

SECTION 7: OFFICIAL CONDUCT

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Calderdale Metropolitan Borough Council

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Calderdale Metropolitan Borough Council

Code of Conduct

Failure to comply with this Code of Conduct may lead to disciplinary action that could include dismissal.

1. Accountability

- 1.1 An employee must be accountable to the authority for his or her actions. The code sets out minimum standards expected from employees and provides a framework preventing misunderstandings or criticism. All employees must keep to the standards of this code and carry out their duties fairly and honestly.
- 1.2 Breach of this standard is a serious matter and may result in disciplinary action or dismissal depending on the circumstances. Gross Misconduct is the kind of behaviour that will destroy the trust, which is the basis on which an employee's contract is based and justifies the Council in dismissing an employee without notice.

2. Honesty, Integrity, Impartiality and Objectivity

- 2.1 An employee must perform their duties with honesty, integrity, impartiality and objectivity.
- 2.2 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. An employee must treat others with respect, not discriminate unlawfully against any person and treat everyone professionally.
- 2.3 Employees must report to their Senior Officer any impropriety or breaches of this Code, Contracts Procedure Rules and Financial Procedure Rules as set out in Part 4 of the Council's Constitution, Council conventions or criminal offences they become aware of relating to Council employment. Alternatively, employees can use the 'Fraud Hotline' which is a confidential direct 'phone line to the Council's internal Audit Section (telephone no. 01422 393568), who will act independent of management to investigate all referrals of suspected fraud and corruption.
- 2.4 Employees are encouraged to report all concerns they may have regarding fraud and corruption. This applies not just to acts perpetrated by Council employees, but any fraud and corruption suspected as being perpetrated against the Council by non-Council employees.

NB. The Council has a separate Whistleblowing Policy.

- 2.5 The public is entitled to demand of a local government employee conduct of the highest standard and public confidence in their integrity which would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.

- 2.6 Under the provisions of this Code of Conduct a number of matters are required to be declared by an employee. Declarations relating to any of these matters must be made on form DEC.1 (See Appendix 1)
- 2.7 For example, an employee who is bound over, cautioned, or charged with a criminal offence of any nature must declare the fact of any such charge to their Chief Officer/Head of Service immediately. (See Appendix 1)
- 2.8 Similarly, an employee who is charged with a road traffic offence committed while driving a Council vehicle must always declare the fact of any such charge to their Senior Officer. An essential car user who is disqualified from driving must declare to their Chief Officer/Head of Service such disqualification. (See Appendix 1)
- 2.9 Your contract of employment is essentially based on trust. That trust would be damaged if you:
- were not truthful and honest in your dealings with the Council, its clients and customers, your colleagues and your supervisor/manager
 - sought to deceive the Council by withholding information, giving false information, or destroying, damaging or altering any records or documents without proper authorisation
 - misrepresent the Council in your dealings with others or make any statement on behalf of the Council which you are not authorised to do (e.g. giving a reference for a colleague on behalf of the Council, making statements to the press or other media)
 - fail to respect and uphold the conditions of service of your fellow employees, or council/directorate HR policies procedures and agreements
 - commit any act of misconduct or breach of your employment terms.

3. **Political Neutrality**

- 3.1 Employees serve the Council 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.
- 3.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the requirements as set out at 3.1 to 3.3 above where these are in conflict with their terms and conditions of employment.

4. **Safeguarding Children/Vulnerable Adults**

- 4.1 The Council is committed to protecting its children and vulnerable adults in Calderdale from harm.
- 4.2 All Council workers are expected to safeguard any child or vulnerable adult who comes to their notice, where it is felt that they are suffering significant harm. The aim of this is to ensure that all council employees:
- understand their personal responsibility for protecting the children or vulnerable adults that they work with
 - are able to take appropriate action if there are suggestions that a child or vulnerable adult is being abused
 - are informed and able to respond in a helpful manner to any child or vulnerable adult who alleges or discloses that abuse is happening.

NB: Employees should note that any concerns they may have, can be treated in confidence, as set out in the Council's Whistleblowing Policy.

<http://connect/support-services/finance/fraud/Fraud%20Standards/Whistleblowing%20Policy.doc>

5. **Diversity and Equality**

- 5.1 All Council employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers, contractors, members of the local community and other employees have a right to be treated with fairness and equity.
- 5.2 The Council therefore looks to all of its employees to play a part in making sure that it meets its commitments and provides high quality services fairly and equitably to the whole community.
- 5.3 All employees are required to treat colleagues and the public in a fair and equitable way, avoiding unfair discrimination in any form and anything that would demean, distress or offend other people.
- 5.4 The Council takes these commitments very seriously and any deliberate act of discrimination or other serious breach of the policy by Council employees may lead to disciplinary action being taken.
- 5.5 Some examples of unacceptable behaviour are:
- displaying offensive sexist or racist material or wearing T-shirts or other clothing, badges or tattoos which convey an offensive message
 - making racist comments
 - making sexually suggestive or sexist remarks
 - making negative comments about a person's disability

5.6 You must not harass or discriminate against people you meet in the course of your work, particularly on grounds of:

- race
- nationality
- gender
- disability
- Trades Union activities
- religious beliefs
- sexual orientation
- marital status
- HIV status
- age
- political beliefs.

6. **Relationships**

6.1 **Employees' Relationships with Councillors**

6.1.1 The relationships between Councillors and Employees is governed by the provisions of this Council's "Conventions on Relations between the Political Parties represented on Calderdale Council and Between Councillors and Council Employees", employees should familiarise themselves with the Conventions which can be found at Part 5 of the Constitution. Click on the link below for further details:

<http://www.calderdale.gov.uk/council/democracy/local/constitution/index.html>

6.1.2 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. You should:

- be polite and professional in your dealings with councillors and deal efficiently with all councillors' enquiries, regardless of their political allegiances
- not try to influence Councillors involved in appointing employees or representatives
- avoid close personal familiarity with individual councillors, which might damage working relationships and prove embarrassing to other Councillors and employees

6.2 Employees' Relationships with 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 Council. No part of the local community should be discriminated against.

6.3 Employees' Relationships with Contractors

6.3.1 Orders and contracts must be awarded in accordance with Contracts Procedure Rules, which can be found at Part 4 of the Constitution <http://www.calderdale.gov.uk/council/democracy/local/constitution/index.html> and no special favour should be shown to businesses run by, for example, former employees or employers, friends, partners or relatives in the tendering process.

6.3.2 Employees should ensure that no 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.

6.3.3 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 contractors, should declare that relationship to their Chief Officer/Head of Service. (See Appendix 1)

6.3.4 When tenders/quotations have been received and the appropriate Chief Officer/Head of Service considers that a significant improvement in the price, delivery or content of the tender/quotation may be obtained by negotiation, any such negotiations must be conducted by not less than two officers. The names of such officers are to be given in writing to the Chief Finance Officer prior to any negotiations taking place.

7. Appointment of Staff

7.1 Employees involved in appointments should ensure that they are complying with the Council's policy on Recruitment and Selection <http://connect/support-services/human-resources/Policies/Section%201%20-%20Recruitment%20and%20Selection.pdf> and that all appointments 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.

- 7.2 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 with him or her. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, or with whom they have a close personal relationship.

8. **Openness**

- 8.1 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. Employees must be aware within their own sphere of activity which information the Council holds confidential and act accordingly.
- 8.2 An employee must be aware of and respect the confidential nature of the information obtained by them in the course of official duties and must not disclose any such information to another employee of the Council without good cause.
- 8.3 Employees' primary duty is to the Council and therefore 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 Council 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 or policy of the Council. Personal information means any information that relates specifically to that Councillor which has no influence or effect on the conduct of the Council's business or information that relates to an actual or proposed policy of the political group to which that particular Councillor belongs.
- 8.4 Disclosure of confidential information to any person or agency outside the Council must comply with the provisions of Contracts Procedure Rules as set out in Part 4 of the Council's Constitution and Council conventions and also should only take place with the express permission of the employee's Senior Officer or the appropriate Chief Officer/Head of Service depending on the nature of the information and the identity of the outside person or agency, other than where required by the law.
- 8.5 Information regarding an employee of the Council must not be released outside the Council without the employee's written permission unless the Council has a duty to do so.
- 8.6 If to any degree the work of an employee of the Council involves the gathering, collation, processing, inputting, extraction or any other form of manipulation of personal information relating to any individual person, whether a member of the public or an employee and such personal information is held or is intended to be held on any computer system operated by the Council, such an employee must ensure that they are aware of the identity of the Access to Information Liaison Officers (AILOs) in the Service in which they are employed, and ensure that information is provided if not already provided regarding the employee's responsibilities under the Data Protection Act 1998 by the AILO.

- 8.7 Council customers, certain suppliers and employees are entitled to protection of their privacy. The Data Protection Act 1998 imposes a legal duty on individuals. Employees must keep all personal data confidential, whether computerised or manually held, and comply with the law and council policies. If an employee works with computerised or manually held information systems, they must ensure that information about living, identifiable people is accurate and up to date and that it is kept confidential.

9. **Personal Interests**

- 9.1 Employees must declare to their Chief Officer/Head of Service any financial interests which could conflict with the Council's interests. The Chief Officer/Head of Service must inform the Head of Democratic and Partnership Services of all such declarations made. A central register of such declarations shall be maintained by the Head of Democratic and Partnership Services. (See Appendix 1)
- 9.2 Employees must declare to their Chief Officer/Head of Service any non-financial interests that they consider could bring about conflict with the Council's interests. (See Appendix 1)
- 9.3 Employees should declare to their Chief Officer/Head of Service membership of any organisation not open to the public without formal membership and having a commitment of allegiance and which has secrecy about rules or membership or conduct. The Chief Officer/Head of Service shall maintain a register of any such declarations. The register shall be open to inspection by the public during normal office hours. (See Appendix 1)
- 9.4 An employee with an actual or potential personal interest in any work related matter arising during their employment with this Council must immediately inform their Chief Officer/Head of Service in writing the actual or potential personal interest and also take any appropriate steps necessary to maintain the integrity of the Council. The employee's Chief Officer/Head of Service must record the declared personal interest and arrange for another Senior Officer to handle the matter. (See Appendix 2)
- 9.5 For these purposes a personal interest of a spouse or partner or any other relative or any person with whom they have a close personal relationship is deemed to be a personal interest of the employee.
- 9.6 For the purposes of the Copyright Design and Patents Act 1988, (as amended) any creation of copyright material, registerable design or design right arising from an employee's employment with this Council, the Council is deemed to be the author or proprietor respectively of any such copyright material, registerable design or design right. The provisions of the Patents Act 1977 will apply in the case of patentable discoveries arising from an employee's employment with this Council.

10. **Registration of Interests**

- 10.1 At work or during off duty hours an employee of the Council must not subordinate their duty to their private interests or put themselves in a position where their duty and their private interests conflict.
- 10.2 No off duty employment, required to be approved by the Council or otherwise, or any other activity must conflict with or react detrimentally to the Council's interest or in any way weaken public confidence in the conduct of the Council's business. If there is any doubt in the employee's mind as to whether a conflict does or does not exist they should always seek their Chief Officer/Head of Service's approval.
- 10.3 Employees on salary grade SO1 (SCP29) and above must seek permission in writing from their Chief Officer or Head of Service, if they wish to undertake outside work. The letter requesting permission must outline the nature of the work you would like to do and the amount of time you intend to work. No outside work should be undertaken until your Chief Officer or Head of Service approves. Employees on salary grade Scale 6 (SCP28) and below who wish to undertake outside work can only do so if there is no conflict of interest with their role in the Council and they must not work over an average of 48 hours over a 4 week period, as per the Working Time Regulations. If there is conflict of interest between the outside work/activity and the employee's position with the Council, approval may not be given. If there is any doubt in the employee's mind as to whether a conflict does or does not exist, they should always seek clarification first from their Chief Officer or Head of Service.
- 10.4 TV, radio, lecturing and interview fees are dealt with in accordance with the Council's existing policy on such fees:-
- If the lecture is prepared and delivered in Council time, the lecturing fee is to be paid to the Council.
 - If the lecture is either prepared or delivered in Council time the Employee receives half the fee and the Council the other half.
 - If the employee chooses to take annual leave, they keep the fee provided the preparation is not done in Council time.
- 10.5 In cases where the employee is representing the view of the Council, or speaking on issues that are directly connected with their work, the whole fee to be paid to the Council (Personnel Sub Committee 1984).

Employees' attention is drawn to the Council's Convention on contact with the media.

11. **"Whistleblowing"**

- 11.1 This policy reflects the Council's commitment to good practices, valuing staff and seeking continuous improvement in service delivery. The "Whistleblowing" policy provides a mechanism whereby employees can express any concerns they may have about a colleague or a Service, without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable employees to raise concerns within the Council rather than overlooking these concerns or "blowing the whistle".

- 11.2 Employees can sometimes have concerns about colleagues or about a Council Service, but they may not feel able to express those concerns, because they feel that speaking up would be disloyal to their colleagues or to the Council. Employees are encouraged to use the procedure set out in the Whistleblowing Policy to raise concerns within the Council and to receive feedback on any action taken.
- 11.3 <http://connect/support-services/finance/fraud/Fraud%20Standards/Whistleblowing%20Policy.doc>

12. **Stewardship**

- 12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner ensuring that the provisions of Contracts Procedure Rules and Financial Procedure Rules as set out in Part 4 of the Council's Constitution are complied with in full. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 12.2 An employee should not use any Council equipment stationery material or any other facility for his or her own private purposes. An exception to this is where the express consent of the employee's Chief Officer/Head of Service has been given for the use of such facilities in connection with attendance on a Council approved course of study. A further exception is where the consent of the Chief Officer/Head of Service has been obtained and payment is made by the employee for the use of Council facilities. Any such use must not have any degree of commercial application for the benefit of the employee or any third party.

Please note:

The ICT Control Environment governs the use of Information and Communications Technology (ICT) equipment and facilities, including the extent of any permitted usage for private purposes:

<http://connect/support-services/human-resources/Policies/Section%2018%20-%20Information%20Governance.pdf>

13. **Corruption**

- 13.1 Employees should be aware that, under the law 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.
- 13.2 Any attempt by any person or organisation to offer an employee of this Council any gift, loan, fee, reward or advantage in circumstances that could possibly to any degree be seen as being made as a bribe must be immediately reported by the employee to their Chief Officer/Head of Service. The Chief Officer/Head of Service must immediately report any such attempts they have been notified of to the Chief Finance Officer.

- 13.3 Employees must declare to their own Chief Officer/Head of Service, all other gifts received or offered, in the course of or in relation to their employment. The Chief Officer/Head of Service must maintain a written record of any such gifts received and make arrangements for the retention, return, or disposal to the Council's or public's benefit of the gift and officially record the action taken as a permanent record. (See Appendix 2)
- 13.4 An employee of the Council who becomes aware that they are a beneficiary or potential beneficiary of any gift, legacy or bequest from the estate of a client of any Council service with whom they have had official contact with during any period of their employment with the Council, must declare to their Chief Officer/Head of Service immediately. The Chief Officer/Head of Service will interview or arrange for a Senior Officer to interview the employee to establish that the reputation, integrity or good standing of the Council has not been put at risk by acts or omissions of the employee that were or could be seen to be undue influence on the client. If the Chief Officer/Head of Service considers that the reputation, integrity or good standing of the Council has been put at risk, disciplinary action will ensue. (See Appendix 2)
- 13.5 An employee of the Council must not assist, advise or otherwise become involved in a client's personal financial arrangements domestic or otherwise unless such involvement is a recognised and authorised duty of the employee's current post.

14. **Separation of Roles During Tendering**

- 14.1 Employees involved in any tendering process including any internal tendering process should be clear on the separation of client and contractor roles as agreed by the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 14.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 14.3 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.

15. **Hospitality**

- 15.1 Hospitality should only be accepted if it is important to the business of the Council. There is a clear difference between authorised attendance in an official capacity at a function, for example organised by another Council or other public body, and the acceptance of hospitality from a private individual or private sector company with an actual or potential commercial interest with the Council. (See Appendix 2 for guidance on the acceptance or otherwise of hospitality.)

- 15.2 Employees should only accept offers of hospitality if there is a genuine need to impart 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 or where the Council should be seen to be represented, or when it is important to the business of the Council. They should be properly authorised and recorded.
- 15.3 It will not, however, always be courteous and in the best interests of the Council to reject offers of hospitality on a modest scale. Invitations may be accepted provided that no offence is caused to the integrity of the Council and the financial value of the hospitality is reasonable. Before any invitation may be accepted the approval of the employee's Chief Officer/Head of Service must be given. The Chief Officer/Head of Service must maintain a written record of all offers of hospitality which have been accepted by members of his/her Service.
- 15.4 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, and where any purchasing decisions are not compromised. Where visits to inspect equipment etc are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 15.5 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 15.6 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 15.7 Where by force of circumstances the approval of an employee's Chief Officer/Head of Service cannot be reasonably obtained, an employee may accept an invitation where having regard to all the circumstances, they believe and have reasonable grounds for believing that the consent of their Chief Officer/Head of Service would be given. It is the responsibility of the employee to seek retrospective approval in all cases and to establish, if asked, why the consent of the Chief Officer/Head of Service could not be obtained, what reasonable grounds they relied on and what justified acceptance. A written record must be maintained by this Chief Officer/Head of Service.
- 15.8 Nothing above prevents an employee of this Council offering a contractor or supplier reasonable hospitality at the expense of the Council, provided that all the circumstances justify doing so and the prior consent of the employee's Chief Officer/Head of Service has been obtained or force of circumstances. A written record must be maintained by the Chief Officer/Head of Service.

See Appendix 2 for guidance on the propriety or otherwise of gifts and hospitality.

16. **Sponsorship – Giving and Receiving**

16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council 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.

16.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, 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.

17. **Application of This Code To Directors/Chief Officers and Heads of Service**

If for any part of this Code the employee is a Chief Officer/Head of Service, all references to 'Senior Officer' or 'Chief Officer/Head of Service' refers to the Chief Executive, Deputy Chief Executive or Director as appropriate.

18. **Forms, Policies and Procedures**

Copies of all the Forms, Policies and Procedures referred to in this document can be obtained from your Supervisor/Line Manager. Alternatively, they are available on the Council's Intranet.

EMPLOYEE GENERAL DECLARATION

THIS DECLARATION WILL BE AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC

Only one declaration per sheet is to be made

Explanatory Note

The Council has adopted a Code of Conduct for Council employees. Under the provisions of the Code a number of matters are required to be declared by an employee. Paragraphs 1, 4 and 7 of the Code refers.

An **example** of the declaration of an employee interest

Name: J Smith

Post: Technical Officer

Directorate: Regeneration and Development

Nature of Declaration/Code of Conduct Paragraph:
Paragraph 6 - Relationship with Contractor

Extent of Declaration: My wife's brother has been employed as Contracts Manager for Joe Bloggs Ltd since 2000. Joe Bloggs Ltd has been included in the Council's Approved List of Contractors since August 2006.

Certification: I certify that the above declaration is true and that to my knowledge no material omissions have been made.

Signature of Employee Making Declaration:

Date of Declaration: 24 August 2006

Initials and Name of Recording Officer: Michael Brown

GENERAL DECLARATION

Ref: 1/06

Name:

Post:

Directorate:

Nature of Declaration/Code of Conduct Paragraph:

Extent of Declaration:

Certification: I certify that the above declaration is true and that to my knowledge no material omissions have been made.

Date of Declaration:

Signature of Employee Making Declaration:

Initials and Name of Recording Officer:

APPENDIX 2

The following is a non exhaustive list of examples of the more common forms of gifts and hospitality with an indication only of the propriety of acceptance or otherwise of such gifts and hospitality.

1. Gifts

Promotional work related gifts (with a value of £10 or less), preferably marked with the donor's name are generally acceptable, provided that the gift is to be used at work, examples could be:-

- diaries
- calendars
- pens
- blotters
- rulers
- other low value stationery used as promotional gifts
- token gifts given at the completion of an official courtesy visit.

Low value gifts that are not used at work are generally unacceptable and should be refused, examples could be:-

- discounts on items for personal use
- bottles of spirits, wine or beer for personal use
- promotional gifts for personal use

Under no circumstances may gifts of cash to an employee of the Council by any person or organisation be accepted.

2. Hospitality

Hospitality will be generally acceptable if it is important to the business or objectives of the Council or the work of its employees, examples could be:-

- low value working lunches, dinners, breakfasts.
- attendance at formal dinners, receptions, sporting events, theatres, local cultural events, where such events form part of the life of the community and the Council should be seen to be represented as a part of the community.

Hospitality will be unacceptable if its essential nature is social with no or limited relevance to the objectives of the Council or the work of its employee's examples could be:-

- cabaret evenings and other forms of entertainment
- free or discounted holiday accommodation.

NOTES

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NOTES

POLITICALLY RESTRICTED POSTS

1. Rules under the Local Government and Housing Act 1989 and associated regulations¹ provide that anyone who holds a politically restricted post in a local authority (excluding parishes) cannot:
 - i. become or remain a member of a local authority;
 - ii. become a member of the House of Commons, the European Parliament or one of the devolved assemblies;
 - iii. take part in certain political activities (see section 1.2 below).

For these purposes, "local authority" includes police and fire authorities as well as a range of joint authorities and boards, the Broads Authority etc.²

1.1 Politically Restricted Posts

Section 2 of the Local Government and Housing Act 1989 lists "politically restricted" posts as follows:

- chief executives;
- chief officers;
- deputy chief officers;
- monitoring officers;
- any person holding a post as an assistant for a political group; and
- any person not falling within these categories whose post is listed by the authority on the grounds that it involves giving advice to the authority on a regular basis or speaking on behalf of the authority to journalists or broadcasters on a regular basis.

Headteachers, college principals, teachers and lecturers are not regarded as holding a politically restricted post.

1.2 Restricted Activities

Politically restricted officers may not:

- i. stand as a candidate for the House of Commons, the European Parliament, the Scottish Parliament, the National Assembly for Wales or a local authority;
- ii. act as an agent or sub-agent for a candidate for any of those bodies;

¹ The Local Government Officers (Political Restrictions) Regulations 1990, SI 1990/851

² 1989 Act, section 21

- iii. be an officer of a political party or of any branch of such a party or a member of any committee or sub-committee of such a party or branch if his duties as such an officer or member would be likely to require him to participate in the general management of the party or the branch; or act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party;
- iv. canvass on behalf of a political party or a candidate for election.

Restricted officers other than assistants to political groups may not:

- v. speak publicly with "the apparent intention of affecting public support for a political party" (except where this is necessary as part of their official duties);
- vi. publish any written or artistic work which appears to be intended to affect public support for a political party (except where necessary as part of their official duties).

In addition to points i – iv, a political assistant may not speak to the public in a way likely to create the impression that s/he is speaking as an authorised representative of a political party, and must not publish written or artistic work likely to create the impressions that it is authorised by a political party.

There is no ban on politically restricted officers joining political parties, nor on taking part in political activities within the relevant rules.

1.3 Exemptions

The Local Government and Public Involvement in Health Act 2007 amended that 1989 Act and provided that the granting and supervision of exemptions in England should be a matter for the standards committee of each local authority. A standards committee is required to:

- consider any application for exemption from political restriction which is made to the committee in respect of any post by the holder of that post;
- where appropriate, give directions requiring a local authority to include a post in the list of politically restricted posts that it maintains;
- direct that a post should not be politically restricted where an application has been made and the committee is satisfied that the duties of the post involve neither providing advice to the authority or its committees nor speaking on behalf of the authority to journalists and broadcasters;
- have regard to guidance issued by the Secretary of State.

2. Other Restrictions on Local Government Staff

There are additional statutory limitations on the circumstances in which local authority staff may become councillors and councillors may take up employment with local authorities.

Section 80 of the Local Government Act 1972 disqualifies anyone in the paid employment of a local authority from being elected as, or being, a member of that authority or any joint committee or national park authority on which it is represented. Unlike the rules on politically restricted posts, this does apply to teachers in a school maintained by the authority, and under section 80(3) it also applies to teachers in voluntary aided schools.

Moreover, a councillor cannot be appointed by his local authority to a paid office (other than chairman or vice-chairman) while he is a councillor and for twelve months after he ceases to be one.³ A parish or community council may, however, appoint one or more of its members to be officers of the council without remuneration⁴. There is nothing under the 1972 Act rules to prevent a councillor from being employed by another local authority.

3. Appeal for an Exemption

With regard to an appeal for an exemption by an employee, the following procedure should be followed.

- 3.1 The employee should write to their Chief Officer/Head of Service on the attached form outlining their reasons for wishing to be exempted from being politically restricted.
- 3.2 Management to consider the request, whether it has any impact on their jobs, clashes of interest etc.

The completed form should then be sent to the Head of Democratic and Partnership Services (the Monitoring Officer for the Council) together with the employee's job description.

- 3.3 The Head of Democratic and Partnership Services will submit this to Standards Committee who will consider whether or not to support this request.
- 3.4 If an employee is granted an exemption, their Service and the Corporate Lead for HR, as well as the employee, will be informed so that the list can be amended.

³ 1972 Act, section 116

⁴ 1972 Act, section 112 (5)

APPLICATION FORM FOR EXEMPTION FROM POLITICAL RESTRICTION FOR POSTHOLDERS IN POSTS DEEMED POLITICALLY RESTRICTED UNDER THE LOCAL GOVERNMENT AND HOUSING ACT 1989

1. NAME: _____
2. ADDRESS: _____

3. TITLE OF POST: _____
4. DIRECTORATE: _____
5. SECTION: _____
6. ANY INFORMATION THE POSTHOLDER MIGHT LIKE TO GIVE IN SUPPORT OF HIS/HER APPLICATION:

7. DOES THE APPLICANT INTEND STANDING AS A CANDIDATE IN A FORTHCOMING ELECTION?

SIGNED: _____ DATE: _____

8. CHIEF OFFICER COMMENT:

SIGNED: _____ DATE: _____

WHISTLEBLOWING POLICY

Please [click here](#) to view the Whistleblowing Policy which was updated in April 2014 by Audit Section, Finance Services.