

Constitution Committee

Date: 10 June 2024

Agenda Item:

Title of Report	Arrangements for Registration of Interests, Gifts and Hospitality by Council Employees
Purpose of Report	To approve changes to the Constitution in relation to the arrangements for registration of interests, gifts and hospitality by the council's employees.
Recommendations	That the committee approves the changes to the Employee Code of Conduct as set out in the appendix to this report for recommendation to County Council.
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1. Gloucestershire County Council requires all council employees to register their personal interests, financial or otherwise, when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties. Employees must also register all offers of gifts and hospitality whether or not they are accepted. The specific rules governing these requirements are set out in the Council's Code of Conduct for Employees.¹
2. A record is held by the Monitoring Officer of all **interests** that have been registered. Each entry takes the form of an electronic PDF file, with a separate electronic index. Records of **gifts and hospitality** are maintained separately by the relevant director, and in the case of Directors, by the Chief Executive.
3. Employees are expected to register interests at the point at which they join the council, and thereafter when a new interest arises. There is no requirement to update the register of interests unless/until a change arises. An entry in the register remains current until it is superseded. Nor is there a requirement that employees should submit a 'nil return' where no conflicts of interest exist.
4. In this year's Auditor's Report, Grant Thornton have made the following improvement recommendation with respect to these arrangements:

The Council should put in place a mechanism to provide positive assurance that officers have complied with the Council's policies as per the Code of Conduct. This could be achieved through a periodic declaration, for example. The Council may wish to include in such a declaration confirmation that other key parts of the Code of Conduct had been read and complied with.

5. The report also recommends giving consideration to replacing the current arrangements for registering gifts and hospitality with a single, central record of gifts and hospitality. In response, the Council has agreed to review these arrangements.
6. There would be considerable challenges involved in implementing the recommendation in full. Whenever an entry is submitted to the register of interests, it must be reviewed and countersigned by the line manager, then by the Monitoring Officer; an acknowledgement must be sent to the employee and line manager; the file must be saved to the relevant location; and the index must be updated. Although none of these tasks are arduous in and of themselves, with over 3,000 employees, the cumulative impact would be considerable.

¹ Separate arrangements are in place for councillors to register interests, gifts and hospitality, but are not directly relevant to the issues under consideration in this report.

7. More importantly, in order to have any real benefit, pro-active monitoring of the register would need to be undertaken to ensure that all employees had complied with the requirement. As there is no automatic way to cross-reference entries in the register against a register of staff, manual checking would need to be undertaken periodically.
8. Furthermore, the risk of conflicts of interest arising as a result of failures to declare is low across most cohorts of staff, and where the risk is higher, stronger mechanisms already exist. For example, staff involved in procurement activities are required to complete a declaration with regards to that activity.
9. Nevertheless, there would be merit in introducing more rigour amongst senior managers of the council, where there is greater opportunity for employees to exploit or fall foul of conflicts of interest. **It is therefore recommended that all employees at Head of Service level or above should be required to complete a declaration on a 3-year cycle.** Where a Head of Service or above has no interests to declare, this should include a declaration to that effect (i.e. a 'nil' return).
10. With regards to the suggestion that the council may also wish to include in such a declaration, confirmation that other key parts of the Code of Conduct have been read and complied with, a similar mechanism already exists for Heads of Service and Directors. As part of the process of developing the Annual Governance Statement, Head of Services and Directors submit an assurance statement across a number of areas of governance – this includes confirmation that all employees within their area (themselves included) are aware of their responsibilities under the Code of Conduct for employees. It is felt that this is sufficient to control the risk.
11. Although not specifically recommended by the auditor's report, having reviewed the arrangements, there would be merit in aligning the arrangements for registering gifts and hospitality with those for registering interests. Bringing both sets of records into a single register, held by the Monitoring Officer, will make it easier to interrogate records (particularly if a member of staff has moved between council departments, or holds more than one role). **It is therefore recommended that the Code of Conduct is updated to require declarations of gifts and hospitality to be held centrally by the Monitoring Officer, rather than separately by Directors.**
12. Given its responsibility for reviewing and advising on the Council's governance framework, Audit & Governance Committee was consulted on these proposed changes at its meeting on 25 April. The committee supported the proposals as a proportionate response. Members of the committee also suggested that it might also be appropriate to require the most senior officers (Directors and above) to update their register of interests annually. **This has therefore been incorporated into the recommended changes.**
13. The Deputy Chief Executive/Executive Director of Corporate Resources and Director of People and Digital have also been consulted and are supportive of the proposed changes.

14. The appendix below sets out the amendments that are necessary to the Constitution in order to enact those changes.
15. In addition to the changes arising from the above recommendations, the opportunity has been taken to update the Code of Conduct to reflect the Council's current management structure. This version of the Code of Conduct was approved at a time when the Council had a single tier of Directors, and therefore does not reflect the role of Executive Directors. The changes below clarify the requirements for reporting of interests, gifts and hospitality in order to remove any ambiguity.
- 16. It is recommended that Constitution Committee approves the changes to the Employee Code of Conduct as set out in the appendix to this report for recommendation to County Council.**

ENDS

CODE OF CONDUCT

INCLUDES CONFIDENTIAL REPORTING PROCEDURE (WHISTLE-BLOWING) FOR EMPLOYEES OTHER THAN FOR STAFF IN EDUCATIONAL ESTABLISHMENTS (FOR WHOM A SEPARATE CODE EXISTS)

1. This Code also applies to all people working within or on behalf of the County Council regardless of the contractual basis of the engagement, including: -
 - Direct employment by the council under a contract of employment
 - Secondments (both to and from the County Council);
 - Temporary assignments (both to and from the County Council), including Agency Workers, employees engaged through the council's Temporary Staff Service, Work Placements, Apprentices and Trainees;
 - Office holders
 - Employees acting on behalf of the council as members of companies or voluntary organisations.

References to "employee" and "staff" throughout this Code are taken to include all of the above categories and any similar working arrangements.

The Code also extends to additional and dual employment that has been secured as a result of working for local government.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than others – but the basic principles apply to everyone.

INTRODUCTION

2. The purpose of this Code is to give all employees guidance on how the County Council and the public in general expect them to behave. If the Code is followed then staff should not find themselves in a situation where their conduct could create an impression of conflict of interest or corruption in the minds of the public. If staff are unsure of the standards expected of them guidance should be sought from their Director. ~~or, in the case of Directors,~~ guidance should be sought from their Executive Director and in the case of Executive Directors, from the Chief Executive.
3. The areas covered by this Code are as follows:
 - Standards;
 - Personal Appearance;
 - Use of the Council's Facilities and Equipment;
 - Fraud and Corruption;
 - Gifts, Hospitality and Sponsorship;
 - Register of Gifts and Hospitality;

- Disclosure and Use of Information;
- Political Neutrality;
- Relationships;
- Appointments and Other Employment Matters;
- Undertaking Additional Outside Work;
- Arrest or Conviction on Civil or Criminal Charges;
- Membership of Clubs, Societies and other Organisations;
- Equality Issues;
- Health and Safety Issues;
- Breaches of the Code of Conduct.
- Confidential Reporting Procedure (Whistle-blowing);

STANDARDS

4. Employees are expected to give the highest possible standard of service to the public and to provide advice to Councillors and fellow employees with impartiality. The highest standard of probity must apply and employees must report any suspected unlawfulness, maladministration, impropriety or breach of procedure of which they are aware to their Director. (See also paragraph 95 and Appendix 1 of this Code) or via informal authorised escalation procedures, such as the information security incident process.
5. The Council, for its part, considers it has a duty to protect employees against unjustified allegations of wrong doing.

PERSONAL APPEARANCE

6. Although the Council has not adopted a formal dress code for the majority of its staff, it does expect employees to observe a standard of personal hygiene and appearance which is appropriate to the nature of the work undertaken. Staff are expected to wear their official Gloucestershire County Council identity badge on Council premises and when on official business out of the office.

USE OF THE COUNCIL'S FACILITIES AND EQUIPMENT

7. Employees must exercise reasonable care and skill in their use of the Council's facilities and equipment. The Council is entitled to expect at least the same standard of care of its property as employees give to their own property. Any facilities, property or equipment provided by the Council should only be used in connection with official duties except where the Council has agreed to private use. There are arrangements for the use of some services for private purposes on the payment of approved charges e.g. private telephone calls and photocopies, etc. You should always ensure that there is either general or specific agreement to private use of any facility or equipment.
8. When an employee ceases working for the Council all paper and electronic records (and copies), equipment and any other property of the Council must be returned.

FRAUD AND CORRUPTION

Culture of the Organisation

9. Although the Council believes that Members, employees and organisations associated with the Council will act with honesty and integrity it recognises that occasionally this will not be the case. The Council's culture is one of honesty and zero tolerance in respect of fraud and corruption.
10. Employees must make themselves aware of and comply with the following key documents which set out various standards of behaviour and procedures which must be adopted in addition to those mentioned in this Code: -
 - Financial Regulations/Accounting Instructions;
 - Powers of Committees and Officers;
 - Information Management and Security policies, procedures and standards;
 - Standing Orders;
 - Commercial Services Procurement Guidance
 - [Anti-Fraud & Corruption Policy & Strategy](#)
 - Internet and Digital Communications Policy
 - Employee Handbook and
 - Social Media Policy.
11. Employees must use public funds entrusted to them in a responsible and lawful manner and ensure that value for money is achieved. They must comply at all times with the Council's Financial Regulations, Contract Standing Orders and associated Accounting Instructions.
12. It is a criminal offence for employees to give or receive any gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour or disfavour to any person, company or contractor, with a corrupt intention. If an allegation is made it is for the employee to demonstrate that any rewards received have not been corruptly obtained.
13. Although there may be no corruptive intention in the act of giving or receiving of gifts, it is important to avoid any grounds for suspicion of corruption. For example, where contracts are being negotiated employees should not negotiate with a potential contractor, supplier or purchaser (of land for example) on a one -to- one basis. All steps in the contract negotiations should be recorded and in accordance with the Council's Constitution and scheme of delegation. Standing Orders, Financial Regulations, the Procurement Guidance and the policies of the Council must always be followed; an adequate audit trail must be maintained.
14. The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish the previous record of potential employees in terms of their propriety and integrity. Employees responsible for applying the Council's recruitment procedures should ensure that they are followed in respect of all appointments and that written references are obtained regarding known honesty and integrity. (See also paragraph 68-72).

Your Interests

15. Any personal interests, financial or otherwise, must be registered (see paragraph 19) when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties. The Chief Executive and each Executive Director and Director will be responsible for ensuring that their personal interests are registered in accordance with this Code and that all of their employees are aware of the need to register personal interests. In certain circumstances even though a conflict of interest is not anticipated (e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence the Council's policies) employees should register their interests.
16. Section 117 of the Local Government Act 1972 requires all employees to give written notice of any contract or proposed contract in which the Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest is a criminal offence and may result in prosecution.
17. A direct financial interest arises where an employee or their partner, family member or close friend has a financial interest in a contract or proposed contract whether to their advantage or disadvantage, in which the Council is involved. An indirect financial interest may arise where an employee or their nominee or employee's partner holds securities or shares in a company which exceeds £5,000 or 1/100th of the nominal issued share capital of a company which has a direct financial interest, whichever is the lesser amount.
18. An 'other' interest may occur when an employee or their partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations with the Council; or when dealing with the Council on a personal matter relating to them or their family.
19. Details of interests must be made in writing and sent to the Monitoring Officer who will record it in a register and acknowledge receipt of the declaration. Employees should ensure that they receive an acknowledgement back from the Monitoring Officer. The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services. A standard form is [available](#) via this link.
20. In addition to the above requirements:
 - employees at Head of Service Level or above (Executive Reward Bands 3 and above) must submit a register of their interests at least once every 3 years or as soon as is reasonably practicable when any change to their interests occurs. This includes a requirement to submit a 'nil return' where applicable in order to confirm that they have no registerable interests.

- Employees at Director Level or above (Executive Reward Bands 8 and above) must submit a register of their interests at least annually, or as soon as is reasonably practicable when any change to their interests occurs. This includes a requirement to submit a 'nil return' where applicable in order to confirm that they have no registerable interests.

20-21. Employees with a financial or non-financial interest in any matter should not only declare that interest but also seek to distance themselves from involvement in that matter. Employees must be open and up front about their interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Council meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.

21-22. Employees involved in the award or management of contracts shall declare in writing to their Director ~~(or in the case of Directors, the Chief Executive)~~ any association or friendship with any contractor and should take no part in a tender process involving the contractor without written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to the Director ~~(or in the case of Director, the Chief Executive)~~ any association with any person or body who is an applicant in the field of work in which that employee is engaged. In the case of Directors, such declarations should be made to their Executive Director and in the case of Executive Directors, to the Chief Executive.

22-23. ~~A Director (or in the case of Directors, the Chief Executive)~~ The Director, Executive Director or Chief Executive to whom any such interest, association or friendship is declared shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.

Rules Governing Purchasing by Employees

23-24. Employees must follow Financial Regulations, Standing Orders, the Council's procurement and contract management guidance and Accounting Instructions whenever any goods or services are purchased.

24-25. Employees may not order, in the name of the Council, equipment or goods, whether with a discount or not, from official Council suppliers for their own personal use even if the cost is reimbursed in full to the Council.

25-26. Employees undertaking procurement or contract management activities should ensure they have the necessary skills and knowledge to do so or should seek appropriate advice and support from the Commercial Service.

Separation of Roles during Tendering

26-27. Employees involved in the tendering process and dealing with contractors should understand the separation of client and contractor roles within the Council.

Senior employees who have both client and contractor responsibilities must be aware of the need for accountability and openness.

~~27-28.~~ Employees who are privy to confidential information in respect of tenders or costs for either internal or external contractors must not disclose that information to any unauthorised person or organisation or use it for any unauthorised purposes.

~~28-29.~~ 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.

~~29-30.~~ Employees must not use their position and knowledge of the Council to gain access to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work or to provide services or supplies.

Reporting a Concern

~~30-31.~~ “Whistleblowing” by employees of the Council is fully supported and encouraged. Where concerns arise these should be brought to the attention of management at all times. In Appendix 1 of this Code a procedure is described for employees who wish to report serious concerns relating to any suspicions or allegations of fraud and corruption or any mal-practice or maladministration.

Investigation

~~31-32.~~ Allegations and concerns relating to fraud or corruption will normally be investigated by the ~~Assistant Director~~Head of Internal Audit and a report issued to the Chief Executive, the Monitoring Officer and the Executive Director of Corporate Resources (s.151 Officer).

~~32-33.~~ The Executive Director of Corporate Resources in consultation with the Monitoring Officer, will then decide whether there are sufficient grounds for the matter to be reported to the Police. The Chief Executive is also to be informed of any (potential) referrals. The Council will normally wish the Police to be made aware of, and investigate independently, offences where financial impropriety appears to have been discovered.

~~33-34.~~ The Council’s Disciplinary and Dismissal Procedure will be used where the outcome of an audit investigation indicates improper behaviour or other misconduct by an employee.

GIFTS, PRIZES HOSPITALITY AND SPONSORSHIP

~~34-35.~~ Staff should not accept gifts or hospitality over a minimal value (£25). Any offers of gifts, prizes hospitality or sponsorship should be ~~recorded-submitted for~~in the Council’s Register of Interests, Gifts & Hospitality Register held by ~~each Director or, in the case of Directors the Chief Executive~~the Monitoring Officer. The register must include all offers of gifts, etc whether accepted or declined. Permission should

be sought from the Directors before any gift, hospitality or sponsorship is accepted (see paragraph [52-53](#) below). When in doubt the employee should always refuse such gifts. A standard form is available via this [link](#).

[35-36.](#) An employee should not personally receive a gift, prize, hospitality or sponsorship that:

- could compromise their judgment
- could appear to be a conflict of interest
- could damage relationship with others; or
- could indicate any favoritism or prejudice in relation to any particular person or group of people
- bring the council into disrepute

[36-37.](#) When hospitality, prizes or gifts have to be declined, the person making the offer should be informed of the procedures and standards operating within the Council, in relation to gifts, prizes, hospitality and sponsorship.

Gifts (including bequests)

[37-38.](#) Gifts offered by persons who are providing, or seeking to provide, goods or services to the Council, or who are seeking decisions from the Council, should be refused and returned, as should gifts (other than those of a trivial nature e.g. calendars, diaries, desk sets) offered by those receiving services from the Council.

[38-39.](#) In all cases relating to the receipt of gifts it is wise to err on the side of caution: an obviously expensive gift must be tactfully declined or, if appropriate, donated to the Council for official use, and the relevant Director or the Chief Executive should be advised of the action taken. If a gift is simply delivered it must be returned to the donor or, if appropriate, be donated to the Council for official use, and the relevant Director or the Chief Executive must be advised of the action taken. All such gifts must be registered in accordance with paragraph [52-53](#) of this Code.

[39-40.](#) On occasions an employee may become a beneficiary of a will of a service user; this may be the way a service user wishes to express gratitude for the service they have received.

[40-41.](#) Those teams/services which provide personal services to service users have written policies concerning the receipt of bequests by employees. Such policies have been drawn up to protect the interests of both service users and members of staff. Staff should ensure that they have read and comply with such policies.

Hospitality

[41-42.](#) Employees may only accept offers of hospitality if there is a genuine need to exchange information or represent the Council 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 within Gloucestershire and where the Council should be seen to be represented. All such hospitality must be properly authorised **and recorded** by Directors or, in the case of Directors the Chief Executive, **and submitted**

for recording in the Register of Interests, Gifts and Hospitality held by the Monitoring. Exceptions to this rule must be properly authorised and recorded by the relevant Director. In the case of Directors, authorisation must be obtained from the relevant Executive Director, or for Executive Directors, from~~s or~~ the Chief Executive.

42.43. Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, or where the Directors ~~(or Chief Executive in the case of Directors)~~ gives consent in advance and where it is clear that any purchasing decisions are not compromised. In the case of Directors, consent must be obtained from the Executive Director, or in the case of Executive Directors, the Chief Executive.

43.44. An offer of hospitality to individual employees calls for special caution particularly if the host is undertaking, or applying to do business with the County Council or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence.

44.45. A working lunch of modest standards to allow the parties to discuss business would normally be acceptable; this is a case where the hospitality is secondary to a specific working arrangement. On the other hand, it would not be acceptable conduct for an employee to accept such things as: -

- a holiday
- tickets for concerts, theatre or sporting events
- the use of a company flat or hotel suite
- expensive meals or entertainment

45.46. Hospitality must not be accepted unless the acceptance can be readily acknowledged in public or is similar to that which the Council would provide in the same circumstances.

46.47. There are occasions when an offer of hospitality of any kind must be declined e.g. when the person offering the hospitality has a current issue with the Council such as a tender under consideration or is involved in a contract dispute.

47.48. Offers of hospitality accepted or rejected must be ~~registered by employees to their Directors or, in the case of Directors to the Chief Executive~~registered with the Monitoring Officer. The details to be registered must be in accordance with ~~that those~~ shown in paragraph 52-53 of this Code.

Sponsorship

48.49. Where outside organisations, contractors or potential contractors wish or seek to sponsor a Council activity, the basic conventions concerning acceptance of gifts or hospitality apply (see paras 34-47 above).

49.50. Where the Council acts as a sponsor for an event or service, neither an employee or any partner or relative must benefit from such sponsorship without there being full disclosure to an appropriate manager of any such interest. 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 that there is no conflict of interest involved.

Bribery Act 2010

50-51. The Bribery Act 2010 provides a modern legal framework to combat bribery in the UK and internationally. Staff need to be aware of their obligations under this Act, which sets out the criminality of accepting and giving of bribes. This applies to both individual staff and the Council corporately.

51-52. The Bribery Act 2010 creates the following offences:

- Active bribery: promising or giving a financial or other advantage;
- Passive bribery: agreeing to receive or accepting a financial or other advantage;
- Bribery of foreign public officials; and
- The failure of commercial organisations to prevent bribery by an associated person (corporate offence).

The penalty under the Bribery Act 2010 is an unlimited fine and/or imprisonment up to a maximum of 10 years.

Full details of the Act can be found at: <http://www.legislation.gov.uk/ukpga/2010/23/contents>

REGISTER OF GIFTS AND HOSPITALITY

52-53. A register will be maintained by ~~every Director detailing all offers of gifts or hospitality offered to employees in their department~~ the Monitoring Officer. The following information will be recorded, based on information reported by employees:-

- the person or body making the offer;
- the member of staff to whom the offer was made;
- the gift or hospitality offered;
- the circumstances in which the offer was made;
- the action taken by the member of staff concerned; and
- the action taken (if any) by the Directors (or in the case of Directors, the Chief Executive).

A standard form is available via this [link](#).

~~A similar register will be maintained by the Chief Executive in relation to Directors.~~

Where a suspected breach has been reported a formal investigation will be undertaken and recorded.

DISCLOSURE AND USE OF INFORMATION

~~53-54.~~ The Council believes that, subject to the content of paragraphs 54 to 60 below, information should normally be disclosed unless it is in the public interest not to do so. Staff must comply with Data Protection, Freedom of Information and Environmental Information legislation and the associated council policies, procedures and authorisation process. In terms of information for elected members ("County Councillors"), the legal requirements are set out in the Rules on Access to information, set out in the Constitution. If in doubt, seek advice from your manager.

~~54-55.~~ Many employees obtain information which has not been made public and/or is confidential. Employees may also have access to personal information about other employees or clients. This information must only be disclosed to a third party where there is a legal responsibility to provide it, or where the employee or client provides a written authority for the information to be provided.

~~55-56.~~ The restrictions in paragraph ~~554~~ to ~~610~~ apply equally to information which an employee may obtain from their employment about a contractor, debtor or creditor of the Council.

~~56-57.~~ No employee, unless specifically authorised by their Director to do so, may communicate to the public or press any information about the discussions or decisions of the County Council or any of its committees or bodies following the exclusion of the public and press, with the exception of information which is required to be published by law. All media interaction must be managed through the Communication Team.

~~57-58.~~ As a general rule employees must not enter into any public correspondence or debate on a matter related to their official duties, or in respect of which they hold official information, unless this is done with the consent of their Chief Officer. Further guidance on related matters is contained in the Social Media Policy and Expression of Employee Views documents (both of which are in the Employment Handbook on Staffnet) to which employees should also refer.

Similar considerations exist covering the position of employees invited to participate in press interviews, radio or television programmes, etc., where the subject relates directly or indirectly to their work for the Council. Employees invited to take part in such programmes should discuss the position with their Director and the Communication Team before replying to the invitation.

~~58-59.~~ Employees must adhere to the Council's published rules and requirements relating to personal and/or sensitive information, as covered by current Data

Protection legislation. In particular, information must not be disclosed to unauthorised people or organisations.

59.60. Employees must 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.

60.61. Employees must make themselves aware of and comply with published Information Management and Security policies, procedures and standards relating to the protection of information and secure use of ICT systems which are published on Staffnet or the Council's website. A serious breach of the rules is likely to lead to disciplinary action.

POLITICAL NEUTRALITY

61.62. A protocol on the relationship between officers and members of Gloucestershire County Council gives more information. (Appendix 2)

62.63. Employees must serve all Councillors and not just those of a single or controlling group, and must ensure that the individual rights of all Councillors are respected.

63.64. Employees of the County Council are not eligible to stand for office as an elected member of the County Council. Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Politically Sensitive Posts

64.65. The Local Government and Housing Act 1989 has the effect of imposing restrictions on public political activity by certain staff of local authorities in politically sensitive posts. Political assistants employed pursuant to Section 9, Local Government and Housing Act 1989 are not wholly bound by these restrictions.

65.66. The effect of the inclusion of a post in a list of sensitive posts is that the postholder will be prevented from becoming a member of a local authority (except a Town or Parish Council), or a member of the House of Commons or the European Parliament. In addition, regulations prevent them from:-

- holding office in a political party

- canvassing at elections
- speaking or writing publicly on matters on party political lines

RELATIONSHIPS

Councillors

~~66.~~67. Mutual respect between employees and Councillors is essential to good local government. However, close personal familiarity can possibly damage working relationships and cause embarrassment. Please refer to the Member/Officer protocol for further advice (Appendix 2).

Contractors

~~67.~~68. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's immediate line manager. Orders and contracts must be awarded on merit, through fair competition, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

~~68.~~69. 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 such contractors, must declare that relationship to their Director ~~_, or in the case of Directors, to the Chief Executive~~In the case of Directors, that relationship must be declared to their Executive Director, and in the case of Executive Directors to the Chief Executive.

~~69.~~70. No employee shall purchase for private purposes goods or services from a firm which has dealings with the Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the Council. This rule equally applies to the ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the Council's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. It would also apply to the use of services of a contractor with whom employees have official contacts as part of their employment with the Council. It also precludes employees from using, for private purposes, any special trading cards which the Council may hold for council business. It does not, however, preclude employees benefiting from general discounts offered by suppliers to all Council employees or made available by the Council or trade unions on behalf of staff generally.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

~~70.~~71. It is contrary to the Council's HR policies for an employee to make an appointment/engagement which is based on anything other than the ability of the individual to undertake the duties of the post. Employees must not be involved in an

appointment/engagement where they are related to an applicant, or have any personal or business relationship outside work with them.

71.72. Employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.

72.73. Employees of the Council shall inform their Director or, in the case of Directors the Chief Executive, of any relationship known to them to exist between themselves and a candidate for an appointment/engagement in which they are directly involved. If a candidate deliberately omits to disclose a relationship they will be disqualified. If the omission is discovered after appointment or engagement they shall be liable to dismissal.

73.74. Employees involved in appointments/engagements must, where practicable, ensure that references are obtained from the current and previous employer of the candidate to whom they wish to formally offer a post. Ideally both referees should be senior persons, one from the candidate's present employer and the other from their previous employer.

74.75. In the case of applicants leaving full-time education or not having worked since doing so, the Head of School, College, University etc. should be named as one of the referees.

UNDERTAKING ADDITIONAL WORK OUTSIDE OF THE COUNCIL

75.76. Full-time employees shall devote their whole time service to the work of the Council, and shall not engage in any other business, including self-employment, or take up any other additional appointment without the express written prior consent of their Directors, and in the case of Directors, the Chief Executive. The Director or the Chief Executive reserves the right to withdraw such consent at any time.

76.77. All prospective employees shall, prior to appointment, provide details on the Council's standard application form of any other employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employments exceed 48 per week – as per the Working Time Regulations 1998.) Also, part-time employees must declare any other employment to the Council in order that the latter can ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.

77-78. All employees – full time or part-time – must avoid situations where an actual or apparent conflict between work and personal interests may arise and must inform their manager as soon as possible in the event that any such conflict may arise

78-79. Undertaking unpaid activities outside Council employment may, on occasions, be detrimental to or otherwise conflict with the Council's interests. Employees should be mindful of any potential conflict of interests in such situations.

79-80. No personal business activity or outside work of any sort may be undertaken by an employee during their working hours for the Council.

Consultancy, Lecturing, Fee Paying Work

80-81. Where a request is received for any employee to make a presentation, speak at a seminar or lecture on a course, within their normal field of work and during their normal working hours, the work will be undertaken on behalf of the Council and any fee will be treated as income for the Council.

81-82. Where an employee is approached to undertake fee paying work, they must make sure they are authorised to express opinions on behalf of the Council and should avoid comments which could bring the Council into disrepute. The Council has determined that the fee is to be treated as income for the employee if all the work, including preparation, is undertaken outside normal work hours. In the case of activities which are prepared and/or take place partly during normal working hours, the Council has agreed that half the fee is to be treated as income for the employee, and the remainder paid to the Council. All consultancy, lecturing and other fee paying work must be approved by the employee's Director or, in the case of Directors the Chief Executive.

Intellectual Property

82-83. Intellectual property is a generic term that includes inventions, creative writings and drawings. If these items are created as part of an employee's normal course of employment then, as a general rule, they belong to the Council.

ARREST OR CONVICTION ON CIVIL OR CRIMINAL CHARGES

83-84. You must, as soon as practicable inform your line manager, at each stage, if you are arrested, charged, cautioned, refused bail, required to attend court, convicted or sentenced for any criminal or civil offence. This does not apply to traffic offences unless this involves a situation relating to the transport of service users, or the possible penalty includes imprisonment or disqualification from driving or involves an official vehicle. Failure to inform will be considered an act of gross misconduct.

MEMBERSHIP OF CLUBS, SOCIETIES AND OTHER ORGANISATIONS WHICH ARE NOT OPEN TO THE PUBLIC AND/OR WHICH HAVE SECRECY ABOUT RULES, MEMBERSHIP, ETC.

~~84.85.~~ The intention of this Code and procedures is to ensure transparency and openness and that no reasonable person can question the integrity and motives in connection with your employment with the Council.

~~85.86.~~ All employees must declare membership of any organisation which is not open to the public, where there is a commitment of allegiance, and /or which has secrecy about rules, membership or conduct. This declaration needs to be made through completing a form held by each Director.

CONFLICT OF INTEREST

~~86.87.~~ Staff are expected to conduct themselves with integrity, impartiality and honesty. Staff should avoid circumstances where private or personal interests have the potential to give rise to allegations or partiality or impropriety which could bring the Council into disrepute.

~~87.88.~~ Employees should not involve themselves in any decision or allocation of Council Services or resources from which they, their friends, their partners, persons to whom they are (or are owed) an obligation, or family might benefit.

~~88.89.~~ Where employees belong to any club, society, charity or similar body and any person within it or the club, society or similar body itself may benefit from a decision or action employees may take in their work with the Council. All interests must be registered and discussed with their managers. A standard [form](#) is [available](#) via this link.

EQUALITY ISSUES

~~89.90.~~ All employees must comply with the Council's policies on equal opportunities in employment and with those relating to service delivery. Employees must also have due regard to any requirements under the Public Sector Equality Duty.

HEALTH AND SAFETY ISSUES

~~90.91.~~ Employees must receive and understand information to enable them to work safely and to ensure the health, safety and welfare of any others affected by their work. Employees have an obligation to follow local working practices so that workplace risks are mitigated.

~~91.92.~~ No-one should be expected to work unsafely and managers have responsibilities to address workplace risks taking advice where appropriate.

BREACHES OF THE CODE OF CONDUCT

~~92.93.~~ Any suspected breach of this Code must be: -

- (a) immediately reported to the appropriate Director or, in the case of Directors, to the appropriate Executive Director or, in the case of Executive Directors, to the Chief Executive,

OR

- (b) be reported through the confidential reporting procedure (“whistle-blowing”) for employees, detailed at Appendix 1.

~~93-94.~~ 94. Where a suspected breach has been reported, a formal investigation into that suspected breach will be undertaken.

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE-BLOWING)

~~94-95.~~ 94. Appendix 1 of this Code provides procedures for employees to follow who wish to report, in strict confidence, their serious concerns about any aspect of the Council’s work or the behaviour or standard of conduct of other employees or anyone associated with the work and services provided by the Council.

~~95-96.~~ 95. Failure to comply with any of the standards detailed in this Code may result in formal disciplinary action, under the council’s Disciplinary and Dismissals Procedure, including dismissal in serious cases.