

Watermill School
September 2020

Policy for Staff Code of Conduct



Adopted by The Governing Body of Watermill School Jan 2012 - this extract will form part of the School Portfolio of Safeguarding Policies and is taken from the Stoke on Trent City Guidance.

Code of Conduct
Procedure
City of Stoke-on-Trent
Central Services
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1.0 Introduction

The public is entitled to expect the highest standards of conduct from Local Government employees. The role of employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing these duties, all employees must act with integrity, honesty, impartiality and objectivity. As an employee you are accountable to, and owe a duty to the City Council. You have a responsibility to act in accordance with the principles set out in this code, recognising the duty you have to discharge public functions reasonably and according to the law.

The City Council places every trust in its employees to act with integrity at all times. It is the aim of this Code to set out the roles and responsibilities that you have, and the processes that must be followed to safeguard you and help you avoid any misunderstanding or criticism.

Breaches of this Code may result in disciplinary action being taken, in accordance with the City Council's Disciplinary Procedure. Guidance on how to deal with alleged breaches of this code can be obtained from your Departmental HR or City Web.

We cannot cover all aspects of conduct within the Code but the principles set out in the NOLAN committee report on standards in public life (see Appendix 1) should influence all our actions and behaviour as Local Government employees. In essence the principles require us all to act in a professional way.

In some jobs you should also be aware of and abide by specific rules that apply, for example, standing orders and financial and contract regulations. In these circumstances your manager will explain and refer you to the appropriate regulations.

2.0 Who Does the Code Apply to?

If you are an employee of the City Council, irrespective of your position, then this Code of Conduct applies to you. The only exception to this is where you work in a school covered by LMS provisions and your governing body has not adopted this Code for all or some groups of staff working at the school.

It does not apply to employees of external organisations who provide services to the City Council although they should have regard to the principles set out in this guide when considering their contractual relationship with the City Council.

3.0 General Duties

Whilst your private life is your own concern you must not allow your
☐ private interests to conflict with your public duty you must not misuse
☐ your official position or information acquired in the course of your
employment to further your private interests or the interests of others.

☐ you must comply with the City Council rules on the declaration and
recording of gifts,
monetary donations, hospitality or invitations to social/recreational events

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Page 4 at all times you must act professionally, with integrity and you

☐ must not engage in any

activity or conduct yourself in such a manner as to bring the City Council into
disrepute.

4.0 Gifts and Hospitality

If we accept gifts, monetary donations, hospitality or invitations to events from
people who are, or may be, dealing with the Council, the Council and its
employees could be open to criticism and give rise to concerns over preferential
treatment or favouritism.

The general rule must be that you should tactfully and politely refuse any offers of
gifts, alcohol, monetary donations or hospitality.

4.1 Acceptance

There are certain circumstances where an offer of a gift or hospitality may be
acceptable but only within the following guidelines.

4.1.1 Gifts & Monetary Donations

a) The occasional small value marketing items such as pens, diaries, calendars or
modest hospitality, i.e. where their value is clearly less than £10

N.B. No gift of money, a monetary donation or alcohol must ever be accepted,
regardless of the value

4.1.2 Hospitality

a) A cup of coffee or a non-alcoholic drink during a visit to an external organisation.

b) A working lunch of a modest standard provided to enable the parties to continue
to discuss business over lunch.

c) During attendance at functions where you are representing the Council e.g.
dinners at which you have been invited to speak, conferences, seminars,
meetings of professional organisations, working groups, opening ceremonies,
trade shows, non-commercial presentations and shows, charity type sponsorship
etc. functions which you attend by virtue of your professional position. Whilst
offers of gifts and hospitality can be accepted in the above circumstances every
effort must be made to record the offers whether accepted or not.

4.1.3 Invitations to Events

A personal invitation to an event outside work can be accepted where attendance at the event is deemed to be considered part of your job role or likely to build or improve relationships with the community. Where attendance is not deemed part of your City Council role and you choose to attend then a payment to cover the cost of the event MUST be made. Where a spouse (partner or friend etc.) attends any event with you, whether it is part of your role or not, payment to cover their part of the cost of the event MUST be made.

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4.1.4 Donation of gifts to charity

In cases where gifts/hospitality (other than those outlined in paragraph 4.1.1) are sent to you directly and you are unable to refuse them, they should be donated to the Lord Mayor's Charity. Any such gifts should be recorded as described in paragraph 4.3 and a letter sent to the donor to explain that the donation has been made and that the gift will be used for good causes.

4.2 Consultation

In any other circumstances or where you are unsure whether you should accept a gift, hospitality or an invitation to an event your line manager must be consulted, the/she will then discuss the matter with the Departmental Director. No decision should be made to accept any gifts or hospitality other than those listed in paragraph 4.1 without the express permission of a member of the Senior/Departmental Management Team.

4.3 Recording

All offers of gifts, monetary donations, hospitality and invitations to events should be reported to a nominated officer. Where possible to enable the City Council to give appropriate consideration, the offers should be reported prior to acceptance rather than afterwards.

For recording purposes all departments will maintain a register. The register will include such details as

- ☐ the name of the officer receiving the offer,
- ☐ the date the entry was made,
- ☐ the details of the offer, an approximate value, the circumstances under which the offer was made (i.e. the work being undertaken to which the offer relates), whether the offer was accepted or declined, how the offer was acknowledged (by personal thank you, letter, telephone, fax, etc).

It is important that as much information as possible is recorded within the register to enable an open and independent view to be taken as to whether the offer of either a gift, hospitality or invitation to an event was appropriate and proper.

All offers, whether accepted or declined should be reported and a record duly made as outlined above.

The registers should be held in a secure place, which is easily accessible at all times and available for immediate inspection upon request. In addition, the register

and its contents will be reported on a regular basis to Elected Members, detailing the number of offers received, the number accepted and those declined.

Advice on the format of the register will be issued by the Director of Corporate Resources, however if an officer is in doubt regarding the extent of the detail to be recorded advice can be sought from Audit Services.

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Finally, if you are in any doubt with regard to the suitability of any offer of gifts/hospitality/events, the most appropriate course of action is to tactfully decline the offer and record the refusal.

4.4 Beneficiary of Wills

The rules relating to gifts and hospitality also apply to bequests made to employees by service users. No employee should seek to become a beneficiary of a will, nor should they witness any will of a person for whom they are involved in providing a service. Nor should they agree to become executors of estates or be actively involved in writing a will on behalf of a service user. Clearly there must never be any influence placed on a service user to include an employee as a beneficiary of a will. Where a service user indicates an intention to include a bequest to an employee in his/her will, the matter must be reported immediately to a senior manager, who will advise the person concerned of the Council's policy in this regard. In the event that an employee is named as a beneficiary after the death of a service user, the employee must immediately report the matter and seek the advice of their senior manager.

4.4 Corruption

Under the Prevention of Corruption Acts, 1906 and 1916 it is a serious offence to corruptly 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 of corruption is made, it is for you to demonstrate that any such rewards have not been corruptly obtained.

If you are presented with an unacceptable or inappropriate gift, you must report it to your Departmental Director. Together with the appropriate Member of the Cabinet, he/she will decide whether the gift should be returned or whether it could be forwarded to some charitable or other deserving cause. The Departmental Director will advise the donor of their decision.

Normally where you are required to inspect any equipment or sample products prior to a decision to purchase being made, the cost of doing so will be met by the City Council in order to avoid potentially compromising the integrity of subsequent purchasing decisions.

5.0 Sponsorship - Giving and Receiving

If an organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

If the City Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. You must tell your Departmental Director or other nominated manager of any personal interest you may have.

Similarly, if the City Council gives financial support in the community, please ensure that impartial advice is given and that there is no conflict of interest.

If you personally receive sponsorship from an external organisation e.g. to attend relevant conferences and courses etc., you **MUST** obtain permission from your Departmental Director or a nominated senior manager before accepting sponsorship.

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6.0 Use of Council Materials, Equipment and Facilities

Employees must ensure that they use public funds entrusted to the City Council in a responsible and lawful manner. Every effort must be made to ensure value for money to the City Council and the local community, therefore employees must not utilise materials, property, vehicles or other facilities of the City Council for personal use unless authorised to do so in advance by a senior manager.

At work you have access to facilities which include office equipment, computers, stores, City Council vehicles and other forms of transport. These facilities are provided for work purposes only and you must not use them for your own purposes, unless you have specific permission from a senior manager to do so. You must hold a current licence applicable to any vehicle you are using. (NB In most instances, the City Council's insurance does not cover private use of equipment and vehicles.)

6.1 Telephone

Ideally, private telephone calls should not be made or received at work. In practice, you may need to make or receive essential calls but these should be kept to a minimum. The procedure for making and recording the costs of personal calls is set out in the general section of the City Council's internal directory. Where possible incoming calls should be limited to urgent matters only. Except in an emergency, the use of a personal mobile phones must be in own time.

6.2 Fax Machines and Photocopiers

Fax machines and photocopiers, as a general rule, must not be used for personal use, without the permission of a senior manager. There may be circumstances where it is acceptable to use them for personal use, the following is a guide: -

☐ A personal fax message may be dispatched to a location within Great Britain, subject to payment being made in accordance with the rules on telephone use.

☐ Photocopies of personal documents may be made, provided the number of copies does not exceed three and the document itself does not exceed 10 pages and subject to payment being made for the copies taken.

☐ Any photocopying and sending of fax messages is conducted in your own time and not work time.

In certain circumstances, with the prior agreement of your the nominated officer, you may use photocopying facilities in excess of the copy limit referred to above if for example, you want to produce material for a voluntary organisation of which you are a member and the photocopying is for the benefit of that organisation. (Please note that payment must still be made.)

Under no circumstances will such facilities be extended to employees where the use relates to the employee's private business and/or represents a conflict of interest with the City Council. Code of Conduct Procedure

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You will be charged for any personal photocopying in accordance with the rate determined by the Corporate Resources Department. A note will be issued annually by Corporate Resources Department detailing costs and methods of payment.

6.3 Internet/E-Mail

The rights and responsibilities concerning the use of the Internet by employees are set out in the Internet Acceptable Use Policy. Further information on the Policy is available from your Departmental HR or City Web.

No information must be transmitted by E-mail or Team Mail, even on a „personal“ basis, which is or could be detrimental to the interests of the City Council, the community or other organisations with whom the Council has links. Particular care should be taken that remarks or comments made cannot be misinterpreted.

Limited personal use can be made of the Internet/E-mail facilities, subject to payment for use of the facilities being reimbursed in accordance with Departmental arrangements. Please note that the City Council's Policy on Internet use is to be reviewed.

6.4 Use of Vehicles

If you are required to drive a vehicle as part of your job, you must ensure that you have a current licence that is applicable to the type of vehicle that you are driving. You must also advise your supervisor if you receive any endorsements on your licence or have a medical condition that will affect your driving performance.

You **MUST NOT** drink or be under the influence of alcohol (or use any substances which may affect your driving performance) whilst using City Council vehicles or using your own vehicle on City Council business. If you do, this will be considered under the City Council's disciplinary procedure. Your Department may also have specific requirements regarding vehicles. Please seek advice from your supervisor or line manager if you are not clear about your responsibilities.

7.0 Equality Issues

In accordance with the City Council's Valuing Diversity Code of Conduct all members of the local community, customers and other employees have a right to be treated with respect, fairness and equity.

As an employee of the City Council you should ensure that you implement the Authority's anti discrimination policies and that your conduct at all times complies with the law on non-discrimination.

8.0 Recruitment and Appointments

The City Council is legally required to ensure that people whom it employs are appointed on merit i.e. they are the best person to undertake the specific duties and responsibilities of the post to which they have been appointed as measured by open and objective criteria.

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In order to avoid any possible accusation of bias you should not be involved in an appointment where you are related to the person applying for the post or where you have a close personal relationship outside of work.

Canvassing on behalf of another person by senior officers or Members of the Council will automatically disqualify that person from appointment (notwithstanding that they may provide a reference if requested to do so, as part of the recruitment process).

You should not be involved in appointments where you and the candidate are members of a “secret” organisation as defined in section 20.5 of this Code.

Applicants including existing City Council employees will be asked to disclose membership of these “secret” organisations in the recruitment interview.

9.0 Discipline and Grievance

You must not be involved in decisions relating to their employment such as discipline, promotion or pay adjustments for an individual who is a relative, partner, personal friend or is a member of a “secret” organisation to which you are also a member.

10.0 Criminal Convictions

In accordance with Disclosure requirements, if your post is or has been subject to a criminal conviction check, you will be required to notify your line manager if you receive a criminal conviction, caution or bind-over at the earliest possible opportunity. Such information will be treated sensitively and its relevance, the nature of your duties and matters such as your length of service will be taken in account when deciding what action, if any, needs to be taken. Failure to declare such information could in itself result in disciplinary action being taken against you.

11.0 Dress Code

As an employee you are an ambassador for the City Council therefore your standard of dress, particularly when you deal with members of the public, needs to be appropriate to the work being undertaken. Where personal protective clothing or a uniform is issued this should be worn at all appropriate times. Whilst employees may have body piercing, facial jewellery, other than earrings, should not normally be worn during work time by employees dealing with the public. However, reasonable facial jewellery may be allowed at the discretion of the manager.

12.0 Alcohol, Drugs and Substance Abuse

The City Council has a legal obligation to safeguard the health, safety and welfare of its employees while engaged in activities as part of their employment.

In turn, employees also have a legal obligation not to do anything to prejudice their own health and safety, or that of others, which includes misuse of alcohol, drugs or other substances. There is an additional contractual obligation that employees must not make themselves unfit e.g. through drink, drugs or substance misuse, to the extent that they are unable to perform their duties effectively or their performance is adversely affected.

Under no circumstances must illegal substances be brought into the workplace.

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13.0 Damage to Reputation

As ambassadors for the City Council you must not undertake or engage in any actions that will or are likely to be harmful to the reputation of the City Council. Such actions may include giving false or misleading information to the press, fighting or using aggressive, threatening or lewd behaviour in a public place. If any such actions do, or could potentially, result in the City Council being brought into disrepute the individual concerned may be subject to action in accordance with the City Council's Disciplinary Procedure.

14.0 Employment with Other Organisations/Private Business Interests

The City Council does not wish to prevent employees from engaging in any private work of a voluntary or paid nature. However there may be no apparent distinction to an outside observer between the work you do as an employee and other paid or unpaid work, which brings you into contact with the Council. Thus the City Council has a responsibility to ensure that all employees are aware of the circumstances in which private work may or may not be undertaken.

Employees above Scale 6 shall devote their whole-time service to the work of the City Council and shall not engage in any other business or take up any other additional appointment without obtaining the express prior consent of the City Council, through your Departmental Director or other nominated senior manager. Where there is a benefit to the City Council from you undertaking work for an external organisation, for example; giving a talk or lecture on a City Council issue which enables you to network and bring back useful information, then this may be considered as acceptable in work time. However, prior consent must be obtained from your manager and arrangements for the payment and retention of any fees agreed.

No employee must undertake any type of private work or engage in any private business interest which conflicts with the City Council's interests or reacts detrimentally with the authority's interests, or in any way weakens public confidence in the conduct of the authority's business. Work undertaken outside of the City Council must not prevent you from fulfilling the terms of your employment. If you are in any doubt as to whether any work you intend to do may conflict with your employment with the City Council, you must seek advice in each case from your Director or your senior manager.

As a general rule, you must not:

- ☐ Do private work during
- ☐ working hours.
- ☐

Use the City Council's premises or Council equipment, materials or facilities for private work.

Undertake any private work that prevents you from carrying out your duties with the Council including any requirements to do contractual overtime.

☐ Undertake private work that involves approval or consent of the City Council.

If you are proposing to undertake private work for any person, firm or company, you must find out whether it will involve the City Council. If it does you must not undertake the work concerned.

☐ Undertake private work for any person, firm or organisation who has a contractual relationship with or who is commissioned by the City Council for any type of work.

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☐ Undertake private work for another employee responsible for supervising you or whom you supervise, or for an Elected Member of the City Council.

Local Authorities must decide on applications for a variety of things such as planning permission, building regulations permission etc. If you deal with applications like these you must not prepare or assist with those applications in any private capacity.

If you want to make an application on your own account, you should make clear your interest, in writing, in a covering letter with your application.

15.0 Disclosure of Information

As an employee of the City Council you may obtain information, which has not been made public, is confidential, or is specialist knowledge that can be said to be the „intellectual property“ of the Council. Such information should not be disclosed to a third party unless you are specifically authorised to do this. Information you have gained through or by virtue of your employment must not be used for your own personal gain or to further your own private business interests or those of a relative, friend or any other outside individual or organisation.

15.1 Confidential Reporting Procedure

In the event that you become aware of activities within the City Council that you believe to be illegal, improper, unethical or otherwise inconsistent with this Code, you should report the matter, in accordance with the City Council's Confidential Reporting Procedure. 15.2 Confidential Information

In particular all employees must not:

☐ Use information about work and/or information, which relates to a contractor, debtor or creditor of the City Council, which, is confidential, for personal gain, benefit, or pass it onto others who might use it this way.

☐ Give information to the media unless you are authorised to do so. (ref. Section 15.4). (N.B. this does not affect employees' rights under the Public Disclosure Act 1998, see the City Council's Confidential Reporting Procedure)

☐ Disclose confidential information, relating to employees of the City Council, to someone else, unless it is a request from an approved source, e.g., Inland Revenue, Benefits Agency and, where authorised by the employee, from bank

managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing.

☐ Communicate information or comment on the discussions in or decisions of the City Council, or any of its Committees or Panels where they have taken place without members of the public or media being present unless permission to do so has been granted by your Departmental Director, the Leader of the Council or appropriate Cabinet Member.

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☐ Use or disclose advance knowledge of a City Council decision, particularly about investment decisions or proposed developments, to benefit you or someone else. The above list is not exhaustive and any breach of confidentiality may result in action in accordance with the City Council's Disciplinary Procedure (subject to the provisions of the Public Disclosure Act 1998).

15.3 Data Protection Act

You must use personal data in accordance with the Data Protection Act. For example, the data must be held only for specific purposes and lawful purposes and must not be used or disclosed for any other purposes.

15.4 Contact with the Media

There is a Corporate Communications Strategy, which stipulates that contact with the media must be conducted via the Corporate Communications Unit. If you are approached directly by the media you should immediately refer the caller to the Corporate Communications Unit and not try to deal with the issue yourself. You MUST also immediately inform your Departmental Director that you have been contacted.

Media statements and interviews are the responsibility of the Departmental Directors who may, on occasions, ask staff members working in specialist fields to take part in interviews on their behalf or prepare material for the media. Before doing this the Departmental Director must first ensure that the employee has been appropriately trained – such training is available through the Corporate Training Programme. Being asked to take part in an interview does not automatically qualify the staff member for future interviews. On each occasion the Departmental Director must deal with the request as it arises.

If asked by your Departmental Director to take part in an interview you MUST have regard to the use of any confidential material (e.g. a report in the confidential part of a committee agenda) and obtain his/her permission to use that material. The Corporate Communications Unit will give support, training and advice to any officer nominated to take part in an interview by his/her Departmental Director.

These requirements apply unless you are participating in your role as trade union representative or representative of a professional body. In these circumstances you must not use any confidential material that you obtained as an employee of the City Council.

If you are invited to write an article or take part in a broadcast in a personal capacity you should advise your Departmental Director or other nominated senior manager before doing so and in addition consult the City Council's Corporate Communications Unit. You must also make it clear that you are representing your personal views and not necessarily those of the City Council. You must not use confidential material.

If you are offered a fee (expenses), for example, for a published article in your own name or a personal TV or Radio appearance and all the work including preparation is done in your own time, you are entitled to retain the fee paid to you. If you wish to use City Council resources in any of the work associated with the above activities, you must obtain permission to do so beforehand from your Departmental Director or other nominated senior manager. If you have done any preparation or other Code of Conduct Procedure

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work in respect of these activities in the City Council's time or used the City Council's resources for this purpose, then any fee (or part of the fee) you receive may be required to be paid to the City Council.

16.0 Private Use of Services of Organisations dealing with the City Council

You should be cautious when using the services of companies you know have dealings with the City Council. You should ensure that the goods or services bought from such organisations are at a price readily available to the public.

If you think any offer of preferential terms is designed to promote a company's interest, you should not deal with that organisation.

You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement negotiated by e.g. your Trade Union or the City Council.

This is a difficult area. Please try to avoid offending anyone and if necessary, explain the Council's policy. If you have any problem or need any help speak to your manager.

17.0 Financial and Non Financial Interests

The Local Government Act 1972, section 117, requires you to disclose, in writing to your

Departmental Director or other nominated manager, any direct or indirect interest in an organisation that is doing business with the City Council, which you think conflicts with your job role. Section 117 (2) forbids an employee "under colour of his office or employment" to accept "any fee or reward" whatsoever other than proper remuneration.

You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive. For example when a Council employee, who is an Honorary Officer of an Association, and who is involved in dealing with an application for a grant by the Association; or a Council employee who is involved in dealing with planning permission requests and whose partner, son or daughter works for an organisation which is applying for planning permission from the City Council. In such cases, again you should inform your Departmental Director or other nominated senior manager.

Each Departmental Director must maintain a "Register of Interests" and you should inform him/her or other nominated senior manager of any interest you may have.

18.0 Separation of Roles during Tendering

If you are involved in the internal provision of a service, which is the subject of a tendering process, you should seek guidance from your Departmental Director, or other nominated senior manager, as to how the competitive tendering process is to be conducted and how the “provider” and “commissioning” responsibilities are to be discharged.

Employees working for an internal provider unit or working in a commissioning role must exercise fairness and impartiality when dealing with all customers, suppliers and other contractors and subcontractors.

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If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation. You should ensure that you comply with the relevant City Council Standing Orders and Financial Regulations insofar as selection of contractors is concerned and in respect of receipt, opening and acceptance of tenders and quotations.

19.0 Political Neutrality

Employees work for the City Council as a whole. You are therefore required, where appropriate, to work with, assist and support all Elected Members of the Council and not just those of any controlling group or particular political party.

You must act within the policies and procedures of the Authority and must not allow your own personal or political opinions to interfere with your work.

Certain employees hold politically restricted posts under sections 1, 2, and 3 of the Local

Government and Housing Act, 1989 and Local Government Officers (Political Restrictions)

Regulations 1990 as amended by the Local Government Officers (Political Restrictions)(Amendments) Regulations 1999. Appendix 2 of this Code provides more details on Politically Restricted Posts and in particular the 4 categories of posts, which are covered by this legislation.

If you are in a politically restricted post you are disqualified, whilst employed by the City Council from:

☐ being an MP (Member of Parliament) at Westminster being an MP in the

☐ Scottish Parliament or the Welsh Assembly (Local Government Officers

(Political Restrictions)(Amendment) Regulations 1999) being

☐ an MEP (Member of the European Parliament). being a

☐ Local Councillor (unless only elected to a Town or Parish

☐ Council).

☐ holding office in a political Party canvassing at

☐ elections speaking or writing on matters of party

political controversy.

In certain circumstances if you are in a politically restricted post you can appeal against the City Council’s decision to include (or omit) your post. Further information on appeals is set out in Appendix 2 of this Code.

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20.0 Relationships

20.1 Councillors

Mutual respect between employees and Councillors is essential. Close personal familiarity between employees and individual Councillors can damage this relationship and also prove embarrassing to other employees and Councillors. You must be professional at all times and not allow your work and personal interests to conflict.

20.2 The Local Community and Service Users

You should always remember your responsibilities to the Community and deal with the public sympathetically, efficiently and without bias. You are required to give efficient and impartial advice to all groups and individuals within that Community as defined by the policies of the Council.

20.3 Contractors

If you have a business or private relationship with external contractors or potential contractors, you should tell your senior manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to a business run, for example, by friends, partners or relatives, in the tendering process. No part of the local community should be discriminated against.

If you engage or supervise contractors or work with contractors and have formerly had or currently have an interest or relationship either in a private or domestic capacity with contractors, you should declare that relationship to your Departmental Director or nominated senior manager.

20.4 Arranging Services for Relatives, Friends etc.

You should try to avoid arranging for services to be provided by colleagues or other staff employed by the City Council to members of your family, other relatives or anyone with whom you have a close personal relationship. If it is unavoidable you should advise your manager of the circumstances.

20.5 Personal Interests – Membership of “Secret” Organisations

If you are a member of any organisation which is not open to members of the public without formal membership, where a commitment of allegiance has been given and it is secret about how people can gain membership and how members are expected to conduct themselves, you **MUST** advise your Departmental Director or other nominated senior manager. Departmental Directors who are members of such organisations **MUST** inform the Chief Executive.

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21.0 Fraud Detection

Evidence of fraud or suspected fraud is circulated between public bodies for example under the National Fraud Initiative. Such information will be used by the City Council for employment purposes and could result in employment being refused to an applicant for appointment.

Where an employee has committed fraud either against the City Council or outside, information will be shared within the City Council and action will be considered

under the Disciplinary Procedure. Depending on all the circumstances, this could result in the employee's dismissal.

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Appendix 1

The Nolan Committee's Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be open as far as possible about all decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

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Appendix 2

Notes on Politically Restricted Posts

1. The Law

As a result of Sections 1, 2 and 3 of the Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990, certain employees of Local Authorities are restricted from engaging in public political activity. Recently the Regulations referred to above have been amended by the Local Government Officers (Political Restrictions)(Amendments) Regulations 1999.

With effect from 1st April 1999 political restrictions now apply to the Welsh Assembly and Scottish Parliament (see section 12 Political Neutrality). Under the Act the City Council is required to prepare lists of posts which are covered by the provisions of the Act. These provisions cover four categories of post. They are: -

List 1 - Chief Executive, Departmental Directors, Assistant Directors or anyone who reports directly to the Chief Executive or Departmental Director (except in a secretarial or clerical role)

List 2 - Any employee who occupies a post which has delegated authority to discharge a function of the City Council - in effect this catches all employees who are included in the list maintained under Section 100g (2) of the Local Government Act 1972

List 3 - Those posts which are not covered by Lists 1 or 2 above but where the salary/grade for the post is or includes spinal column point 44 and above (or equivalent). (N.B List 3 does not apply to teachers)

List 4 - Posts not covered by Lists 1, 2, or 3 above but where the duties involve either or both of the following: -

- a. Giving advice on a regular basis to the Authority, to Elected Members, any Committee (which will include member panels etc.) or any Joint Committee on which the City Council is represented.
- b. Speaking on behalf of the Authority on a regular basis to journalists or broadcasters.

Those in List 4 are known as “politically sensitive” posts. Posts are only included in one of the lists.

2. How Do I Know If My Post Is “Politically Restricted” ?

If you were appointed to a post with the City Council after 1989 this information should be contained in your “Written Statement of Particulars of Terms and Conditions of Appointment”. If you transferred to the City Council under the terms of a Statutory Transfer Order on Local Government Re-

Organisation in 1997 and you were notified in your previous employment with the County Council that Code of Conduct Procedure

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your post was “politically restricted” then unless your job has significantly changed since your transfer you are still covered by the legislative provisions referred to above.

If you feel that your post may be subject to Political Restrictions but this has not been formally notified to you by the City Council or the County Council for STO employees you can contact your Departmental HR for advice on this matter. If your

post is included in one of the 4 Lists outlined above, by Law the political restrictions outlined in section 3 below will be automatically incorporated into your contract of employment with the City Council.

As indicated earlier the City Council is required to produce information on those posts that are "Politically Restricted". This information is up-dated on an annual basis by Strategic HR. Copies of Departmental Lists are circulated to Departmental HR. If you feel your post is wrongly included in (or omitted from) one of these Lists you may appeal to an independent adjudicator. Further information on rights of appeal is set out below.

3. Right of Appeal

There is a right of appeal for employees in certain circumstances against a decision made by the City Council under section 1, 2 and 3 of the Local Government and Housing Act 1989 and related regulations in relation to their post. Details of appeal rights and the process for exercising them are set out below.

Do I Have a Right of Appeal?

Yes, if your post is included in list 3 or list 4. There is no right of appeal for potholders whose post has been designated under List 1 or 2. (See Appendix 2) Who Do I appeal to?

An appeal against inclusion (or omission) on the register is to the Standards Committee. The address is set out below: - Chair of Standards Committee
c/o Member Services Stoke-on-Trent City Council
Civic Centre
Glebe Street
Stoke-on-Trent
ST4 1RN

Who Can I Obtain Further Help and Information From?

For advice and guidance about appeals please contact the Standards Committee at the address outlined above.

For general advice and guidance about the provisions on Political Restrictions please contact HR Consultancy (01782) 238510.