



PART 5

CODES AND PROTOCOLS

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May 2022



South Staffordshire Council

Code of Conduct



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Code of Conduct

Introduction

This Code of Conduct ("the Code") was adopted by South Staffordshire District Council ("the Council") as required by Section 27 of the Localism Act, 2011 ("the Act") at a meeting of the Council held on 10 May 2022.

The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("the members").

Complaints alleging a failure to comply with this Code of Conduct will be considered in accordance with the procedure agreed by the Council which is available on the Council's website.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association (LGA) encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

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General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty.
- I act lawfully.
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community.
- I do not improperly seek to confer an advantage, or disadvantage, on any person.
- I avoid conflicts of interest.
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- You misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

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Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Council's protocol on Councillor/Employee relations in part 6 of the Constitution.

2. Bullying, harassment and discrimination

As a councillor:

- 2.1 I do not bully any person.**
- 2.2 I do not harass any person.**
- 2.2 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

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The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. Given to me in confidence by anyone.
- b. Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. Reasonable and in the public interest; and
 2. Made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

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5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others.

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support.
- stationery.
- equipment such as phones, and computers.
- transport.
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

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8. Complying with the Code of Conduct

As a councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1** I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 10.2** I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3** I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A - The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects:

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2.

You must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (*referred to in paragraph 8 above*) affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the **Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the Subject Description Employment, office, trade, profession or vocation Page 13 of 16 Approved 3rd 12.2020 Updated 19 January and 17 May 2021 councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council. — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor’s knowledge): (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where: (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships,
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority,
- c) any body:
 - (i) exercising functions of a public nature,
 - (ii) directed to charitable purposes or,
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management,

Part 5 – Section 2

EMPLOYEES' CODE OF CONDUCT

EMPLOYEES' CODE OF CONDUCT

1. BUSINESS, PRIVATE WORK AND GIFTS

It is not acceptable for staff to undertake private work that may give rise to a conflict between the duties of the council and their duties to a private individual or organisation. Staff should not become involved in a private capacity in any way whatsoever in any matter on which the Council has to make a decision, e.g. Planning and Building Regulation Applications, or any matter in which the Council are involved, e.g. legal work, Grant Applications, Appeals, etc. The public and Members of the Council are entitled to expect their Officers to be entirely independent in such matters and any Officer who undertakes private work in breach of this instruction, without written authority from the appropriate Member of the Corporate Leadership Team, will be guilty of Gross Misconduct and may be dismissed.

Notwithstanding the policy, in exceptional cases, the Council may be prepared to give consent for an Officer to undertake work of this nature and applications for consent, giving a detailed justification, should be submitted in writing to the appropriate member of the Corporate Leadership Team. Any difficulties of interpretation should also be referred to the appropriate Member of the Corporate Leadership Team.

For confirmation on a particular matter please read the following guidelines.

2. GUIDELINES RELATING TO CONDUCT OF EMPLOYEES

2.1 Introduction

- 2.1.1 These guidelines are intended to assist employees in providing standards of conduct expected by South Staffordshire Council.
- 2.1.2 They apply to all employees of the Council, irrespective of the particular scheme of conditions the person is employed under.
- 2.1.3 The guidelines supplement:-
 - (i) current legislation, the Local Government Act 1972, (section 117 is included at Appendix 'A'); and
 - (ii) the relevant code of Official Conduct as contained in the National Scheme of Conditions of Service relating to the NJC for Local Government Services, JNC for Chief Officers and the JNC for Chief Executives.

2.1.4 The guidelines are intended to offer assistance to all employees and cover the following matters:-

- Declaration of interest
- Other Employment and Payment for Services
- Acceptance of Gifts or Hospitality
- Sponsorship of Major Council Events or Activities
- Confidentiality and Accuracy of Information
- Use of Council Facilities and Resources
- Political Interest/Activity
- Discrimination and Equal Opportunities
- Health and Safety Policy

2.2 Declaration of Interest

2.2.1 Upon the commencement of employment with the Council, all employees are required to “declare their interest” in any matters affecting the decisions and/or operations of the Council. In addition, a declaration should also be made in respect of any subsequent acquisition of an interest. An “interest” should be declared so far as it is known where it involves the following:-

- The employee
- The employee’s spouse or partner
- The employee’s close relatives, ie parent, brother, sister or child.

It is only necessary to disclose an interest where the employee can exert influence on any decision making process.

2.2.2 The declaration should be made in writing and submitted to the appropriate member of the Corporate Leadership Team who will forward it to the Chief Executive. A central register of interests will be maintained by the Chief Executive and a note of the declaration will be made on the individual’s file.

2.2.3 Employees are reminded of the NJC Scheme of Conditions for Local Government Services that states "Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained."

2.3 Other Employment and Payment for Services

2.3.1 Before engaging in any business activity or private work, whether paid or unpaid, employees must receive the consent of the appropriate Corporate Leadership Team. This will allow a decision to be made as to whether such employment or business activity conflicts with the Authority’s interest or in any way weakens public confidence in the Authority’s business. Notification of any business activity or private work must be given in writing.

- 2.3.2 The Corporate Leadership Team are authorised to give consent provided the activity or work:-
- will not interfere with the employee's official duties;
 - does not generate a conflict of interest with Council business;
 - does not relate in any way to the granting of planning permission or building regulation approval within the District, or to other decisions made by the Council or its officers (e.g. purchasing, improvement grants, mortgages); and
 - does not in any way relate to contracts entered into by the Council.
- 2.3.3 The Members of the Corporate Leadership Team will give any consent in writing and will notify the Chief Executive so that a note can be retained on the employees personal file and central register held in Human Resources Service and a copy retained on a central register maintained by the Chief Executive.
- 2.3.4 Where consent of a member of the Corporate Leadership Team is withheld, the employee concerned will have the right of appeal in the first instance to the Chief Executive and then through normal grievance procedures.
- 2.3.5 Where a business activity or form of private work is of a continuous nature, it shall be sufficient for the employee concerned to obtain one consent, provided that any change in the situation is notified by the employee at the earliest opportunity.
- 2.3.6 Where consent is given, the employee must ensure that it is made clear to all concerned that the activity has nothing to do with the Council and no liability rests with the Council. On no account must the activity be carried out during working hours and none of the Council's equipment or facilities should be used. In particular, telephone calls should not be taken at the offices of the Council and the Council's telephone number should not be given to third parties.
- 2.3.7 In the event that a fee is paid in respect of the provision of a service carried out by an individual in their capacity as an Employee of the Council, the fee should be made payable to the Council and not to the Officer concerned.
- 2.3.8 A register of other employment and payment for services will be maintained by the Chief Executive.
- 2.3.9 Employees are reminded of the relevant Scheme of Conditions relating to Official Conduct.

2.4 Acceptance of Gifts

- 2.4.1 The acceptance of gifts by employees in their individual capacity could be viewed with suspicion by members of the public and make the employee and the Council vulnerable to criticism. Employees should ask themselves the question: If a story appeared on the front page of a newspaper about the matter, would I be embarrassed? If yes, then it indicates you should not be accepting the gift. **This principle should be considered for all offers of gifts and hospitality.** The Bribery Act 2010 introduced a number of offences relating to the receipt of bribes where a financial or other advantage is being transferred; if you have any concerns you should seek legal advice at the earliest opportunity. The overriding expectation of all employees is that as they occupy positions of trust, they will act in good faith and with impartiality.
- 2.4.2 Modest gifts of a promotional nature, given by way of trade advertisements to a wide range of people, are acceptable. These include calendars, diaries, tape measures and articles for office use, e.g. pens, notepads. Also acceptable are gifts, whether or not of a promotional nature, offered at the conclusion of a courtesy visit to a factory or other premises. It is considered that a modest gift would not exceed the value of £50.00 and receipt of any gift valued higher than this must be notified to the Chief Executive.
- 2.4.3 If an employee receives a significant gift i.e. of a value estimated at over £50.00 without warning (for example, via the post), the employee should immediately inform the appropriate member of the Corporate Leadership Team/Assistant Director/Corporate Support Manager of this matter. The appropriate member of the Corporate Leadership Team will then become responsible, in consultation with the Chief Executive, in deciding upon the appropriate action to be taken. This action may involve the return of the gift to the sender or forwarding it on to some charitable or deserving cause, or other measures. The member of the Corporate Leadership Team concerned should inform the donor, in writing, of the action taken.
- 2.4.4 There may be occasions where it is not possible to refuse a significant gift without giving offence or where it would be churlish to refuse. In such cases the employee should immediately inform the appropriate member of the Corporate Leadership Team and enter receipt of the gift in the central register held by the Monitoring Officer.
- 2.4.5 In summary, if there is any doubt about whether a gift may be accepted, the gift should be politely and tactfully refused.

2.5 Offers and Acceptance of Hospitality

- 2.5.1 Whether employees should accept hospitality as a result of their employment at the Council is very much a matter of judgement given the particular

circumstances. The principle mentioned at 2.4.1 above should be considered. It must be apparent that no cause could reasonably arise for adverse criticism of the Council or individuals following the acceptance of any hospitality. It is important that any suggestion of improper influence is completely avoided. In such instances where any suggestion of improper influence is even remotely possible, the offer of hospitality must be politely refused by the employee. This applies to offers to employees and to their immediate families.

2.5.2 The following hospitality would generally be considered acceptable:-

- (a) An offer of a drink following a site visit.
- (b) Hospitality offered by other non-commercial or charitable bodies, provided that there is a general understanding that no indebtedness will result from the acceptance.
- (c) Invitations to functions the employee represents the Council in an official capacity, for example, when invited to speak, opening ceremonies, trade shows.
- (d) Invitations to functions where attendance would be by virtue of the employee's position and as a representative of the Council.
- (e) A working lunch where acceptance does not put the individual's personal integrity, or that of the Council, into question.
- (f) Hospitality of the "corporate entertaining" nature, for example, at sports, social or training events, or at conferences (where others are being simultaneously entertained), is acceptable if there is a general understanding that no indebtedness will result from acceptance. Unless specifically authorised as a duty, the employee would be expected to take leave if it occurs during working time.

2.5.3 Offers of hospitality that appear immodest or lavish should be refused and the offer reported to the appropriate member of the Corporate Leadership Team or to the Chief Executive.

2.5.4 Prior to accepting any offer of hospitality, the views of the appropriate member of the Corporate Leadership Team or Chief Executive should be sought. Receipt of any hospitality should be entered in the central register held by the Monitoring Officer.

2.5.5 Breach of the above provisions with regard to the receipt of gifts and hospitality will result in disciplinary action being taken against the employee.

2.6 Sponsorship of Major Council Events, Activities or Publications

2.6.1 All offers of sponsorship should be notified to the Chief Executive. Any sponsorship with a value greater than £500 requires the approval of the Chief Executive.

2.6.2 The record of sponsorship will include:-

- (a) Name of sponsor and type of sponsorship offered; and
- (b) Approval or refusal of the Chief Executive, where appropriate.

Details are to be notified on the relevant form and forwarded to the Chief Executive for retention on the Central Register of Sponsorship.

2.7 Confidentiality and Accuracy of Information

2.7.1 The confidentiality of information received in the course of an employee's duty should be respected and should never be used for personal or political gain.

2.7.2 No employee shall communicate to the public the proceedings of any confidential section of the Council's meetings, etc. nor the contents of any document relating to the Council unless required to do so by law or expressly authorised to do so by the appropriate member of the Corporate Leadership Team. Confidentiality remains when the employee has left the employment of the Council.

2.7.3 Information given by an employee in the course of a duty should be true and fair and never designed to mislead.

2.8 Use of Council Facilities, Resources, etc

2.8.1 Any facilities, equipment, tools, etc. provided by the Council for use in an employee's duties should be used only for those duties and for no other purpose except where prior approval has been granted by the appropriate Member of the Corporate Leadership Team. This applies to all facilities and property, including use of telephones, photocopiers, vehicles or other similar equipment.

2.8.2 Where arrangements are in place for employees to make payment for the private use of equipment, such as telephone calls and photocopiers, their position of trust should not be abused. It should be noted this does not give employees the right to use these "paid for" services to the extent that such use interferes with the duties of their post. In particular, telephone calls should be restricted to urgent or emergency use only and the Council's telephone numbers should not be given to third parties.

- 2.8.3 No employees should use their position to gain the use of Council or other services without payment of the appropriate charges. The approved arrangements for the use of equipment, services, etc for private use should always be followed.

2.9 Political Interest/Activity

- 2.9.1 Employees are reminded of their political neutrality and that they serve the Council as a whole and must ensure that the individual rights of members are respected.
- 2.9.2 It is vital that both the Council and the public are confident that employees will serve loyally and impartially. It is essential that in fulfilling their duties and responsibilities employee's own political views do not influence decisions or recommendations.
- 2.9.3 Employees should not carry out any political activity which in any way might confuse the public about whether or not they are still acting as a Council employee.
- 2.9.4 Certain posts are designated as "politically restricted" and have additional conditions laid on them. These posts will have been identified and details issued previously, should there remain any uncertainty employees should contact Human Resources for advice.

2.10 Equality Act and Discrimination

- 2.10.1 The Equality Act 2010 sets out the legal requirements concerning the promotion of equality, eliminating discrimination for everyone protected by the Act. The protected characteristics under the Act are, age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief and sexual orientation. Employees are required to ensure they do not directly or indirectly discriminate against colleagues, customers applying for a job or customers in receipt of services from the Council.

2.11 Failure to comply

- 2.11.1 The conduct of all employees should be such that they remain immune from any criticism or suspicion that their actions or decisions have been unduly influenced. Employees are expected to use common sense in assessing any situation where this could be construed. No employees should act in any manner that could give rise to such accusations.
- 2.11.2 It is the responsibility of every employee to maintain the standards and integrity expected in public service. It is also each employee's responsibility

to bring to the attention of the appropriate member of the Corporate Leadership Team any deficiency in the provision of that service and report any impropriety or breach of procedure.

- 2.11.3 Any employee failing to comply with this code of conduct will be liable to disciplinary action which may result in their dismissal.

Guidelines relating to Conduct of Officers

Local Government Act 1972 – Extract

Section 117

117-(1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding (Level 4 on the standard scale).

Part 5 – Section 3

PROTOCOL ON COUNCILLOR/EMPLOYEE RELATIONS

PROTOCOL ON COUNCILLOR/EMPLOYEE RELATIONS

1. INTRODUCTION

- 1.1 The relationship between councillors and employees is an essential ingredient that goes into the successful working of the organisation. This relationship within South Staffordshire Council is characterised by mutual respect, informality and trust. Councillors and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help councillors and employees to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Assistant Director Organisation and People Development.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2. ROLES OF COUNCILLORS AND EMPLOYEES

- 2.1 The respective roles of councillors and employees can be summarised as follows:

Councillors and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant committees, panels, etc.

Mutual respect between Councillors and employees is essential to good local government.

2.2 Councillors

Councillors have three main areas of responsibility: determining the policy of the Council and giving it political Leadership, representing the Council externally, and acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day to day management of Council services.

2.3

2.4 Members of the Cabinet, Chairmen of Committees

Members of the Cabinet and Chairmen of Committees, Panels etc have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of councillors without those responsibilities, and this is recognised in the expectations they are entitled to have.

2.5 Opposition Members

As individual members of the Council, all councillors have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between employees, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.6 Employees

The role of employees is to give advice and information to members and to implement the policies determined by the Council.

Certain employees e.g. Head of Paid Service, Monitoring Officer and Corporate Director Finance and Resources (Section 151 Officer) have responsibilities in law over and above their obligations to the Council and its Members that they must be allowed to discharge.

3. EXPECTATIONS

Councillors can expect from employees:

- A commitment to the Council as a whole, and not to any political group
- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees.
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- Awareness of and sensitivity to the political environment

- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by employees outside the agreed procedures
- That employees will not use their relationship with members to advance their personal interests or to influence decisions improperly
- That employees will at all times comply with the relevant Code of Conduct

Employees can expect from councillors:

- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Political Leadership and direction
- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of employees in determining what are reasonable requests, having regard to the power relationship between members and employees, particularly at junior levels
- That councillors will not use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly
- That councillors will at all times comply with the relevant Code of Conduct

4. WHEN THINGS GO WRONG

Procedure for employees

- 4.1 From time to time the relationship between councillors and employees may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or councillor, employees will have recourse to the Harassment and Grievance Procedures or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate Group Leader will decide on the course of action to be taken, following consultation with the Chairman and Vice Chairman of the Standards and Resources Committee.

Procedure for Councillors

- 4.2 In the event that a councillor is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate member of Corporate Leadership Team (CLT). Where the employee concerned is a member of CLT, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Assistant Director Organisation and People Development. If the matter cannot be resolved informally, it may be necessary to consider mediation or invoke more formal employment procedures depending on the circumstances.

