

## **SECTION 13 – OFFICERS’ CODE OF CONDUCT**

### **CODE OF CONDUCT FOR EMPLOYEES**

The public is entitled to expect the highest standards of conduct from all employees who work for Bracknell Forest Borough Council. This Code provides guidance as to the Standard of Conduct, which the Council expects of its employees to assist them in their day-to-day work. Any breach of this Code may be investigated under the Council’s Disciplinary Procedure and action taken appropriately. The Code of Conduct for Members is underpinned by seven “General Principles”. Not all of those General Principles are of relevance to officers but those which are relevant are set out below and should be used in the interpretation and application of this Code.

#### *Selflessness*

Officers should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### *Honesty and Integrity*

Officers should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### *Objectivity*

Officers should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### *Accountability*

Officers should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### *Respect for Others*

Officers should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers, and its other employees.

#### *Duty to Uphold the Law*

Officers should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

#### *Stewardship*

Officers should use the authority’s resources prudently and in accordance with the law.

The Council expects high standards from its employees because:

- Council services can affect the health, wealth and well-being of local people

- the Council is subject to democratic control and is accountable to the electorate
- local people fund Council spending and take an interest in the way money is spent

## **STATUS OF THE CODE**

The aim of the Code is to establish guidelines for Bracknell Forest Borough Council employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. It may be supplemented and clarified by additional guidance where necessary.

## **WHO THE CODE IS AIMED AT**

Inevitably, some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under any contract of employment within the Council, including office holders such as Registrars. Employees serving as representatives of the Council as a Director of a company, as a Trustee or on the management committee of a voluntary organisation will be expected to abide by the provisions of this Code when acting in such a capacity unless to do so would create a conflict of interest in their role as Director, Trustee or management committee member; any employee who believes that such a conflict of interest may arise should consult the Borough Solicitor.

## **STANDARDS**

Council 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 will be expected, through agreed departmental procedures and, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety, unless an employee has reasonable grounds to believe that their manager is party to the impropriety (in such cases the Council's Whistleblowing Procedure may be used).

## **DISCLOSURE AND USE OF INFORMATION**

Although the Council endeavours to practice "open government" some information is by necessity confidential and should not be disclosed. Information which the Council, a Council committee, the Executive or an Executive Committee has determined as "Exempt Information" (i.e. information appearing in pink papers on the agenda) should not be disclosed to the public without the prior permission of the Borough Solicitor. Other information which an employee receives which might reasonably be regarded as being of a confidential nature should not be disclosed to anyone else except in the following circumstances:-

- the person imparting the information has given their consent to the disclosure
- the information is disclosed to another employee or to a Councillor on a "need to know" basis for the proper fulfilment of their responsibilities
- the disclosure is required by law.

Employees should not prevent another person from gaining access to information which that person is entitled to by law.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required by law.

## **CRIMINAL CONVICTIONS**

Employees subject to Criminal Record Bureau checks who are subsequently convicted of an offence which may impact on their work with the Council are required to report that conviction to their management and/or Human Resources. Failure to do so may become a disciplinary matter, the seriousness of the matter being dictated by the nature of the offence and the role of the employee.

## **POLITICAL NEUTRALITY**

Employees must not do anything which compromises or is likely to compromise their own political impartiality, or that of those who work for, or on behalf of, the Council. Without Prejudice to the generality of that principle this means that employees should:-

- provide appropriate advice to all Councillors with impartiality
- serve the Council as a whole i.e. all Councillors and not just those of, for example, a particular political group
- observe the individual rights of all Councillors (e.g. to have access to relevant information).

Some employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must have proper regard to every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Employees must not infringe the requirements of legislation not to publish any material which, in whole or in part, appears to be designed to affect public support for a political party.

## **RELATIONSHIPS**

### **Councillors**

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. 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.

### **The Local Community and Service Users**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by Council policies.

## **Contractors**

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 the appropriate manager.

Orders and contracts must be awarded on merit, normally by fair competition against other tenders or quotations, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against. By law, if it comes to the knowledge of an employee that a contract in which they have a financial interest, whether direct or indirect, has been or is proposed to be entered into the employee must as soon as practicable give notice in writing of that interest to the Council; failure to do so constitutes a criminal offence; any such notice should be given to the Director of the department in which the employee works.

## **Relatives and Partners**

Employees should not be involved in decisions relating to partners, relatives or close friends; If it comes to the knowledge of an employee that they are involved in any decision which could result in a particular advantage or disadvantage to a partner, relative or close friend the employee must, as soon as practicable, inform the appropriate manager.

## **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment that was 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.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

## **APPLICATIONS**

Employees making applications to the Council (for example, for planning permission, purchase of land or an improvement grant) on their own behalf should notify their Director. However, employees may not make any applications on behalf of a member of the public.

Employees may not gain financial benefit by way of fees or gratuities or receive any other consideration for advice given to others who submit applications to the Council.

## **OUTSIDE COMMITMENTS**

All employees must consult their Director before engaging in any other work (whether as an employee or on a self-employed basis). All employees should be clear about their contractual obligations and should not take outside work which may conflict with the Council's interests.

Employees should follow departmental rules on the ownership of intellectual property or copyrights created during their employment.

Employees must not use any of the Council's facilities or equipment, which may include premises, materials, transport, telephones, stationery and secretarial services, other than for Council business or other approved purposes.

## **PERSONAL INTEREST**

Employees must declare to the appropriate manager any non-financial interests which might reasonably be considered could bring about conflict with the Council's interests.

Employees must declare to the appropriate manager any financial interests which could conflict with the Council's interests.

An employee should declare to their Director membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

The Council welcomes the involvement of employees in voluntary organisations. However, in order to ensure that public confidence is maintained an employee should inform the appropriate manager in writing if the service which the employee gives to any such organisations could conflict with the work which the employee carries out for the Council or if the organisation receives a grant from or has a contract (or service level agreement) with the Council.

Employees must not use their position as employees of the Council to favour any voluntary or other bodies which they give service to. If an employee's job involves assessing a funding application or assessing an application for a consent or permission for a voluntary body which they give service to they should inform the appropriate manager in writing and seek their guidance of the manager.

## **EQUALITY ISSUES**

All members of the local community, customers and other employees have a right to be treated with fairness and equity. All employees are required to observe the law and the policies of the Council regarding non-discrimination.

## **TENDERING AND FAIRNESS TO CONTRACTORS**

Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders quotations or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

## **CORRUPTION**

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **USE OF FINANCIAL RESOURCES**

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

## **EXPENSES**

Expenses should only be claimed in accordance with the Council's Expenses Policy.

## **GIFTS AND HOSPITALITY**

Gifts and hospitality given to an employee must be recorded in the appropriate gifts/hospitality register. Similarly, gifts and hospitality given to external organisations or individuals must, as also required by the Council's rules in force at the time, be recorded in the appropriate gifts/hospitality register; these must be approved by the appropriate manager.

### **Giving Hospitality and Gifts**

- Offers of hospitality should only be given if the event to which an external organisation or its representative is invited is directly related to the Council's business.
- Where employees issue invitations to external organisations or individuals, these must be properly authorised by the appropriate manager and must be recorded in the appropriate register when the cost exceeds £25.
- Significant personal gifts to contractors and/or outside suppliers must never be given or offered, although small insignificant items of token value may be acceptable. Examples could include Council mouse mats, book marks, pens, mugs etc.
- When offering authorised hospitality, all employees should be particularly sensitive to the timing of possible decisions which the Council may be taking which could affect those accepting the hospitality offered. The extent of the hospitality offered must be reasonable and proportional to the event/activity for which it is being offered. For example, the provision of a buffet lunch at an event which runs over the lunch period would be likely to be considered reasonable but a multi course lunch at an expensive restaurant would not.
- The use of Council resources to fund or part fund internal parties e.g. a retirement party for a long serving employee would not be considered a suitable use of Council resources and could lead to disciplinary action against the person who authorised such expenditure. However, specific activities such as the Long Service Award annual event are authorised and approved as an acceptable use of the Council's financial resources.
- Each Director may, however, identify a separate budget from which they can incur expenditure, in exceptional circumstances, associated with "celebratory" events, such as the attainment of ISO accreditation or other awards, or to promote staff morale.

### **Receiving Hospitality and Gifts**

- Cash and monetary gifts should always, without exception, be refused.

- Offers of hospitality or gifts should only be accepted if there is a genuine need to impart information or it is appropriate that the Council should be represented at a particular function. This would only be considered as appropriate or required where the functions of the Council were to be associated with the event.
- Offers to attend purely or mainly social or sporting functions should only be accepted when:-
  - the function is part of the life of the community or where the authority should be seen to be represented, and
  - attendance would not, taking into account all relevant circumstances, give rise to suspicion by any reasonable member of the public.
- Attendance must be properly authorised and recorded in the hospitality register for the Department (usually held by the Director's PA).
- Where hospitality has to be declined, this should be done in a courteous, polite and firm manner whilst informing those making the offer of the Council's procedures.
- Significant personal gifts from contractors and outside suppliers must never be accepted, although small insignificant items of token value may be accepted. Examples could include pens, diaries etc with an estimated monetary value of less than £10.
- When receiving authorised hospitality, all participants should be particularly sensitive to the timing of possible decisions which the Council may be taking which could affect those providing the hospitality.

Employees, cannot, under colour of their office or employment, personally accept any fee or reward whatsoever other than their proper remuneration.

### **SPONSORSHIP – GIVING AND RECEIVING**

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.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner, relative or close friend must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate manager 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.

### **CONTACT WITH THE MEDIA**

Employees must observe the Council's rules on contact with the media as set out in the section of the Employee Handbook entitled "Press Contacts and Reporting of Council Business". In particular:-

- only those employees who are in the list of officers for press contact held by the Communications Section may give information to or answer questions from the Press

- employees on the authorised list are only permitted to release factual information in reply to questions from journalists. All comments of a political nature are for Councillors only.
- employees should not use the media as a vehicle to promote personal grievances; the Council's proper processes should be used.

## **APPEARANCE**

The appearance which Council employees present to the public, Councillors and to each other is important. Although many styles of dress are acceptable, employees must dress appropriately for their job and give a positive image of the service they provide. Any special clothing or identification provided by the Council should be worn where required.

## **WORKING SAFELY**

The Council is committed to promoting good health, welfare and safe working among its employees. Each employee has a legal obligation to take reasonable care for their own health and safety and for the safety of others who may be affected by his/her acts or omissions. Employees should ensure that they:-

- follow safety policies, instructions, guidance etc
- comply with hygiene requirements
- wear any safety clothing supplied by the Council
- report any accidents or near misses at work
- never risk injury or danger to themselves or others.

## **DRUGS AND ALCOHOL**

Except for medical reasons, employees must not take any substances that may affect their work. Employees must not consume alcohol when they are on duty or whilst wearing Council supplied uniforms which mean they can be clearly identified as a Council employee unless agreed beforehand for a specific occasion by their manager. Employees must ensure that any alcohol which they consume out of working hours (including lunchtime) will neither impair their work nor cause them to conduct themselves so as to damage the good reputation of the Council. Employees and Managers affected by this issue should refer to the Council's Substance Abuse Policy.

## **NO SMOKING POLICY**

Employees must comply with the Council's "No Smoking" Policy.

## **WORKING TOGETHER**

Employees are expected to show loyalty to the Council and support its managers. A climate of mutual confidence, trust and respect between managers, employees and other partners is critical to achieving the Council's aims and providing high quality services. Within the workplace, employee behaviour should be conducive to a productive and harmonious work environment, with all employees having a right to be treated with courtesy and fairness. Unless there are good reasons why not (e.g. for legal reasons or in accordance with the



Whistleblowing Procedure) employees should always first follow recognised internal procedures to resolve problems.

Employees should carry out any reasonable and lawful instructions given by their manager. If an employee disagrees with or wishes to query an instruction the employee should express their concern to, or seek clarification from, the manager who gave the instruction.

Employees should work reliably and diligently. They should complete accurately and honestly any document form or record needed for work.

## **INFORMATION TECHNOLOGY AND DATA SECURITY**

Employees must ensure that they follow the Council's rules and procedures in relation to the use of computers and the proper use and management of data. Particular care should be taken to observe procedures in the use of passwords. The Data Protection Act 1998 requires the Council and its employees to abide by "Data Protection Principles" in the use of data. Those principles are encapsulated within the Council's ICT Security Policy and should be observed at all times.