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# Elmbridge Borough Council Officers' Code of Conduct

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Annexe B



**Elmbridge**  
Borough Council  
*... bridging the communities ...*



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# 1. Introduction

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The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist Elmbridge Borough Council and its employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment.

This Code is based upon a Code that has been approved by the local authority associations in England and Wales and the Local Government Management Board (LGMB).

The Code is voluntary for local authorities to adopt but sets out the minimum standards that should apply. The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism.

## Who the Code is Aimed At

This Code applies to all employees of Elmbridge Borough Council.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

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# 2. Standards

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- 2.1 Local government employees 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 employees with impartiality. Employees will be expected, through the agreed Whistleblowing Procedure and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure. The Whistleblowing Procedure can be obtained through internal audit or the Monitoring Officer and is available on the Council's Intranet.

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## 3. Disclosure of information

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- 3.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, Auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information Elmbridge is and is not open about, and act accordingly.
- 3.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

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## 4. Political neutrality

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- 4.1 Employees 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.
- 4.2 Employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 4.3 Employees, 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.

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## 5. Relationships

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### 5.1 *Councillors*

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and

Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided. Elmbridge has adopted a Protocol on Member/Officer relations contained within the Constitution which employees are expected to take into account in their dealings with Councillors.

#### 5.2 *The Local Community and Service Users*

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

#### 5.3 *Contractors*

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and in accordance with the Council's Contract and Financial Procedure Rules, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

5.4 Employees who engage or supervise contractors or have another official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

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## 6. Appointment and other employment matters

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6.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him / her.

6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

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## 7. Outside commitments

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- 7.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 7.2 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

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## 8. Personal interests

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- 8.1 Employees must declare to an appropriate manager any financial or non-financial interest that they consider could bring about conflict with the authority's interest and complete the necessary declaration form which will be kept by the Monitoring Officer.
- 8.2 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

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## 9. Equality issues

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- 9.1 All employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

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## 10. Separation of roles during tendering

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- 10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the

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

- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

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## 11. Corruption

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- 11.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

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## 12. Use of financial resources

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

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## 13. Gifts and hospitality

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- 12.1 Employees should 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 should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded.
- 12.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc. Employees should not in any circumstances accept gifts from suppliers if the provision of the gift may reasonably be perceived as an incentive to purchase.
- 12.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 12.6 Employees accepting gifts or hospitality will be expected to complete the Gifts and Hospitality Register held within their Directorate, setting out the nature of the hospitality or gift received, who it was received from and its approximate value.

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## 14. Bribery act 2010

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- 14.1 The Bribery Act 2010 is intended to combat bribery and corruption in both the public and private sectors. The Council is required to have “adequate

procedures” in place to prevent bribery. Employees are at risk of prosecution if they conduct themselves in a way that may be seen as condoning bribery. Employees should be aware that “passive” bribery is a specific offence and includes requesting, agreeing to receive or accepting an advantage. There are serious penalties for offences committed under the Act, including a maximum jail sentence of 10 years for individuals engaged in bribery.

- 14.2 Accordingly, employees should refrain from any conduct that may appear to engage the Act. Employees should not, for example, accept any payment, gift or hospitality that is, or could be perceived to be, “facilitative” of an action that an employee would normally carry out, such as granting a licence or approving a planning application.

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## 15. Sponsorship – giving and receiving

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- 15.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.