

PART 5.4 - Officers' Code of Conduct

1.0 Introduction

This Code of Conduct includes the statutory requirements of the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 which came into force on the 28th July 2001. The Order provides that by virtue of section 82(7) of the Local Government Act 2000 the terms of appointment or conditions of employment of employees of relevant authorities to whom the code applies are to be deemed to incorporate the code of conduct set out in the Schedule to the Order. This document satisfies that requirement.

2.0 General Principles

The public is entitled to expect the highest standards of conduct from all employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management, any deficiency in the provision of service.

3.0 Accountability

Employees work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

4.0 Treatment of Information

- 4.1 Openness in the dissemination of information and decision making should be the norm. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. Employees should consult their immediate superior if there is any uncertainty regarding the status of any type of information.

- 4.2 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 member which is personal to that member and does not belong to the authority, should not be divulged by the employee without the prior approval of that member, except where such disclosure is required or sanctioned by the law.

5.0 Political Neutrality

- 5.1 Employees serve the authority as a whole. It follows they must serve all members and not just those of a particular group, and must ensure that the individual right of all members are respected.
- 5.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 5.3 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. When employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.
- 5.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraph 5.1 to 5.2.

6.0 Relations with members, the public and other employees

6.1 Members

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to members and senior managers and all are there to carry out the authority's work. Mutual respect between employees and members is essential to good local government, and working relationships should be kept on a professional basis.

6.2 The Public 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 the policies of the authority. Employees should deal with the public, members, and other employees sympathetically, efficiently, and without bias.

6.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to business run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

6.4 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.

7.0 Appointment of Staff and Other Employment Matters

7.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

8.0 Outside Commitments

8.1 Employees should not take outside employment which conflicts with the authority's direct interests.

8.2 Employees should follow the authority's rules on the ownership of intellectual property or copyright created during their employment.

9.0 Employees Undertaking Private Work

9.1 Employees of Carmarthenshire County Council are NOT permitted to undertake private work which relates to any matters likely to require consideration or approval by the Council or an employee authorised to act on it's behalf without the prior written consent of the authority through the Assistant Chief Executive People Management & Performance) in consultation with the departmental Chief Officer.

9.2 Where an employee may desire to undertake work for their personal gain, prior written approval must be obtained from the Assistant Chief Executive People Management & Performance) following consultation with the employee's own Chief Officer.

- 9.3 Should the Assistant Chief Executive (People Management & Performance) and departmental Chief Officer encounter any difficulty in sanctioning such a request, the matter may be referred to the Appeals Committee for determination.

FAILURE TO ADHERE TO THE ABOVE RULING WILL CONSTITUTE GROSS MISCONDUCT AND RESULT IN SUMMARY DISMISSAL IN ACCORDANCE WITH THE COUNCIL'S DISCIPLINARY PROCEDURE

10.0 Personal Interests

- 10.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others.
- 10.2 Employees must declare in writing to their Chief Officer any financial and non-financial interests that they consider could bring about conflict with the authority's interests.
- 10.3 Employees must comply with rules on the declaration of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Employees must not accept benefits from a third party unless authorised to do so by the authority (see Section 15).

11.0 Equality Issues

- 11.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

12.0 Separation of Role During Tendering

- 12.1 Employees involved in the tendering process and dealing with contractors must be aware of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2 Employees in contractor or clients units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation. Failure to follow this ruling will result in disciplinary action in accordance with the Council's disciplinary procedure.
- 12.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 12.5 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13.0 Corruption

- 13.1 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. Allegations of this nature will be investigated/dealt with in accordance with the Council's disciplinary procedure.

14.0 Stewardship

- 14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

15.0 Hospitality

- 15.1 Offers of Gifts or Hospitality should immediately be reported to your Line Manager who will consider whether it is appropriate to be accepted. Any Hospitality or offer of Gift should only be accepted if properly authorised by a Line Manager and subsequently recorded on the appropriate register.

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social, cultural or sporting functions should be accepted only when these are part of the life of the community and where the authority should be seen to be represented.

- 15.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 15.3 Employees must not accept significant personal gifts from contractors and outside suppliers, although the authority will allow employees to keep insignificant items of token value such as pens, diaries etc.
- 15.4 When receiving authorised hospitality employees and Line Managers should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 15.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal. Where visits to inspect equipment etc. are required, employees should ensure that the authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- ~~15.6 Gifts or hospitality accepted with a cash or in kind value estimated to exceed £25.00 should be recorded on the declaration form completed by your Line Manager / Head of Service / Director (as appropriate) and will then be forwarded to the Department's Nominated Officer for countersigning and inclusion in the departmental register.~~

16.0 Sponsorship - Giving and Receiving

- 16.1 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.
- 16.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority 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.

17.0 Whistle-blowing

In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and the authority's confidential reporting procedure i.e. the Whistle-blowing Policy. [The policy is available on the Intranet at Documents; Personnel; Policies-Procedures-Guidance-Proformas-Templates; 'Whistle-blowing Policy' and a copy should be available in each section. Alternatively you can contact Corporate Human Resources direct and confidentially on (01267) 22470 if you would prefer not to request a copy from your line manager].

18.0 Investigations by Monitoring Officers

Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by that monitoring officer in connection with such an investigation.