

## **8. OFFICER CODE OF CONDUCT**

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## **1. Introduction**

The public is entitled to the highest standards of conduct from all employees of Rushmoor Borough Council, and it is imperative that officers operate with integrity, honesty, impartiality and objectivity in carrying out their duties.

An officer's role as an employee of Rushmoor Borough Council is to serve the Council by providing advice, implementing its policies, and delivering services to the local community to the best of their abilities. Officers will act with the needs of the customer in mind and in line with Council policy, guidance and the associated laws within their area of work.

Failure to follow the various guidelines and requirements set out in this Code may result in disciplinary action being taken, which could lead to dismissal.

Following the code will ensure that officers are not placed in a position which risks, or appears to risk, any conflict between private interests and local government duties. It is therefore necessary for officers to declare any conflicts of interest to the Council in a timely manner. By disclosing any personal interests or conflicts at the earliest stage, all reasonable steps can be put in place to reduce the risk to both the employee, the Council and the community.

This code of conduct is designed to provide guidance about what is expected from officers in their daily work and in dealings with elected members, colleagues and the public. Also, as the Council's work is democratically controlled and open to public scrutiny, the Council's success is dependent upon public confidence in its employees.

Furthermore, the aim of this Code is to

- help officers to understand how they can fulfil their ethical obligations in performing their role; and
- set clear expectations for conduct as an employee of the Council.

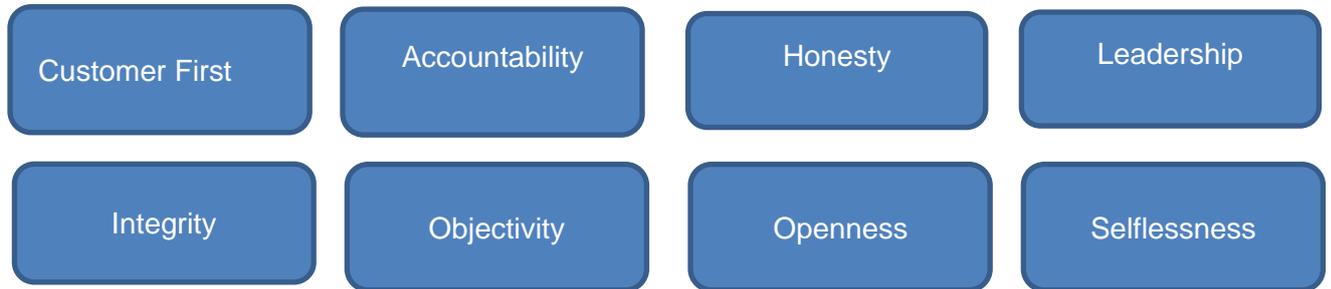
## **2. What the Council expects of Officers**

All employees, contractors or volunteers engaged by Rushmoor Borough Council are expected to work to the best of their ability and with the highest possible integrity and professionalism. For the purposes of this code alone, all shall be referred to as an RBC 'employee'. ALL are to be bound by this code. Members will be bound by the Code of Conduct for Councillors (in Part 5 of the Constitution)

It is therefore expected that officers will

- a) ensure that the public interest always remains paramount;
- b) be impartial and honest in the conduct of official duties;
- c) never use an official position for personal gain or to benefit family and friends; and
- d) identify and notify the Council of any potential conflict of interest that arises or could arise.

The following should be considered as corner stones for officers' conduct in serving the public through duties at Rushmoor:



### 3. Roles & Responsibility:

Roles and responsibilities under the code are outlined below. These are demonstrative not exhaustive.

#### a) Employees:

Employees of the Council are expected to

- observe and meet the standards of conduct set out in this code;
- ensure they seek advice at an early stage if they are uncertain about any of the content or implications of this code; and
- discuss with a line manager immediately any concerns, breaches or conflicts of interests that may arise in relation to any matter outlined in this code.

#### b) Managers:

Managers have a responsibility to set a good example for employees through:

- their own behaviour and attitudes, especially in relation to upholding the ethical principles, obligations and standards as set in this code of conduct
- ensuring that employees understand the standards of conduct expected from them and objectively assess their performance against these standards;
- ensuring new staff are introduced to the code and have opportunities to discuss it or ask any questions relating to the code;
- ensuring that relevant legislation, delegations, and council policies and procedures are accessible
- ensuring that direct reports are familiar with the requirements and objectives of their job, and have access to the information, training, supervision, feedback and work conditions needed to achieve them

Managers must act promptly, thoroughly and fairly when responding to, or investigating grievances and reports of breaches of the code of conduct or similar. To avoid any accusation of bias, you must not be involved in the appointment of any

applicant if you are a relative or friend to them. This apply equally to decisions relating to promotion, or discipline. If there is any doubt, the issue should be discussed with a line manager.

**c) What employees can expect from the Council:**

Employees can expect certain accountabilities from the Council.

The Council will:

- put in place clear rules, procedures and policies so that employees can be clear what is expected and how shortcomings will be addressed;
- respect that some areas of work and professionalism will have specific rules, procedures or legal requirements, and support the delivery of those duties;
- ensure a healthy working environment, which is free from discrimination, harassment or bullying;
- provide relevant training and development opportunities, within available resources, to ensure employees are suitably skilled; and
- protect employees from difficulty when a likely conflict of interest is declared

**4. Professional Conduct and Serving the Public without bias or preference**

If an officer is in a position where a person with whom the officer has a 'personal connection' should approach them for anything wider than general customer service advice (i.e. matters of fact or written policy) the officer will be expected to step aside from that interaction and alert a manager immediately. This is particularly the case where the officer is likely to offer advice, guidance or support where they have direct influence over the outcome of a matter for a customer with whom they are personally connected. This could include for example benefits assessments; housing advise; planning matters and decisions on enforcement action.

**A personal connection is considered:**

A personal relationship, friendship or family connection - be that blood relation or by marriage. It may also be anyone with whom there is a business interest. Aside from family or close friends it could be a neighbour, or someone the officer socialises with at regular clubs, or sports clubs etc.

It is paramount that Members of our community are served equally and with fairness and respect. The needs of the public/community must be the first consideration in all matters affecting policy, conduct, and decision making.

Officers must ensure that actions or advice are in line with duties, and in line with relevant policies, common practices, legislation and the Council's objectives. An officer's professional judgement must not be compromised, nor be perceived as being compromised because of bias or the undue influence of others.

It is a criminal offence, for an employee of a local authority, to demand or accept any fee or reward whatsoever other than their proper remuneration for any service or information.

## 5. Political Neutrality:

Working in a political environment creates special rules within the working environment. Mutual respect between employee and councillors is essential to ensure a positive and appropriate working relationship (The Protocol for Member/Officer Relations is in Part 5 of the Constitution).

Employees are expected to

- remain politically neutral and ensure that their political views do not influence the performance of duties;
- respond to all relevant requests from Councillors, not just those from the controlling/majority Group; and
- respond to councillors requests for information with impartiality. Any legal restrictions in sharing information will continue to apply in requests from members, and this should be explained and adhered to where necessary.

In addition, some posts within the authority will be designated 'politically restricted', meaning due to the potential conflict with an officer's work they are prohibited from undertaking certain political activities and playing an active role in any political party.

Posts may be politically restricted if the requirements of the role include any of the following:

- writing or speaking publicly on politically or otherwise controversial issues – typically of great public interest;
- holding a post at or above spinal column point 44;
- regularly giving advice to committees or sub-committees;
- regularly speaking to journalists or broadcasters on behalf of the council; or
- canvassing at any election on behalf of a political party or at elections

The restriction means an officer cannot

- hold office in any political party;
- publicly declare themselves a candidate for councillor, MP or MEP; or
- show active support for any political party

However, the restriction does not extend to the following:

- voluntary work or work for trade unions or political parties (subject to the provisions of the 1989 Local Government Housing Act). This is provided the work does not conflict with an officer's own role or the council's interests; has the potential to weaken public confidence in the Council's conduct of business, or involve the employee being in direct competition with the council for work or contracts

- Secondary employment that is not in conflict with the role at the Council.

## 6. Conflicts of Interest

A conflict of interest arises in the workplace when an employee has competing interests or loyalties that either is, or potentially could be, at odds with each other. In such circumstances an employee may have a conflict between acting in the best interest of the Council or customers or acting on interests that might benefit themselves or a personal connection. Alternatively, it could also be where an officer may be considered too closely connected to a matter to make objective decisions and retain impartiality and professional standards.

### a) Involvement in awarding contracts or business to a supplier

When awarding contracts, an employee is required to declare all relationships of a business or private nature with external contractors or potential contractors of the Council, before any involvement.

### b) Employment decisions:

Managers who are involved in recruitment and selection, or promotion and pay matters, or matters of discipline must withdraw from any decision where there is a likely impact on a person considered a friend, partner or family member. Any personal connection at all should be disclosed in order to avoid any possible accusation of bias. For clarity, this extends to anyone with whom there is regular personal contact outside of work e.g. members of the same societies, clubs, teams, wider friendship groups etc.

To assist in these matters, most recruitment and selection decisions or matters directly related to a person's income will be considered by more than one person to increase objectivity. Decisions relating to discipline would typically also see a third party involved for objectivity reasons.

Selection for redundancy should always be carried out based on objective criteria, and managers should not be involved in such decisions or processes where there is a personal connection to anyone directly involved.

## 7. Secondary Employment

Employees are entitled to take up other employment outside of the Council and would not in usual circumstances need to seek approval to do so. This is provided that the other employment does not present any conflict of interest to the work undertaken for the Council, or if the other employment is likely to have any adverse effect on the employee's work within the Council.

If an employee is unsure whether the other employment represents a conflict with their role at the Council, they should discuss it with their line manager or HR who will be able to advise.

If an employee operates their own business or is part of a company outside of work, this should be declared. This is particularly important when an employee's private

business is in a comparable business area to the post held with the Council, or if it operates within the Borough. This should be raised with the line manager, who will be able to advise whether there are any likely conflicts of interest which needs considering.

All Employees will be asked to declare any secondary employment or pecuniary interests on an annual basis.

## **8. Gifts, Hospitality & Sponsorship**

Local Government employees must always be seen to be acting fairly and impartially. The acceptance of gifts and hospitality is a sensitive area where actions can easily be misconstrued. Guidance on Gifts, Hospitality and guidelines around how these should be handled are set out below:

- In most circumstances offers of gifts should be declined, but specifically employees should decline generous gifts.
- Typically, only very small gifts should be received that are inconsequential; and insignificant in value – for example receiving pens, mugs or other marketing material; or receipt of a gesture of thanks such as a box of chocolates or flowers as a thank you gesture.
- Any hospitality received should not be greater than the Council would provide in return. It is recognised that officers will be involved in representing the Council at official functions organised by the Council and other public bodies, charities and other organisations working in or with the public sector. Similarly, attendance at a function attend by the Mayor or Deputy Mayor in their official capacity (e.g. Rushmoor International Association visits and events) is acceptable.
- Any gifts or hospitality should not be received in return for ‘favours’ or benefits to an individual or organisation – ensure the giver is clear that any gift or hospitality will not elicit preferential treatment being given towards them.
- Ensure that any givers understand that the gift or hospitality will not avoid any action being taken against them that would otherwise have been appropriate.
- Never accept a gift or hospitality from anyone who has, is, or may in the future, be tendering for a contract with the Council, seeking planning consent, or is in dispute with the Council.
- Any other gifts received may need to be donated to the Mayor’s charity where it may be used towards raffles or similar for the chosen charity.

When an offer is made, employees should seek advice from their line manager. If an offer of a gift or hospitality is accepted, employees are required to complete a declaration of gifts and hospitality form (available from Legal Services).

A criminal offence may be deemed to have been committed where an officer accepts fees, gifts or rewards in return for granting a third party an advantage or withholding appropriate actions.

## **9. Conduct outside of work**

Whilst employees are entitled to a private life away from work, their interests, behaviours and actions outside of work could become matters for consideration in certain circumstances.

If conduct outside work brings an employee's position, or suitability for that position within the Council into question it will become a matter for investigation. Equally if conduct outside of work could in anyway bring the Council into disrepute or affect the Council's reputation, the Council will need to investigate those issues and consider the impact of this.

The above also applies to online activity, including the use of social media.

## **10. Declarations**

Employees are asked to declare any matters of interest on a Declaration of Interest Forms. This should be used to declare any known interests or conflicts of interests (nil returns are also required where employees do not believe they have any personal interests).

A copy of the Disclosures Form is available from the Human Resources Service (HR).

New members of staff will be asked to complete a declaration of interest form at the time of commencement of employment with Rushmoor Borough Council.

If an employee suspects another employee may be operating with a Conflict of Interest in their role, it should be raised with the line manager in the first instance who will be able to take the necessary steps to investigate and address this with the employee concerned.

### **a) Retention & Monitoring of Declaration forms**

The information declared in respect of Declarations of Interest will be entered into the corporate 'Register of Interests'. The register will be maintained by the HR service and will be made available to all relevant senior officers within the Council when there is a legitimate business need.

Copies of signed Declaration of Interest forms will also be kept on your HR file.

It is necessary for staff to update their Individual declarations annually, and this should be reviewed by Line Managers, as part of the annual development review process, to ensure that they remain applicable and the register remains up to date.

**11. Support:**

Employees who are unclear about anything contained in this Code, should seek to clarification from their line manager in the first instance who should be able to offer advice. Alternatively, speak to a member of HR if more appropriate to the matter in question or seek advice from the Corporate Manager – Legal Services.

If it is suspected that another officer may be in breach of this code, this should be raised with the line manager or anyone in the HR, or the Corporate Manager – Legal Services.