



## **MIDDLESBROUGH COUNCIL**

### **CODE OF CONDUCT**

**IMPLEMENTATION DATE: 30 April 2002**

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## **CODE OF CONDUCT**

### **Employees' Code of Conduct**

The attention of all employees, whether permanent or temporary is drawn to the following provisions relating to private work undertaken by employees and other matters of conduct.

#### **1. Standards**

Local Government employees are expected to provide the highest possible standard of service to the public, and where it is part of their duties to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures, and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service, and any impropriety or breach of procedure.

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 Council.

The Council expects good standards of behaviour from all of its employees towards fellow employees, Councillors, service users and members of the Public. The Council recognises the importance of treating everyone with equal dignity and respect, and will not tolerate harassment discrimination or bullying.

#### **2. General Conduct**

Subject to its rights under the conditions of appointment of employees not being prejudiced, the Council does not wish to limit unduly the activities of employees in their leisure time.

The Council does, however, require that efficiency and due performance of official duties shall not be impaired by private work in leisure time, and it requires at all times to be satisfied that its interests are not being detrimentally affected in this respect.

The Council must be in a position to rebut with confidence any allegation that the integrity of its administration is being impaired because of the leisure time activities of any of its employees. Implicit in this is the requirement that there must be no question of employees undertaking activities in circumstances which might lead to suspicion of undue or improper favour being granted, or undue or improper influence being exercised, in relation to contracts of any kind, or in relation to any consent, permission, licence, etc, which members of the public seek from the Council.

### **3. Disclosure of Information**

Employees should not use any information obtained in the course of their employment for personal gain or benefit nor should they pass it on to others who might use it in such a way.

Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by law.

### **4. Private Paid Work**

The following conditions must be strictly observed by any employee who proposes to undertake, or who undertakes private work for any person, firm or company: -

- (a) Employees graded above Band I (spinal column points 28,29,30) shall devote their whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the consent of the Head of Service, after consultation with the Assistant Chief Executive.
- (b) Private work must not be undertaken during working hours, and it must not be undertaken on official premises even after working hours.
- (c) In addition to there being no impairment of the proper execution of the employee's official duties, there must not be any interference with any requirement to work overtime on such duties.
- (d) Private work that may be subject to the Council's statutory supervision or consent must not be undertaken.
- (e) Private work must not be undertaken for any person, firm or company who is known by the employee to be currently or periodically, an applicant to the Council for a statutory consent or permission, for a discretionary licence (excluding licences which are issued automatically subject to the application being in order), or for any other purpose, where the application is or would be dealt with by the department in which the employee is serving. Employees proposing to undertake private work for any person, firm or company are responsible for ascertaining from them whether they are applicants to the Council for a statutory consent or permission.
- (f) Private work must not be undertaken for any person, firm or company in a contractual relationship with, or commissioned by, the Council, or concerned in any property transaction with the Council, or for any person known or believed by the employee to be connected with such a firm or company, where the employee undertaking the private work is serving in a department materially concerned with such a contractual relationship, commission or property transaction. Employees proposing to undertake private work for any person, firm or company are responsible for ascertaining from them whether any contractual or

commission relationship with the Council exists, or whether they are concerned in any property transaction with the Council.

- (g) Private work must not be undertaken by an employee for another employee responsible for supervising that employee or whom the employee supervises.
- (h) Private work must not be undertaken for any person, firm or company with whom an employee deals in the course of their official duty.
- (i) Council equipment, vehicles or goods must not be used to undertake private work.
- (j) There are some secondary types of employment that an employee could undertake in his/her own time without creating any conflict of interest, though the employee would have to make quite sure that the commitments of the job stayed below the level at which efficiency in their work for the Council could be impaired.
- (k) Teaching and lecturing may be acceptable but special safeguards need to be put in place. Where such activity would involve the use of special knowledge gained in the Council's employment, permission must be sought from the employee's Head of Service; where any fee is received for such work it must be paid over to the Council unless prior arrangements have been agreed otherwise. Similarly, where the activity could have a significant public impact in relation to the Council or its functions, prior approval must be obtained from the Head of Service.

## **5. Private Unpaid Work**

If an employee wishes to undertake private work for which no payment or other reward is made but which would otherwise be prohibited under paragraph 2 above, the employee must inform his/her Head of Service who may relax some of the conditions in clause 4 above, as may be considered appropriate.

## **6. Interest of Employees in Contracts**

Standing Order 22 of the Council under this heading places the following requirements on Officers: -

"The proper employee of the Council shall record in a book to be kept for the purpose, brief particulars of any notice given by an employee of the Council under Section 177 of the Local Government Act 1972, of a pecuniary interest in a contract and the book and such notices shall be open during office hours for the inspection of any member of the Council".

Section 117 of the Local Government Act 1972 refers to the need for employees to declare their interest and the interest of spouses in contracts negotiated between the Council and third parties. This particular Section specifies as follows:

“If it comes to the knowledge of an employee employed, whether under this Act or any other enactment by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he himself is a party), has been, or is proposed to be, entered into by the Authority or any Committee of the Authority, he shall as soon as practicable give notice in writing to the Authority of the fact that he is interested therein”.

An employee shall be treated as having indirectly a pecuniary interest in a contract or proposed contract, if: -

- (a) He or any nominee of his is a member of a Company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) He is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed to be also an interest of the other.

NOTE: Where the Act refers to “he” you should read “he” or “she”.

Any employees affected by this Act should inform the Head of Legal Services through their Head of Service.

## **7. Writing of Books**

The writing of books or articles for payment on subjects relating to an employee’s work for the Council requires the permission of the Council.

- (a) No person employed by the Council in any capacity shall publish, or authorise the publication of, any book or article written by that person either wholly or in collaboration with any other person or persons, in which the title page, preface, or any other part there appears to be, any indication that the writer is an employee of or is otherwise connected with the Council, unless a statement appears in a prominent position in such book or article to the effect that the opinions are those of the author and do not necessarily represent the opinions of the Council and that the Council accepts no responsibility for the author’s opinions or conclusions.
- (b) No such persons shall, without permission from their Head of Service make available to a newspaper, solely or jointly with any other person or persons, any communication in which there is an indication that the person is an employee of, or otherwise connected with, the Council.
- (c) Paragraphs 7 (a) and (b) shall not apply to books and articles on purely technical or scientific subjects and persons employed by the Council shall be at liberty to write and publish books and articles on these

subjects and, if they so wish, to indicate therein that they are officers of, or otherwise connected with the Council, provided that it is clearly stated that the opinions are those of the author and do not necessarily represent the opinions of the Council.

**8. Broadcasting**

Any employee broadcasting on a subject connected with the work of the Council shall be required to obtain beforehand the permission of the appropriate Head of Service.

**9. Technology Platforms, Websites and Online Tools – Refer to Social Media Policy**

The policy covers the use of social networking applications, by Council employees, Elected Members and partners or other third parties (including contractors) on behalf of the Council.

The requirements of the policy apply to all uses of social networking applications for Council related purposes, regardless of whether the applications are hosted corporately or not. Consideration within the policy is also given to Council representatives who are contributing in an official capacity to social networking applications provided by external organisations.

**10. Inventions by Employees**

Any employee who in the course of their employment with the Council produces an invention or design shall, at the request of the Council, assign the patent to the Council or, if the invention or design has not been patented, assist the Council in obtaining a patent in the name of the Council. It is not appropriate that patents should be taken out for the personal benefit of employees of the Council whose duty it is to devise improvements or to examine and report on the suggestions or inventions of others.

**11. Lost Property**

Any employee who either finds or has handed to them property which appears to be lost or abandoned on council premises, must give that property to their manager. Thereafter the property should be dealt with in accordance with the procedures specified by audit. Under Section 117 of the Local Government Act 1972 and officer shall not, under colour of his office or employment, accept any fee or reward whatsoever, which would include handing in any lost property.

**12. Relationships between Employees**

The relationship of landlord and tenant shall not either directly or indirectly be created or allowed between employees of the Council who are in any way responsible for each others appointment, pay, promotion, discharge or dismissal.

### **13. Appointment and other Employment Matters**

Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with him or her.

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

### **14. Prevention of Corruption, Gifts or Rewards - Refer to Gifts and Hospitality Policy**

The policy provides guidance to employees on the receiving of gifts, invitations and hospitality as well as the provision of gifts and hospitality to those outside Middlesbrough Council.

The Gifts and Hospitality policy applies to all employees of Middlesbrough Council, failure to adhere to the policy may be dealt with under the Council's disciplinary procedure

### **15. Sponsorship**

Where an outside organisation wishes to sponsor or is sought to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the 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.

### **16. Political Neutrality**

Employees serve the Authority as a whole. It follows that they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways that do not compromise their political neutrality.

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

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 14 above.

Employees must at all times have regard to and act in accordance with the provisions of the "Protocol on Member/Officer Relations".

## **17. Separation of Roles during Tendering**

Employees involved in the tendering process and dealing with contractors should be clear on the separation 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.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

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

Employees contemplating a management buy out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

Employees should 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.

## **18. Freemasonry**

Employee's attention is drawn to the Council Minute 895 – 12.10.95 that states:

1. "That employees of the Council (except those employed at schools) be expected to record with the Corporate Director (and Corporate Directors with the Managing Director) membership of Freemasonry."
2. "That it be a condition of service (except for those employed at schools) of Council employees that upon taking up posts they record with the Corporate Director (and Corporate Directors with the Managing Director) membership of Freemasonry. Candidates for posts will not be asked and need not declare whether they are Freemasons."

## **19. Member/Officer Protocol**

Authorisation. Full Council 30.4.02.



## **Roles of Officers**

- (a) Officers are employed by and serve the whole Council. They advise the Council, the Executive, Council Committees and other Council bodies. They are responsible for ensuring that decisions are taken within the Law, in accordance with the Constitution, and that decisions are properly recorded and effectively implemented.
- (b) The Chief Executive is responsible for ensuring that Officers fully and effectively support Members. Officers are responsible to the Chief Executive and not to individual members of the Council; no matter what office they hold.
- (c) All Officers are required by Law to be politically neutral, and for senior officers this is enforced by way of the Local Government and Housing Act 1989.
- (d) There are statutory requirements in relation to the Head of Paid Service, the Monitoring Officer and the Director of Finance. These responsibilities are detailed in Article 12 of the Constitution.
- (e) The Director of Legal and Democratic Services will provide Legal advice to the Council and to the Executive.
- (f) The Chief Executive's Office Manager will ensure that meetings of the Executive are properly planned, serviced and reported in accordance with legislative requirements and Council Rules of Procedure.
- (g) The Members' Office Manager will ensure that all other meetings of the Council, its Committees and sub-Committees and all other Council bodies are properly planned, serviced and reported in accordance with legislative requirements and Council Rules of Procedure.

## **Officer Conduct**

- (a) Officers should always treat Members with respect and courtesy. Whenever conflict or disagreements arise, the Officer's line manager must deal with these professionally.
- (b) It is not enough for Officers to avoid actual impropriety. They must at all times avoid any occasion for suspicion and any appearance of improper conduct. Officers must declare to the Chief Executive or the Monitoring Officer any relationship with a member. This includes any relationship, which might be seen as influencing their work as an Officer, or influencing the work of the Member.
- (c) In this sense 'relationship' would include any family business or close personal relationships. It is not possible to define the exact range of relationships that would be considered as close or personal. Examples however would include a family or sexual relationship and regular social mixing, such as holidays or evenings out together.

- (d) Close personal relationships between Officers and Members can damage principles of mutual respect and professionalism. They can also, intentionally or accidentally, lead to the passing of confidential information. Such relationships can cause embarrassment to other Members and officers and can give rise to suspicion of favouritism. For these reasons personal relationships must be avoided, especially between Members and Officers who regularly, as part of their normal working role, offer advice or support to Members.

**In their working relationships with Members, Officers will:**

- **Behave at all times in a professional manner**
- **Strive to develop mutual levels of trust with all Members**
- **Perform their duties efficiently and effectively with impartiality**
- **Maintain the highest standards of confidentiality**

## **20. Equality Statement**

The Code of Conduct policy applies fairly and equally to all employees irrespective of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership.