern will be treated (see Section 16. of this Protocol).
- 2.5. In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct which may give rise to suspicion.

3. Confidentiality and Disclosure of Information

- 3.1. The law requires that certain types of information must be available to Councillors, auditors, government services, service users and the public. Different rules apply in different situations. If you are in any doubt as to whether you can release any particular information, always check with your manager or supervisor first.
- 3.2. The confidentiality of information received in the course of your duties should be respected and must never be used for personal or political gain. Also, of course, you should not knowingly pass information on to others who might use it in such a way.
- 3.3. You should not communicate confidential information or provide documents to others who do not have a legitimate right to know. Information must only be disclosed in accordance with the requirements of the Data Protection Act 1998, which covers computerised and manual information held on individuals. Further information in relation to the [Data Protection Act](#) can be obtained from StaffNet or from your Head of Service/Operational Manager or by contacting the Data Protection Officer (DPO). However in the first instance you should seek guidance from your supervisor/manager. All staff need to bear in mind that an e-mail is as legally binding as a letter and informal messages sent internally can be used in evidence in court proceedings.

- 3.4. Information given in the course of your duties should be accurate and fair and never designed to mislead.
- 3.5. Any particular information received by an employee from a Councillor which is personal to that Councillor should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required by law.
- 3.6. The Council has a number of policies which provide guidance on disclosing or maintaining information such as the Employees Information Security Responsibilities which can be found on StaffNet.
- 3.7. You may also find the Council's Contract Procedure Rules and Financial Procedure Rules in the [Council's Constitution](#) within Section 17 and 18 – Financial Procedure Rules.
- 3.8. There are also policies and guidance documents in relation to [Data Protection](#) and [Freedom of Information](#); these can be found on StaffNet.
- 3.9. Some guidance is applicable across the Council and others will be specific to the type of work which you carry out. If you are unsure about a particular issue you should speak to your supervisor/manager or your Chief Officer. In some instances you may need to seek advice from the Head of Finance, the Head of Legal & Democratic Services and Democratic Services or the Head of Audit.

4. Political Neutrality

- 4.1 Employees serve the authority as a whole. It follows that you must serve all councillors equally and ensure that the individual rights of all Councillors are respected.
- 4.2 From time to time, some employees may also be requested to provide advice to a meeting of a political group or its executive. You must do so in ways which do not compromise your political neutrality and inform the Chief Executive in advance.
- 4.3 Some employees will be in a post which is politically restricted or sensitive, for example:
 - The Chief Executive; Monitoring officer; Chief Finance Officer (Section 151 Officer); Head of Democratic Services;
 - Chief Officers;
 - Posts which involve giving advice to the Council, Committee, Cabinet or member of Cabinet and/or speaking on behalf of the Council to the media on a regular basis.
- 4.4 If you are in a politically restricted post then there will be further statutory restrictions on your political activities. Such restrictions include not being able to have an active political role either in or outside the work place. You will also need to comply with those additional restrictions. For those Officers in scope of the statutory restrictions the details will be included within your letter/contract of employment. Information

can also be obtained from your HR Officer or from the Council's Monitoring Officer who is the Head of Legal & Democratic Services & Democratic Services.

- 4.5 Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work.

5. Relationships

5.1 Councillors

Mutual respect between employees and Councillors is essential for good local government. Some employees need to work closely with Councillors. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided. Working relationships should be kept on a professional basis and any specific requests received from Councillors for information, advice and support should be referred to your Chief Officer.

The **Protocol on Officer/Member Relations** sets out the general principles that will govern relationship between Councillors and Officers.

This can be found within the Code of Conduct paragraph 20.4 and also in the Council Constitution under Section 22 – Protocol on Officer/Member Relations.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the authority.

5.3 Contractors and Suppliers

- (a) All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared on the Code of Conduct application form **App 1 Business or personal relationship with external contractor or supplier**. Your Chief Officer will provide a copy of the completed form to the Head of Legal & Democratic Services & Democratic Services. The Council will retain details of every application on the Council's dedicated information system.
- (b) Orders and contracts must be awarded in accordance with the Council's Contract Procedure Rules and no special favour should be shown to anyone, particularly businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against. A failure to do so will be a breach of the Code of Conduct as well as potentially a number of Council policies and law. For example, equalities law, financial regulations and procurement law. Such behaviour could not only potentially lead to disciplinary action but could in some instances be considered as illegal and possibly even as criminal activities.

6. Appointment and Other Employment Matters

- 6.1 It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. If you are involved in making appointments you should do everything possible to ensure that these are

made on the basis of merit and in accordance with the Council's Recruitment and Equalities policies and procedures which are available on StaffNet.

- 6.2 In order to avoid any possible accusation of bias, you must not become involved in any appointment if you are related to an applicant, or have a close personal relationship with them.
- 6.3 Similarly, you should not be involved in decisions relating to discipline, grievance, promotion or pay adjustments in respect of any other employee who is a relative or with whom you have a close personal relationship; nor should you attempt to influence such decisions.
- 6.4 Chief Officers (including all Operational Managers) must disclose to the Head of Legal & Democratic Services on the Code of Conduct application form **App 2 Relationship with candidate for appointment with Council** and verbally advise the Head of Human Resources of any relationship known to exist between them and any person they know who is a candidate for an appointment with the Council.
- 6.5 If you apply for promotion or are seeking another job in the Council, you must not approach any Councillor for a reference. Issues relating to your conditions of service, working arrangements or grading should be raised with your manager or supervisor and not with Councillors.

7. Planning Administration

- 7.1 The Planning Officer in addition to full compliance with all other aspects of the Code of Conduct and this Protocol must make an oral declaration at Planning Committee of any private, personal, political or financial interests with regard to applicants and/or objectors, in addition to any other interest as set out in this guidance.

8. Outside Commitments

- 8.1 Your off-duty hours are your own concern, but you should make sure that you do not allow yourself to get into a position where your private interests come into conflict with your contractual obligations or are or could reasonably be perceived to be detrimental to the interests or reputation of the Council.
- 8.2 Employees subject to Single Status/Green Book conditions and paid from Spinal Point 29 and above (or equivalent in respect of employees employed on other Terms and Conditions), are required to devote their whole-time service to the work of the Council and obtain written consent before taking any outside employment. The Council will not unreasonably stop Officers from undertaking additional employment, but this employment must not, in the Council's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business. If you fall into this category and you want to seek the Council's agreement you should complete the Code of Conduct application form **App 3 Approval for outside interests or employment** and return the form to your Chief Officer for approval. Even if you are not subject to this specific provision you should ensure that none of your outside activities are detrimental to the Council's interests.

- 8.3 You must not undertake private or personal work of any description during your working hours or in the office/Council premises unless you have been given specific written permission by your manager or supervisor.
- 8.4 Private use of Council facilities and equipment, such as stationery and fax machines, is not allowed. Occasional personal use of the telephone is permitted within reason, provided that calls are properly logged and any charges paid back to the Council. Also, you should not arrange to receive correspondence, telephone calls, e-mails, text, social media and fax messages whilst at work/in the office related to outside work or private interests.
- 8.5 Any projects or other work which you carry out as an employee of the Council are owned by the Council.

9. Personal Interests

- 9.1 You must declare any financial or non-financial interests which could bring about conflict with the Council's interests. For example, acting as a school governor within schools located within the Vale of Glamorgan, involvement with an organisation receiving grant aid from the Council, membership of a National Health Service Board, involvement with an organisation or pressure group which may seek to influence Council's policies, involvement with an organisation which is seeking permission from the Council in order to carry out its activities, writing a book or article for payment on subjects relating to your work for the Council. In these circumstances, you will need to complete and return to your employing Chief Officer the Code of Conduct application form **App 4 Declaration of Personal Interests**. If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed.
- 9.2 You must not make or become involved with any official or professional decisions about matters in which you have a personal interest.
- 9.3 Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Council in which you have a pecuniary interest. Such declarations should be made by you by completing the Code of Conduct application form **App 5 Financial Interest in Council Contract** and sending the form to your employing Chief Officer and to ensure that your declaration has been accepted and approved in writing by the Council. It is a criminal offence to fail to comply with this provision which is set out in greater detail in Appendix A (a) of this Protocol.
- 9.4 In addition if you have a personal relationship(s) or are related to any Councillors and/or other Officers of the Council you will need to complete and return to your employing Chief Officer the Code of Conduct application form **App 9 Declaration of Personal Relationships**.
- 9.5 If you are a member of any organisation which is not open to the public (see Appendix A(b) for more details), which requires a commitment of allegiance or which has secrecy about its rules or membership or conduct, for example, the

Freemasons, you should declare these on the Code of Conduct application form **App 6 Membership of Secret Societies or Organisations** and send the completed form to the Head of Legal & Democratic Services . If you are unsure as to the status of such organisations and whether you are required to disclose your membership, please seek advice from your Supervisor/Line Manager or HR Officer and request written guidance as to how to proceed or otherwise.

10. Investigations by the Monitoring Officer

- 10.1. When the 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.
- 10.2. Investigations carried out by the Monitoring Officer can involve both employees and/or Councillors.

11. Equality

- 11.1 All Members of the local community, customers and other Council employees have a right to be treated fairly and equally. You should become familiar with and observe all Council policies relating to equality issues, e.g. the Council's Equal Opportunities Policy, in addition to the requirements of the law.

12. Tendering Procedures

- 12.1 Employees who engage or supervise contractors or suppliers or have an official relationship with contractors or suppliers and have previously had or currently have a relationship in a private or domestic capacity, should declare that relationship to their employing Chief Officer on the Code of Conduct application form **App 1 Business or personal relationship with external contractor or supplier**. Your Chief Officer will consider your application/notification and process your application through the Council's system including notifying the Head of Legal & Democratic Services. You must obtain written approval of your application/notification from your Chief Officer.
- 12.2 Employees involved in tendering exercises will, in addition to the above, also need to be clear on the separation of client and contractor roles within the Council. Those involved with both client and contractor responsibilities need to be particularly aware of their accountability and the openness of their actions.
- 12.3 If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.
- 12.4 All employees must ensure that no special favour is shown to current, recent or former employees, their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

13. Corruption

- 13.1. Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 (Appendix A(c)) for them to receive or give any gift, loan or reward or advantage in their official capacity “for doing, or not doing, anything”, or “showing favour, or disfavour to any person”. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained.
- 13.2. For your own protection, if anyone makes an approach to you who seems to you, 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 contract, you must report the matter to your Chief Officer and to the Internal Audit Service.
- 13.3. In addition, employees should ensure that they are fully conversant with and have regard to the Council’s Anti-Fraud and Bribery Policy.

14. Possible Inducements

14.1. Introduction

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence. There is a checklist to help you at the end of this Section at 14.6.

14.2. Gifts Generally

- (a) Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Bribery Act 2010. Nevertheless, with the exceptions listed below at 14.5.1 and 14.5.2, you should decline any personal gift offered to you or your partner, or to a member of your family, by any person or organisation having dealings with the Council.
- (b) Any such offer which does not fall within one of the exceptions or even if you think it might fall within one of the exceptions but you are in doubt, then you must apply in writing by completing the appropriate template letter of application and hand/send it to your Chief Officer. You must obtain prior explicit written approval to accept. Your Chief Officer will progress your application in accordance with this Protocol and your application will remain on the Council’s register on the Council’s ICT system.
- (c) If you are at Chief Officer level or above you should apply in writing to the Chief Executive or your Employing Director who must consult their respective Cabinet Member to obtain their support. Full details of the procedure for declaring gifts and hospitality are set out in 14.3 (a) and (b) below.
- (d) When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported

immediately to your Chief Officer/manager/supervisor or the Head of Legal & Democratic Services as appropriate. In such circumstances the Head of Legal & Democratic Services and the employing Chief Officer will consider how best to respond (this may include for example donating the gift to the Mayor's nominated charity as appropriate).

14.3. Procedure for Declaring Gifts and Hospitality

- (a) Unless the gift or hospitality falls into one of the exceptions below at 14.5.1 and 14.5.2, all employees below the level of Chief Officer should apply in writing to the Chief Officer for their area on the Code of Conduct application form **App 7 Declaration of offers of gifts** or **App 8 Declaration of offers of hospitality** and obtain prior explicit written approval to accept gifts or hospitality. Acceptances and any refusals will be administered by the employing Chief Officer and the application and response (whether agreed or declined) in accordance with this Protocol details of which will be kept on the Council's register.
- (b) Requests from Chief Officer level and above should also be in writing and these will be considered in the first instance by the Chief Executive or the Employing Director who must consult their respective Cabinet Member to obtain their support. An application in writing on the Code of Conduct application form **App 7 Declaration of offers of gifts** or **App 8 Declaration of offers of hospitality** should then be made to the Monitoring Officer to obtain written confirmation on how to proceed. The decision will be recorded to include details of the consultation in a register maintained on the Council's on behalf of the Monitoring Officer to include acceptances and refusals.

The requests should be made on the appropriate template letter of application and be sent for determination by the designated officer (s) and include details of the following:

- The precise details of the gift/hospitality.
- The estimated value.
- The date the hospitality/gift was offered and received.
- Details of the party offering the hospitality/gift.
- Details of the recipient of the hospitality/gift.
- The reasons why the recipient considers it appropriate to consider the hospitality/gift.

When considering whether to accept an offer of a gift or hospitality, consideration should be given to the following:

- The perceived value rather than the actual cost involved.
- The frequency of the gift/hospitality.
- The potential embarrassment and/or any conflicts of interest.
- The context of the hospitality (invited as a Council employee and representing the Council, together with employees from other Councils).

- The nature of the relationship between the Council and the provider of gift/hospitality.
- The timing of the gift/hospitality. Are there any decisions due to made or prevailing circumstances to take account of, for example the awarding of a contract?
- The role of the employee within the Council and the connection to the provider of the gift/hospitality and how this might be perceived externally.
- Could the acceptance of the gift be justified to the Council, press or public?
- Do you feel comfortable with the decision you have reached? This

list is given purely as guidance and is not exhaustive.

- (c) In all cases gifts/hospitality refused and accepted should be entered and retained on the Council's register, unless they fall within one of the exceptions below at 14.5.1 and 14.5.2. The Register is maintained by the Council on the Council's dedicated ICT database/system. You will be required to complete the appropriate application form and to hand/send it to the appropriate Chief Officer (or their nominee) who will advise you of their decision in respect of your request and will administer your application in accordance with this Protocol.
- (d) Applications held on the Council's system are subject to an annual inspection by the Council's Internal Audit Service and will be open to public inspection. Any entry which causes concern will be investigated by the Chief Executive or their nominee who will arrange to inspect the Register during the process of Financial Audit. All applications will be recorded including any refusals.

14.4 Gifts to Employees with a Caring Role

- (a) There are sometimes particular problems encountered by employees who have a "caring" role, or provide a direct personal service to vulnerable people.
- (b) It is not unusual for residents of residential care homes, or for people receiving support at home from Council employees, or their relatives to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their Will. Where this has the potential to cause embarrassment if rejected the item is regifted to the care home for residents to enjoy.
- (c) It is most important in such situations that employees and the Council are protected from any suggestion of improper motives or conduct. For the avoidance of doubt, therefore, members of staff and their families are not allowed to accept gifts or legacies from clients.
- (d) If you are made aware that a client is considering making a gift to you or including you in their Will, or has actually done so, then you should immediately report the matter to your Chief Officer and Supervisor/Manager who will take it up with the client.
- (e) Similarly, you should never become involved with making Wills for clients nor act as

an Executor in a client's Will.

- (f) For the purposes of this Section of the Code "client" means any current or former client.

14.5 Exceptions

14.5.1 Gifts

- (a) Gifts of a token value given at Christmas, such as calendars, diaries, pens or other simple items of office equipment for use in Council offices, but only if it bears the company's name or insignia.
- (b) Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.

14.5.2 Hospitality

- (a) Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.
- (b) Hospitality is sometimes offered to representatives of the Council in an official or formal capacity. Normally the only officers who would attend would be Chief Officers and appropriate Team Leaders.
- (c) If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc., who may stand to benefit from the goodwill of the Council.
- (d) Customary hospitality given at seminars and conferences, attendance at which has been previously authorised by your employing Chief Officer or if you are a Chief Officer your employing Director or the Chief Executive are acceptable. However you should be careful even about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality.
- (e) In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself. When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common-sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.
- (f) Offers of hospitality which are more than customary should not be accepted unless you have applied in writing to your Chief Officer on Code of Conduct application form **App 8 Declaration of offers of hospitality** and obtained prior explicit written approval to accept. If you are at Chief Officer level or above you should apply in writing to the Chief Executive or Employing Director who must consult their respective Cabinet Member to obtain their support.
- (g) In all circumstances you will be required to complete the appropriate application form and hand/send it to your Chief Officer for consideration/determination who will administer your application in

accordance with this Protocol. You should check the progress of your application with your Chief Officer and obtain written confirmation of the decision. Details of your application will be processed by your Chief Officer/Manager in accordance with this Protocol and will be retained on the Council's register.

14.6 Checklist

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- (a) Is the donor, or event, significant in the community or area? If so, is the refusal likely to cause offence?
- (b) Are you expected to attend because of your position in the community or area?
- (c) Will the event be attended by others of a similar standing in the community or in other communities?
- (d) What do you think is the motivation behind the invitation?
- (e) Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- (f) Could you justify the decision to the Council, press and public?
- (g) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- (h) Are you likely to be expected to respond to the hospitality, and if so, how?
- (i) Are you comfortable about the decision?

15. Sponsorship - Giving and Receiving

15.1 The Council encourages participation in events that support registered charities, where appropriate. If, an outside organisation wishes or is being asked to sponsor a Council event whether by invitation, tender, negotiations or voluntarily the basic principles concerning the acceptance of hospitality and gifts apply. The sponsorship should be approved by your Chief Officer or if you are at Chief Officer level or above by your Employing Director or the Chief Executive prior to any such arrangement being entered into. In regard to sponsorship, consultation with the Head of Regional Audit should also take place.

15.2 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

15.3 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Chief Officer of any such interest. Similarly, where the Council 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.

16. Whistleblowing/Speak Out

16.1 In the event that you become aware of any activity (ies) which you may consider to be illegal, improper, unethical or otherwise inconsistent with the Code or this Protocol, you should report your concerns through the Councils' confidential Whistleblowing/Speak Out Procedure. Where you do this, you do so in accordance with your rights under the Public Interest Disclosure Act 1998 and the Council's published Whistleblowing Policy. You can access the Council's Whistleblowing/Speak Out Policy and obtain details of the confidential reporting procedures on the StaffNet or by contacting your Chief Officer/manager/supervisor/HR Officer or any of the officers which are listed in Section 20 of this Protocol.

17. Financial Procedure Rules

17.1 All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Council's Financial Procedure Rules. Details can be found on the StaffNet and contained within the Constitution in Section 17 and Section 18 – Financial Procedure Rules.

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

18. How to apply and responsibilities

18.1 In respect of the preceding information, you are required to declare/register your application/notification using the relevant template letter(s) (as set out within Appendix 1 to 9 of this Protocol) as determined by your activities/interests under the provisions of the Code of Conduct / Protocol. Please note that the Code, the Protocol and all template application forms are also available on StaffNet as well as from your Manager/Supervisor.

18.2 Once you have completed the relevant application(s) you must arrange to meet with your employing Chief Officer/Manager/Supervisor to discuss your application/notification and to progress consideration of your application/notification.

18.3 It is the responsibility of both the Chief Officer/Nominated Officer and you (the applicant) to check, confirm progress and to obtain the appropriate written confirmation of the registration and/or approval of your application/notification in

accordance with the above.

19. Appeals and Concerns

19.1 Any concerns/delays or where an application/notification has been challenged /refused should be referred to the employing Director for determination (the Director must consult with the Section 151 Officer/ Monitoring Officer as appropriate). The decision of the employing Director is final and there is no further internal right of appeal.

20. Conclusion

20.1 If you are unsure in respect of any issue you should in the first instance speak to your line manager or Chief Officer for further guidance.

20.2 Other useful contact details:

- Head of Finance (Section 151 Officer)
- Head of Human Resources
- Head of Regional Audit
- You may also write to the Monitoring Officer who is also the Head of Legal & Democratic Services

20.3 A written response will be provided to any such request.

ANY BREACHES OF THE REQUIREMENTS SET OUT WITHIN THE STATUTORY CODE OF CONDUCT OR INCLUDED WITHIN THE PROTOCOL MAY LEAD TO DISCIPLINARY ACTION AND COULD LEAD TO DISMISSAL.

(a) Local Government Act 1972, Section 117

1. If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has an pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein. For the purposes of this Section, an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of Section [95] above had he been a Member of the authority.
2. An Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
3. Any person who contravenes the provisions of paragraphs 1 or 2 above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
4. References in this Section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

(b) Organisations not open to the Public

(See paragraph 20.7.1 of the Code and in particular paragraph 9.5 within the Protocol)

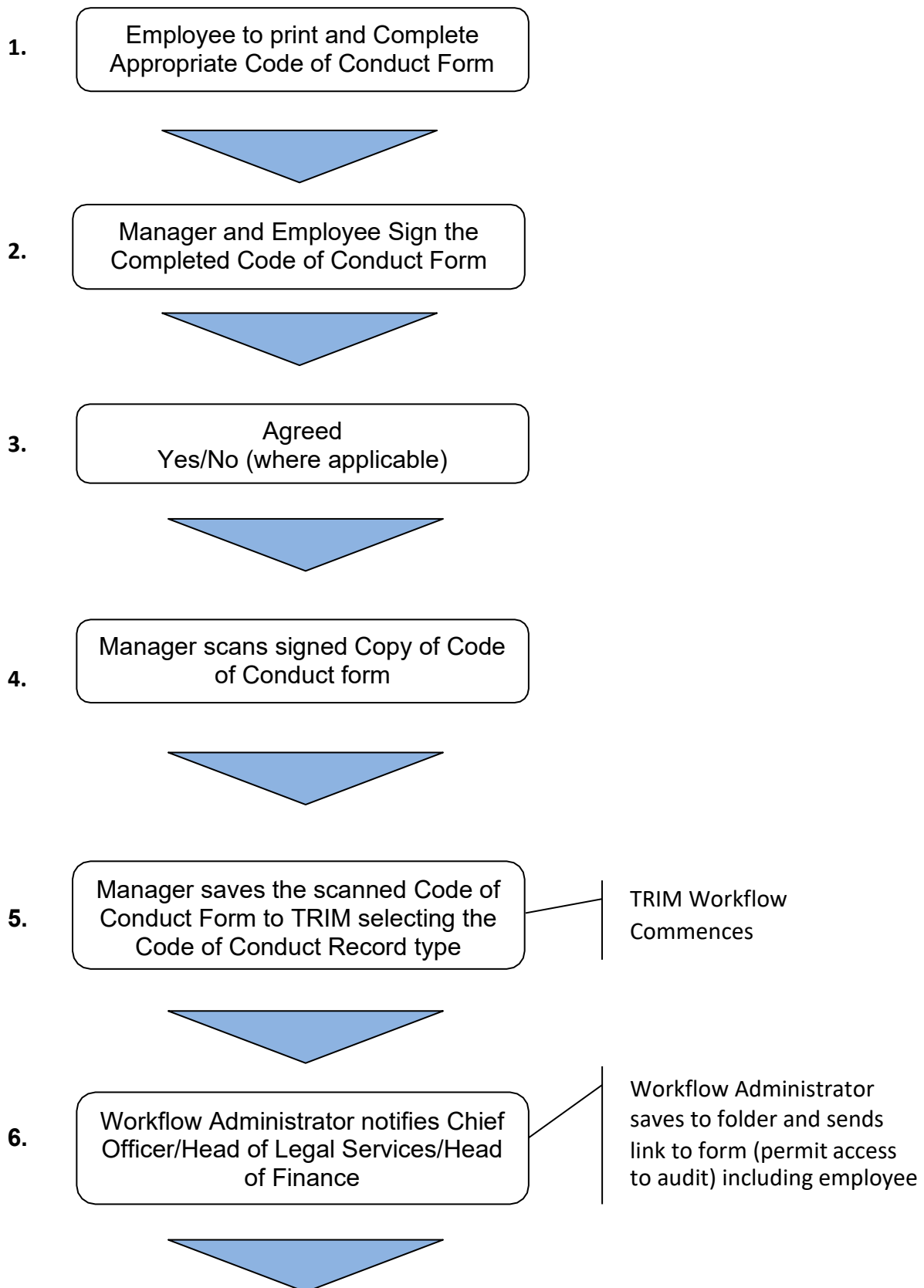
Any lodge, chapter, society, trust or regular gathering or meeting (other than a professional association), which:

- is not open to members of the public who are not Members of that lodge, chapter, society or trust; or
- 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 or gathering or meeting; or
- 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.

(c) Bribery Act 2010

The Bribery Act 2010 creates offences making it unlawful to give or receive financial or other advantages in return for the improper performance of a relevant function or activity. The Act applies to functions and activities of a public nature which an individual is expected to perform in good faith, impartially or in a position of trust.

Code of Conduct Application/Notification Process



7

Manager Review Code of Conduct 3
years after completion

TRIM triggers
notification

Template application/notification letters

<u>Appendix</u>	<u>Subject</u>
1.	Business or personal relationship with external contractor or supplier
2.	Relationship with candidate for appointment with the Council
3.	Approval for outside interests or employment
4.	Declaration of Personal Interests
5.	Financial Interest in Council Contract
6.	Membership of Secret Societies or Organisations
7.	Declaration of offers of gifts
8.	Declaration of offers of hospitality
9.	Declaration of Personal Relationships

CODE OF CONDUCT APPLICATION

Business or personal relationship with external contractor or supplier

Employee's Full Name:

Job Title:

Grade:

Directorate & Section:

As required under paragraphs 20.1 and 20.2 of the Council's Code of Conduct and explained in paragraph 5 and 12 of the Protocol, I give below details of my relationship with an external contractor or supplier

Name & Address of Contractor/Supplier:

.....
.....
.....

Nature of Relationship:

.....

Signed (Employee): Date:

Please send the completed form to your Chief Officer

Acknowledged and any considerations necessary:

..... S

Signed (Chief Officer):

Date:

Copy of the completed form to the Head of Legal & Democratic Services

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Relationship with candidate for appointment with the Council

Employee's Full Name:

Job Title: Grade:.....

Directorate and Section:

As required in paragraph 20.10 of the Council's Code of Conduct and explained in paragraph 6 of the Protocol, I give below details of my relationship with a candidate for appointment to a post with the Council

Name and Address of Candidate:

.....
.....

Post Applied for:

Nature of Relationship:

Signed (Employee):

Date:

Please send the completed form to your Chief Officer

Acknowledged and any considerations necessary:

..... Signed (Chief Officer):

..... Date:.....

Copy of the completed form to the Head of Legal & Democratic Services

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Approval for outside interests or employment

Employee's Full Name:

Job Title:

Grade:

Directorate and Section:

Description of outside interest/Employment/Directorships:

.....

Does it involve any remuneration, fee or reward? (If so, give details):

.....

What are the commitments attached to these interests/employment?

.....

Geographical location of activities:

Details of personal involvement:

.....

Do the activities involve any contact with this or any other Local Authority? (If so, give details):

.....

In accordance with paragraph 20.7 of the Code of Conduct and as explained in paragraph 8 of the Protocol, I wish to seek approval for my involvement in the activity outlined above and have discussed the above detail with my line manager.

Signed (Employee): Date:

Please send the completed form to your Chief Officer

Approved:

Not approved:

Signed (Chief Officer): Date:

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Declaration of Personal Interests

Employee's Full Name:

Job Title: Grade:

Directorate and Section:

As required in paragraph 20.7 of the Council's Code of Conduct and explained in paragraph 9 of the Protocol, I give below details of my personal interests which may conflict with the Council's interests:

Details of Personal Interests:

.....

.....

.....

.....

The interests are: financial: non-financial:

Signed (Employee): Date:

Please send the completed form to your Chief Officer

Acknowledged and any considerations necessary:

..... Signed (Chief Officer):

Date:

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Financial Interest in Council Contract

Employee’s Full Name:

Job Title: Grade:

Directorate and Section:

As required in section 117 of the Local Government Act 1972 and paragraph 20.2 and 20.7 of the Council’s Code of Conduct , and as explained in paragraph 9 of the Protocol, I give below details of my interest in a contract involving the Council:

Details of Financial Interest:

.....

.....

Details of Contract Involved:

.....

.....

Signed (Employee): Date:

Please send the completed form to your Chief Officer

Acknowledged and any considerations necessary:

.....

Signed (Chief Officer): Date:

Copy of the completed form to the Head of Financial Services

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Membership of Secret Societies or Organisations

Employee's Full Name:

Job Title: Grade:

Directorate and Section:

As required in paragraph 20.7 of the Council's Code of Conduct and explained in paragraph 9 of the Protocol, I declare that I am a Member of the following society/organisation/s:

Name of Society/Organisation/s:

.....

.....

Date of Becoming a Member:

Signed (Employee): Date:

Copy of the completed form to your Chief Officer and the Head of Legal & Democratic Services

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Declaration of offers of gifts

Employee's Full Name:

Job Title: Grade:

Directorate and Section:

As required in paragraph 20.1, 20.2 and 20.7 of the Council's Code of Conduct and as explained in paragraph 14 of the Protocol, I give details of an offer of a gift/other benefit.

Details of gifts offered:

.....

.....

Estimated value of gift: £.....

Date offer made: I have accepted the offer: Yes or No

Reasons why I consider it appropriate to consider the gift:

.....

.....

Name and address of person making offer:

.....

Signed (Employee): Date:

Please send the completed form to your Chief Officer (or in the case of Chief Executive, Deputy Chief/Chief Officers, to the Head of Legal & Democratic Services Services)

Approved:

Not approved:

Signed (Chief Officer/Head of Legal & Democratic Services):

Date:

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Declaration of offers of hospitality

Employee's Full Name:

Job Title: Grade:

Directorate and Section:

As required in paragraphs 20.1, 20.2 and 20.7 of the Council's Code of Conduct and as explained in paragraph 14 of the Protocol, I give details of an offer of hospitality or other benefit:

Details of hospitality offered:

.....

..... Estimated value of
hospitality: £.....

Date offer made:

Name and address of person making offer:

.....

..... Reasons for proposing to
accept the offer:

.....

..... Signed (Employee):

..... Date:

Please send the completed form to your Chief Officer (or in the case of the Chief Executive , Deputy Chief/Chief Officers, to the Head of Legal & Democratic Services)

Approved:

Not approved:

Signed (Chief Officer/Head of Legal & Democratic Services):

Date:

- Approval is required prior to acceptance for all employees.

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.

CODE OF CONDUCT APPLICATION

Declaration of Personal Relationships

Employee's Full Name:

Job Title: Grade:

Directorate and Section:

In accordance with paragraph 20.4 of the Council's Code of Conduct and explained in paragraph 9 of the Protocol, I give below details of my relationship, either personal or related to, any Councillors and/or other Officers of the Council.

Name of Councillor/Officer:

Nature of Relationship:

Signed (Employee): Date:

Please send the completed form to your Chief Officer

Acknowledged and any considerations necessary:

..... Signed (Chief Officer):

.....

Date:

It is the responsibility of the employee to inform their manager in writing of any changes to circumstances.