

PART 5 - CODES AND PROTOCOLS

SECTION E

CODE OF CONDUCT FOR OFFICERS

1. THE CODE

- 1.1 This Code sets out the standards expected from officers. It should, where appropriate, be read in conjunction with the officers' terms and conditions of employment, and the Council's employment policies, the Member and Officer Protocol (as set out in Part 5 of the Constitution), and other relevant policies, procedures and protocols, standing orders, financial regulations and statutory requirements. Throughout this document "officer" shall be defined as being any employee of the Council, whether employed full-time, part-time or on a temporary contract.

2. GENERAL DUTIES AND RESPONSIBILITIES

- 2.1 The duty of an officer is to serve the Council by carrying out the Council's work under the direction, control and guidance of the Chief Executive, Directors or Heads of Service. Officers should work to the best of their abilities. The reputation of the Council depends in large part on the conduct of its officers and what the public believes about their conduct.

3. GENERAL STANDARDS

- 3.1 The public is entitled to demand conduct of the highest standard from a local government officer. Public confidence in the integrity of officers would be shaken if there were the least suspicion, however ill founded, that they could in any way be influenced by improper motive. Officers must at all times act in accordance with the trust that the public is entitled to place in them. They must be accountable to the Council for their actions.
- 3.2 Every person who shall by themselves, or by, or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for themselves, or for any other person, any gift, loan, fee, reward, or advantage whatever as an inducement to, or reward for, or otherwise on account of any member, officer, or servant of a public body as in this Act defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the said public body is concerned, shall be guilty of a misdemeanour (Public Bodies Corrupt Practices Act 1889, Prevention of Corruption Act 1916). If an allegation is made, it is for the officer to demonstrate that corruption has not occurred.
- 3.3 Local government officers are expected to give 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 officers with impartiality. Officers will be expected, without fear of recrimination, to bring to the attention of either the Head of Audit or the Head of Legal and Corporate Services any actual or perceived impropriety, breach in procedure or deficiency in the provision of service.

- 3.4 The Head of Audit and Head of Legal and Corporate Services shall consult on such matters raised and take such steps as necessary to achieve a remedy.

4. DISCLOSURE OF INFORMATION

- 4.1 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 rights of internal and external auditors to request information is included within paragraphs 8.3 and 10.2 of the Financial Regulations. Information regarding matters of disclosure are contained in the 'Conditions of Service for Officers' (8.3 and 8.5) and in more general terms through the established methods of communication within the Council. Where an officer is unsure as to what information can be disclosed, directions must be obtained from the Monitoring Officer or Head of Service. Guidance with respect to a councillor's right to information is set out in the Access to Information Procedure Rules in Part 4 of the Constitution.
- 4.2 Officers must not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, unless they are required by law to do so.
- 4.3 Officers must not use any information obtained in the course of their employment for personal gain or benefit, nor shall they pass it on to others who might use it in such a way. Any particular information received by an officer from a councillor which is personal to that councillor and does not belong to the authority shall not be divulged by the officer without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 4.4 The Data Protection Act requires officers
- not to use or disclose data except as registered
 - hold only adequate and relevant data
 - keep data accurate and up to date
 - give a print of the data to the individual concerned if requested in accordance with the correct procedures.

Contraventions of the Act may render an officer personally liable.

5. SECURITY OF INFORMATION

- 5.1 The Council's records and property are to be kept secure at all times, and it is the responsibility of officers to ensure that:
- a) they can be identified at all times at work by displaying the approved identity badge;
 - b) all unaccompanied persons within secure areas not wearing identity badges are challenged;
 - c) security codes for physical access are not revealed;
 - d) confidential papers are properly secured at all times;
 - e) computer passwords are not revealed and displayed other than to an authorised officer.
- 5.2 Officers must adhere fully to the Council's House Rules and Code of Practice for Staff using Computer Systems.

6. POLITICAL NEUTRALITY

- 6.1 Officers serve the authority as a whole. It follows 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.
- 6.2 Subject to the authority's conventions, officers may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 6.3 There are a number of officers within the Council who are legally regarded as politically restricted (by reason of the post they hold, the nature of the work involved or their salary) and the Council is required to maintain a list of such posts. Where this applies, the officers must comply with the statutory restrictions on their political activities. Officers, 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.

7. USE OF RESOURCES

- 7.1 Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They shall strive to ensure value for money to the local community and to avoid legal challenge to the authority. The Council's property and resources are to be used solely for approved purposes.

8. RELATIONSHIPS

- 8.1 All members of the community, customer and other officers have a right to be treated with fairness and equity, irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All officers should ensure that the Council's equal opportunities policies are complied with in addition to the requirements of the law.
- 8.2 In the performance of their duties, officers are required to comply with the Council's Customer Care Standards and the requirements of the Human Rights Act 1998.

Councillors

- 8.3 Officers are responsible to the authority through their Head of Service or Director as appropriate. 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 officers and councillors is essential to good local government. Close personal familiarity between officers and individual councillors to the extent that that councillor is treated differently when compared with the officer's treatment of other councillors can damage the relationship and prove embarrassing to other officers and councillors and must therefore be avoided.
- 8.4 Officers must comply with the Member and Officer Protocol (set out in Part 5 of the Constitution) in their working and personal relationships with councillors.

Other members of Staff

- 8.5 Relationships between officers should be based on mutual trust and respect and on a spirit of teamwork. Maintaining effective working relationships is the responsibility of all staff, but particularly that of managers at all levels. In cases of serious

breakdowns in working relationships, the Council's established Grievance and Disciplinary Procedures may have a role to play.

The Local Community and Service Users

- 8.6 Officers must 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. No officer may act in a regulatory capacity in respect of any matter in which he or she has an interest.

Contractors

- 8.7 All relationships of a business or private nature with external contractors, or potential contractors, must be made known to Heads of Service or Directors as appropriate. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour shall be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community shall be discriminated against.
- 8.8 Officers 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, must declare that relationship to the Head of Service or Director as appropriate who will determine what steps, if any, are necessary to protect against actual or perceived conflicts of interest.

9. SEPARATION OF ROLES DURING TENDERING

- 9.1 Officers involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the authority. Senior officers who have both client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 All officers are aware that in the course of their employment with the Council they may have access to, and be entrusted with, information in respect of the business and finances of the Council and its dealings, transactions and affairs, of which such information may be confidential.
- 9.4 Officers shall not (except in the proper course of their duties) during, or after the period of their employment, divulge to any person whatever or otherwise make use of (and shall use their best endeavours to prevent the publication or disclosure of) any confidential information concerning the business or finances of the Council or any of its dealings transactions or affairs of any such confidential information concerning any of its suppliers agents or clients.
- 9.5 All notes and memoranda of any confidential information concerning the business of the Council or any of its suppliers, agents or clients which shall be acquired, received or made by an officer during the course of his/her employment, shall be the property of the Council and shall be surrendered by the officer to his/her Head of Service at the termination of his/her employment or at the request of the Head of Paid Service (Chief Executive), at any time during the course of his/her employment.

- 9.6 If in any doubt as to what constitutes 'confidential information' an officer should speak to his/her Head of Service before speaking to persons outside the Council.
- 9.7 Officers contemplating a management buy-out shall, as soon as they have formed a definite intent, inform the Management Board and withdraw from the contract awarding processes.
- 9.8 Officers must ensure that no special favour is shown to current or recent former officers 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 CONTRACTORS' SERVICES

- 10.1 Apart from participating in concessionary schemes arranged by trade unions or other groups for their members, officers must not avail themselves of the services of contractors employed by the Council for acquiring materials, labour or plant at cost, trade or discounted prices. Whilst in some cases this may prevent officers from making savings compared with other sources of supply, the risks to officers of finding themselves in compromising situations at a future date cannot be over-emphasised. In no circumstances must an officer seek personal preferential terms because of his/her relationship as an officer with contractors or suppliers.

11. PERSONAL INTERESTS

- 11.1 All officers must record any interests they consider could bring about conflict with the Council's interests.
- 11.2 For the purposes of recording such interests a register is held by the Chief Executive. The register is known as the register of personal interests and is available for inspection to the Chief Executive, Monitoring Officer, Deputy Monitoring Officer and Head of Audit only.
- 11.3 The following memberships must be identified:
- a) any official position of any school board of governors, National Health Service Trust Board, or Charity.
 - b) any official position of any social or welfare group within the borough boundary i.e. Tenant or Residents' Association, Scouts, Guides, Sports Clubs or business clubs.
 - c) involvement with an organisation receiving grant aid from the Council, and involvement with an organisation or pressure group which may seek to influence Council policies.
 - d) Any lodge, chapter, society, trust or regular gathering or meeting, which:
 - (i) is not open to members of the public who are not members of that lodge, chapter, society or trust;
 - (ii) 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

- (iii) 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.

- 11.4 A lodge, chapter, society, trust, gathering or meeting as defined above, shall not be regarded as a society for the purposes of the above if it forms part of the activity of a generally recognised religion.
- 11.5 Officers who have an interest, financial or non-financial, must not involve themselves in any decision on allocation of Council services or resources from which they, or organisations with which they are involved, or their friends or family, might benefit, and must ensure that any such matter is referred immediately to their Head of Service.

12. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 12.1 Officers involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an officer 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, officers must not be involved in any appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 12.2 Similarly, officers must not be involved in decisions relating to discipline, promotion or pay adjustments for any other officer who is a relative, partner or with whom they have a close personal relationship outside work.
- 12.3 Canvassing of members of the Council relating to any employment matter, including appointments, is strictly prohibited and may result in disciplinary action.

13. OUTSIDE COMMITMENTS AND OTHER EMPLOYMENT

- 13.1 Officers' off-duty hours are their own concern, but officers must not subordinate council duty to private interests or place themselves in a position where duty and private interests conflict (see Conditions of Service 8.1.2).
- 13.2 Officers appointed on Surrey Heath Grades 5 to 11 (inclusive) shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any additional appointment without the written consent of the Chief Executive.
- 13.3 Officers must ensure that the hours worked in the additional employment do not jeopardise their ability to work effectively and safely when working for the Council. Legally the Council has a responsibility to ensure that none of its employees are working more than an average 48 hours a week. If an officer takes another job in addition to his or her Council job, this may take the officer above the legal limit. Officers are required to inform the Chief Executive if the additional regular paid employment could result in their total average weekly working hours in both jobs coming to 48 hours or more. The Chief Executive may decide that the additional employment or business would affect the officer's capacity at work, conflict with the officer's duties as an employee or lead to a conflict of interest.

14. GIFTS

- 14.1 Subject to the provisions of para 14.2 below, no officer may accept gifts which are offered in connection with his/her position with Surrey Heath Borough Council. The acceptance of any such gifts will be treated as a serious disciplinary offence. The following paragraph contains examples but is not intended to be an exhaustive list.
- 14.2 No officer shall accept a gift from:-
- a) any person likely to be seeking a permission, consent or other approval from the Council;
 - b) any person wishing to buy property from the Council or supply goods and/or services to the Council;
 - c) any person against whom the official may be considering any form of prosecution or enforcement.
- 14.3 Officers are permitted to accept promotional trade gifts only where **ALL** of the following conditions apply:-
- a) the gift must be of a value not exceeding £20.00;
 - b) the gift must bear the company name of the originator;
 - c) the gift must be for use in the work environment, e.g. calendar, diary, stationery etc.
- 14.4 All gifts offered to officers, other than gifts referred to in para 14.3 above, must be politely but firmly refused. Gifts either left at Council premises or elsewhere, or sent by post or other means shall be passed by the recipient to his/her Director or Head of Service who shall either write to the donor returning the gift and explaining the Council's policy, or write to the donor explaining Council policy and advising the donor that, unless the donor objects within a specified period, the gift will be forwarded to the Mayor's Charity. A copy of the letter is to be passed to the recipient of the gift as evidence of the satisfactory resolution of the matter.
- 14.5 No Council officer or an employee of a contractor to the Council shall seek to obtain financial or other reward for services provided on behalf of the Council. Rewards include traditional Christmas boxes. Any reward offered shall be treated in accordance with para 14.4 above.

15. HOSPITALITY

- 15.1 Officers shall 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 or sporting functions shall be accepted only when these are part of the life of the community or where the authority shall be seen to be represented.
- 15.2 Officers should treat with caution all offers of hospitality whenever any suggestion can arise of improper influence. Particular care is required where hospitality is offered by a person or body having or seeking business with, or a decision from, the Council, especially where the offer is to an individual officer. Officers must be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality. It should only be accepted where

it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and where it is apparent no cause could reasonably arise for adverse criticism about accepting it.

- 15.3 If hospitality is received, and estimated to be valued at £25.00 or more, the officer receiving the hospitality shall enter the details in the hospitality register maintained by the Chief Executive as soon as is practicable. Where the hospitality is of a social nature (annual, Christmas or celebratory lunches and dinners, for example), the officer receiving the hospitality must obtain the permission of his/her Director or Head of Service prior to attending the function.
- 15.4 The requirements relating to registration do not apply to hospitality offered by other local authorities or public bodies.

16. VISITS TO EXHIBITIONS, DEMONSTRATIONS, CONFERENCES ETC

- 16.1 Officers must obtain the authority of their Director or Head of Service to attend exhibitions, demonstrations and conferences in connection with their official duties. Directors or Heads of Service shall only approve those visits which are necessary or desirable in the interests of the Council.

17. PUBLIC SPEAKING

- 17.1 Where officers are invited to address public meetings, undertake radio or television interviews etc it is expected that they must clearly understand the basis upon which the invitation was extended. In the majority of cases, an officer will be acting as the representative of the Council, and as such must communicate the policies and procedures of the Council in a factual and unbiased way. Officers should only accept invitations to attend public meetings in an official capacity where attendance by a Council officer is considered appropriate by a Director or Head of Service. However, attendance should be restricted to meetings which are clearly not part of any party political activity, and manifestly open to all.
- 17.2 Officers must avoid expressing personal views in such situations, and if during the course of the debate or discussion the personal views of the officer are sought, then he or she must consider most carefully whether this would place them in a position of public conflict with his or her employer. It is, of course, recognised that officers are entitled to personal views, and that these may be very strongly felt. Where personal views are given, they must be stated as being such.
- 17.3 The officer shall not, without the prior written consent of his/her Head of Service or Director, either directly or indirectly publish any opinion, fact or material or deliver any lecture or address or participate in the making of any film, radio broadcast or television transmission or communicate with any representative of the media or any third party relating to the business or affairs of the Council or to any of its employees, clients, suppliers or agents or to the development or exploitation of Intellectual Property. For the purpose of this clause, 'media' shall include television (terrestrial, satellite and cable), radio, newspaper and other journalistic publications including those using the Internet.
- 17.4 In the capacity of a private citizen, officers have the same rights as any other member of the public to discuss or comment openly on community and social issues. However, care should be taken to ensure that comments made in a private capacity are clearly understood not to represent the official view of the Council.

- 17.5 Fees for giving lectures or writing articles may only be retained by officers where these activities are not integral to their employment or position with the Council and they are conducted in the officer's own time.

18. HEALTH AND SAFETY

- 18.1 Officers have a duty to take reasonable care for the health and safety of colleagues and others who may be affected by anything done at work. No job should be undertaken that might in any way be a danger either to the officer concerned, work colleagues or to any member of the public. Officers must adhere fully to the Council's Health and Safety Policy and Procedures whilst at work.
- 18.2 If, as a result of alcohol or drugs, an employee is in an unfit state to perform his or her duties he or she may be liable to disciplinary action.

19. SPONSORSHIP - GIVING AND RECEIVING

- 19.1 Where an outside organisation wishes to sponsor or is being approached 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.
- 19.2 Where the Council wishes to sponsor an event or service, neither an officer nor any partner, spouse, or relative must benefit from such sponsorship in a direct way without there being full written disclosure to the Chief Executive of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, officers shall ensure that impartial advice is given and there is no conflict of interest involved.

20. INTELLECTUAL PROPERTY AND PATENTS

- 20.1 An officer during his/her employment may make, discover or create Intellectual Property in the normal course of his/her duties (which are defined in his/her job descriptions) and in this respect the officer has a special obligation to further the interest of the Council.
- 20.2 Subject to the Provisions of the Patents Act 1977, the Registered Designs Act 1949 and the Copyright Designs and Patents Act 1988, if at any time during his or her employment the officer makes or discovers or participates in the making or discovery of any Intellectual Property relating to or capable of being used in the business for the time being carried on by the Council, full details of the Intellectual Property shall immediately be communicated by the officer to the Head of Information and Communications Technology and shall be the absolute property of the Council. At the request and expense of the Council the officer shall give and supply all such information data drawings and assistance as may be requisite to enable the Council to exploit the Intellectual Property to the best advantage and shall execute all documents and do all things which may be necessary or desirable for obtaining patent or other protection for the Intellectual Property in such parts of the world as may be specified by the Council and for vesting the sale in the Council or as it may direct.
- 20.3 The officer irrevocably appoints the Council to be his/her agent in his/her name and on his/her behalf to sign execute or do any such instrument or thing and generally to use his/her name for the purpose of giving to the Council the full benefit of the provisions of this clause and in favour of any third party a certificate in writing signed

by the Head of Legal and Corporate Services that any instrument or act falls within the authority conferred by this clause shall be conclusive evidence that such is the case.

- 20.4 If the Intellectual Property is not the property of the Council, the Council shall, subject to the provisions of the Patents Act 1977, have the right to acquire for itself the officer's rights in the Intellectual Property within 3 months after disclosure pursuant to this clause on fair and reasonable terms to be agreed or settled by an independent single arbitrator.
- 20.5 The officer waives all of his/her moral rights (as defined in the Copyright, Designs and Patents Act 1988) in respect of any acts of the Council or any acts of third parties done with the Council's authority in relation to any Intellectual Property which is the property of the Council by virtue of this clause.
- 20.6 Rights and obligations under this clause shall continue in force after termination of the officer's employment in respect of Intellectual Property made during the contract period and shall be binding upon his/her representatives.
- 20.7 As referred to in paragraph 17.3 above, the officer shall not communicate to the media any matter relating to the development of Intellectual Property except with the consent of the Head of Service or Director.

21. OFFICERS FACING CRIMINAL CHARGES

- 21.1 The Council expects officers facing a criminal charge in a court of law to give notice of such, without delay, to the Head of Paid Service (Chief Executive). Sometimes the nature of the charges will be relevant to the officer's job; in other cases the issue will be less clear cut. Officers are aware that their own personal actions can reflect on the Council as a whole. They are therefore required to notify the Head of Paid Service of any criminal charge which may be pending, whether they personally feel the matter is relevant or not, and the outcome of any such charge.
- 21.2 Discussion with the officer will take place as to the extent to which such a charge reflects upon the ability of the officer to perform effectively, or the extent to which the Council's own interests are prejudiced. An opportunity will be given to have a Trade Union Representative or staff representative or friend present during any discussions.
- 21.3 All information obtained shall be treated confidentially within the Council.

22. BREACHES OF THE CODE

- 22.1 Breaches of the Code of Conduct shall be reported to the Head of Paid Service (Chief Executive) by the relevant Director or Head of Service or other officer discovering such breach and may be treated as a disciplinary offence. Breaches by the Head of Paid Service shall be reported to the Monitoring Officer.
- 22.2 Breaches of this Code, or any other conditions or rules that apply to the officer's profession, position and workplace, may render the officer to disciplinary action under the Council's Disciplinary Procedure.