

D35: Code of Conduct - Summary

1. Introduction

1.1 The County Council's Code of Conduct applies to all County Council employees and stipulates that all employees carry out their duties to the highest standards of conduct and behaviour i.e. with integrity, fairness, probity and honesty.

1.2 The Code reflects the practices, demands and expectations which County Council employees are required to meet in order to maintain public confidence in the performance of their official duties.

1.3 It is important for all County Council employees to ensure that they are fully aware of their position as regards standards of conduct in relation to various aspects of their work. There will be an expectation that all employees will conduct themselves in a manner commensurate with the highest standard.

1.4 The County Council operates a Whistleblowing Policy (Confidential Reporting), which gives individuals the right to raise an issue regarding wrong-doing at work and have it investigated without fear of reprisal.

1.5 Guidance for representatives on outside bodies (including elected members, officers and co-opted members) who serve on bodies outside of the County Council will need to comply with the guidance in the Constitution (Responsibilities for County Council Representatives on Outside Bodies).

2. Expectations of Nottinghamshire County Council employees

2.1 County Council employees will be expected to give the highest possible standard of service to the public.

2.2 Not to use information gained in the course of their work for personal gain or benefit.

2.3 Not to allow personal or political opinions to interfere in the lawful execution of their duties, or in the provision of impartial advice.

2.4 To ensure the proper, effective and efficient use of public money within their control.

2.5 To ensure courteous, efficient and impartial service delivery to all sections of the community.

2.6 To assist in the creation of a safe work environment where unacceptable/discriminatory behaviour is not tolerated.

2.7 Not to take outside employment which conflicts with the County Council interests. See below regarding consents and declaration of interests.

2.8 To declare any interest that could bring about conflict with the County Council's interests. See below regarding the process to be followed.

2.9 To ensure that equality policies in relation to employment and service delivery are adhered to.

2.10 To maintain confidentiality as appropriate in the performance of their duties, including compliance with UK GDPR requirements and all data protection legislation.

2.11 To decline all inappropriate or excessive offers of hospitality, gifts, etc. and comply with the requirements to register small gifts and hospitality. See below regarding the process to be followed.

2.12 To not show special favour to any person(s) or organisation(s) in the performance of their duties (recruitment, contractual relationships, service delivery).

3. Code of conduct policy

3.1 See the detailed Code of Conduct at Appendix 1.

4. The Nottinghamshire Plan – Healthy, Prosperous, Green

4.1 Further expectations regarding employee behaviour can be found in the Nottinghamshire Plan which can be found on the intranet by searching “The Nottinghamshire Plan”. The Plan sets out the ambitions we are working to – a stronger, more prosperous Nottinghamshire for everyone.

Appendix 1

Officer code of conduct

Introduction

1. The public is entitled to expect the highest standards of conduct from all Officers of the County Council.

2. The Code sets out the standards of service that are expected from officers of the Council. In particular, officers should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.

3. The term ‘Officer’ includes all employees, consultants, contractors and agency workers.

4. The Code should be read and operated in conjunction with the Council’s Constitution and the Personnel Handbook. It is important Officers understand their position as regards standards of

conduct, and if in any doubt should seek guidance from their line manager.

Underlying principles

5. All Officers of the Council must at all times observe this Code. Failure to comply with the Code and the standards of service expected could result in disciplinary action.

6. All Officers must act within the law whilst undertaking their official duties. Where an Officer is a member of a professional body, the Officer must also comply with any standards of conduct which are set by that body.

7. Officers are expected to:

a. Provide the highest possible standard of service to the public. Where Officers are aware of any contraventions of this Code, illegality, misconduct or breach of procedure they should notify their line manager; and

b. Provide appropriate advice to Councillors and other officers with impartiality.

8. Officers must consult the Monitoring Officer and the Chief Finance Officer if they have doubts about the legality of a decision, proposed course of action, or suspect maladministration or financial impropriety.

9. The Code does not seek to address every possible circumstance, and simply because a particular action may not be addressed within the Code, this does not condone that action by omission. Officers must consult their line manager if they have any queries about any of the provisions of this Code or how to comply with them.

Personal interests

10. Officers must declare on the [name of the form] to their line manager any personal, or close personal contact, financial interests or non-financial interests (including in a business, contracts, property or land ownership) which could or could be perceived to conflict with their role with the Council ('Personal Interests'). A close personal contact could include a partner, spouse, relative or close friend.

11. Any Personal Interests must be discussed with your line manager and may result in certain actions/controls being put in place i.e that Officer cannot have any dealings with that contract or property.

12. Any outside employment, either paid or unpaid, requires the written agreement of your line manager. Any such employment must be declared on the "Officer interests, gifts and hospitality declaration".

13. If an Officer is not sure about whether they have a Personal Interest, they should seek guidance from their line manager.

14. Examples of such interests include:

- Being a school governor
- Being involved in a voluntary organisation

- Being an elected councillor (NB employees at this Council can't be a county councillor)
- Receiving fees for outside events
- Being involved in any lobbying, protect or pressure group
- Being involved in any business that does or may contract with the Council
- Being involved in a business or organisation which may apply for or receive grants or funding from the Council
- Having interests in land or property which might affect the Council

15. A record of any Personal Interests will be maintained on your HR record.

Bribery and corruption

16. Officers must be aware that it is a serious criminal offence for them 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 as a result of any such gift, etc.

17. It should be stressed that this covers all aspects of an Officer's responsibilities. For example, showing favouritism to a client in the provision of a service in return for a favour or gift would be corrupt. As would awarding a contract to a contractor as a direct result of receiving a gift.

18. In particular:

- Officers should not accept a gift or hospitality from a contractor or other person outside the Council if they know or suspect that it is offered or provided with the expectation that a commercial or contractual advantage will be provided in return;
 - Officers should not accept a payment from a contractor or other person outside the Council if they know or suspect that it is offered or provided with the expectation that they will obtain a commercial or contractual advantage in return;
 - Officers should not give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a commercial or contractual advantage will be received, or to reward a commercial or contractual advantage already given.
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What to do if you are offered a gift

19. It is reasonable to accept a modest gift of a promotional character given to a wide range of people, and not uniquely to the officer, such as calendars, diaries, pens and other articles of use in the office or job. Modest gifts at the conclusion of any courtesy visit to an outside organisation, of the sort normally given by that organisation, may also be accepted.

20. From time to time, Officers may be offered other higher value or personal gifts. You need to consider why you have been offered the gift. If you are in doubt as to the motive behind the gift, e.g. could it be considered as a payment, bribe or other favour, you should seek advice from your line manager as to whether it is appropriate to accept it. No gift worth over £50 should be accepted under any circumstances. You should not accept money. Any gift offered, whether accepted or refused, should be recorded on the "Officer interests, gifts and hospitality declaration".

What to do if you are offered hospitality

21. Officers of the Council should only accept offers of hospitality if they are invited in their role as a Council representative. Offers to attend purely social or sporting functions should be accepted only when these are significant for Nottinghamshire, or where the Council should be seen to be represented. Acceptance of such invitations should be approved in advance with your line manager and must be recorded on the “Officer interests, gifts and hospitality declaration”.

22. When hospitality has to be declined, the third party offering the hospitality should be courteously informed of the procedures and standards operating within the Council. When receiving hospitality, Officers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

23. There may be circumstances where it will not always be possible, or even desirable, to reject offers of hospitality on a modest scale. Acceptable examples would include official hospitality at a function organised by a public authority; refreshments following a site visit; or a working lunch of a modest standard to enable the parties to continue to discuss business. The decision whether to accept or not must depend on the circumstances in each case. These circumstances will also determine whether the hospitality should be discussed with your line manager and recorded on the “Officer interest, gifts and hospitality declaration”.

Legacies

24. You should not accept any legacy related to or arising out of work as an employee; you should politely refuse the gift; in which case it would be treated as part of the residue of the deceased’s estate. People should be discouraged from leaving gifts in their wills to employees. Should a small gift/token be left or be given by the family please follow the procedures regarding gifts set out at paragraph 20. People should not name employees (arising out of their role as a Council employee) as executors in wills. Please speak to your line manager/HR for advice if needed.

Receiving sponsorship or grant aid

25. Officers must provide details to their line manager of any benefit they (or their partner, spouse or relative) may be likely to receive as a result of any proposed Council sponsorship or grant aid. These should be recorded on the “Officer interests, gifts and hospitality declaration”.

Use of public funds

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

Political neutrality

27. Officers serve the Council as a whole. It follows they must serve all Councillors and not just those of the majority or any group and must ensure that the individual rights of all Councillors are respected.

28. Officers may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

29. Officers must follow Council policies and must not allow their own personal or political opinions to interfere with their work.

30. A number of posts are designated as “Politically Restricted”. If your post is designated as such you will be notified of this in writing.

Equality issues

31. The Council believes in equality and will not tolerate any harassment, intimidation, unfair discrimination or victimisation, by Officers.

32. The Council has a statutory duty to promote equality. All Officers have a duty to comply with equalities legislation.

33. Each Officer has a duty to ensure that the appropriate standards of conduct are upheld both by themselves and by colleagues at all times.

The Relationship between officers and councillors

34. Officers should refer to the Protocol for Councillor and Officer Relationships in Section Ten of this Constitution.

The Relationship between officers and the public

35. Officers should always remember their responsibilities to the community of Nottinghamshire and ensure courteous, efficient and impartial service delivery to all groups and individuals they have dealings with.

36. Officers should be cautious when blogging or using social networking sites outside of work and avoid publishing, or allowing to be published, any material, including comments or images, which could damage their professional reputation and/or bring the Council into disrepute. Further guidance can be obtained from the Council's Social Media Policy and your line manager.

The Relationship between officers and contractors

37. All relationships of a business, private or personal nature with external contractors, or potential contractors, should be made known to your line manager.

38. Officers must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

39. Officers 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.

40. Further guidance on the procedures to follow during the tendering process is contained in the Financial Regulations in Section Nine of this Constitution.

Appointment and other employment matters

41. Officers involved in appointments should ensure that these are made on the basis of merit.

42. In order to avoid any possible accusation of bias, Officers wherever possible should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them. If they must be involved, then the relationship must be disclosed to all the parties and be approved by the recruiting manager before proceeding.

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

Working for outside organisations

44. Officers working for outside organisations should refer to section c.6 of the Personnel Handbook and the Protocol for Involvement in Outside Bodies.

Use of council premises or facilities for work not connected with the council

45. Officers must not use the Council's premises or facilities for activities which are not connected with their employment with the Council, for instance the use of email, telephones, computers, photocopiers etc. A small amount of personal use may be acceptable – please discuss this with your line manager.

Public speaking

46. Where Officers are invited to address public meetings, undertake radio or television interviews etc, they will be acting as the representative of the Council, and as such should communicate the policies and procedures of the County Council in a factual and unbiased way. Officers must not express personal views in such situations. If invited to speak publicly Officers should take advice from the Communications Team in advance where possible.

47. If in a private capacity an officer is invited to comment publicly on Council policies, they should reflect upon the impact of this on the County Council's reputation and consider whether it is appropriate to comment.

Officers facing criminal charges

48. Any Officer facing criminal charges must inform their line manager without delay and keep them informed of the matter.

Health and safety

49. The Council has committed to ensure that employees understand their roles, responsibilities and accountabilities. Officers are required to actively support the Council's efforts by working with due regard for the safety of themselves and others who may be affected by their actions. Officers must comply with health and safety rules.

Disclosure of information

50. Officers must not disclose information given to them in confidence or information that is private or personal without consent, unless in specific circumstances (for example the safeguarding duty). In this situation, advice should be sought from the Information Governance Team and the Officer's line manager.

51. Officers disclosing personal information must comply with UK GDPR and all relevant Data Protection legislation. Officers must act in accordance with the Council's Information Governance Framework (which is available on the Intranet).

52. Officers should not use confidential information obtained in the course of their employment with the Council for personal use, nor should they pass it on to others who might use it for unauthorised purposes.

53. Guidance about the information which Councillors and the public are entitled to is contained in Section 2 of this Constitution.

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