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<b>Annex A</b>	<b>Gifts and Hospitality Checklist</b>
<b>Annex B</b>	<b>Pecuniary interests in contracts - S.117 Local Government Act 1972</b>
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**Forms**

<b>ECC1</b>	<b>Application for Approval of Outside Employment ECC2</b>
	<b>Application for approval to writing a book</b>
<b>ECC3</b>	<b>Declaration of Personal Interests</b>
<b>ECC4</b>	<b>Notice under section 117 Local Government Act 1972 Pecuniary interest in contract or proposed contract</b>
<b>ECC5</b>	<b>Declaration of Relationship with Contractor ECC6</b>
	<b>Report of Offer of Gift</b>
<b>ECC7</b>	<b>Register of Interests for Senior Officers</b>

**Other Relevant Policies: Whistleblowing**

**Policy**

**Anti-Bribery Policy and Procedure**

## **PURPOSE**

### **1. The purpose of having a Code of Conduct is to :-**

- make a clear statement about the standards of conduct expected of employees of Darlington Borough Council;
- ensure the highest standards of conduct by identifying corporate standards which sit alongside professional codes and guidelines;
- help all employees to act in a way which upholds the Council's standards and at the same time, protect them from criticism, misunderstanding or complaint; and
- help build trust between the Council and the people who come into contact with those working for it.

## **SCOPE**

### **2. This Code of Conduct applies to :-**

- All employees of the Council except teachers and those employed in schools under the control of Governing Bodies. Employees are as defined in section 230 of the Employment Rights Act 1996 or any subsequent legislation; and
- Individuals providing services for the Council e.g. contractors, agencies, self-employed, agency workers and those working for the Council as part of partnerships with the Council.

### **3. Disregarding this Code will, in certain circumstances, result in disciplinary action being taken. A copy of this Code of Conduct can be found on the intranet. All employees will be obliged to undertake and pass the Academy 10 training module in respect of the Code of Conduct.**

## **STANDARDS AND ATTITUDE**

- 4. All employees of the Council are expected to give the highest possible standard of service to the public, Councillors and fellow employees and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.**
- 5. Your attitude in dealing with people reflects on the Council so it is important that you are helpful, polite and courteous. People's impression of the Council is strongly influenced by the views of the people who work for it. Whether or not you are aware of it, the comments you make will be accepted by others. You therefore need to consider carefully the affect of what you say.**

6. All employees are expected to report to their manager or supervisor any perceived or anticipated impropriety, breach of procedure or policy of the Council.
7. In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct which may give rise to suspicion.
8. There are a number of principles that exemplify the standards that are required. They are set out below. A number of these aspects are dealt with in more detail within this Code.

## THE PRINCIPLES

The Council's Code of Conduct embraces the seven principles of public life which were drawn up by the Nolan Committee and are endorsed by Parliament.

The seven principles are:

Selflessness – Acting solely in terms of the public interest

Integrity – Avoiding placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships as detailed in the Code of Conduct.

Objectivity – Act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability – Be accountable to the public for your decisions and actions and submit yourself to scrutiny necessary to ensure this.

Openness - being as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty – Act with honesty, and be truthful.

Leadership – Exhibit these principles in your own behaviour. Actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

9. The Council recognises the importance of an open, transparent culture with clear communication and public accountability. It is the Council's aim to be as open as possible about all its activities. The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public. Different rules apply in different situations. The Freedom of Information Act requires for example disclosure of information in response to written requests in

circumstances set out in the Act, and the Data Protection Act requires that the Council complies with statute in relation to the handling and processing of personal data. If you are in any doubt as to whether you can release any particular information, always check with your manager first. Where appropriate you should seek advice from relevant officers within the Council including Information Governance Officers and Legal Services.

10. The confidentiality of information received in the course of your duties should be respected and must never be used for personal or political gain. You should not knowingly pass information on to others who might use it in such a way. If you believe that information should be disclosed in the public interest you should refer to the Council's Whistleblowing Policy before doing so. Failure to do so may result in disciplinary action being taken.
11. You should not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored whether on computer systems or manually must only be disclosed in accordance with the requirements of the data protection law. During the course of duties many staff regularly deal with private and confidential information relating to companies and other organisations. You must not supply confidential information to anyone who is not entitled to see it. You must also take appropriate action to protect against accidental disclosure or discovery of information and to ensure that unauthorised people do not gain access to Council information systems. You should read and follow the Council's Data Protection and information Security policies and any service specific procedures that have been prepared. Deliberate or negligent breaches of confidentiality and the terms of these policies are deemed a serious disciplinary matter.
12. Information given in the course of your duties should be accurate and fair and never designed to mislead.
13. 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 allowed by law.
14. Only employees authorised by their Director to do so may talk to the Media or otherwise make public statements on behalf of their directorate. An employee contacted by the Press should refer the matter to the Council's Communications Team who will deal with it as appropriate.

## **WHISTLEBLOWING POLICY**

15. Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

16. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
17. In order to ensure that this can happen the Council has developed a Whistleblowing Policy which can be found on the intranet or a copy can be requested from HR.
18. The Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
19. The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
20. The policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.
21. The policy has been discussed with the relevant trade unions and professional organisations and has their support.

#### **PERSONAL APPEARANCE**

22. In your appearance as well as in your behaviour, you should regard yourself as an ambassador for the Council and dress in clothing that is appropriate for your duties. Your Service may have a code of dress where it is important to project a favourable image of the Council and its employees, and you must follow any such code that applies to you. All employees are required to be neat and tidy in appearance. If you have direct contact with customers or members of the public you must look smart.
23. If you are required to wear specific items of clothing, hairstyles or jewellery in accordance with your ethnic background or faith, your needs will be accommodated where possible and practicable, however this must not pose a hazard to the health and safety of any person or contravene any legitimate or reasonable requirement of the Council.
24. The Council reserves the right to insist that you do not wear particular items of clothing or jewellery which it believes may cause offence to customers, suppliers, or other employees or which may pose a risk to the health and safety of any person.
25. The Council will enforce these rules having regard to the differences for male, female and transgender employees.

26. As an employee of the Council you are expected to wear your security ID badge at all times ideally on a lanyard around your neck. It must be clearly visible and produced on request.

### **POLITICAL NEUTRALITY**

27. Employees serve the Authority as a whole. It follows that you must serve all Councillors equally and ensure that the individual rights of all Councillors are respected.
28. From time to time, some employees may also be requested to advise a full meeting of a political group or its executive. You must do so in ways which do not compromise your political neutrality and inform the Managing Director in advance.
29. Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work and you must at all times perform your duties in an objective manner.

### **RELATIONSHIPS**

30. Darlington Borough Council is firmly committed to equal opportunities and believes that every employee has the right to work in a safe environment without the fear of discrimination, harassment or abuse. This is reinforced in the Council's Organisational Development Strategy. As such, the Council will not tolerate or condone harassment or bullying in any form. The Council has established a Dignity and Respect at Work Policy which addresses these issues in more detail. This policy aims to prohibit harassment and bullying within the Council and covers both employees and elected Members. Details of the policy are available on the Council's Intranet.

### **APPOINTMENT OF STAFF**

31. It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. If you are involved in making appointments you should do everything possible to ensure that these are made on the basis of merit and in accordance with the Council's Code of Practice on Recruitment and Selection which can be found on the intranet.
32. In order to avoid any possible accusation of bias, you must not become involved in any appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee if you are a relative of an applicant, or have a close personal relationship with him or her, or are a close personal associate of him or her nor where you have the opportunity to benefit, directly or indirectly, from an appointment without the express prior approval of their employing Director.
33. In paragraph 32 (above) the term 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of an existing Councillor, Senior Officer, Head teacher or School Governor of a Darlington Borough Council school or the partner of such persons.

34. In this paragraph 32 (above) the term a 'close personal relationship' can be described as someone who is well known to you and for whom you have feelings of liking, affection and loyalty. It is a closer relationship than simply being an acquaintance. For example, if you are both member of the same charity, club or association, this is not likely, on its own, to mean that you have a close personal relationship.
35. In paragraph 32 (above) the term 'close personal associate' would include a person not employed by the Council with whom you have a close business connection.
36. In paragraph 33 (above) the term 'partner' means a member of a couple who live together.
37. Senior Officers (which term comprises any Director, including the Managing Director, Assistant Director or Head of Service) must disclose to the Assistant Director, Resources any relationship known to exist between them and any person they know as a candidate for an appointment with the Council.
38. People who already have a close personal relationship should not seek employment in the same work group. Senior employees have a particular responsibility to ensure that there can be no question of favouritism or bias in the appointment or treatment of any person with whom they have a close personal relationship outside their particular work group. The higher the person is in the management structure, the greater the likelihood of there being an adverse effect on normal working relationships if people with close personal relationships are employed in the organisation.

## **RELATIONSHIPS AT WORK**

39. If a social relationship develops into a close personal relationship, this can often interfere with the normal working relationships within the work group and can cause others to doubt that they will be treated fairly.
40. If a person with whom you have a close personal relationship is employed by the Council, you should take special care to conduct yourself in such a manner that the relationship does not interfere with service delivery or normal working relationships and does not cause others to doubt that they will be treated fairly. If it does, then you may not be able to do the job for which you are employed. Appropriate action will be taken in such circumstances.
41. Those involved in a close personal relationship with a work colleague which has broken down must ensure that they do not involve others in their private affairs within the workplace. Relationships and/or their breakdown must not interfere with working arrangements and employees must ensure that work is not affected. **Unless there is a genuine work related issue the Council will not allow its policies and procedures to be used by employees whose private relationship with each other has broken down.**



## **COUNCILLORS**

42. Mutual respect between employees and Councillors is essential for good local government. Some employees need to work closely with Councillors. 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.

## **THE LOCAL COMMUNITY AND SERVICE USERS**

43. 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 in accordance with the policies of the authority. This may involve dealing with troubled, angry and frustrated customers, although employees are entitled not to be expected to place their personal health, safety and welfare at risk.

## **CONTRACTORS**

44. All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to your Head of Service and the Head of Procurement at the earliest opportunity.
45. Orders and contracts must be awarded in accordance with the Contracts Procedure Rules and no special favour should be shown to businesses run by, for example, friends, partners or relatives.
46. If your job entails engaging or supervising internal or external contractors, or having any other official relationship with contractors and you have previously had or currently have a business or personal relationship in a private or domestic capacity with any contractors, you should declare that relationship to your Head of Service and make the Head of Procurement aware of this as well.
47. You must not use, in a private or domestic capacity, any contractor with whom you have had or are having an official relationship, without first obtaining the permission of your Head of Service and the Head of Procurement.
48. You must not use, in a private or domestic capacity, your role with the Council in order to obtain a discount from any business or contractor (whether or not the Council has an official relationship with that business or contractor) without first obtaining the permission of your Head of Service.

## **EMPLOYMENT MATTERS**

49. If you apply for promotion or are seeking another post in the Council, you must not approach any Darlington Borough Councillor for a reference. Issues relating to your conditions of service, working arrangements or grading should be raised with your manager, supervisor and the Assistant Director, Resources and not with Councillors.

50. You must not be involved in or attempt to influence any decision relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or with whom you have a close personal relationship or in any situation where you could benefit from that situation.
51. The information contained in Disclosure and Barring Service disclosures is considered highly confidential and the Council will restrict access to those who are entitled to see it as part of their duties in line with its DBS policy, a copy of which can be found on the intranet.

## **OUTSIDE COMMITMENTS**

52. The Council recognises that employees are entitled to their private lives. In general, an employee's choices and action outside of work are not the Council's concern. However in order to protect both the employee and the Council there are exceptions to this.

## **CONDUCT**

53. Where in or outside work, employees must not conduct themselves in any way that creates doubt as to their suitability for their post or brings the Council into disrepute. Where conduct, whether inside or outside of work does create doubt as to an employee's suitability for their post or brings the Council into disrepute, this will be dealt with accordingly under the Council's Disciplinary Policy.

## **ADDITIONAL WORK**

54. Employees may be able to take on outside employment/work/business responsibilities in addition to their existing contract of employment, providing it does not conflict with the performance of their duties in the role for which they are employed.
55. Additional work includes:
  - (a) paid employment,
  - (b) self-employment,
  - (c) being a named partner in a business or a sole-trader
  - (d) being named as an Officer of a company (e.g. Director or Secretary)
  - (e) voluntary work involving driving duties if you are employed by the Council as an LGV/PSV driver (because of driving hour regulations)
56. In order to assess whether or not there might be a conflict, employees are required to obtain the consent of their Assistant Director before taking on any outside employment/duties. If you fall into this category, and want to seek the Council's agreement, you should complete Form ECC1 and submit it to your Assistant Director. The Council will not unreasonably stop employees from undertaking additional employment/duties/work, but this employment must not, in the Council's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.

57. Once you have completed Form ECC1 and have passed this to your Assistant Director, he/she will then discuss this with the Assistant Director, Law and Governance and also the designated HR Manager for your area. A central register of all ECC1 Forms will be held by the Assistant Director, Law and Governance.
58. Should you fail to complete Form ECC1 and it later transpires that you have failed to declare additional work/duties/employment which you have undertaken, you may be referred for action under the Council's Disciplinary Policy.
59. Touting for or on behalf of any secondary employment in working hours is an improper use of the Council's time and will be dealt with accordingly.
60. An employee who wishes to take on additional work/duties must ensure that :-
  - (a) the additional hours worked do not contravene the Working Time Regulations or otherwise give the Council cause for concern about health and safety at work;
  - (b) the outside work does not place the employee in a position where their duties and private interests conflict;
  - (c) the outside work does not damage, or potentially damage, public confidence in the Council's conduct or business;
  - (d) the outside work does not involve the employee being in direct competition with the Council for work/contracts;
  - (e) any potential employer is aware of their employment with the Council;
  - (f) you do not wear Council uniform whilst undertaking the additional work/duties;
  - (g) you do not use Council property when undertaking the additional work/duties (e.g. Council owned computers, vans, tools, photocopiers); and
  - (h) you do not use the Council's email system when undertaking the additional work/duties.
  - (i) you do not undertake private or personal work, paid or unpaid, of any description in working hours or in the office.

## **VOLUNTARY WORK**

61. The Council recognises the invaluable and positive role that volunteers play in supporting our services and communities and therefore promotes the work volunteers do. Generally permission to volunteer is not required. However, if you are employed by the Council as an LGV/PSV driver, because of driving hour regulations, you must seek permission to do voluntary work which involves driving duties by complete and submitting Form ECC1 to your Assistant Director.

## **REFUSAL OF A REQUEST TO TAKE ON ADDITIONAL WORK**

62. If an employee has their request to take on additional work refused and wishes to challenge this, they should speak to their manager or consider raising a grievance under the Council's grievance procedure.

## **BOOKS, TRAINING MATERIALS AND INTELLECTUAL PROPERTY RIGHTS**

63. If you write a book for payment on subjects relating to your work for the Council you must seek the permission of the Council through your Assistant Director using Form ECC2.
64. Fees for giving lectures or writing articles/books may only be retained by employees where these activities are not integral to their employment or position with the Council and they are conducted in the employee's own time.
65. The Council retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software and other developments or similar work, when created in the course of an employee's normal duties, remain the property of the Council. These should not be removed from Council premises or passed on to third parties by any employee acting in a private capacity without the express consent of the Assistant Director for the area.

## **PATENTS AND INVENTIONS**

66. Any matter, or thing capable of being patented under the Patents Act 1977, made developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the Council through the appropriate Assistant Director and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

## **COMPUTER USE**

67. The council wants employees to use computers to the full and to feel competent and comfortable about doing so. However, it is essential that computers are used appropriately. Any reference to computers should be taken to mean all computer equipment and any associated technology (e.g. emails).

## **MISUSE OF COMPUTERS AND OTHER TECHNOLOGY**

68. The misuse of computers is a serious matter and may result in employees being subject to disciplinary and, where appropriate, legal action.
69. A number of guidance documents exist in relation to the use of the Council's computers and information technology. These include the Computer User's Guidance, Internet and Email Usage and Security Guidance, the Council's Acceptable Use Policy and the Social Media Policy. Employees must be familiar with, and abide by the Council's Policies on computer use.
70. Private use of Council facilities, such as computers (including use of the Internet),

stationery and fax machines, is governed by these documents. Personal use of the office telephone is permitted within reason, provided that calls are properly logged and charges paid back to the Council. Employees should not arrange to receive correspondence (this includes parcels), telephone calls, emails and fax messages in the office related to outside work or private interests. Where an employee is provided with a Council-owned mobile phone all personal calls, text messages and data usage must be paid for. Misuse of Council facilities such as mobile phones, office telephones and photocopiers may result in disciplinary action being taken.

71. An employee who is aware or suspects that abuse of computers, email the internet, the intranet or other technology is taking place is under a duty to report this immediately under the Council's Whistleblowing Policy.
72. The Council will monitor the use of computers etc without notice. A record of any sites accessed by staff is automatically stored on the system and may be examined later if misuse is suspected.

### **INTERNET AND SOCIAL NETWORKING**

73. Internet access for personal use should be in line with the Council's policy on Employees Guide to Information Security 2017 and must not affect an employee's performance and productivity at work.

### **PERSONAL INTERESTS**

74. Employees may have a variety of personal interests, which may from time to time impact on their role for the Council. To protect the Council and the employee from any accusations of wrong doing the Council has in place a number of safeguards which demonstrate that these interest are not allowed to influence the way the Council conducts its business.
75. If you are at Assistant Director level or above, then you must complete a REGISTER of interests. The purpose of this register is to ensure that those who have responsibility for taking the majority of delegated decisions of the authority are required to meet similar standards required of elected members in relation to the registration and declaration of interests.
76. The officer register of interests will not be available for public inspection as this is personal information. The register will be available for certain officers within the authority to inspect where they need to do so as part of the duties for the Council. These are :-
  - (a) the Assistant Director, Resources;
  - (b) the Assistant Director, Law and Governance;
  - (c) the Audit and Risk Manager; and
  - (d) the relevant manager.

The information may also need to be disclosed to those involved in hearing any disciplinary matter or in accordance with the Council's other legal obligations to disclose information to the external auditors, the Local Government Ombudsman or in the course of court proceedings.

77. The form and guidance for completion is available in Form ECC7.
78. Whatever your role within the organization, you must DECLARE to your Assistant Director on Form ECC3 any financial or non-financial interests which could bring about conflict with the Council's interests.
79. If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed.
80. You must not make, or become involved with, any official, professional, decisions about matters in which you have a personal interest.

### **INTEREST IN CONTRACTS**

81. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or proposed contracts with the Council in which you have a pecuniary interest. Such declarations should be made on Form ECC4 and sent to the Assistant Director, Law and Governance. It is a criminal offence to fail to comply with this provision, which is set out in full at Annex B to this Code. Pecuniary interests are considered at Section 95 of the Local Government Act 1972, See Annex C to this Code.

### **GIFTS AND HOSPITALITY**

82. A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence.

### **GIFTS GENERALLY**

83. Casual gifts offered to employees by contractors, organisations, firms or individuals such as calendars, diaries, mouse mats, pens, and other small gifts need not be declared. The general rule is that a gift below the value of £25 does not need to be declared. However it will not be appropriate to accept a gift below that value if it is more than minimal and may be perceived as an inducement. Where a number of small gifts over a period of time amount to more than £25 collectively these should be declared.
84. With the exceptions listed below, you should decline any personal gift offered to you, or to a member of your family, with a value of £25 or over by any person or organisation having dealings with the Council.
85. Any such offer should be reported to your Manager on Form ECC6 and should be recorded in a register, which is kept for this purpose. Managers should report any such offer to the Assistant Director, Law and Governance, who will record it in a similar register. He/she will report any such offer received to the Managing Director, who will record it.
86. When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at

Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately to your Manager, who in turn will inform the Assistant Director, Law and Governance.

87. A checklist is provided at Annex A which you should use to help you decide whether or not it is appropriate to accept a gift. If you are in doubt advice can be sought from the Assistant Director, Law and Governance.

#### **GIFTS FROM SERVICE USERS AND CLIENTS**

88. There are sometimes problems encountered by employees who have a 'caring' role, or provide direct personal service to vulnerable people.
89. It is not unusual for residents of residential care homes, or for people receiving support at home from Council employees, or their relatives, to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their will.
90. It is most important in such situations that employees are protected from any suggestion of improper motives or conduct. This is, however, an area which needs to be handled with great tact and sensitivity if needless offence to the individual making the offer is to be avoided, with a proper explanation given as to the reason why. Where it has not been possible to return a gift, this must be reported to your manager who will give you further guidance.
91. If you are aware that you have been or may be made a beneficiary of an individual's will, you should immediately report this to your manager or supervisor. A manager will then visit the client to discuss the proposed bequest. The manager will seek to deter the individual from making the bequest, and ensure that if a bequest is given that it represents the genuine wishes of the individual who has not been subject of any improper influence. Following the visit, the manager will notify your Assistant Director, who will discuss the matter with you and determine what action to take.
92. In some cases an employee might not know that he or she is a beneficiary until after the death of the client concerned. As soon as an employee is made aware of such a bequest, he or she should notify their Assistant Director who will advise as to whether the gift should be accepted.

#### **HOSPITALITY**

93. Offers of hospitality are a normal part of the courtesies of business life but in the public sector it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence. You 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 and where the Council should be seen to be represented. In such cases they should be properly authorised by your Head of Service, or if you are the Head of Service, Assistant Director, Director or Managing Director.

94. Hospitality is sometimes offered to representatives of the Council in an official or formal capacity.
95. If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers etc. who may stand to benefit from the goodwill of the Council. If you decide to accept hospitality it should be on the basis that there will be a clear benefit to the Council through e.g. networking and building contacts, if there is no or limited benefit to the Council you should not attend. If you suspect that the value of the hospitality is over £25, you should consider making a proportionate donation to charity or sharing the cost of the event personally. You should resist additional gifts associated with an event such as free travel, or gift bags and items.
96. You should also be careful about attending exhibitions, seminars or visiting manufacturers etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality. Training events with very low training content and free catering, drink or transport may also be hospitality.
97. In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself. When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.
98. Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted.
99. All offers of hospitality should be reported to your Assistant Director, or if you are a Chief Officer, to the Assistant Director, Law and Governance.

#### **SPONSORSHIP – GIVING AND RECEIVING**

100. When 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.
101. Where the Council wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full prior disclosure to their Assistant Director of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.
102. Employees should take advice from the Assistant Director, Law and Governance on the possible legal or procurement issues which may be associated with securing sponsorship.



## **CRIMINAL CONVICTIONS/LOSS OF LICENCE OR QUALIFICATION**

103. You must inform your manager immediately if you:

- (a) receive any criminal conviction, caution, or are held or released subject to bail, or placed under bond during, either within or outside of your normal working hours;
- (b) receive any driving convictions that result in the loss of your driving licence, if driving on Council business is part of your job role;
- (c) have engaged in behaviour that has resulted in loss of licence, affiliation, accreditation, qualification or professional membership that may impact on your ability to carry out the duties of your contracted role.

However, if your post is subject to a Disclosure and Barring Service (DBS) Check, as well as the above, you must also inform your manager immediately if you are subject to a criminal investigation. If you are unsure about whether your post requires a DBS check, please seek clarification from your manager. All information you provide in this regard will be dealt with in strict confidence.

## **PLANNING MATTERS**

104. All Officers submitting a planning application to the authority must inform the Assistant Director, Law and Governance and the Director for Economic Growth and Neighbourhood Services. The Assistant Director, Law and Governance will maintain a register of all such applications. The Director for Economic Growth and Neighbourhood Services shall ensure that these are dealt with without influence and where necessary decisions are referred to the Planning Applications Committee.

105. Further details about the conduct of planning matters are set out in the Council's Protocol for Dealing with Planning Matters which is in Part 4 of the Constitution.

## **EQUALITY**

106. The Council is committed to tackling discrimination in how it treats its employees and how it delivers services, and also to actively promoting and championing equality in the community. All members of the local community, customers and other Council employees have a right to be treated with fairness and equity. You should become familiar with and observe all Council policies relating to equality issues in addition to the requirements of the law under the Equality Act 2010.

107. If you feel that you have been unfairly treated, discriminated against or harassed, you are entitled to make use of the Council's grievance procedure. You are also entitled to be treated with respect by clients, service users and members of the public, and be supported with this by the Council.

108. In the same way you are required to treat your colleagues, staff and members of the public fairly and with respect.

## **TENDER PROCEDURES**

109. Employees involved in the tendering process and dealing with contractors should be clear about the nature of the separation of client and contractor roles within the Authority. Senior Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness. The relevant statutory rules appear in Annex B and C of this Code.
110. If you are part of a contractor or client unit or have other official relationships with contractors, you must exercise fairness and impartiality when dealing with all customers, other contractors and sub-contractors.
111. If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with a particular contractor, you must declare that relationship to your Assistant Director, using Form ECC5 (which should then be forwarded to the Assistant Director, Law and Governance).
112. If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person or organisation.
113. All employees must 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 any capacity.

## **CORRUPTION**

114. The Council takes a very firm stance against all forms of bribery and corruption and has adopted an Anti-Bribery Policy and Procedures which can be found on the intranet or a copy can be requested from HR.
115. Employees must be aware that bribing another person or receiving a bribe are serious criminal offences under the Bribery Act 2010. Penalties include fines and or imprisonment for up to 10 years
116. The offence of 'bribing another person' will be committed if you offer, promise or give financial or other advantage to another person with the aim of inducing or rewarding them perform an activity or function improperly. The activity or function could relate to an external business or commercial activity or any public function (for instance done in house or by another public sector body).
117. The offence of 'being bribed' will be committed if you request or agree to receive or accept any financial or other advantage in return for improperly performing or allowing the improper performance of an activity or function. The activity or function could be any public function or something you do during the course of your employment
118. Further details of the Bribery Act offences are set out in the Anti-Bribery Policy and Procedures.
119. For you own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you

must report the matter to your Assistant Director.

### **FINANCIAL PROCEDURE RULES**

120. All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services must follow the Council's Financial Procedure Rules. These can be found on the intranet.
121. They 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.

## GIFTS AND HOSPITALITY

### Checklist for considering whether to accept a gift or hospitality

The question in all cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- (a) Is the value of the gift or hospitality £25 or over?
- (b) If under £25 is it intended as an inducement?
- (c) Is the extent of the hospitality, or nature of the gift reasonable and appropriate?
- (d) Does the donor have any form of contractual relationship with the Council, does it provide goods or services to the Council of any kind?
- (e) Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or have you been targeted because of your employment with the Council and the nature of your role?
- (f) What do you think is the motivation behind the invitation/gift?
- (g) For hospitality do you want to go and if so why? Is it because there will be genuine benefits to the Council in terms of networking and contracts gained? Or is a desire to go centred around personal enjoyment.
- (h) Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving the Borough Council?
- (i) For gifts is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity or can you pay an equivalent price of the gift to charity?

If you decide to accept a gift over £25 you must register that in the register of interests, if you decline a gift of over £25 this should also be registered with a statement that the gift has been declined.

You should consider carefully whether to register gifts and offers of gifts below £25 having regard to the issues highlighted above. The relevant form is ECC6 below.

**PERSONAL INTERESTS**

**LOCAL GOVERNMENT ACT 1972, SECTION 117**

**(see paragraph 81 of the Code)**

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 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).
4. References in this section to a Local Authority shall included references to a joint committee appointed under Part VI of this Act or any other enactment.

**PERSONAL INTERESTS**  
**LOCAL GOVERNMENT ACT 1972, SECTION 95**  
**(see paragraph 81 of the Code)**

1. For the purposes of Section 94 above a person shall be treated, subject to the following provisions of this section and to Section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if :-
  - (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
  - (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration
2. Sub-section (1) above, does not apply to membership of or employment under any public body, and a member of a company or other body shall not be reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
3. In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

**EMPLOYEES CODE OF CONDUCT**  
**APPLICATION FOR APPROVAL OF OUTSIDE EMPLOYMENT/WORK**

Name			
Department/Section			
Job Title			
Grade			
Nature of Outside Employment/work sought			
Name and Address of Proposed Outside Employment/work			
Is the post paid or unpaid?			
Does this employment/work, in your view, conflict with or is detrimental to the interests of the Council or would it weaken public confidence in the conduct of the Council's business?			
<p><b>I agree to abide by statutory guidelines on working hours and ensure I follow all HMRC guidelines on Tax and NI. In addition I will not conduct my outside interests during Council time and use any Council materials or equipment.</b></p>			
Signature		Date	

**Once complete this form should be discussed and forwarded to your Line Manager**

Line Manager Name			
Line Manager Comments/ Recommendation			
Line Manager Signature		Date	

**Once complete this form should be forwarded to your Assistant Director**

AD Comments			
Approved/Declined			
Signature		Date	

**Once complete, this form should be forwarded to the Human Resource Division for the employee's personal file and to the Assistant Director, Law and Governance**



**EMPLOYEE CODE OF CONDUCT APPLICATION  
FOR APPROVAL TO WRITING A BOOK**

Name			
Department/Section			
Job Title			
Grade			
Name of Publication in respect of which approval sought			
Does the book cover subjects relating to your work for the Council and, if so, in what way			
Will payments be received for the Book			
Does this employment, in your view, conflict with or is detrimental to the interests of the Council or would it weaken public confidence in the conduct of the Council's business			
Signature		Date	

**Once complete, this form should be forwarded to your line Manager**

Line Manager Name			
Line Manager Comments/ Recommendation			
Line Manager Signature		Date	

**Once complete, this form should be forwarded to your Assistant Director**

AD Comments			
Approved/Declined			
Signature		Date	

**Once complete, this form should be forwarded to the Human Resource Division for the employee's personal file.**

**EMPLOYEES CODE OF CONDUCT  
DECLARATION OF PERSONAL INTERESTS**

Name			
Department/Section			
Job Title			
Grade			
Nature of Interest			
Your role in any relevant business of the Council			
Name and Address of Interest where applicable			
Does this interest, in your view, conflict with or is detrimental to the interests of the Council or would it weaken public confidence in the conduct of the Council's business?			
Signature		Date	

**Once complete this form should be discussed and forwarded to your Line Manager**

Line Manager Name			
Line Manager Comments/Recommendation			
Line Manager Signature		Date	

**Once complete this form should be forwarded to the Assistant Director Law and Governance**

AD LG Comments			
AD LG Signature		Date	

**Once complete, this form should be filed in the Central Record of Register of Personal Interests**

**EMPLOYEES CODE OF CONDUCT**

**NOTICE OF PECUNIARY INTEREST IN CONTRACT OR PROPOSED CONTRACT UNDER SECTION**

**117 LOCAL GOVERNMENT ACT 1972**

Name			
Department			
Job Title			
Grade			
Nature of Pecuniary Interest			
Details of Contract or Proposed contract with the Council			
<b>I make this declaration in accordance with Section 117 of the Local Government Act 1972</b>			
Signature		Date	

**Once complete, this form should be forwarded to your line manager**

Line Manager Name			
Line Manager Comments			
Line Manager Signature		Date	

**Once complete this form should be forwarded to the Assistant Director Law and Governance**

AD LG Comments			
Signature		Date	

**Once complete, this form should be filed in the Central Record of Register of Personal Interests**

**EMPLOYEES CODE OF CONDUCT DECLARATION OF**

**RELATIONSHIP WITH CONTRACTOR**

Name			
Department/Section			
Job Title			
Grade			
Nature of Relationship with Contractor			
Name and Address of Contractor			
Is this a current relationship?			
If not, when did the relationship end?			
Signature		Date	

**Once complete this form should be discussed and forwarded to your Line Manager**

Line Manager Name			
Line Manager Comments			
Signature		Date	

**Once complete this form should be forwarded to the Assistant Director Law and Governance**

AD LG Comments			
Signature		Date	

**Once complete, this form should be filed in the Central Record of Register of Personal Interests**

**EMPLOYEES CODE OF CONDUCT**

**REPORT OF OFFER OF GIFT/HOSPITALITY**

Name			
Department/Section			
Job Title			
Grade			
Details of Gift Hospitality Offered			
Date Offer received			
Approximate value of offer (if known)			
Offer Accepted/Declined			
Signature		Date	

**Once complete this form should be discussed and forwarded to your Line Manager**

Line Manager Name			
Line Manager Comments			
Line Manager Signature		Date	

**Once complete this form should be forwarded to the Assistant Director Law and Governance**

AD LG Comments			
Signature		Date	

**Once complete, this form should be forwarded to the relevant PA Manager for inclusion in a public register.**

Date received by PA Manager	
Date entered in Register	
PA Manager Name	

**EMPLOYEES CODE OF CONDUCT****Register of Interest (Assistant Director or above)**

<b>Name</b>		<b>Position</b>	
<b>Department</b>			
<b>Signature</b>		<b>Date</b>	

	<b>Guidance</b>	<b>Interest (please write NONE if you have no relevant interests)</b>
Employer	Please indicate the name of the employer of your spouse or partner, or anyone else who lives with you who makes a significant contribution to the household income (it is not necessary to register temporary, summer or part time job of a child of the household).	
Land interest	Please provide details sufficient to describe the location of any land in which you have an interest, whether it is ownership, leasehold, a tenancy or license. If you have any rights over land you should register the address or location of that land.	
Directorships, shareholding and Company Interests	In relation to any company which is based in or may operate in Darlington, directorships, significant shareholding (i.e. more than 10,000 of the nominal share value) and any position of management or control in a company. This would include a position as Company Secretary or Treasurer	

Membership of Bodies	<p>You need only register a position of management or control in a body.</p> <p>You need only register interests in bodies which are:</p> <p>A. Charities or directed to charitable purposes</p> <p>B Bodies designed to influence public opinion – these include campaign groups. You do not need to register membership of a trade union.</p> <p>C. Bodies carrying out functions of a public nature: This is wide ranging and will include bodies that you are appointed to by the Council. You need not register membership of Partnerships (where you are there for the Council), but should include trusteeships, governing body membership and membership of a parish council (in Darlington).</p> <p>D. Membership of secret societies. You do not need to register membership of sports</p>	
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This Register will be open to inspection by: Assistant  
Director Resources  
Assistant Director Law and Governance  
Audit and Risk Manager Relevant  
Line Manager