

PART 5b – OFFICERS’ CODE OF CONDUCT
Effective from 249 May 2023 20 May 2015 Approved by Council on 30 March XX Month 20 23 15

1 INTRODUCTION FOR EMPLOYEES

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for Fylde Borough Council. This Code sets out the standards expected from employees. It should be read, where appropriate, in conjunction with the Council's employment policies, other relevant policies and procedures, conditions of service, procedural rules and statutory requirements.
- 1.2 Some of the issues covered will affect senior, managerial and professional employees more than other employees but many aspects of the Code are applicable to all the Council's staff.
- 1.3 The golden rule to remember is that you should never do anything as an employee of the Council which you could not justify publicly. Your conduct will affect the reputation of the Council. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 1.4 Please read the Code carefully. It is your responsibility to make sure that what you do complies with the standards set down. If in doubt seek advice from your manager or from the human resources officers.

2 STANDARDS

Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees should, without fear of recrimination, bring to the attention of their manager any deficiency in the provision of service. Employees must also report to their own manager or any other appropriate senior manager any impropriety or breach of procedure.

Officers should note that in accordance with the Council’s Disciplinary Procedure, that gross misconduct is misbehaviour of such a nature that the Council is unable to tolerate the continued employment of an employee. An example of such misbehaviour is that of failure to observe the Council Code of Conduct, and as a result, acting in breach of it.

3 DISCLOSURE OF INFORMATION

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public and, in certain circumstances, officers may have a legal or professional duty to disclose information to a third party. Other than in these circumstances, employees shall not disclose confidential information, should not use any information obtained in the course of their employment for personal gain or benefit or pass it on to others who you believe might use it in such a way. They must also comply with the legislative provisions on data protection.

4 POLITICAL NEUTRALITY

- 4.1 Employees serve the Council as a whole, so they must serve all Councillors and not just those of the controlling group. They must ensure that the individual rights of all councillors are respected and that they do not compromise their political neutrality.
- 4.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

5 RELATIONSHIPS

- 5.1 Employees are responsible to the Council through its senior managers. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors, especially if an employee’s role is to give advice to Councillors, can damage the relationship and prove embarrassing to other employees and councillors. It should therefore be avoided.
- 5.2 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.
- 5.3 Orders and contracts must be awarded on merit and in accordance with the Council's procedures, and no special favour should be shown to businesses run by, for example, friends, partners or relatives.
- 5.4 Employees who place orders, award contracts or supervise contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors they deal with in the course of these duties, should declare that relationship to their manager and should record it in the register provided.

6 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 6.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 6.2 Similarly, employees should not be involved in decisions relating to discipline promotion or pay adjustment for any other employee who is a relative, partner, etc or with whom they have a close personal relationship outside work.
- 6.3 Employees of all grades must not undertake outside work, whether paid or unpaid, if it causes a conflict of interest with their official duties, if it makes use of confidential material to which they have access by virtue of their position, or if it in any way weakens public confidence in the conduct of the Council’s business.
- 6.4 APT&C employees who hold posts above Scale 6 and all JNC employees have conditions of service which require them to obtain written consent to take any outside employment.
- 6.5 No paid outside work of any sort should be undertaken by employees during working hours. Council premises, facilities and resources must not be used for paid outside work.

7 INTELLECTUAL PROPERTY

All intellectual property rights (that is, copyright, design rights and the right to patent inventions) relating to anything created or invented by employees in the course of their duties normally belongs automatically to the Council. Employees are not entitled to use, sell or otherwise exploit the rights to any such thing without written permission from the Council.

8 PERSONAL INTERESTS

- 8.1 Employees must declare to an appropriate manager any non-financial and financial interests that could bring about conflict with the Council's interests and record it in the register provided.

- 8.2 Examples of interests which would need to be declared under 8.1 are:
- (i) Personal relationship with a councillor;
 - (ii) Personal relationship with an external contractor or supplier;
 - (iii) Personal relationship with a candidate for employment with the council;
 - (iv) Outside employment or directorships, including details of remuneration and fees;
 - (v) Financial interest in any council contract;
 - (vi) Membership of a body that the council funds or grant aids; and
 - (vii) Personal relationship with any applicant for grant aid or financial assistance.
- 8.3 Employees must notify an appropriate manager and must record in the register Freemasonry membership or membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. Candidates for posts will not be expected to declare membership of such organisations but, if appointed, must declare it when they take up their post.

9 EQUALITY ISSUES

All members of the local community, customers and other employees have a right to be treated with fairness and equity irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All employees should ensure that the Council's equal opportunity policies are complied with in addition to the requirements of the law.

10 SEPARATION OF ROLES DURING TENDERING

- 10.1 Employees involved in the tendering process and dealing with contractors must comply with legal requirements and any Council policies or procedures 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.
- 10.2 Employees in contractor or client roles must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 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.
- 10.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 10.5 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.

11 CORRUPTION

It is a serious criminal offence for employees corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

12 USE OF FINANCIAL RESOURCES

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

13 HOSPITALITY AND GIFTS

- 13.1 Employees must treat with extreme caution any offer, gift, favour or hospitality made to them personally.
- 13.2 If there is a genuine need as a legitimate part of an employee’s job to accept offers of hospitality this may be allowed. The decision whether to accept is one of common sense, however, any employee who is in doubt about the legitimacy of any offer of hospitality must ask his/her Senior Officer or Senior Manager for advice.
- 13.3 When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding and must never accept hospitality from a contractor during a tendering period.
- 13.4 Acceptance by employees of hospitality at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.
- 13.5 Any offer, gift, favour or hospitality as described in the above paragraphs should only be accepted where the employee is satisfied that any purchasing, planning or other council decisions are not compromised. Employees should not place themselves in a position where their own integrity and the integrity of the council may be called into question.
- 13.6 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the council.
- 13.7 Employees must not accept significant personal gifts from contractors and outside suppliers. Insignificant tokens such as pens or diaries may be accepted.
- 13.8 A register is maintained by the Monitoring Officer which is open to inspection by the Audit ~~and Standards and Governance~~ Committee of the council. This register should be used by any employee of the council who accepts any gift, favour or hospitality made to them and accepted by them personally or on behalf of the council. Officers should make declarations regarding any gifts or hospitality received within ten working days of their receipt. Extenuating circumstances for declarations beyond this period should be agreed with the respective line manager.