

Peterborough City Council
Code of Conduct for
Local Authority Employees

THE EMPLOYEES CODE OF CONDUCT

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THE EMPLOYEES' CODE OF CONDUCT

INTRODUCTION

The purpose of this document is to set out detailed guidance to Peterborough City Council employees about their conduct at work and outside of it.

Failure to comply with any aspect of this code of conduct will be a breach of the contract of employment and will be dealt with, as appropriate, under the Council's disciplinary procedure.

The provisions of this code apply to all employees of the Council except those employed directly by schools, although the schools' governing bodies are recommended to adopt the principles of this policy.

BACKGROUND

The Local Government Act 2000 provided a new statutory framework to govern the conduct of members and employees of relevant authorities in England. Although this legislation does not currently impose a code of conduct for employees in authorities, it sets out the general principles of conduct and expects these standards to be observed by employees in their capacity as public servants.

The employees' code of conduct establishes a set of core principles which underpin the concept of public service and which are applicable to all employees of Peterborough City Council, regardless of whether they work full time, part time, casual or on a relief/interim basis.

The principles are:

- ❖ Honesty, Integrity, Impartiality and Objectivity.
- ❖ Accountability
- ❖ Respect of others
- ❖ Stewardship
- ❖ Personal interests
- ❖ Registration of interests
- ❖ Reporting procedures
- ❖ Openness
- ❖ Appointment of staff
- ❖ Duty of trust

THE EMPLOYEES' CODE OF CONDUCT

1. Honesty, Integrity, Impartiality and Objectivity

- 1.1 An employee must perform their duties with honesty, integrity, impartiality and objectivity.

2. Stewardship

- 2.1 An employee must –
- a) Use any public funds entrusted to or handled by them in a responsible and lawful manner; and
 - b) Not make personal use of property or facilities of the authority unless properly authorised to do so.
- 2.2 Council property, plant, materials/stores, vehicles, money and services, should only be used for the Council's purposes). Some items of equipment may be borrowed by employees for Council business provided that: -
- a) Prior approval has been obtained from the appropriate senior employee with responsibility for the allocation of such equipment; and
 - b) The equipment used provides some benefit to the Council e.g. laptop computers for training purposes/completion of official work outside of normal work hours.
- 2.3 Where such items are to be borrowed, a register should be maintained by the authorising officer detailing all approved cases and be available for inspection.
- 2.4 Employees should treat Council property and equipment with care and respect. It must be used only in a proper and safe manner and in accordance with valid instructions.
- 2.5 The copying of proprietary software programmes (those produced by a company for use under licence by a third party) is prohibited.
- 2.6 The loading of proprietary software programmes for which a licence is required but not held, is prohibited. This means that software obtained employee's personal use must not be loaded onto Council computers.
- 2.7 Intellectual property, such as data/e-mail, that is created for Council business remains the property of Peterborough City Council. Any officer wishing to share or transfer such property to an external source should seek authorisation from their manager.
- 2.8 The e-mail and internet system must not be abused. Guidance on this issue may be found in the Council's ICT Policies.

3. Personal Interests

- 3.1 An employee must not in their official or personal capacity –
- a) Allow their personal interests to conflict with the authority's requirements;
- or

- b) Use their position improperly to confer an advantage or disadvantage on any person.
- 3.2 Where an employee has a direct or indirect financial interest in a contract, proposed contract, or other matter involving the Council (within the meaning of sections 94 and 95 of the Local Government Act 1972), that employee must inform their Director in writing as soon as possible. To decide whether or not an employee has a financial interest, the employee must consider if: -
- a) He/she or a close relative is a member of a company or other body; or
 - b) He/she is a business partner, personal partner or is in the employment of a person with whom a contract has been made, is proposed to be made or in some other matter under consideration by the Council.
- 3.3 If any of the above apply, it shall not be appropriate for the employee to be involved in that particular issue, which includes the processing of applications made to the Council. (N.B. Close relatives include grandparents, parents, brothers, sisters, children, grandchildren and in-laws. If in doubt, declare the interest.)
- 3.4 Where an employee has a non-financial interest in a contract, proposed contract, or other matter involving the Council, the employee shall inform their Director of this in writing as soon as possible. This may not necessarily mean that the employee cannot be involved in the particular matter under consideration. However, it is the responsibility of the Director to make the decision and to notify the employee accordingly.
- 3.5 Undertake additional work without gaining permission. Any employee intending to undertake additional paid or unpaid employment(s), service or business interests must declare these to their Director/head of service in writing in advance, for permission to proceed. Permission to undertake additional work (whether paid, unpaid or fee-earning) will be granted where the work does not involve the preparation/completion or assistance with the following items dealt with by Peterborough City Council: -
- a) Plans;
 - b) Drawings; and
 - c) Applications for:-
 - *Grants (renovation/improvement grants etc.)*
 - *Benefits (rent rebates, council tax, housing benefits)*
 - *Planning/building control*
 - *Housing waiting lists/homeless*
 - *Licences*
 - *Job application forms*
 - *Tender documents for PCC contracts.*
- 3.6 Permission to undertake additional work will not normally be granted where: -
- a) It is to be undertaken for a Contractor used by the Council. (Exceptions may be subject to conditions and will be subject to written approval by the relevant Director in conjunction with the Chief Internal Auditor);
 - b) Private work is to be undertaken for members of the public who are clients of the employee during the course of their normal Council duties;

- c) It is for work for which the Council may be competing; and
- d) The total work time involved could result in the provision of the Working Time Regulations being breached.

In other circumstances, permission will not be unreasonably withheld.

- 3.7 An employee who considers that their employer has failed to allow them to undertake additional work may seek redress through the internal grievance process. They may choose to lodge a complaint at an employment tribunal. The complaint to a tribunal must be made within three months of the date when the alleged refusal occurred.
- 3.8 Employees shall declare to their Director in writing membership of any organisation which is not open to the general public and which has secrecy about rules or membership or conduct. The purpose of this provision is to prevent any conflicts of loyalty arising where such membership exists.
- 3.9 Employees must fulfil their legal obligation when in receipt of Council Administered Benefits.
- 3.10 Employees in receipt of any allowances or rebates administered by the Council (e.g. rent allowances or council tax rebates.) must notify the appropriate department promptly, in writing, of any change in circumstance that may affect entitlement. To deliberately fail to notify any material change of circumstance that results in overpayments being made may be deemed a fraudulent act against the employer. (This may be a criminal act for which a prosecution can be brought under the terms of the appropriate legislation and/or a breach of the Council's disciplinary policy and procedure).
- 3.11 Employees should not be involved in a work relationship where their partner is their line manager or *vice versa*.
- 3.12 If an employee has a close personal relationship at work and evidence exists that their personal relationship causes or appears to cause a problem it may be necessary to relocate one or both employees to avoid further problems.
- 3.13 The council defines a close personal relationship as one between employees who work together in the same unit or section and who are:
 - a) married;
 - b) co-habiting;
 - c) dating;
 - c) immediate family members; and
 - d) any other individuals regarded as having a familiar or close personal relationship
- 3.14 It is an employee's responsibility to ensure that their relationship does not affect their work or the work of the section/unit. It is a manager's responsibility to work with individuals to ensure that any problems arising from a close personal relationship are resolved, including relocating employees to avoid problems.

- 3.15 Employees who do have a close personal relationship must advise their Director (or other Senior Manager) of their circumstances. The Director (or Senior Manager) will then decide whether to instigate a move of one or both employees. If a Director agrees that both employees can remain in the same unit, the situation should be reviewed by line management on a regular basis to ensure the situation does not affect the day to day business of the council.
- 3.16 If an employee refuses to comply with the Director or line manager's instructions, there may be occasions where the Council has no option but to consider issuing a formal notice of the move, and in limited circumstances, invoking the disciplinary procedure.
- 3.17 Members and officers need open working relationships, but should treat close personal familiarity with caution. Difficulties could arise in terms of conflicts of interest, inadvertently passing on confidential information or a perception of influence or favouritism.

4. Accountability

- 4.1 Assistance with Applications: Employees may only assist others in the completion of application forms to be submitted to the Council in the following circumstances: -
 - a) When assistance is provided as part of an employee's official duties, especially when the employee completes the application form. Such assistance should be clearly indicated on the form by the inclusion of the name and post title of the employee concerned. However, this is not necessary in cases where only general advice is given;
 - b) When assistance is provided to a friend, relative or partner, in which case it should be clearly shown on the form that assistance has been given by adding his/her own name, post title and signature to the document, as well as that of the applicant.
- 4.2 Failure to adhere to this requirement may be considered a breach of the Council's Disciplinary Policy and Procedures.

5. Openness

- 5.1 An employee must –
 - a) not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; and
 - b) not prevent another person from gaining access to information to which that person is entitled to by law.
- 5.2 An employee shall only disclose confidential/personal information obtained in the course of employment to authorised persons. This shall only be for the purpose of Council business, as instructed by a senior member of staff or as may be required by law. Such information must not be used for personal advantage or for the advantage of any other persons/organisations, including partners, friends and relations.

- 5.3 Public committee reports and background papers are to be provided to the public on request in so far as is required under the Local Government Access to Information Act 1985.
- 5.4 All employees who are under suspension without prejudice from the Council's employment are entitled to receive the same general information about Council activities, vacancies etc. as other employees but all communication should be channelled *via* the officially nominated contact.

6. Registration of Interests

- 6.1 An employee must comply with any requirements of the authority –
 - a) to register or declare interests; and
 - b) to declare hospitality, benefits or gifts received as a consequence of his employment.
- 6.2 An employee of the Council shall not, in connection with their office or employment, accept any fee or reward whatsoever other than their proper pay and benefits, with the exception of the items detailed below. This restriction is required by law (section 117 of the Local Government Act 1972).
- 6.3 Gifts or prizes offered to an employee, or their family, as a result of their employment must be declined unless the gift is of the type referred to below and is also of small value. Gifts may only be accepted if to refuse would cause offence.
 - a) Advertising paraphernalia;
 - b) Stationery etc;
 - c) Token gifts received during official courtesy visits; and
 - d) Christmas gifts in kind, (e.g. a mince pie).
- 6.4 Cash should not be accepted under any circumstances.
- 6.5 All gifts received with a value exceeding £25 shall be recorded in the prescribed manner and in accordance with the Council's Gifts and Hospitality procedure (attached as Appendix A to this Code). All gifts other than those detailed above should be returned if possible, or otherwise deposited with the Director/Head of Service for proper disposal e.g. to charity.
- 6.6 Employees must not use their position as an employee of the Council to obtain the benefit of discount from other companies/organisations other than those negotiated for the benefit of all employees. Therefore, any discount offered to an employee in their personal capacity in excess of those generally available to members of the public must be declined.
- 6.7 Hospitality shall be accepted only where it is given in the proper course of Council business. Even in these circumstances it should not exceed a level beyond which the Council can reasonably reciprocate.

- 6.8 Hospitality shall usually only be received or given within the employee's normal working hours. Any exception shall only be made with the prior authorisation of the appropriate Director/Head of Service.
- 6.9 Annual Conferences are national events at which it is reasonable for employees to accept offers up to the level of an evening meal per delegate from any individual/company.
- 6.10 Frequent or regular hospitality, provided or received, is unacceptable even if it is of a relatively modest level.
- 6.11 All hospitality received shall be recorded in the prescribed manner except for tea/biscuits etc.). All such records shall be retained for inspection by Director/Heads of Service and Auditors.

7. Reporting Procedures

- 7.1 It is the duty of all employees to report any suspected irregularity/fraud by any individual to their Director, the Chief Executive or the Investigations Team as soon as possible. All employees involved shall regard such information as confidential. (Further guidance on this subject may be found in the Council policy on Whistle blowing.)
- 7.2 Employees must also notify the appropriate department promptly if they have any reason to suspect that a member of the public is claiming Council administered benefits fraudulently, regardless of the circumstances as to how this information is obtained.

8. Respect for Others

- 8.1 An employee must –
 - a) Treat others with respect;
 - b) Not discriminate unlawfully against any person.
- 8.2 Employees must treat all persons with whom they have contact in the course of their employment in a respectful and fair manner, and have particular regard to Council policies such as Equal Opportunities, Health and Safety, Harassment and Bullying etc.

9. Appointment of Staff

- 9.1 An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.
 - a) Relative means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons;
 - b) Partner means a member of a couple who live together or enjoy a personal relationship; and

- c) Friendship connotes a relationship going beyond regular contact with colleagues in the course of employment. Social contact is likely to be a stronger indicator of friendship but not necessarily the only one.

10. Duty of Trust

10.1 An employee must at all time act in accordance with the trust that the public is entitled to place in them.

10.2 Any employee who is not clear about the application of this code in relation to particular circumstances should seek guidance from their line manager or their departmental HR Advisor.

10.3 Employees, whose work relies upon them fostering close relationships with members of the public, should adhere to the following guidelines, to ensure that all contact is conducted on a professional basis. (Such employees would include those working within a care establishment, and could also include employees who visit the public in their homes, etc.)

- a) Personal financial transactions between employees and clients; and
- b) Gifts - the spirit of the corporate policy on the acceptance of gifts detailed in section 6 of this Code and the Council's Gifts and Hospitality procedure must be adhered to at all times if gifts are offered as a token of client appreciation.

10.4 Buying/Selling of Goods/Services

Employees must not: -

- a) buy anything from a client;
- b) sell anything to a client;
- c) buy anything on behalf of clients, either with or without commission (Shopping for those unable to do so for themselves is permitted providing that this could reasonably be expected within the scope of the employee's work and that there is no personal gain e.g. supermarket shopping reward points earned on client purchases must not be credited to the employee's account etc);
- d) sell anything on behalf of clients, either with or without commission;
- e) act on behalf of a third party to buy anything from a client; and
- f) act on behalf of a third party to sell anything to a client e.g. *via* mail order agencies etc.

10.5 Lending/Borrowing of Money or Other Valuables

Employees must not engage in personal financial transactions with, or on behalf of, clients. This means that the lending or borrowing of money and/or any other valuable assets to or from clients is prohibited.

10.6 Wills

- a) Employees must not witness or be an executor of a client's will and no employee should knowingly accept money or property bequeathed in a client's will. Any such benefits must be returned to the estate of the

deceased, although bequests to Peterborough City Council are permitted.

10.7 Obtaining Benefits for Others

- a) Employees must not seek to obtain benefits from clients on behalf of close relatives or knowingly allow this to happen. This would include gifts/bequests/loans etc., that the employee would not be able to accept under the terms of the Code of Conduct being transferred to one of his/her family members to circumvent the Code.
- b) Personal Relationships with Clients

10.8 Close personal relationships with clients are prohibited. Clients may be from vulnerable groups in society (e.g. by age, disability, mental health etc.) and the correct balance between friendly interest and the professional relationship must be maintained at all times, to ensure that clients are not exploited. If a problem arises from a client misinterpreting friendly interest as evidence of a deeper, more personal relationship developing, the employee must immediately report the matter to the appropriate line manager for advice on the way to proceed.

PETERBOROUGH CITY COUNCIL

GIFTS AND HOSPITALITY POLICY

INTRODUCTION

1. This policy sets out guidance for employees on the principles governing the acceptance of gifts and hospitality.
2. The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against allegations of misconduct. The fundamental principle of this policy is that an employee should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties.

The council expects all employees to comply with this policy. Failure to do so may result in action under the staff disciplinary procedure and could lead to dismissal.

GIFTS

3. In general, all gifts should be refused. However, in cases where refusal is likely to offend the donor, some discretion may be exercised. The offer of a gift or hospitality should be reported *via* e-mail to line managers. The line manager will consider the nature, value and origin of the gift and whether it should be refused, accepted or donated to charity. The line manager will then register the offer by sending the form to giftsandhospitality@peterborough.gov.uk. Those individuals who do not have access to an e-mail account should complete a copy of the form contained within this policy and send it to their line manager the form will then be forwarded to the Fraud and Investigations Manager.
4. However, employees may accept occasional seasonal gifts of low value such as calendars, diaries and pens. It is not necessary to ascertain the exact value of such gifts but anything that appears to be worth more than £25 should not be accepted. Careful judgement must be exercised in such cases.
5. It is important to note that if several gifts, with a value of £25 or less are received from the same donor, within a period of 12-months, then these should be recorded when the accumulative value exceeds £25.

HOSPITALITY

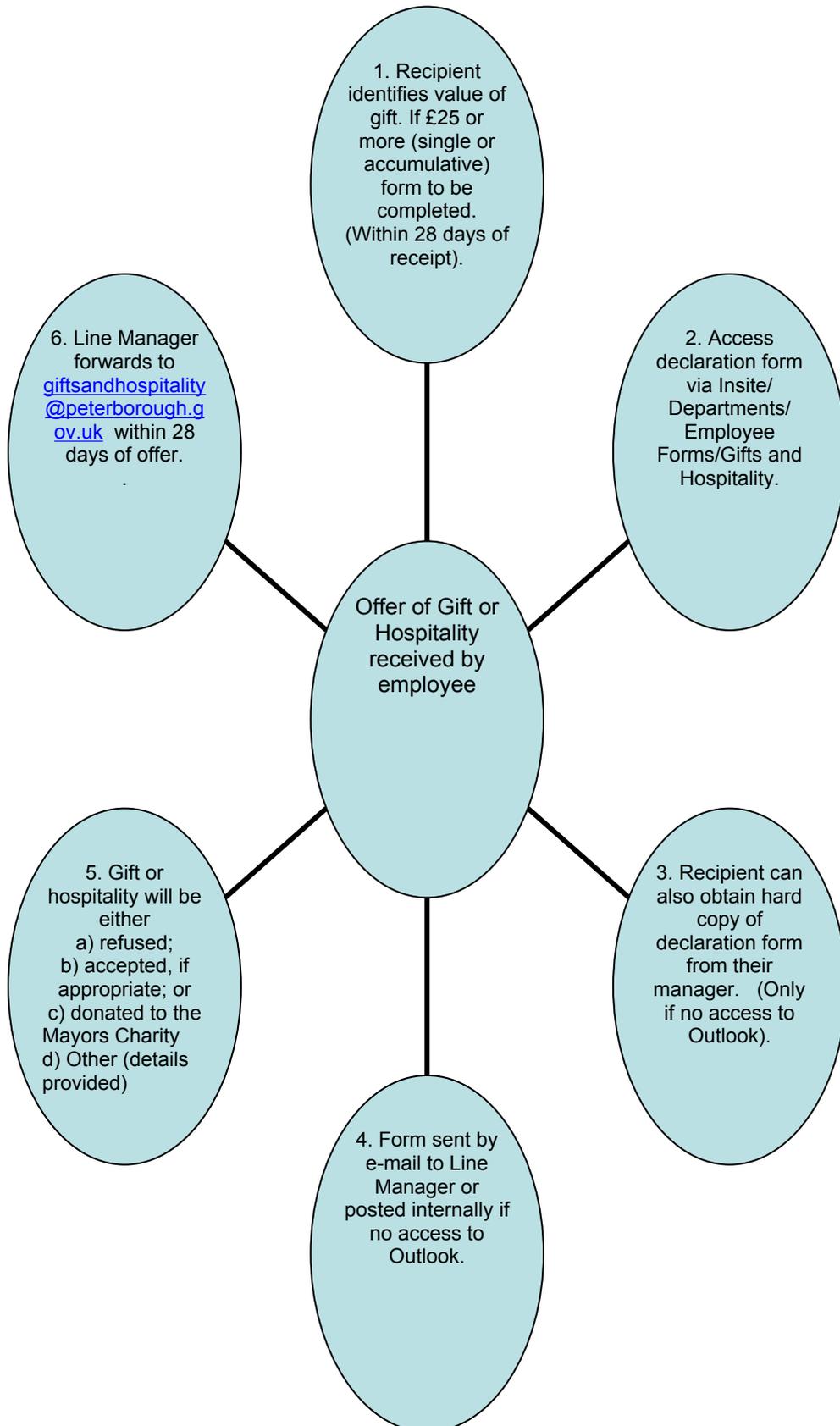
6. Working lunches on a modest scale, and on an occasional basis, are a part of normal business practice and members and employees do not require formal approval to attend them. However, if individuals receive a prior invitation to a more formal lunch or dinner or regular working lunches, they must seek approval using the form contained within this policy. It is important that approval is sought as early as possible.
7. As is the case with gifts, the refusal of an invitation may sometimes cause embarrassment or appear discourteous and this will be taken into account when a decision is made. Consideration will also be taken regarding the timing of an invitation in relation to decisions, which the council may be taking affecting those offering the hospitality. Invitations to other events such as lunches, conferences, arts or sporting events etc. should be dealt with in the same way.
8. Invitations to attend all-expenses paid study tours, site inspections or product demonstrations should always be the subject of prior approval, particularly if overseas travel is involved.

REGISTER

9. In order to counter any possible accusations or suspicion of improper conduct, the organisation will maintain a central register of gifts and hospitality. All gifts (except gifts of low value) and offers of hospitality (except to modest working lunches) should be recorded on a gifts and hospitality declaration form and recorded centrally at giftsandhospitality@peterborough.gov.uk. This applies whether they have been accepted or refused.
11. All declarations should be made within 28 days of receipt of offer.
12. The central register will be inspected and reviewed regularly by the Fraud and Investigations Manager and findings/recommendations notified to Senior Management groups and Committees as appropriate.

PETERBOROUGH CITY COUNCIL GIFTS AND HOSPITALITY RECORD FORM

Name:	
Department/Section/Team:	
Date:	
Nature of gift or hospitality offered (including date on which hospitality was/is to take place).	
Person and/or organisation who offered the gift or hospitality.	
What was the purpose of the offer?	
Is the donor dealing with you or the council in relation to any legal, statutory or enforcement matters, such as planning applications? If so, please give details:	
Estimated value of gift and/or hospitality?	
If the gift/hospitality has already been declined, please provide date and method of refusal:	
Send form to Line Manager for approval.	
Recommended action: a) Accept? (Please provide reason why). b) Accept and donate to Mayor's Charity. c) Refuse – (Please provide reason why). d) Other action: (Please provide details).	
Line Manager's Name:	
Date:	
Send to: giftsandhospitality@peterborough.gov.uk within 28 days of the offer being received.	



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