

Code of Conduct

for Employees

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Introduction

The public is entitled to expect the highest standards of conduct from local government employees. All staff have a responsibility to ensure that their honesty and integrity are beyond criticism.

Aim of the National Code

In order to help local government employees maintain and improve standards and in order to protect them from misunderstanding or criticism, the Department of Communities and Local Government (DCLG) Management Board, in conjunction with the local authority associations and in consultation with a wide range of bodies including the trade unions, has produced a national Code of Conduct for local authority staff. The Code has been produced to take account of the challenges which face local authority employees.

Sutton's Code

The standards which London Borough of Sutton (LBS) expects of its employees are well established and the Council has a high degree of trust and confidence in its employees which is supported by its reputation for sound practice. It also sets out the standard of expectation for workers, as appropriate, where the Council is not the employer. The Council reserves the right to take appropriate action as it sees fit, should they consider that the worker is in breach of the standards of behaviour set out in the Code.

However, in order to make it easier for managers and employees to address what can be difficult situations, the Council has decided, following consultation and with the support of staff/union representatives (including the teachers' unions) to adopt its own Code of Conduct, based on the national model, as amended from time to time.* This Code is recommended for adoption by Governing Bodies of Voluntary Aided Schools with adaptation as necessary, to reflect their status as employers of staff in those schools.

The Code brings together in one document, and supplements where necessary, existing guidance in relation to the standards of probity required by the Council. The Code sets out the corporate standard for LBS as a whole. The guidance may be augmented, where appropriate, by departmental procedures which reflect specific operating circumstances.

[*Council Minutes 1020/96 & 1021/96, & Council & Teachers Joint Committee, 26 June 1996]

Application

The Code applies to all staff. However, inevitably some issues will have greater relevance for some groups than others, depending upon the nature of their work. All employees should observe the guidance in the Code and departmental procedures to ensure that their conduct is in accordance with LBS's standards and in order to protect their position in the event of any complaint or challenge.

1. STANDARDS

- 1.1 LBS is committed to maintaining public confidence by the continued provision of the highest standards of service
- 1.2 All staff are expected to give the best possible service to the public, in accordance with the Council's standards and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.
- 1.3 The standards of conduct which the Council expects of its employees at work are set out:
- in their written Statement of Particulars of employment;
 - in terms and conditions of employment;
 - in the Council's corporate policies and procedures (including the Disciplinary Procedure) and augmented by procedures which have been developed to meet specific operating circumstances in Directorates.

Professional staff are also bound by standards of professional conduct.

- 1.4 This Code sets out the corporate standards which apply in LBS as a whole with regard to probity at work.
- 1.5 Failure to observe LBS's standards of conduct may lead to disciplinary action. The Code is designed to help staff to act in a way which will protect them from criticism, misunderstanding or complaint.

2. PROCEDURE FOR REPORTING CONCERNS AT WORK

- 2.1 All employees have a responsibility not only to deliver services to the best of their ability and in accordance with council policies but also to be alert to any malpractice on the part of others.
- 2.2 Managers have a particular responsibility for preventing and identifying malpractice if it occurs. The Statutory Monitoring Officer has a specific duty, in appropriate cases, to report to the Council on any proposal, decision or omission by the Council, any of its Committees, Sub-Committees or Officers which contravenes the law or causes maladministration or injustice.

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- 2.3 However all staff have an important contribution to make to this process, as staff are often in the best position to identify and draw attention to problems at an early stage. Everyone has a responsibility, without fear or recrimination, to report any serious concerns which they may hold, for example about services which fail to meet defined standards or about any impropriety or irregularities in procedures, whether these concerns relate to contractors, employees or the public.(Insert Link to the Whistleblowing Policy/Procedure and Guidance)
- 2.4 The Council acknowledges that it can be difficult to come forward and has therefore introduced the following simple procedure designed to meet the concerns of those who may, for a variety of reasons, feel reluctant to speak up.
- Normally any concerns should be reported to your immediate line manager. However, if you feel unable for any reason to approach him/her, you should discuss your concerns with a senior manager in your Directorate, or the Director. For schools staff concerns normally should be reported to the Headteacher. However where circumstances make this inappropriate, they should be reported to the Executive Head of Education and Early Intervention or relevant officer. In cases where suspected financial irregularity is concerned you MUST report the matter to the Chief Internal Auditor. The manager to whom you report your concerns will ensure that the Monitoring Officer is alerted in appropriate cases. You may raise your concerns verbally, in the first instance, or in writing. If you wish, you may seek guidance from and the support of your staff/trade union representative.
 - Sometimes there will be a satisfactory explanation and your concerns will be unfounded. However the only way this can be established is by investigation. During the investigation you may be required to explain your concerns in more detail. However you can be confident that your report will remain confidential to those involved in such investigations.
 - By speaking up it is not your responsibility to prove the matter. Please remember though that malicious allegations waste time and money and could potentially be a breach of LBS's Rules.
- 2.5 The Council is committed to investigating concerns and taking firm management action where malpractice has been substantiated.

3. DISCLOSURE OF INFORMATION

- 3.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. Employees must be aware of which information within the Council is open and which is not, and act accordingly. Employees who are in any doubt about whether or not information is confidential should seek advice from their line manager.
- 3.2 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 must not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

4. POLITICAL NEUTRALITY

- 4.1 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.
- 4.2 In so far as employees may be required to advise political groups, they must do so in ways which do not compromise their political neutrality.
- 4.3 As a result of provisions introduced under the Local Government and Housing Act 1989 (as amended from time to time) to ensure the political impartiality of local government employees, some employees' posts are subject to "political restriction". This means that the postholders are prohibited from involvement in political activities as these could conflict with their responsibilities at work.
- 4.4 All employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinion to interfere with their work.

5. RELATIONSHIPS

5.1 Councillors

Employees are responsible to the Council 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 Council's work. Mutual respect between

employees and councillors is essential to good local government. Care needs to be taken to ensure that relationships between employees and individual councillors do not give rise to a conflict of interest.

5.2 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 Council's policies.

5.3 Contractors

All relationships of a business or private nature with external contractors or potential contractors **MUST** be made known to your line manager. Orders and Contracts must be awarded in accordance with LBS's Standing Orders, financial procedures and regulations set out in the Council's Financial Management Handbook, Contract Management Handbook (in the Council Constitution) and other Directorate procedures which are designed to ensure award on merit and value for money, by fair competition against other tenders. 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.

5.4 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 a contractor, should declare that relationship to their line manager.

6. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

6.1 Employees involved in appointments must ensure that these are made in accordance with LBS's Equality and Diversity Policy/ on Recruitment and Selection Policy/procedure/guidance (or equivalent where powers of appointment are varied under schemes of delegation). All the Council's Human Resources policies and practices take full account of the Equality and Diversity Policy and are designed to ensure that appointments are made on the basis of merit.

6.2 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, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him

or her. In these circumstances employees should report any such relationships to their line manager at the earliest opportunity.

- 6.3 Similarly employees should not be involved in decisions about grievance, discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc. (see Conflict of interest Policy/Procedure and Guidance).

7. OUTSIDE COMMITMENTS

- 7.1 One of the ways in which staff can safeguard themselves from placing themselves in positions where potential conflicts of interest may arise, is by putting on record any activities which might potentially give rise to conflict between their private interests and their employment with the Council. By declaring private interests staff will be able to confirm in the event of any challenge, that they had properly advised the Council of any personal or business interest.
- 7.2 All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests. Some employees have conditions of service which expressly require them to obtain prior written consent to take any outside employment. These staff should seek the agreement of their Director before taking up additional employment. Employees should be aware that LBS reserves its legal rights in relation to ownership of intellectual property/copyright, insofar as it may be created during employment.

8. PERSONAL INTERESTS

- 8.1 Employees **MUST** declare to an appropriate manager:
- (i) any non-financial interests that they consider could bring about conflict with the authority's interests;
 - (ii) any financial interests which could conflict with the authority's interests;
 - (iii) membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules of membership or conduct.
- 8.2 The Local Government Management Board Working Group definition of what constitutes 'a secret society' for the purposes of 8.1 (iii) above:

“Any lodge, chapter, society or trust or regular gathering or meeting which:

(a) is not open to members of the public who are not members of that lodge, chapter, society or trust;

(b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, trust, gathering or meeting; and

(c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.”

- 8.3 Teachers and Lecturers should follow similar principles and put on record any private interests which may be relevant with their Head Teacher/Principal or in the case of the Head Teacher/Principal, the Chair of Governors.

9. EQUALITY ISSUES

- 9.1 All LBS employees must ensure that they comply with the Council’s policies relating to equality and diversity issues 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.

10. SEPARATION OF ROLES DURING TENDERING

- 10.1 Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must have full regard to the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

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- 10.3 Employees who are privy to confidential information on tenders, costs or any contract evaluation/registration for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 10.4 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 process.
- 10.5 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.

11. FRAUD AND CORRUPTION

- 11.1 The term fraud is used in its widest sense and covers the perpetration of all financial irregularities where there has been a dishonest intent for gain. Corruption can be described as an act of collusion, where one person benefits indirectly from a fraud perpetrated for the direct benefit of another. The benefit may be in cash, in kind or as a favour. Fraud and corruption are very serious disciplinary issues and may also lead to criminal investigations.
- 11.2 Any suspicion of fraud, corruption or financial irregularity- whether perpetrated by an employee or a third party against the Council- MUST be reported immediately to your line manager/Chief Internal Auditor for investigation. Please see the Anti-Fraud and Corruption Policy at <https://intranet.sutton.gov.uk/task/report-fraud/>.

12. USE OF FINANCIAL RESOURCES

- 12.1 Employees must ensure that they use and account for 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 Council.

13. HOSPITALITY

- 13.1 Employees should only accept offers of hospitality if there is a genuine need to impart or receive information or to represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Attendance should be authorised and recorded in advance by your line manager. The criterion to be considered will be whether attendance is of demonstrable benefit to the Council.
- 13.2 When considering offers of hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 13.3 Acceptance by employees of hospitality, for example through attendance at relevant conferences and courses, will normally be acceptable where it is clear the hospitality is corporate rather than personal, where your line manager gives consent in advance and where your line manager is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should- where practicable- ensure that the authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. If the Council is meeting the cost, the individual employee is not placed under any obligation to those who might otherwise be offering hospitality.
- 13.4 When hospitality has to be declined, the offeror should be courteously but firmly informed of the procedures and standards operating within the Council.
- 13.5 Employees should not accept gifts other than insignificant and impersonal items of token value such as trade pens, diaries, etc. Acceptance of gifts, however well-intentioned a gesture on the part of the donor, is open to misinterpretation. "Token Value" is emphasised in relation to the examples given here. Gift of diaries, for instance which were of more than token value, would not be acceptable (please see [Gifts and Hospitality Policy https://intranet.sutton.gov.uk/task/staff-gifts-and-hospitality/#](https://intranet.sutton.gov.uk/task/staff-gifts-and-hospitality/#)).
- 13.6 All employees with responsibility for purchasing must ensure that any benefit from sales promotions accrues only to LBS or is declined. All purchasing decisions must be made on the basis of commercial criteria alone and in accordance with LBS's financial procedures.

14. SPONSORSHIP: GIVING & RECEIVING

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an LBS 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.
- 14.2 Where the Council 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 at the earliest opportunity. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and there is no conflict of interest involved.

DATE OF IMPLEMENTATION

With effect from: 1st April 2016
(for non-schools staff)