

CODE OF CONDUCT FOR EMPLOYEES OF BARNET COUNCIL

Introduction

Our aim is to develop and promote our reputation as a quality organisation and ensure the integrity of our employees. We encourage employees to disclose external interests and require them to withdraw from activities which could conflict with the council's interests or undermine the public's confidence.

The public is entitled to demand conduct of the highest standards from employees of the council. Council employees have an obligation to avoid conflicts between their private interests and their duty to the council, particularly where this could adversely affect the council's interests, or in any way weaken public confidence in the conduct of the council's business.

This declaration of interests by each member of staff enables the council to avoid unjustified suspicions about individual's influences and motives. It also provides a publicly recognised system for maintaining proper standards of conduct and ensuring that there is not impropriety in the council's internal and external dealings.

Aim of the Code of Conduct

The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment. This includes the introduction of Best Value, market testing, changes in the management of the education and housing services, care in the community and management buy outs etc.

The Code will:

- enable employees to maintain appropriate external, social, professional and community contacts;
- set standards of conduct expected of public service employees regarding their relationship with individuals and external organisations;
- protect staff and the council from allegations of impropriety.

The Code of Conduct is *not* intended for staff to declare their membership of legitimate political parties or Trade Unions.

Scope of the Code of Conduct

The Code of Conduct has been adopted by the Authority and applies to all employees. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within Local Government, including sessional workers, casuals, Office holders such

as Registrars, Rent Officers and Direct Service/Labour organisations. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

Failure to declare

Failure to follow the Code in any aspect may be raised in disciplinary action taken against you for a breach of the council's rules or procedures.

Criminal sanctions may apply where an abuse of position has occurred as a result of a council contract or where an employee or his/her relatives have gained pecuniary advantages.

If you fail to return a declaration form, it will not, in itself, constitute a disciplinary offence. However, should a relationship emerge which was relevant to the employee's duties and this has not been declared as set out in this Code, non declaration might be taken as evidence of misconduct or gross misconduct.

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Paragraph 2 of the National Joint Council for Local Government Services (the Green Book) and paragraph 34 of the Constitution Salaries Conditions of Service (Joint Negotiating Committee for Chief Officers of Local Authorities) says:

“Employees will maintain conduct of the highest standards that public confidence in their integrity is sustained.

Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers”.

This Code of Conduct should apply to all employees under a contract of employment within the council, including office holders such as Registrars, Rent Officers and Direct Service/Labour organisations. In addition, governing bodies of locally managed and grant maintained schools should also be encouraged to adopt this Code of Conduct.

1 Standards

1.1 Employees are expected to give the highest possible standard of service to the public, and to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected to raise matters without fear of recrimination to their manager or senior manager or if they do not wish to do that, to bring it to the attention of the Chief Executive. In the event that the matter relates to the Chief Executive it should be raised with the council’s Monitoring Officer.

2 Disclosure of information

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information this authority is and is not open about. If in doubt guidance should be sought from management before information is disclosed.

2.2 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 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 the law.

3 Political neutrality

- 3.1** Employees must serve the Authority as a whole. 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.
- 3.2** Subject to the authority's conventions, employees may also be required to advise political groups, in ways which do not compromise their political neutrality.
- 3.3** Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority, regardless of their personal or political opinions.

4 Relationships

4.1 Councillors

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4.2 The Local Community 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.

4.3 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 tenders and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 4.4** 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.

5 Recruitment and Employment of Relatives

- 5.1** 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 which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, the council has agreed a policy on the Recruitment and Employment of Relatives.

The aim of this policy is to ensure that high standards of conduct and good practice are maintained in the management of staff and working relationships across the authority. It has been drawn up with due regard to the council's Equal Opportunities Policy.

This policy applies to the recruitment, selection, appointment and promotion of “close relatives” of existing employees or in cases where two employees become “close relatives”, eg, marry.

The definition of “close relative” for the purposes of this policy statement includes spouse, partner, close family members, eg, mother, father, sister, brother and other persons with whom there is a close personal relationship. Management discretion should be applied when considering extended family and also situations where one party would have a vested interest in the appointment of the other.

In the interests of the council’s service provision and for reasons of public confidence, the council shall not allow an Officer to be involved in the recruitment, selection or promotion of appointments in the circumstances where both parties are related as defined above.

Managers will make a note of relationships and personal interests declared to them by staff and send this note to their Human Resources Operations Unit who will keep this information on the employee’s personal file.

In addition, it follows that this policy should be extended to all personnel related matters and that any direct involvement in staffing matters relating to a close relative is also unacceptable e.g. disciplinary, grievance and grading, etc.

6 Additional Employment

- 6.1** If your post is graded Barnet Band 2, point 29 and above, you must not take up any other employment or engage in any business without the written consent of your Head of Service/Chief Executive. This written consent must be in addition to and separate from any disclosure you make on the Code of Conduct form.
- 6.2** Approval to undertake additional employment or engage in any business will depend on the circumstances of the Officer’s particular situation. Any additional employment however must not in the view of the authority be likely to conflict with or react detrimental to the authority’s interests or in any way weaken public confidence in the conduct of the authority’s business. Situations where employees graded Barnet Band 2, point 29 and above or equivalent fail to seek permission and disclose details of their additional employment will be dealt with under the council’s Disciplinary Rules and Procedure and could result in the employee’s dismissal for gross misconduct.
- 6.3** Heads of Service are empowered to decide whether 4th tier officers and below should be permitted to take up part-time employment or engage in any business in addition to their full time appointment with the council. The Head of Service’s decision in this respect should be communicated in writing to the employee concerned and reported under action taken under delegated powers to the relevant committee.
- 6.4** Requests from 3rd tier and above should be referred to the Chief Executive for decision.
- 6.5** With regard to holders of job share or part-time posts, each case will be looked at on an individual basis.
- 6.6** All employees should be clear about their contractual obligations and should not take outside employment or engage in any business which conflicts with the authority’s interests.
- 6.7** Employees should follow the rules stated below on the ownership of intellectual property or copyright created during their employment.

Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

Inventions and Patents

Inventions made before 1st June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1st June 1978 inventions are only the property of the employer if:

- they have been made in the course of the employee's normal duties; or
- they have been made in the course of duties specifically assigned to the employee and where invention might reasonably be expected; or
- it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

7 Personal interests

7.1 Employees must declare any non-financial interests that they consider could bring about conflict with the authority's interests e.g. involvement with an organisation or pressure group which may seek to influence their authority's policies, acting as a School governor within schools maintained by the authority.

Further guidance notes will be issued with the declaration form that will be used to declare interests, to distinguish the types of membership of groups that require to be declared by employees. It is not intended for staff to declare membership of legitimate political parties or Trade Unions.

7.2 Employees must declare any financial interests which could conflict with the authority's interests e.g. involvement with an organisation applying for or receiving grant aid from the authority. It is accepted that some employees may be members of organisations and groups and have no active involvement in the group. However, there is an expectation that where an employee is involved in the running of the group or organisation as a Committee member, or involved in the decision making process, that this would be declared. Likewise employees who are asked to undertake work in response to a request from a group or organisation of which they are a member would be wise to declare their membership.

7.3 Employees must declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct e.g. Freemasons.

7.4 The completed form will be reviewed by the respective Head of Service/Chief Executive before being placed on the employee's personal file.

Should an employee need to amend or review a declaration the process to be followed in declaring an interest would be to request a declaration form from their Human Resource Operations Unit.

Separate guidelines will be issued to managers stressing the confidential nature of the information submitted and that any declaration made must not be used inappropriately.

Employees' declaration forms would not be open for inspection to staff, other than by their Head of Service/Chief Executive. These managers may need to check declaration forms should either an employee's membership of an organisation or pressure group emerge or, should there be suspicion that a relationship has emerged which was relevant to the employees duties and is contrary to the Code of Conduct.

- 7.5 Any member of staff who is in any doubt as to whether or not specific outside interest exists and should be declared, should contact their Human Resources Operations Unit for guidance.

8 Equal Opportunities in Employment

8.1 Barnet Council already has an existing policy on and is committed to equal opportunities. The aim of the council's policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, sex, disability, ethnicity, faith or because they are a lesbian woman or a gay man. Selection criteria and employment policies and procedures will be kept under review to ensure that individuals are selected, promoted, trained and treated on the basis solely of their relevant and relative merits, abilities, training and potential.

8.2 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.

9 Separation of Roles During Tendering

9.1 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.

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

9.3 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.

9.4 Current policy in Barnet (but subject to each individual case being considered on its merits and in accordance with the council's personnel procedures), states that in order to avoid any conflict of interests, all staff involved in any proposed Management Buy Out be given unpaid leave of absence pending a conclusion or, if directly involved in negotiating the buy out, be asked to resign from the council's service. (ref P. and R. Cttee. Rpt. 4/7/90 -2).

9.5 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.

10. Use of Financial Resources

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

11 Corruption

11.1 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. If it is proved that some kind of reward was given to the employee, then the onus is on the employee to disprove corruption.

12 Gifts and Hospitality

12.1 In the course of our work you may occasionally be offered gifts or hospitality by contractors, consultants, clients or other members of the public. In some instances, accepting such gifts could place you in a serious predicament, open to allegations of corruption, and to disciplinary proceedings. In order for you to know what is acceptable, and to protect you from such allegations, the council has adopted the following policy:

- (1) It is essential that all employees are open, and not secretive in their relationships with outside agencies.
- (2) All gifts and hospitality must be recorded in writing, immediately on receipt, in a book or register kept for this purpose within the service area/section/establishment.
- (3) Minor gifts, eg calendars, diaries, stationery items, need not be recorded.
- (4) Where small gifts such as a bottle of wine, food, confectionery, etc are offered, these can be accepted, provided they are recorded as above, and not kept for personal use, but shared with colleagues or residents/users (eg of a social services' establishment).
- (5) Gifts of higher value, eg cases of spirits, clothes, holiday discounts, electrical equipment, must not be accepted and, if received, should be returned to the sender.
- (6) Cash must on no account be accepted.
- (7) Employees must not, on a personal basis, take advantage of discounts which have been negotiated by the council with its suppliers for the purchase of goods, materials or services, unless the discount has been negotiated specifically as a benefit available to all employees.
- (8) Hospitality in the form of drinks and meals can be accepted when provided in the course of normal business - eg lunch at a contractor's expense during a business meeting or function, provided that they are recorded in writing as above. Employees must be aware of the need to take care, when alcohol is offered, to ensure that their ability to take decisions and to drive vehicles is not impaired.
- (9) Invitations to prestige sporting events, such as Wimbledon, and other occasions such as theatre, opera, or weekend breaks must not be accepted.
- (10) No gifts or hospitality are to be accepted from contractors who are submitting a tender during a tendering period.
- (11) Gifts and hospitality, when accepted, should be acknowledged by a letter of thanks to be placed on file.
- (12) Records may be inspected by Members, and will be subject to check by Internal Audit.

- (13) Employees providing personal care, such as Care Workers, Home Helps and Wardens of sheltered housing accommodation can sometimes be offered jewellery, money or other gifts, or bequests of substantial value by clients. When dealing with elderly or confused clients, employees - if they accept such gifts - are placing themselves in a particularly vulnerable position. Any offers of such gifts or bequests from clients, or other members of the public, must be reported immediately in writing to the Head of Service (or an officer nominated to act on his/her behalf) for instruction.
- (14) There are certain groups of employees (eg, Enforcement Officers, Purchasing Officers) for whom it would be inappropriate to receive any gifts or hospitality in view of the nature of their work. Any such employees will be notified in writing by the Head of Service of the rules which apply.
- (15) Failure to adhere to the above will be regarded as gross misconduct and could lead to dismissal.

13 Sponsorship - Giving and Receiving

- 13.1** 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.

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.

14 Use of Internet, Intranet and e-mail facilities

- 14.1** The council's email, Internet web access and Intranet facilities are provided to assist council business and are not intended for personal use.
- 14.2** Accessing, storing or transmitting offensive material via email, the Internet or the Intranet is expressly prohibited. Offensive material includes, but is not limited to, pornographic, racist, terrorist and sexist material.
- 14.3** The usage of web and email addresses will be logged and audited on a regular basis. Any apparent misuse of these facilities may lead to disciplinary action being taken.
- 14.4** Up-to-date information on the council's Internet Usage Policy is available on the Internet and should be regularly reviewed by users of the council's Internet and Intranet facilities.

15 Application of the Code of Conduct

- 15.1** There will be specific mention of the Code of Conduct in the contract of employment for new starters and that they could be required to declare interests after the selection process but before taking up their posts.
- 15.2** Any apparent breaches of this Code of Conduct will be fully investigated by the appropriate manager and any proceedings would follow the normal disciplinary procedures of the council.