

## **CHAPTER 10 – OFFICERS**

### **A PRINCIPLES OF THE SCHEME OF DELEGATION FOR OFFICERS**

- 1 The exercise of any powers or duties in pursuance of this Scheme shall be in accordance with:
  - a) any policy or direction approved by the Council; or
  - b) any policies approved by the Cabinet acting under delegated powers; and
  - c) due observance of issues of propriety at all times.
- 2 All functions reserved to the Council by Statute, Standing Orders or Financial Regulations are excluded from the Scheme.
- 3 The exercise of functions (delegated powers) in respect of any matter involving the expenditure of money shall only take place provided financial provision has been made in the Estimates approved by the Council or financial approval has been obtained from the Cabinet or Cabinet Member.
- 4 Any powers or duties delegated to a Chief Officer may be exercised by any other person duly authorised by him/her in writing from time to time.
- 5 References to the term Chief Officer shall include the Chief Executive, the Strategic Directors and the Service Directors and Heads of Service Grade Hay 5 and above).

### **B MANAGEMENT STRUCTURE**

- 6 The full Council may engage such staff (referred to as officers) as it considers it necessary to carry out its functions.
- 7 The Council will engage posts of Chief Executive, Strategic Directors and Service Directors who currently form its strategic leadership team and have the responsibilities set out below:
- 8 Strategic Leadership Team membership is as follows: Chief Executive, Strategic and Service Directors (and whosoever the Chief Executive wishes to include from time to time).
- 9 Definition of Chief Officer for the purposes of any interpretation in this Constitution is Chief Executive, Strategic and Service Directors, Heads of Service and any staff who are Grade Hay 5 and above.

- 10 Strategic Director is the following posts: Chief Executive, Strategic Director – Place and Strategic Director – People

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Post	Functions and areas of responsibility		
<p>11. Chief Executive (and Head of Paid Service)</p>	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision making process</p> <p>Together with the Director of Corporate Commissioning and the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council)</p> <p>Responsibility for strategic policy, performance and communications</p>		
<p>12. Director of Corporate Support Services</p>	<p>Overall responsibility for Personnel, Finance &amp; ICT Strategy and Legal Services.</p>		
<p>13. Director of Corporate Commissioning</p>	<p>Overall responsibility for Governance and Civic Services, Commissioning &amp; Neighbourhood Co-ordination &amp; Business Intelligence and Performance Management</p>		
<p>14. Strategic Directors</p>	<p>In addition to acting as the lead officer on corporate/strategic issues, the Strategic Directors have responsibility for overseeing and co-ordinating the work of departments as follows:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;"> <p>Directorate</p> <p>People</p> </td> <td style="width: 50%; padding-left: 10px;"> <p>Departments</p> <p>Vulnerable Children &amp; Young People</p> <p>Early Intervention &amp;</p> </td> </tr> </table>	<p>Directorate</p> <p>People</p>	<p>Departments</p> <p>Vulnerable Children &amp; Young People</p> <p>Early Intervention &amp;</p>
<p>Directorate</p> <p>People</p>	<p>Departments</p> <p>Vulnerable Children &amp; Young People</p> <p>Early Intervention &amp;</p>		

		Prevention
		Learning & Support
		Health & Wellbeing
		Commissioning & Partnership
		Vulnerable People
		Public Health
	Place	Investment Programme & Infrastructure
		Planning
		Environment
		Economic Development & Tourism
		Direct Services
		Landscape Services

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## C FUNCTIONS OF THE CHIEF EXECUTIVE

Post	Designation	Legislation
15. Chief Executive	Head of Paid Service	s4 Local Government

16. The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.
17. The Chief Executive will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
18. The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.
19. The Chief Executive, or his/her nominee, to appoint Officers below Deputy Chief Officer level (other than Assistants to Political Groups).
20. The Chief Executive shall be authorised to discharge any Council or Executive function not otherwise delegated to a Chief Officer including civic and ceremonial functions of the Council, and to take any action remitted to him/her under corporate policies or this Delegation Scheme.
21. The Chief Executive shall be authorised to act as the Council's proper officer for the purpose of any function not otherwise delegated under these arrangements.
22. The Chief Executive shall be authorised to discharge any function of the Council in relation to those corporate/strategic responsibilities and Departmental supervisory responsibilities allocated to him/her by the Council.

NON-EXECUTIVE FUNCTIONS

23. To act as Electoral Registration Officer for the registration of Parliamentary and Local Government Elections and Acting Returning Officer/Returning Officer for Parliamentary, Local, Parish and European Elections under the relevant provisions of the [Representation of the People Act 1983](#) and [European Parliamentary Elections Act 2002](#) and as Proper Officer for all related functions and relevant legislation.

24. In relation to elections to:

- a) To assign officers in relation to requisitions of the Electoral Registration officer;
- b) To provide assistance at European Parliamentary elections;
- c) To pay expenses properly incurred by Electoral Registration Officers;
- d) Powers in respect of holding of elections;
- e) To declare vacancy in office in certain areas;
- f) To give public notice of a casual vacancy;
- g) To determine fees and conditions for supply of copies of, or extracts from, elections documents

D FUNCTIONS OF THE CHIEF FINANCE OFFICER

Post	Designation	Legislation
25. Head of Corporate Finance and ICT Strategy	Chief Finance Officer and S151 Officer	Local Government

26. After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external Auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to

cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

27. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
28. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
29. The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
30. The Chief Finance Officer will provide financial information to the media, members of the public and the community.
31. The Chief Finance Officer will be responsible for maintaining the audit and submitting the appropriate returns for the service contracts with both Capita Symonds and Arvato.
32. In relation to borrowing limits, to manage the movement between the separately agreed limits for borrowing and other long-term liabilities within the total authorized limit for any individual year.

**E FUNCTIONS OF THE MONITORING OFFICER**

<b>Post</b>	<b>Designation</b>	<b>Legislation</b>
33. Head of Corporate Legal Services	Monitoring Officer	s5 Local Government

34. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
35. After consulting the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to a Cabinet function, if he or she considers that any proposal,

decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

36. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct for members through provision of support to the Audit and Governance Committee.
37. The Monitoring Officer will conduct investigations into matters referred to them and make reports or recommendations in respect of them to the Audit and Governance Committee.
38. The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible (See Access to Information Rules for further details).
39. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
40. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
41. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
42. The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

#### **E DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER**

43. The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **F DIRECTOR OF CORPORATE SUPPORT SERVICES**

44. To ensure that corporate support services are delivered in an effective, efficient and integrated way which meets the needs of the Council and its services.

#### **g Strategic Director - People**



45. To contribute to the overall strategic leadership of the Council and to ensure that agreed outcomes are met for all young people, older people and families.
46. To ensure that officers within the Service area are appointed to meet statutory requirements. The following are appointed as follows:

<b>Post</b>	<b>Designation</b>	<b>Legislation</b>
Director of Children & Young People	Chief Education Officer	s532 Education Act 1996
	Director of Children's Services	s18 Children Act 2004
Director of Older People & Health	Director of Adult's Services	The Local Authority Social Services Act 1970, as amended by the Children Act 2004 (schedule 2).
<b>H STRATEGIC DIRECTOR – PLACE</b>		
<b>Post</b>	<b>Designation</b>	<b>Legislation</b>
	Inspector	<b>Section 27 Food Safety Act 1990</b>
	Inspector	<b>Section 72 Weights and Measures Act 1985</b>

47. To contribute to the overall strategic leadership of the Council and to ensure that the agreed outcomes are met for the economy, environment, communities of place and Council owned assets

**I DIRECTOR OF CORPORATE COMMISSIONING**

48. To promote the role of Overview and Scrutiny Committees
49. To provide support for Overview & Scrutiny Committees

50. To provide support and guidance to Members and Officers in relation to Overview and Scrutiny

51. The Designated Scrutiny Officer may not be the Monitoring Officer, Chief Finance Officer or Head of Paid Service.

52. To ensure that the Council accelerates the delivery of better outcomes within available resources through effective corporate commissioning, including collaboration between the Council and all its partners and the rebalancing of the state/citizen relationship.

## J GENERALLY:

### CONDUCT

53. Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Chapter 12 of this Constitution.

### EMPLOYMENT

54. The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Chapter 11 of this Constitution.

## K SCHEME OF DELEGATION TO OFFICERS

55 Council Minute No. ??? (6 September 2012) refers.

56 Officers are appointed to undertake particular roles. Those roles may be established by the terms of their appointment, job or role description, their position in the organisation, or from a specific instruction or the allocation of specific responsibilities by their manager. Officers' roles may vary from time to time to reflect changes in service delivery, staffing levels and to protect the Council's interests.

57 In order to ensure the smooth functioning of the authority and the efficient delivery of all of the services that it is responsible for, the Council and the Executive delegate to officers all of the powers that they need to do whatever their role requires of them from time to time.

- 58 All powers and functions not specifically reserved to Members in this Constitution or by statute stand delegated to officers in accordance with the cascade principle set out below.

#### CASCADE OF POWERS

- 59 Officers' powers have been delegated by means of a standing cascade. That means that there are no long lists in this constitution of specific powers and who those powers have been delegated and sub-delegated to.
- 60 Instead, there is a standing delegation of all necessary powers from the Council and the Executive (and their committees) to the Chief Executive. From the Chief Executive there is a standing delegation to each Director and then on to the Heads of Service. The cascade continues down through the Heads of Service to section heads or team managers and relevant officers in each Service.
- 61 In each case the powers delegated are the full range and extent of powers vested in the authority from time to time as necessary in order to discharge functions, implement decisions, and undertake the efficient operational management of the Services that the Directors and Heads of Service are responsible for from time to time.
- 62 This includes the power to do anything ancillary or incidental to, arising from, or necessary to give effect to or facilitate the exercise of powers and the discharge of functions delegated to officers.

#### USE OF POWERS

- 63 When officers act under delegated powers, they do so in the name of their Head of Service or Director who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified officers.
- 64 It is for section heads or team managers and Heads of Service, in conjunction with their Director, to determine, record and keep under review the extent to which officers in their service are authorised to exercise delegated powers in their name. They shall do this by ensuring that there is clarity in setting out their Service and team structures and defining the respective roles of their officers.

- 65 It is the responsibility of each officer in the chain of cascade to ensure that powers are being exercised at the most appropriate level by suitably competent and qualified officers. They shall at all times have due regard for the nature, subject matter, and likely impact of any decision and liaise closely with those above them in the chain of cascade, including relevant Members, especially where a matter has potentially significant strategic, policy or operational implications.
- 66 Any ambiguity that may arise as to whether or not a particular officer is, by reference to the terms of their appointment, job or role description, or their position in the organisation, authorised in respect of any particular function is to be resolved by reference back up through the chain of cascade to section heads or team managers, Heads of Service, Directors or ultimately to the Chief Executive as appropriate who shall, where necessary, give written confirmation of the allocation of any given responsibility.
- 67 In exceptional circumstances, and with the agreement of those above them in the chain of cascade, Officers may decline to exercise powers which rest with them where it is considered, in all the circumstances, that it would be more appropriate for another officer (whether or not further up the chain of cascade) or for Members to exercise the power instead.
- 68 Unless specifically prohibited by the terms of any authorisation, officers may arrange for any power which rests with them to be discharged by another suitably competent and qualified officer but they shall remain responsible for any powers so exercised.
- 69 Officers may direct that certain types of decisions or decisions on particular matters be reserved to them (or to another officer) notwithstanding that they would ordinarily be taken at a point further along the chain of cascade.
- 70 Where the duly empowered officer closest to the point of service delivery is unavailable or unable to act then, subject to any specific arrangements that may have been put in place, a suitably qualified and competent officer who is most proximate to the absent officer in the chain of cascade is empowered to act in place of that officer. This will usually follow the chain of cascade or line of management back up through section heads or team managers, Heads of Service and Directors to the Chief Executive.

#### CONTROLS ON THE USE OF POWERS

- 71 Officers are not empowered in respect of matters that are specifically reserved to Members or which amount to the adoption or implementation of new policy.
- 72 Officers are only empowered to act in respect of matters which fall foursquare within their Service area, suite of responsibilities and sphere of competence.
- 73 Officers who propose to exercise powers in respect of any matter that is not wholly within their Service area, suite of responsibilities or sphere of competence shall be obliged to act in consultation with and take appropriate advice from those officers with the relevant responsibilities and expertise and particularly from the Head of Corporate Finance and ICT Strategy and the Head of Corporate Legal Services in respect of financial and legal considerations.
- 74 Before taking decisions officers shall be satisfied that they can demonstrate, by keeping appropriate records, that they are duly authorised to act and that they have undertaken all appropriate consultation.
- 75 Officers must at all times observe and abide by the principles and controls governing officer decision making contained in Chapter 1 of the Constitution (principles of Decision Making/Delegations).

#### NOTICES, AUTHORISATIONS, DETERMINATIONS, ORDERS, LICENCES, AGREEMENTS AND CONSENTS

- 76 For the avoidance of doubt the cascade of power through the officer structure includes the power to take all action necessary in connection with or ancillary to:
  - a. the instruction of the Head of Corporate Legal Services in respect of legal (or quasi legal) proceedings.
  - b. the authorisation of officers as may be required by statute (whether inter alia as “Proper Officers”, “Appointed Officer”, “Qualified Officer”, “Designated Officer”, “Specific Point of Contact” or otherwise) to undertake certain roles, or to exercise or discharge any powers, duties or functions including investigatory or regulatory functions and affecting entry to land or premises;

- c. the issuing, service, variation, or withdrawal of any notice, direction, determination, requisition, ultimatum or demand;
- d. the making, confirmation, variation or withdrawal of any order or regulation;
- e. the formation, variation or termination of any contract or agreement;
- f. the grant, variation, withdrawal or termination of any permission, notice, authorisation, licence or consent.

#### AUTHORISING EXPENDITURE AND SIGNING AND SEALING AGREEMENTS

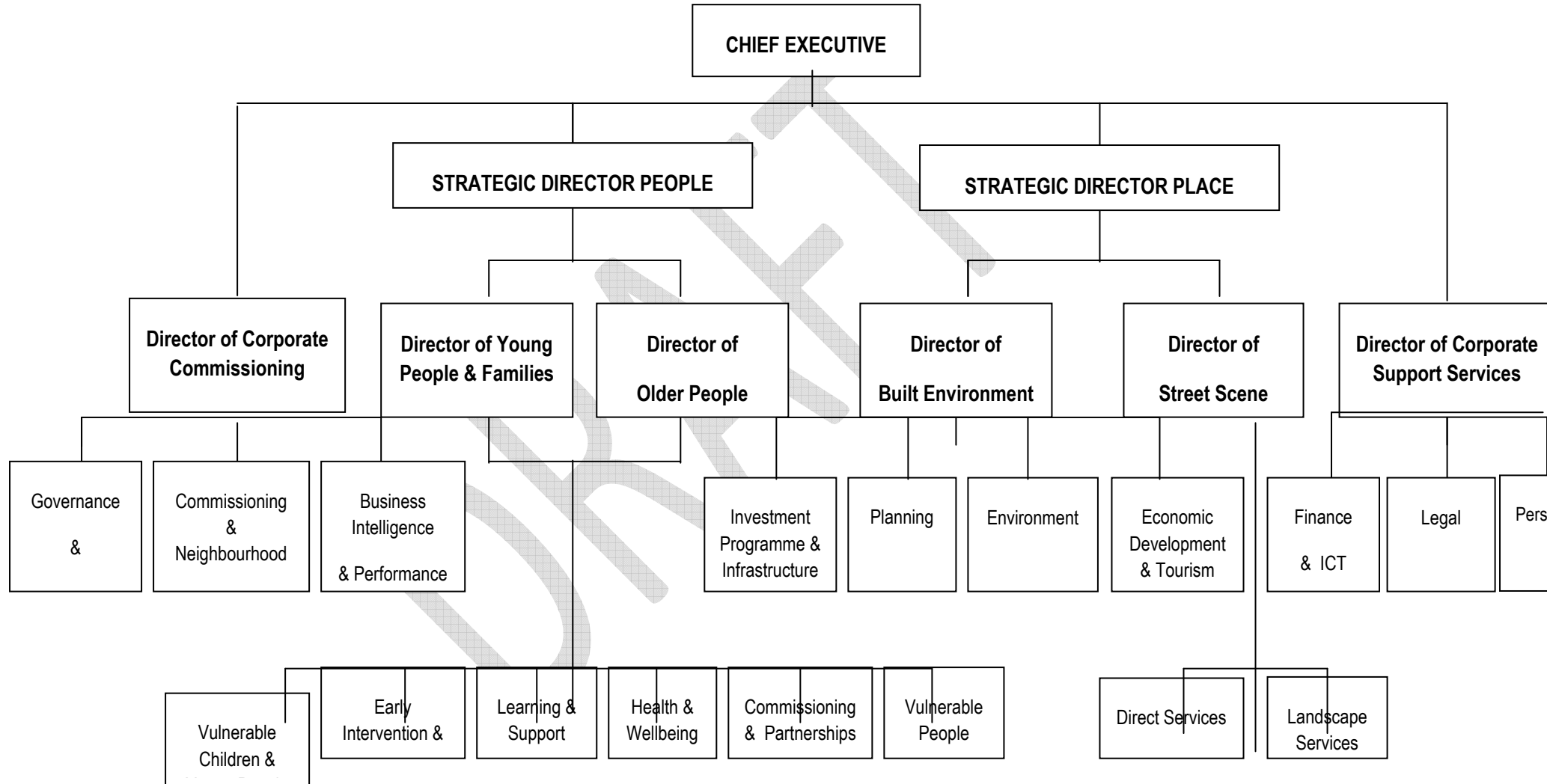
77 The Finance and Contract Procedure Rules and individual Service Schemes of Financial Delegation will set out the financial limits that officers must work within and procedures that they must follow when authorising expenditure.

78 The Finance and Contract Procedure Rules set out which documents can be signed by officers within individual Services and which documents must be signed and/or sealed by the Head of Corporate Legal Services.

#### LEGAL PROCEEDINGS AND PROTECTING THE COUNCIL'S INTERESTS

79 All matters in respect of the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Head of Corporate Legal Services (and his/her duly authorised officers) who shall be authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings or take any other action considered necessary to give effect to decisions of or protect the interests of the Authority.

L ANNEXE 1 - SENIOR MANAGEMENT STRUCTURE



## M EMPLOYEES CODE OF CONDUCT

### THE CODE AND ITS PURPOSE

- 80 The Code of Conduct 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 and is available on the Council's Intranet site.
- 81 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.
- 82 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.
- 83 The Code applies to **all** employees of the Council, and is commended to schools.

### DECLARATION FORMS

- 84 A supply of forms is retained in each department. These forms relate to Sections 3, 11 and 14 of the Code, which are concerned with gifts/hospitality, personal or financial interests and additional employment.
- 85 [Toc299458863](#) There is a form 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](#). Notably the new Code of Conduct for Councillors



adopted in April 2012 stipulates that members are no longer allowed to accept gifts or hospitality which have a values of more than £50.

- 86 There is a form for the declaration of personal or financial interests and for declaration of membership of clubs/associations. Employees must declare any personal or financial interest that they consider conflict with the Council's interests.
- 87 There is also a form 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 Service Director using online 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.
- 88 Declaration forms should be forwarded to the Service Director; forms completed by Service 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 file, and on a departmental file in the administration section. Where a decision is made not to allow additional employment or participation in a particular activity, a full reason must be provided.

#### SOME GENERAL POINTS

- 89 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, etc., and must declare the matter on the appropriate form.
- 90 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.
- 91 The Code is admissible as evidence and may be taken into account in disciplinary hearings which relate to matters covered by the Code.

#### N CODE OF CONDUCT FOR ALL EMPLOYEES

## INTRODUCTION

- 92 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.
- 93 The Code sets out the minimum standards that are required of employees. The aim of the Code is to lay down guidelines for employees that will help maintain and improve standards and protect employees from misunderstanding or criticism that they have been influenced by improper motives.
- 94 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.
- 95 The Code requires employees to declare their interests or seek approval for certain activities and the text refers to the circumstances in which such declarations must be made. Paragraph 14 describes the practical arrangements for the making of declarations, etc

## FINANCIAL, PERSONAL AND OTHER INTERESTS

- 96 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 Service Director for appropriate action. It is a criminal offence, under Section 117 of the [Local Government](#), for an employee to accept in the course of his/her employment any fee or reward other than his/her proper remuneration.
- 97 Interests of a non-financial nature which may conflict with the Authority's interests (for example, if an employee is involved in an official 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 Service Director for appropriate action. 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 such as the freemasons and others. 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.

- 98 A more detailed explanation on the disclosure of financial and non-financial interests can be found on the online form.

#### GIFTS, HOSPITALITY AND OTHER FAVOURS

- 99 Employees must be aware that the [Bribery Act 2010](#) introduces new bribery offences including:
- a) MAKING A BRIBE – the promise or giving of a bribe/advantage with the intention of inducing or rewarding the improper performance of a relevant function or activity or as a reward for such improper action.
  - b) ACCEPTING A BRIBE – the receipt or acceptance of a bribe/advantage for the improper performance of a relevant function or activity or as a reward for such improper action.
- 100 'Improper performance' means performance which amounts to a breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.
- 101 For the purposes of deciding whether a function or activity has been performed improperly the test of what is expected is a test of what a reasonable person would expect in relation to the performance of that function or activity.
- 102 Employees convicted under the [Act](#) can face a maximum penalty of ten years imprisonment and / or a large fine.
- 103 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 online gifts and hospitality form.
- 104 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.

- 105 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.
- 106 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.
- 107 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 a Service Director's approval, must be recorded on the declaration form, and recorded by letter to the giver indicating that the gift has been donated to charity.
- 108 However, 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.
- 109 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.

- 110 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.
- 111 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.
- 112 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 Service Director or other nominated Manager and where the Authority is clearly not compromised in any way.
- 113 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.
- 114 If in any doubt as to the acceptability of any offers of gifts, hospitality, etc., the advice of the employee's line manager or Service Director must be sought.

#### SPONSORSHIP-GIVING AND RECEIVING

- 115 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.
- 116 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.

#### USE OF FINANCIAL RESOURCES

- 117 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.

#### DISCLOSURE OF INFORMATION

- 118 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.
- 119 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.
- 120 Employees must ensure that confidential or sensitive documents are not left where they can be read by other staff or members of the public.

#### RELATIONSHIPS WITH OTHERS

##### COUNCILLORS

- 121 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 LOCAL COMMUNITY AND SERVICE USERS

- 122 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

- 123 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.
- 124 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

- 125 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.

#### SEPARATION OF ROLES DURING TENDERING

- 126 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.
- 127 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 128 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.

- 129 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.
- 130 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.

#### APPOINTMENTS

- 131 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.
- 132 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.
- 133 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.
- 134 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.
- 135 Canvassing of staff or Elected Members for any appointment under the Council shall automatically disqualify the candidate. Employees must declare any such incidents.

#### POLITICAL NEUTRALITY



- 136 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 concerned are those of Strategic Directors, Directors, Heads of Service and post holders of Grade Hay 6 and above and certain other politically sensitive posts. All the posts are listed in a central register maintained by the Head of Corporate Personnel.
- 137 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.
- 138 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.

#### ADDITIONAL EMPLOYMENT

- 139 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.
- 140 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 the online Form, to his/her Service Director. Any employee who fails to do so will be liable to disciplinary action.
- 141 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.

#### INTELLECTUAL PROPERTY

- 142 Intellectual property means any inventions, creative drawings, writings, computer systems or programmes.
- 143 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.
- 144 Employees must be aware that the reproduction of the Authority's intellectual property outside the Authority is unlawful.
- 145 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.

#### EQUALITY

- 146 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, sex, sexuality, marital status, race, religion, colour, nationality or ethnic or national origin, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable".
- 147 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 A.

#### DECLARATIONS

- 148 A written record of all declarations (e.g. gifts offered, membership of clubs or associations, personal or financial interests) or requests (e.g. to undertake additional employment) must be made on the appropriate form. These will be forwarded by the employee's line manager to the Service Director for appropriate action.

- 149 The Service Director, 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.
- 150 Declarations by Service Directors must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Head of Corporate Legal Services and will be made available to the party leaders upon request or in the event of a decision being required.
- 151 All declarations in respect of each Department will be held by the Service Director concerned on a departmental file in the administration section (or by the CE in the case of Service Directors). A copy of the form, together with the response/acknowledgement, must be retained on the employee's personal file, and on a departmental file in the administration section. Any queries or allegations should, in the first instance, be directed to the Service Director to enable an appropriate response to be initiated.
- 152 In response to declarations it is feasible for the Service Director (or CE) to initiate or make further enquiries as appropriate. Where a decision is made not to allow outside employment or participation in a particular outside activity, a full reason will be provided.
- 153 All Departmental Registers must be open for inspection at any time and without prior notice to the following:
- a) Chief Executive
  - b) All Directors, Deputy Directors and Assistant Directors
  - c) The Monitoring Officer
  - d) Internal Auditors
  - e) External Auditors

#### SUSPECTED IMPROPRIETY

- 154 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 "Confidential Reporting 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.

#### CONVICTIONS

- 155 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 [Criminal Records Bureau \(CRB\)](#).
- 156 Employees whose roles are subject to Disclosures must report and indictments/convictions during the course of their employment to their Managers.

#### SUMMARY

- 157 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.
- 158 This code will be made widely available to employees and must be included in the induction material provided to new starters.
- 159 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.
- 160 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.
- 161 The Head of Corporate Personnel is responsible for monitoring the operation of the code.

## O EQUAL OPPORTUNITIES – EMPLOYEE CONDUCT

### EQUAL OPPORTUNITIES POLICY

- 162 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, sex, sexuality, marital status, race, religion, colour, nationality or ethnic or national origin, 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

- 163 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.
- 164 The lists below give examples of what is expected from you at work.
- 165 Employees of Sefton Council are expected to treat people with dignity:
- a) by respecting individual rights and the right to be different;
  - b) by respecting individual beliefs and feelings;
  - c) by treating others as they wish to be treated;
  - d) by making it acceptable for all individuals to voice an opinion or share a problem.
  - e) Respect the differences in other people:
  - f) by not displaying offensive material;
  - g) by not using offensive language or making hurtful remarks or jokes;
  - h) by thinking of the impact of their actions and words on others;
  - i) by listening to what individuals tell them if they are upset.
  - j) by catering for cultural diversity

- 166 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

- 167 Sefton Council works with the [Sefton Equalities Partnership](#) to ensure equality and diversity throughout the Borough. The [SEP](#) is a multi-agency team that works in partnership with the public, private and voluntary sectors to provide support and deliver change in respect of equalities. [SEP](#) can be contacted on 0151 928 2233 ext.307.
- 168 Further information about equalities in Sefton Council can be found in the following documents which are held on the intranet or on the internet at [www.sefton.gov.uk](http://www.sefton.gov.uk) under Social issues.

Comprehensive Equality Policy

Race Equality Scheme

Corporate Equality Plan

Disability Equality Scheme

- 169 Equality and Diversity Training is available through the [Corporate Learning and Development Unit \(CLDU\)](#). For further information please visit the intranet or contact the [CLDU](#) on 0151 934 3390.

and Housing Act 1989 Act 1972 and Housing Act 1989 [Act 1972 \(SEP\)](#)