

Sefton Council – Code of Conduct

October 2020

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The Code and its Purpose

1. The Code of Conduct (the Code) was approved by the Council on 8th January 1997 and has since been updated on a number of occasions to comply with best practice. The Code has been communicated to all departments.
2. The purpose of the Code is to provide employees with guidance on the behaviour and conduct which is expected of them as public sector employees, so as to protect them from any misunderstanding or criticism.
3. The main areas covered by the Code include disclosure of information, undertaking additional employment, offers of gifts/hospitality, appointments and political neutrality. In certain circumstances, employees are required to complete a declaration form, the arrangements for which are described below.
4. The Code applies to **all** employees of the Council, and is commended to schools; it should, therefore, be included in the induction of new starters to the Authority.

Declaration Forms

5. Declaration forms are available on the Council's Intranet. These forms relate to **Sections 4, 5 and 13** of the Code, which are concerned with personal or financial interests, gifts/hospitality, and additional employment.
6. **PART A** of the form is for the declaration of offers of gifts/hospitality and other favours. The reason for declaring gifts/hospitality/favours is to demonstrate the openness and integrity of the Authority and its employees. As with many codes/procedures, it is not possible to define specific limits on what is or is not acceptable; however, gifts which are of a promotional or insignificant nature, such as calendars, diaries or office sundries, which are offered to a wide variety of people, and thank you gifts of a token nature, are generally acceptable. Any other offers of gifts/hospitality/favours, whether or not they are accepted, must be declared by the employee on **PART A** of the declaration form. Gifts donated to charity must also be recorded on the declaration form.
7. **PART B** of the form is for the declaration of personal or financial interests and for declaration of membership of/association with clubs/organisations. Employees must declare any personal or financial interest that they consider conflict with the Council's interests using **PART B** of the declaration form.
8. **PART C** of the form (**AE1**) is concerned with requests for approval to undertake additional employment. No employee is permitted to undertake additional work which conflicts with the interests of the Authority. Employees must not undertake any additional work without the express consent of the Authority. Employees must put their request in writing to their Head of Service using **PART C (AE1)** of the form. In line with the policy "Additional Employment during off Duty Hours" **all** employees are required to provide information relative to any additional employment they undertake.
9. Declaration forms should be forwarded to the Executive Director/Head of Service; forms completed by Heads of Service/Executive Directors should be forwarded to the Chief Executive. Responses must be made within **ten working days** to declaration forms, and a copy of the form, together with the response/acknowledgement, must be retained on the employee's personal record (excluding declarations for gifts, hospitality or favours) and recorded on the Service Area Register maintained by each Executive Director/Head of Service. A copy of form **PART B** (Declaration of Personal/Financial Interest) must be sent to the Chief Legal and Democratic Officer. Where a decision is made not to allow additional employment or participation in a particular activity, a full reason must be provided.

Additional Information

10. The Code does not provide an exhaustive list of when an employee should make a declaration; there is an onus on the employee to consider whether a particular course of action may lead to accusations of impropriety; as a general rule, where an employee has any doubt, then he/she should not accept offers and must declare the matter on the appropriate form.
11. Where an employee is dissatisfied with the administration of the Code of Conduct in his/her particular case, he/she should use the Council's Grievance Procedure.
12. The Code is admissible as evidence and may be taken into account in disciplinary hearings which relate to matters covered by the Code.

Links to Other Policies

- Politically Restricted Posts
- Additional Employment During Off Duty Hours
- Whistleblowing Policy
- Equal Opportunities Policy Statement
- Grievance Procedure
- Disciplinary Procedure and guidelines
- Anti-Fraud, Bribery & Corruption Policy
- The Bribery Act 2010
- Contract Procedure Rules
- Financial Procedure Rules
- Recruitment and Selection guidelines
- Induction Policy
- Data Protection and Information Handling
- Information Compliance
- Social Media Policy
- ICT Acceptable Use Policy
- Constitution
- Protocol for relationships between members and officers of Sefton Council

CODE OF CONDUCT FOR ALL EMPLOYEES

1.0 Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code is intended to provide guidance to assist all employees of the Council in their day-to-day work.
- 1.2 The Code sets out the minimum standards that are required of employees. The aim of the Code is to lay down guidelines for employees which will help maintain and improve standards and protect employees from misunderstanding or criticism that they have been influenced by improper motives.
- 1.3 Inevitably, some of the issues covered by the Code will affect senior managerial and professional employees more than it will others but the Code is intended to cover **all** employees of the Council and is commended to schools, and other organisations associated with the Council, for adoption.
- 1.4 The Code requires employees to declare their interests or seek approval for certain activities and refers to the circumstances in which such declarations must be made. Paragraph 16 describes the practical arrangements for the making of declarations, and the relevant forms are included as annexes. Declaration forms are also available on the Council's Intranet under Personnel Policies and Procedures.

2.0 Framework for the Code

- 2.1 The Code takes into account the requirements of legislation and national/local terms and conditions of employment
- 2.2 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service:

- **Official Conduct**
 - *Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained; and*
 - *Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.*

Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

- 2.3 The Bribery Act 2010, and the Local Government Act 1972 are relevant.

The Bribery Act 2010 makes it an offence for an employee to give advantage to someone in return for favours in relation to the Council's business (see section 3.0 of the Code, Anti-Fraud, Bribery and Corruption).

Section 117 of the Local Government Act 1972 requires that employees notify the authority in writing of any direct or indirect financial interests which they have in any Council contracts, or proposed contracts, of which they become aware. Breach of Section 117 is a criminal offence subject to a fine (see section 4.0 of the Code Financial, Personal and Other Interests).

2.4 Seven Principles of Public Life

This Code reflects the seven principles of public life (also known as ‘the Nolan Principles’) which outlines the ethical standards those working in the public sector are expected to adhere to.

Principle 1 – Selflessness

You should act solely in terms of the public interest.

Principle 2 – Integrity

You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in their 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.

Principle 3 – Objectivity

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 – Accountability

You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

Principle 5 – Openness

You 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.

Principle 6 – Honesty

You should be truthful.

Principle 7 – Leadership

You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3.0 **Anti-Fraud, Bribery and Corruption**

- 3.1 The Council is committed to the protection of public funds and seeks to fulfil its responsibility to reduce the risk of fraud, bribery and corruption through an integrated approach which includes deterrence, prevention, detection and investigation of incidences.
- 3.2 Where fraud, bribery or corruption is identified, whether from internal or external sources, appropriate action will be taken as necessary. This may include disciplinary and/or legal action. The penalties for committing an offence under the Bribery Act 2010 can be serious. Failing to prevent bribery can result in a fine. Offences of giving or receiving a bribe can result in fines and/or up to 10 years’ imprisonment.

3.3 The Council's framework for managing the risk of fraud includes a commitment to:

- maintain an anti-fraud culture across the organisation
- minimise opportunities for fraud, bribery and corruption through effective systems, procedures and controls
- maintain effective systems and procedures for the detection of fraud, corruption and bribery
- investigate confirmed reports of fraud, bribery and corruption in an appropriate manner
- report incidents of fraud, bribery and corruption to the appropriate authorities as appropriate
- ensure staff are aware of the risks of fraud, bribery and corruption and their obligations
- impose sanctions and recovering losses where fraud, bribery and corruption is identified

3.4 [The Council's Anti-Fraud, Bribery and Corruption Policy](#) (the Policy), available on the intranet, sets out the Council's approach to managing the risk of fraud, bribery and corruption, both internally and externally, and applies to all individuals who work for the Council e.g. employees, members etc. and those who have dealings with the Council e.g. partners, suppliers, contractors, service users, customers etc.

3.5 The Policy includes details of the Council's strategy in preventing, detecting, investigating fraud, bribery and corruption. It provides guidance on how any individual can report, in confidence, any suspected fraudulent or corrupt activity.

4.0 Financial, Personal and Other Interests

4.1 Any financial interests of an employee which could conflict with the Authority's interests, e.g. work for which a fee is received must be declared on the correct form and forwarded to his/her line manager or the Executive Director/Head of Service for appropriate action (**see section 16 and form at Appendix C**). It is a criminal offence, under the provisions of the Local Government Act 1972, for an employee to accept in the course of his/her employment any fee or reward other than his/her proper remuneration.

4.2 Interests of a non-financial nature which may conflict with the Authority's interests (for example, if an employee is involved in a decision making capacity with an outside organisation that has dealings with the Council, e.g. grant requests) must also be declared on the correct form and forwarded to his/her line manager or Executive Director/Head of Service for appropriate action (**see section 16 and form at Appendix C**). Such a declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived/construed as arising. A good test is for the employee to ask himself/herself whether others would think that the interest is of a kind to make this possible. An employee must avoid any action which may create the impression that he/she is using his/her position to promote a private or personal interest. Private and personal interests include those of the employee's family and friends, as well as those arising through membership of, or association with clubs, societies and other organisations. Employees must be sensitive to the suspicion that can be generated from belonging to organisations which have secrecy about rules, membership or conduct and are encouraged to declare any involvement.

4.3 A more detailed explanation on the disclosure of financial and non-financial interests can be found on the reverse of **Part B** of the form.

5.0 Gifts, Hospitality and Other Favours

- 5.1 All gifts, offers of hospitality and other favours, however received, must be declared and recorded by the employee on **PART A** of the declaration form. Declaration forms are available on the Intranet (**see section 16 and form at Appendix B**).
- 5.2 In the event of an employee receiving a legacy or bequest from a person for whom services have been provided by the authority, or from a relative of such a person, a declaration by the employee must be made on **Part A** of the declaration form.
- 5.3 It is recognised that in the private sector, corporate hospitality and promotions are often accepted as part of the normal conduct of business. However, within local government a greater burden or responsibility rests with employees not only to ensure that all dealings are completely beyond reproach but also to be able to demonstrate it publicly.
- 5.4 It is accepted that gifts and favours, such as hospitality, may be offered by outside agencies in good faith and purely in the furtherance of promoting a good working relationship and understanding. Constant refusals to accept such offers could impair essential working relationships and possibly create an atmosphere of distrust with a consequential detrimental effect on the business being conducted.
- 5.5 Where employees find themselves in a position where they have to refuse and/or return gifts or favours, they must not behave in ways which donors of gifts/favours might regard as impolite or unnecessarily critical of a private sector practice. These situations must be handled diplomatically.
- 5.6 It is sometimes acceptable to the giver, for a gift, which in other circumstances would be refused as in (above) to be donated instead to charity. An arrangement of this sort must only be made with Executive Director/Head of Service approval, must be recorded on the declaration form, and the giver informed in writing that the gift has been donated to charity.
- 5.7 Any offer of gifts, favours or hospitality made to an employee must be treated with extreme caution. Employees are personally responsible for avoiding the risk of damage to public confidence which could result from acceptance of inappropriate inducements. Common sense dictates whether the level of hospitality or the nature and scale of any gifts is appropriate to the particular circumstances in which they arise. As a general rule an employee must only contemplate accepting a gift if it is of token value or nature. Gifts of a promotional or insignificant nature offered to a wide variety of people (e.g. calendars, diaries, office sundries) are generally acceptable as are tokens of thanks, and hospitality is acceptable where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, and not extravagant. All offers/acceptances of gifts (other than basic office sundries, etc.) must be recorded, regardless of whether they are accepted or declined.
- 5.8 Gifts, hospitality or favours must not be accepted from the same party on a frequent or regular basis to avoid any concern that proper working relationships are consequently being compromised.
- 5.9 Where any suggestion of improper influence may be inferred, gifts or hospitality must be refused (and declared). Special caution is necessary where hospitality is offered by a person or body seeking contracts with, or licences or permissions or grant assistance from the Authority, especially where the offer is to an individual employee. For example, a working lunch immediately prior to the acceptance of a tender, or the letting of a contract, may be questionable, whereas it could be acceptable during the currency of the contract.

- 5.10 Offers of free or significantly reduced goods or services, vouchers or any other item with a significant cash value or offers of loans, works to personal property or holidays must be refused. Offers to attend purely social or sporting functions may be accepted only when these are part of the life of the community or where the Authority must be seen to be represented. Where it is considered appropriate to accept offers of hospitality, including purely social and sporting events, authorisation must be obtained **in advance**, prior to acceptance of the offer. This should be clearly recorded on the appropriate form.
- 5.11 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is given in advance by the Executive Director/Head of Service or other nominated Manager and where the Authority is clearly not compromised in any way.
- 5.12 The essential principle is that gifts and favours must not affect proper working relationships or allow concern that they are affecting proper working relationships. A secretive treatment of gifts and favours is much more likely to give rise to concern of impropriety than favours dealt with in the open knowledge of colleagues.
- 5.13 If in any doubt as to the acceptability of any offers of gifts, hospitality, etc., the advice of the employee's line manager or Executive Director/Head of Service must be sought.

6.0 Sponsorship - Giving and Receiving

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

7.0 Use of Financial Resources

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

8.0 Disclosure of Information

- 8.1 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor must they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
- 8.2 The proceedings of Committees and Sub-Committees from which the press and public have been excluded to enable the discussion of exempt or confidential matters must not be disclosed by employees to the press or public.

- 8.3 Employees must ensure that confidential or sensitive documents are not left where they can be read by other staff or members of the public.

9.0 Relationships with Others

Councillors

- 9.1 The role of some employees is to give advice to Councillors and senior managers and all employees are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing both to other employees and Councillors and must, therefore, be avoided. Any requests from Councillors for preferential treatment for themselves, their families or friends must be declared. The Protocol for relationships between Members and officers of the Council can be found at **Appendix G** of the Code.

The Local Community and Service Users

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

Contractors

- 9.3 All relationships of a business or private nature with external contractors, or potential contractors, must be declared. Orders and contracts must be awarded on merit, by fair competition against other tenders, and special favour must not be shown to businesses run by, for example, friends, partners or relative in the tendering process.
- 9.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare their interest.

Related Party Transactions

- 9.5 Senior Officers must disclose whether they, or a close member of their family, or someone from the same household, have a controlling interest in a related party, i.e. an organisation (e.g. companies, partnerships or trusts) that receives a significant proportion of its business from the Council. **Note:** A related party transaction can occur even if there are no financial transactions, e.g. if services were provided free of charge.

10.0 Separation of Roles During Tendering

- 10.1 Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Authority. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

- 10.4 Employees contemplating a management buyout must, as soon as they have formed a definite intent, declare their interest and withdraw from the contract awarding processes.
- 10.5 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 a senior or relevant managerial capacity.

11.0 Appointments

- 11.1 When applying for jobs within the Authority, candidates must state whether they have a close personal relationship or are related to any Councillor or Senior Manager within the Authority. If it is found, after appointment, that a candidate has failed to declare such information, then he/she shall be liable to dismissal.
- 11.2 Employees who are involved in recruitment and selection must ensure that appointments are made on the basis of merit, and that candidates are considered on the basis of their ability to undertake the duties of the job in accordance with the Authority's Recruitment and Selection Policy.
- 11.3 In order to avoid any accusation of bias, any employee who is involved with an appointment where he/she is related to an applicant, or has a close personal relationship with an applicant, must declare this fact to his/her manager, and must not be involved in the recruitment process.
- 11.4 It is similarly important that employees are not involved in decisions about the promotion, discipline or payment of monies to any other employee to whom they are related, or with whom they have a close personal relationship. Any employee who may find him/herself in such a situation must declare the fact to his/her manager immediately.
- 11.5 Canvassing of staff or Elected Members for any appointment under the Council shall automatically disqualify the candidate. Employees must declare any such incidents.

12.0 Political Neutrality

- 12.1 Some jobs within the Authority are politically restricted. This means that the employees in these posts are not allowed to take part in political activities, such as standing as a candidate for election to a public body, canvassing at elections or being a non-executive Director of a Health Trust, etc. The posts are listed in the [Politically Restricted Posts Policy](#) in the Personnel Handbook of Policies and Procedures.
- 12.2 Employees in politically restricted posts are, as part of their Contract of Employment, obliged to observe the regulations. If they fail to do so, they are in breach of their contract and subject to disciplinary action.
- 12.3 All employees, regardless of whether their posts are politically restricted, serve the Authority as a whole, and must not allow their personal or political views to interfere with their work. No bias must be shown by employees who must ensure that they provide equal service to Members of all political groups, regardless of their own personal views.

13.0 Additional Employment

- 13.1 Employees may wish to undertake additional work outside the Authority. This is not permissible for any employee in circumstances where the work conflicts with the interests of the Authority.

- 13.2 Employees are not permitted to engage in any other business without declaring the work/activity and obtaining the express consent of the Authority. An employee who wishes to undertake additional work must make his/her request, in writing using **Part C - form AE1**, to his/her Executive Director/Head of Service (**see section 16 and form at Appendix D**). Any employee who fails to do so will be liable to disciplinary action.
- 13.3 No employee is allowed to carry out other business or additional work in the Authority's time, on the Authority's premises, or using the Authority's equipment. Any employee who does so will be liable to disciplinary action.

14.0 Intellectual Property

- 14.1 Intellectual property means any inventions, creative drawings, writings, computer systems or programmes.
- 14.2 Some employees may be involved, during the course of their work within the Authority, with the production of intellectual property. This property belongs to the Authority, and employees must not use it in any connection other than with his/her work for the Authority. Employees are not permitted to use intellectual property for their own personal gain, or to pass on such property, or information relating to it, to anybody outside the Authority.
- 14.3 Employees must be aware that the reproduction of the Authority's intellectual property outside the Authority is unlawful.
- 14.4 These rules apply equally to employees who leave the Authority and move to another employer, it would be unlawful for them to use intellectual property belonging to Sefton Council in their new employment. Similarly, any employees who have employment elsewhere are obliged to observe these conditions.

15.0 Equality

- 15.1 The Council has an equal opportunities statement on service delivery and also an equal opportunities policy which aims "to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable".
- 15.2 Every employee has a duty to behave in a non-discriminatory way towards all individuals with whom he/she has contact at work, including Councillors, members of the local community, customers and other employees. Further information regarding equal opportunities and employee conduct can be found at **Appendix F**.

16.0 Declarations

- 16.1 A written record of all declarations or requests must be made on the appropriate form. The forms can be found on the Intranet, under Personnel Policies & Procedures, Conduct in the Workplace, [Code of Conduct](#). All declarations forms must be securely held and recorded by each Executive Director/Head of Service on their Service Area Register. The recommended format for Registers is available in at **Appendix E**. A flowchart is available at **Appendix A** which sets out the procedure for making a declaration.

16.2 Gifts, Hospitality or Favours – PART A

- 16.2.1 All offers of gifts, hospitality or favours must be declared on **PART A** of the form. This form relates to **Section 4** of the Code, which provides an explanation as to the circumstances in which a declaration must be made.
- 16.2.2 Employee's must forward completed forms to their line manager.
- 16.2.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
- 16.2.4 The Executive Director/Head of Service or nominated Senior Officer must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within **ten working days** to declaration forms.
- 16.2.5 Declarations by Executive Director/Heads of Service must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
- 16.2.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/Heads of Service). Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
- 16.2.7 In response to declarations it is feasible for the Executive Director/Head of Service (or CE) to initiate or make further enquiries as appropriate.

16.3 Personal or Financial Interests - PART B

- 16.3.1 **PART B** of the form must be used for the declaration of personal or financial interests and for the declaration of membership of clubs/associations. **Section 3** of the Code provides an explanation as to the circumstances in which a declaration must be made.
- 16.3.2 Employee's must forward completed forms to their line manager.
- 16.3.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
- 16.3.4 The Executive Director/Head of Service, or nominated Senior Officer, must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within **ten working days** to declaration forms.
- 16.3.5 Declarations by Executive Director/Head of Service must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
- 16.3.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/Heads of Service). A copy of the form must be held on the employee's personal record and a copy must be sent to the Chief Legal and Democratic Officer. Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
- 16.3.7 In response to declarations it is feasible for the Executive Director/Head of Service (or CE) to initiate or make further enquiries as appropriate. Where a decision is made not to allow participation in a particular outside activity, a full reason will be provided.

16.4 Additional Employment - PART C

- 16.4.1 **PART C** of the form (**AE1**) must be used for requests for approval to undertake additional employment. **Section 13** of the Code provides an explanation as to the circumstances in which a declaration must be made.

- 16.4.2 Employee's must forward completed forms to their line manager.
 - 16.4.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
 - 16.4.4 The Executive Director/Head of Service or nominated Senior Officer must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within **ten working days** to declaration forms.
 - 16.4.5 Declarations by Executive Director/Head of Services must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
 - 16.4.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/Heads of Service). A copy of the form should be placed on the employee's personal record. Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
 - 16.4.7 In response to declarations it is feasible for the Executive Director/Head of Service (or CE) to initiate or make further enquiries as appropriate. Where a decision is made not to allow outside employment a full reason will be provided.
- 16.5 All Service Area Registers containing all employee declarations must be open for inspection at any time and without prior notice to the following:
- a) Chief Executive
 - b) Executive Directors and Heads of Service
 - c) The Monitoring Officer
 - d) Internal Auditors
 - e) External Auditors

It is the responsibility of each Executive Director/Head of Service to ensure that their Service Area Register is up-to-date and maintained in the recommended format. Registers must be submitted each financial year to the Monitoring Officer by the 30th April.

17.0 Suspected Impropriety

- 17.1 The Council expects employees to report suspected impropriety, or serious concerns relating to any aspect of the Council's work. Employees may be assured that provided their action is well founded, treated as confidential within the Authority and pursued as specified in the Whistleblowing Policy the Council will support them and confidences will be respected. Those who voice their concerns can do so without fear of victimisation, subsequent discrimination or disadvantage.

18.0 Convictions

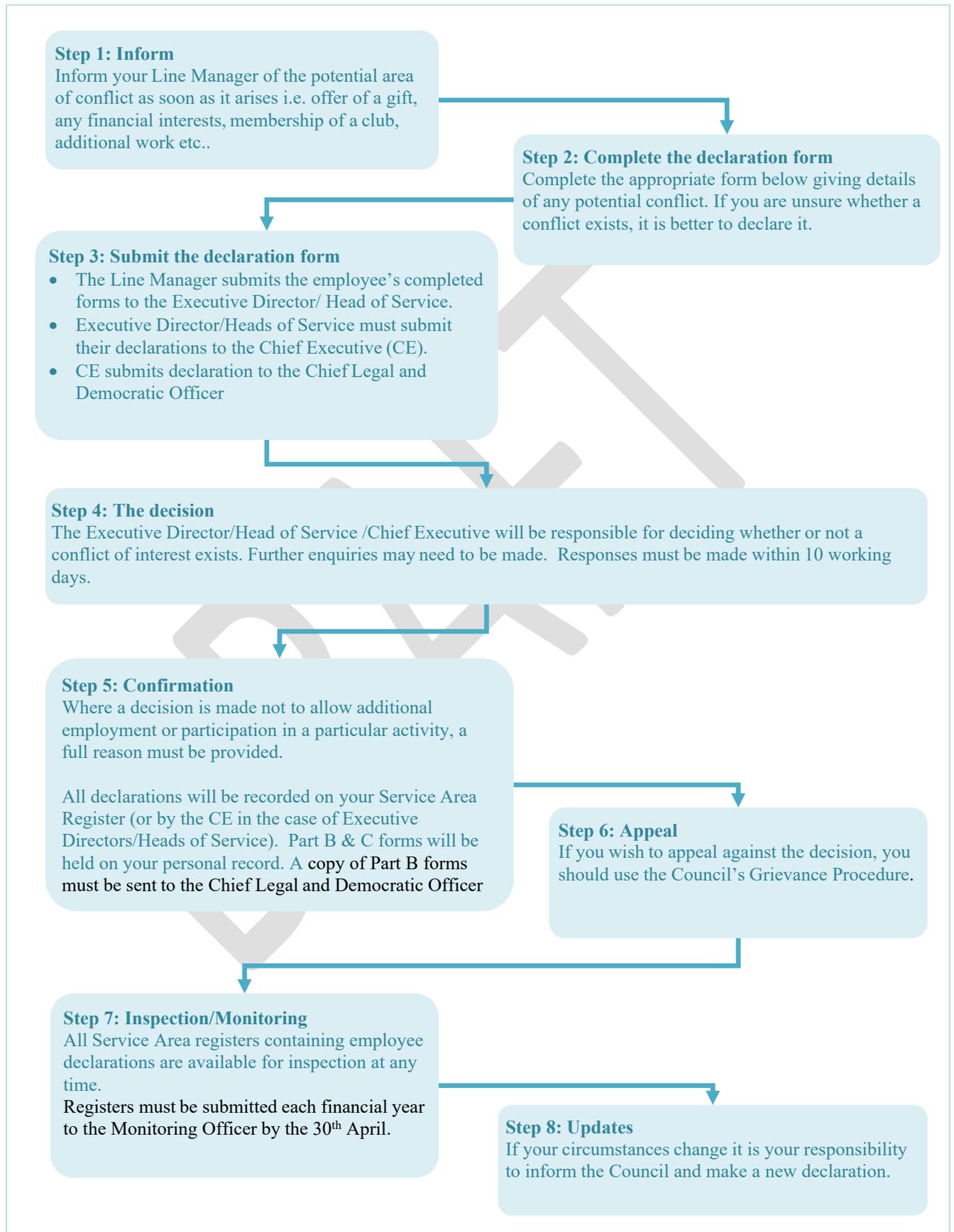
- 18.1 The Council has access to criminal records for those employees whose posts would involve responsibility for children and/or other vulnerable groups or posts that are exempt from the Rehabilitation of Offenders Act 1974. This is referred to as a Disclosure and is obtained via the Disclosure and Barring Service (DBS).
- 18.2 Employees whose roles are subject to Disclosures must report any indictments / convictions during the course of their employment to their Managers.

19.0 Summary

- 19.1 This document is not intended to provide a complete list of all areas where declarations of interest are required. It is intended to show the most common areas where problems may occur. The onus is on the employee to consider whether the course of action, which he/she intends to take, may lead to accusations of impropriety. As a general rule, if an employee is in any doubt then he/she must not accept offers, etc., and must declare the matter on the appropriate form.
- 19.2 This code will be made widely available to employees and must be included in the induction material provided to new starters.
- 19.3 The provisions of the code are admissible as evidence and may be taken into account in disciplinary hearings relating to matters covered by the code.
- 19.4 Any employee who is dissatisfied with any aspect of the administration of the code in his/her particular case will have access to the Council's Grievance Procedure.
- 19.5 The Chief Personnel Officer is responsible for monitoring the operation of the code.

This code is reviewed annually. All employees should therefore ensure they regularly familiarise themselves with the Code and its contents.

Appendix A: Making a declaration



PERSONAL OR FINANCIAL INTERESTS
EMPLOYEE DECLARATION

NAME _____ TEL. NO _____
 POSITION _____ GRADE _____
 EMPLOYEE NUMBER _____
 DEPARTMENT _____ SERVICE AREA _____

PART B. DECLARATION

I wish to declare:

Subject of Declaration *(Give full details of the matter which you wish to declare including, if applicable, the name of the person/organisation who made the offer/approach to you; the date/time when the event happened and your response. If you wish to declare your membership of/ association with a society or other organisation, please state its name, your position and how long you have been a member).* **Continue on a separate sheet if necessary.**

Signed: _____ Date: _____

Authorised by: _____ Print name: _____
 (Executive Director/Head of Service/Nominated Senior Officer)

Date: _____

(See over/page 2 for 'Request for approval to engage in Additional Employment')

Received on:		Date entered on Service Area Register	
Acknowledged on:		Date copy sent to THR for Employee Personal record	
Reply sent on: (If appropriate)		Copy to Chief Legal and Democratic Officer	

PERSONAL OR FINANCIAL INTERESTS

(i) Disclosure of Pecuniary and Non-Pecuniary Interest

The Local Government Act 1972 Section 117 makes specific provision requiring employees to disclose (make known) pecuniary (monetary or financial) interests, whether direct or indirect, in any contract with which the Council is concerned ("conflicts of interest"). The relevant extracts from Section 117 are as follows:

- (a) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by 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 to the fact that he is interest therein.
- (b) An officer of a local authority shall not, under cover of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

(ii) Failure to declare an interest may be a criminal offence

- (a) Section 117 of the local Government Act 1972 states that employees are required to give notice in writing to the Chief Executive as soon a practicable of any interest under that section.
- (b) There are also areas other than contracts where pecuniary interest must be disclosed even though there is no statutory requirement. Remuneration from a firm which as dealing with the Council is a direct interest. If the remuneration were to be paid by the firm to a partner or relative this would also be regarded as a direct interest.

"Remuneration" includes commission, honoraria, dividends, agency fees and interest, as well as salary, wages or fees. "Firm" includes all organisations and individuals.

(iii) Non-pecuniary Interest

There may be a conflict of interest even where no pecuniary interest or advantage exists or accrues. This covers areas where relationships might be seen to influence judgements and convey the impression of personal motive. A simple example is where a Council employee, who works for a voluntary association, is also directly involved during the course of his/her employment, with claims for grant from the Council. When such circumstances arise, the employee must advise their Executive Director/Head of Service in writing of their interest on **PART B** of the declaration form.

You must not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest including those of your family and friends as well as those arising through membership of, or association with, clubs, societies and other organisations.

In order to avoid any possible accusations of bias, employees must not be involved in an appointment where they are related to an applicant or have close personal relationship outside work with him/her. Similarly, employees must not be involved in decision relating to discipline, promotion or pay adjustments, for any other employee who is a partner or relative. Equally, the canvassing of Members or Officers of the Council for yourself or anyone else in relation to a job appointment is strictly prohibited and will lead to automatic disqualification for the person concerned and disciplinary action for yourself.

The Council recommends that all interests, financial or otherwise which could be seen as creating a possible conflict, are disclosed.

Appendix D

PART C. ADDITIONAL EMPLOYMENT - EMPLOYEE DECLARATION (Form AE1)

(Updated October 2020)

Name		Department & Service Area	
Position:		Grade	
Employee No.		Date of Appointment	
Name of Line Manager/Supervisor		Tel. No.	

Details of **your existing** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

Complete **PART 1** if your additional employment is **within** the Council.
 Complete **PART 2** if your additional employment is **outside** the Council.
 Complete **PART 3** if your additional employment is **self-employment**.

If you have **more than one additional job** please complete Part 1, 2 or 3 (as appropriate) and continue on a separate sheet.

PART 4 to be completed by **all** employees declaring additional employment.

PART 1 (if your additional employment is **within** the Council)

Department			
Designation		Grade	
Employee No.		Date of Appointment	
Name of Line Manager/Supervisor		Tel. No.	

Details of **additional** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

PART 2 (if your additional employment is **outside** the Council)

Designation		Date of Appointment	
Name and Address of Employer			
Tel. No.			

Details of **additional** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

PART 3 (if your additional employment is **self-employment**)

Date of Commencement	
----------------------	--

Details of additional working arrangements: *(Please provide details of hours worked per week)*

PART 4 (to be completed by **all** employees)

Would any of the work, which you propose to undertake involve transactions with the Authority, or require the approval of the Authority (e.g. building plans, operating a residential home etc.):

Do you consider that the work, which you propose to undertake, would conflict in any way or react detrimentally to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business?

Signature		Date	
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PART 5 (To be completed by the Executive Director/Head of Service/**or nominated Senior Officer**)

Consent given (please tick as appropriate):

Yes

No

Signature	
Print Name	
Date	

(Note: if consent refused a full reason must be given to the employee and he/she will have the opportunity to appeal under the Grievance Procedure)

Received on:		Date entered on Service Area Register	
Acknowledged on:		Date copy sent to THR for Employee Personal record	
Reply sent on: (If appropriate)			

Appendix F

Equal Opportunities – Employee Conduct

Equal Opportunities Policy

Sefton Council is an Equal Opportunities Employer. It strives to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

What you are expected to do in relation to the policy

To make the policy work, every employee has a responsibility to act in a fair, respectful and considerate manner towards colleagues, members of the public, clients/customers and councillors.

The lists below give examples of what is expected from you at work.

Employees of Sefton Council are expected to treat people with dignity:

- by respecting individual rights and the right to be different;
- by respecting individual beliefs and feelings;
- by treating others as they wish to be treated;
- by making it acceptable for all individuals to voice an opinion or share a problem.

Respect the differences in other people:

- by not displaying offensive material;
- by not using offensive language or making hurtful remarks or jokes;
- by thinking of the impact of their actions and words on others;
- by listening to what individuals tell them if they are upset.
- by catering for cultural diversity

By following these guidelines, you will be upholding Sefton's equality policy, and will be contributing to the Council's status as an equal opportunities employer. You will also be complying with the Council's Code of Conduct for employees.

Further Information

Further information about equality and diversity in Sefton Council can be found on the [intranet](#).



The Council holds the Navajo Charter Mark in recognition of our commitment and knowledge of the specific needs, issues and barriers facing lesbian, gay, bisexual and transgender (LGBT) people.

The Navajo Merseyside & Cheshire LGBT Charter Mark is an equality mark sponsored by In-Trust Merseyside & Sefton Embrace and supported by the LGBTQ Community networks across Merseyside.



The Council is a Disability Confident Employer which means that it is committed to removing barriers for disabled people and those with long term health conditions in employment. As part of this scheme candidates are able to apply for all non-schools vacancies under a guaranteed interview scheme.

Equality and Diversity Training is available through the Workforce Learning and Development Team.

The courses, 'Equality & Diversity Awareness' and 'Equality & Diversity for Managers' are designed to help learners to understand more about their responsibilities for promoting equality and diversity in the workplace.

For further information please visit the intranet or for any queries email training.services@sefton.gov.uk or call 0151 934 2872.

(Updated October 2020)

Dated September 2020

CHAPTER 11 – OFFICERS AND MEMBERS

G PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF SEFTON COUNCIL

INTRODUCTION

73. The Purpose of this Protocol is to serve Members and Officers as a guide to conducting their relationship in a way that promotes good governance. This is not intended as a comprehensive guide, aimed to cover all eventualities but rather as an outline of the core principles. The guidance in this Protocol is underpinned by the duties and obligations contained within the respective individual Codes of Conduct for Members and Officers.

DEFINITIONS

74. Unless the context indicates otherwise, references to the term Council include the Cabinet, Overview and Scrutiny Committees, and other committees and sub-committees.

75. Unless the context indicates otherwise, the terms Member and Members includes elected Councillors and non-elected Members who have been co-opted to serve as part of a formal Committee structure or process

76. Officers and staff mean all persons employed by the Council.

77. Senior officer shall mean all senior management posts graded Hay 5 or above, this will generally refer to Heads of Service and above.

78. Party Group shall mean any group or part thereof acting in a party political capacity.

PRINCIPLES

79. Members and officers must at all times observe the principles set out in this protocol.

80. The protocol has been approved by full Council and the Council's Audit and Governance Committee will monitor its operation.

81. Whilst Members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only for as long as their term of office lasts. Officers are accountable to the Council as a whole for as long as they are employed. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.

82. Good governance flows from a shared ethos or culture, as well as from systems and structures.

83. It is imperative to good governance and the integrity of the Council that the Members and Officers demonstrate a high level of respect and professional conduct in their dealings with one another.

84. To achieve good governance this code builds upon the seven principles for the code of people in public life that were established by the Committee on Standards, known as

the Nolan Committee, as revised by the Localism Act 2011. These principles are located in Chapter 2 of the Constitution – Members' Code of Conduct

85. These revised Nolan principles underpin this protocol. Officers are also bound by the Council's own code of conduct for employees and, in some cases, by the codes of their professional associations.

THE ROLE OF MEMBERS

86. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s) and/or the Monitoring Officer.

87. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

88. Members represent their electoral ward and are advocates for the citizens who live in their area.

89. Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.

90. Members may approach officers of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their duty.

91. Members must respect the impartiality of officers and do nothing to compromise it.

THE ROLE OF OFFICERS

92. Officers are responsible for giving advice to Members to enable them to fulfil their role. In doing so, officers will take into account all available relevant factors.

93. Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees) officers manage and provide the Council's services within the framework of responsibilities delegated to them.

94. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

95. Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers in politically restricted posts.

THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS: GENERAL

96. The conduct of Members and officers should be such as to instil mutual confidence and trust.

97. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other both publicly and privately.

98. Officers work to the instructions of their senior officers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers.

99. Members should direct their requests and concerns to the appropriate officer, in the relevant department. If there is any doubt on the part of the Member as to whom the appropriate officer is, or in light of the nature of the particular request or concern, Members are asked to approach a senior officer with the relevant department.

100. Officers reserve the right to refer a matter to a more senior officer, where they feel that it would not be appropriate to deal with the Member's request.

MEMBERS OF COMMITTEES OR SUB-COMMITTEES AND OFFICERS

101. This section does not apply to the role of Cabinet or Cabinet Members, whilst acting in their capacity as Cabinet Member.

102. The appropriate senior officers will offer to arrange regular informal meetings with chairs or vice-chairs of committees or sub committees.

103. Senior officers (including the Monitoring officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.

104. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct officers to act.

105. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

PARTY GROUPS AND OFFICERS

106. Senior officers may properly be asked to contribute when a party group deliberates matters concerning Council business.

107. Officers will review their attendance at a party group meeting, should the party group include individuals who are not Members of the Council.

108. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

109. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

110. Officer support is limited to providing factual information or professional advice in relation to matters of Council business.

111. Officers will respect the confidentiality of any party group discussion at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members.

112. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis. Any such information will also be subject to the confidentiality requirements contained in Employees' Code of Conduct. (Chapter 12)

113. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

114. No Member will refer in public or at meetings of the council to advice or information given by officers to a party group meeting.

LOCAL MEMBERS AND OFFICERS

115. Members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirements to keep local Members informed thus allowing Members to contribute to the decision-making process and develop their representative role.

116. Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.

117. Whenever a public meeting or event is organised by the Council with respect to a local issue, the relevant Cabinet Members and/or Members representing the wards affected will usually be invited to attend the meeting as a matter of course.

118. If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:

- a) an officer may attend but is not obliged to do so, and
- b) the meeting may be held in Council-owned premises.

120. No such meetings should be arranged or held in the immediate run-up to Council elections. Any such meetings must comply with the Purdah¹ guidelines, which should be consulted when seeking clarity on such issues.

121. In the Purdah period it may be necessary to convene a public meeting due to an emergency situation or a previously unknown matter for which it would not be in the local public's interest to postpone. In these circumstances it will be appropriate for Officers and Members to attend the meeting with a view to resolving the local issue.

122. It is acknowledged that some Council staff may receive and handle messages for Members on topics unrelated to the Council. Care should be taken to avoid Council resources being used for private or party political purposes.

123. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures.

124. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.

125. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. Where information is requested on behalf of a third party, it will only be provided if:

¹ The term Purdah means the pre-election period in the UK; it refers to the time between when an election is announced and the final election results. The Cabinet Office issues guidance prior to each election.

a) it is in the public domain, and

b) it is not barred by the Data Protection Act 2018 (as amended) from being given.

126. Every Member of a committee, and/or any other committee or sub-committee has a right to inspect documents about the business of the particular Committee.

127. A Member who is not a Member of a particular committee, other committee or sub-committee, or the Cabinet may have access to any document of that specific part of the Council provided:

a) he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Member (the "need to know" principle), and

b) the documents do not contain "confidential" or "exempt" information as defined by the law.

128. Disputes as to the validity of a Member's request to see a document on a "need to know" basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.

129. Where any person is expected to be present at the meeting of a particular committee, other committee or sub-committee or Cabinet, where documents containing confidential or exempt information (as defined under the Access to Information Procedure Rules (Chapter 12)), are to be discussed or distributed and the person in question is not privy to that information, then the following procedure shall be followed:

a) In advance of the meeting and at earliest possible notice, the relevant Officer of the Council shall be notified that such person may be present, and

b) Upon receipt of such notification, the Officer shall advise of the appropriate course of action at the meeting in order to ensure that the confidential or exempt information remains secure.

130. A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

a) where to do so is likely to be in breach of the Data Protection Act 2018 (as amended), or

b) where the subject matter is one in which he/she has a disclosable pecuniary or other interest as defined in the Members' code of conduct.

131. Information given to a Member must only be used for the purpose for which it was requested.

132. It is an accepted convention that a Member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

133. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

134. When requested to do so, officers will keep confidential from other Members advice requested by a Member.

135. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

CORRESPONDENCE

136. Correspondence between an individual Member and an officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, that is there should be no "blind" copies.

137. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (for example representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the chairman of an Overview and Scrutiny committee.

138. The Mayor may initiate correspondence in his/her own name.

139. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.

140. When writing in an individual capacity as a ward Member, a Member must make clear that fact.

141. If a Member has another role, distinct from their role as a Member, which regularly requires correspondence with the Council, the Member must make it clear in which capacity they are seeking information or advice.

142. When corresponding through any social media sites or public forums, Members and officers must have regard to the general principles of this code and the ICT and Information Security Policy.

ACCESS TO PREMISES

143. Officers have the right to enter Council land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.

144. Members have a right of access to Council land and premises to fulfil their duties. If appropriate, Members may wish to alert the relevant Head of Service and/or Director when they are visiting Council premises, particularly those that are not generally open to members of the public.

145. When making visits in their official capacity as elected Members, Members should adhere to their code of conduct plus any particular rules and regulations that apply to the site they are visiting.

USE OF COUNCIL RESOURCES

146. The Council provides all Members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. They should not be used for private purposes or in connection with party political or campaigning activities.

147. Members should ensure they understand and comply with the Council's own rules about the use of such resources. Members should not put pressure on staff to provide resources or support which officers are not permitted to give, such as political or personal matters.

INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES

148. This part of the protocol should be read in conjunction with the Council's "Whistleblowing" policy.

149. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

150 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.

151 An officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer.

152 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

CONSEQUENCES FOR BREACHING THE CODE

153 A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary or capability procedure.

154 Breaches by a Member may be referred to the leader of the relevant party group, or in more serious cases may also involve breaches of the Member's code of conduct, and may be referred to the Council's Audit and Governance committee.