

By: Director of Personnel & Development

To: Selection Committee – 10 October 2007

Subject: Policy Reviews

Classification: Unrestricted/Restricted

SUMMARY: Revisions to the Code of Conduct for Officers.

1. **BACKGROUND**

Officers' Code of Conduct

1.1 The present Officers' Code of Conduct is based on the 1994 Local Government Management Board's model Code of Conduct for Local Authority Employees. It is also an appendix to the Constitution.

1.2 The Code as it stands has become outdated partly due to other, related policy changes that have occurred since it was issued, and partly because KCC was awaiting the outcome of the Central Government review of the model Code conducted by the Office for the Deputy Prime Minister. Although the consultation exercise was completed in December 2005 there have been no further developments in this area to date.

1.3 In the absence of any steer from the Government and in light of the need to update our own approach, KCC's Code of Conduct for officers has been modernised and updated.

1.4 Following consultation with directorates through Business Support Personnel Teams and trades unions, it was agreed that the core elements of the content should remain in place. Amendments have been largely limited to updating references to related policies and, in so doing, modernising the way in which the Code is written so it is more accessible.

1.5 The revised code, renamed The Kent Code, has therefore been changed primarily in terms of its language and structure to become a better tool for communicating standards to KCC staff.

1.6 The updating of the Code will provide an excellent opportunity to promote ethical and other standards to staff.

(Appendix 1 The Kent Code)

2. **Recommendation**

Code of Conduct

Selection Committee is asked to endorse the modernised version of the Code on

behalf of the County Council

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The Kent Code Issued by Personnel & Development September 2007



Introduction

The public expects the highest standards of conduct and service from all employees of KCC.

This Code lays down guidelines for the conduct of KCC employees which maintain standards and protects employees from misunderstanding or criticism.

It refers to statements and requirements contained within schemes of Conditions of Service, KCC Financial Regulations, Management Handbook and other documents. Copies of these are available through your line manager.

This Code forms part of all KCC employees' conditions of service. It is your responsibility to read and apply the standards set out in this and related documents including professional codes, policies and guidance. Any employee deliberately or knowingly acting outside the standards will be subject to disciplinary action.

A. Standards of Service

1. You will provide appropriate advice to elected Councillors, work colleagues and the public with impartiality.
2. You will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of management any irregularity in the provision of service.
3. In accordance with financial procedures, if an irregularity occurs or is suspected which may involve financial loss, you must report it immediately to the Chief Internal Auditor.
4. As a KCC employee you are expected to behave at all times in a manner that does not discriminate against your colleagues, service users, partners, contractors or members of the public on any grounds.
5. Complaints against KCC should be investigated in accordance with directorate or corporate complaints procedures.

B. Harassment

1. Harassment, intimidation, unfair discrimination or victimisation, by or against employees will not be tolerated.

2. You have a duty to ensure the standard of conduct for yourself and for colleagues respects the dignity of others and does not cause offence.
3. You should act in such ways as to avoid all forms of unacceptable behaviour in relation to other employees, clients and customers of KCC.

1. Many employees are in a position to obtain information which is highly confidential, politically and/or commercially sensitive, or is personal information protected by the Data Protection Act.
2. You must not use any such information for a personal reason or benefit or pass it on to others who might use it in such a way. This includes information about the work of KCC, its employees or members of the public.
3. Inappropriate disclosure of information or a breach of these rules in any way will render you liable to disciplinary action and could lead to criminal prosecution.
4. In addition, you must not misuse your position by requesting or gaining information unnecessary to carrying out your work.
5. KCC is committed to the highest possible standard of openness, honesty and accountability. If you have any serious concerns about any aspect of KCC's work you should raise your concerns in accordance with the Whistleblowing Procedure

Other sources of guidance and information: Freedom of Information Act: requests from Elected Members

D. Political Neutrality

1. Employees serve the Council as a whole. It follows they must serve all elected Members and not just those of the controlling group and must ensure the individual rights of all elected Members are respected.
2. You may be in a post in which you advise political groups. If you do, you must act with political neutrality. Whilst you may have your own political opinions, you must avoid carrying out your duties in a way which reveals your political affiliation.
3. All officers earning above a set salary (aligned to NJC spinal column point 44) and other officers who regularly advise elected Members are politically restricted by law. Advice on this can be obtained from KCC Secretariat which also holds a list of restricted posts.
4. You must seek legal advice if you wish to stand for election as a Councillor for KCC or any other local authority as it could impact upon your employment. Whilst it is not legally possible to continue to work for KCC if you are elected as a KCC Councillor you may be able to serve public office for other organisations, including other councils. You should obtain advice from the political party for which you are standing to ensure there is no conflict of interest and your political alliance does not compromise your working life.

5. If you are involved in politics in your private time, you must not carry out any political activity which might lead the public to think you are acting in your capacity as a KCC employee. It is particularly important, if you are an Elected Member with another council, to keep your two roles separate and not use confidential information obtained in one capacity in the other.

E. Relationships

1. Elected Members

Mutual respect between employees and elected Members is essential to good local government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided.

2. The local community and service users

You should always remember your responsibilities to the community you 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.

3. Media

If you are not authorised to deal with representatives of the media, you should refer any enquiries you receive to your line manager or to a media relation's officer at County Hall.

If you have specific authority to deal with media enquiries, you should only reply to requests for information or questions which relate to the facts of a situation.

If an expression of opinion or official statement of policy is needed, you must speak to your Head of Department.

Every assistance should be given to elected Members who need information to deal with questions from the media. You should refer to the Corporate Communication Manager for further advice if you are unsure of the protocols.

If you speak as a private individual directly to the press, or at a public meeting or other situation where your remarks may be reported to the press, ensure nothing you say might lead the public to think you are acting in your capacity as a KCC employee.

If you ever speak on behalf of a recognised trade union you must make it clear that the views you are expressing are those of the trade union you represent and not those of the Authority.

4. Contractors/Consultants

All relationships of a business or private nature with internal or external contractors or consultants, or potential contractors or consultants, should be made known to an appropriate senior manager.

Orders and contracts must be awarded on merit, by fair competition against other tenders. No part of the local community should be discriminated against when considering contracts and tenders.

F. Staff Appointments and Other Employment Matters

1. If you are involved in appointing staff, you must ensure decisions to appoint are made on the basis of merit.
2. It would be unlawful for you to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post.
3. KCC Council has a detailed process for the appointment of staff. The process must be followed scrupulously by all employees involved in appointments at all times.
4. In order to avoid any possible accusation of bias, you should not be involved in an appointment if you are related to an applicant or have a close personal relationship with them with outside work.
5. Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.
6. If your post is exempt from the Rehabilitation of Offenders Act and subject to a CRB Disclosure, you are obliged to tell your manager of any convictions, warnings, cautions, reprimands etc., no matter how minor, you may receive from the police whilst a KCC employee
7. If you line manage staff, you may give an employer's reference on behalf of KCC for a member of staff or an ex-member of staff, unless otherwise informed. You owe a legal duty of care to ensure the reference is based on fact. You are strongly advised to follow the detailed guidelines on employer's references available on KNet.

G. Outside Commitments

1. You must be clear about your contractual obligations and should not take additional or 'outside' employment (paid or unpaid) which conflicts with KCC's interests. Your conditions of service may require you to obtain written consent to take any additional employment inside or outside the organisation.
2. Where you are permitted to take outside employment, either within your conditions of service or by way of written consent, no outside work of any sort should be undertaken on KCC premises.
3. Use of facilities such as telephones, computers, etc is forbidden and correspondence and incoming phone calls related to outside work are not allowed.
4. These provisions do not apply to public appointments (e.g. as a magistrate).
5. You may, in a professional capacity whilst undertaking additional or outside work, publish books and articles, give lectures or speak on radio or television and may illustrate these by reference to KCC's activities or policies, but your

Managing Director should be consulted before doing so. You must be clear that any views you express are your own and not necessarily those of KCC.

6. You may retain lecturing fees under the following conditions only:
 - * Officers who lecture in their own time for outside bodies may retain the whole of any fee payable.
 - * Officers who are permitted to lecture to outside bodies in KCC's time may retain half of any fee payable.
 - * Fees will not be paid to officers who lecture on any of KCC's internal courses, whether in their own time or not.

H. Personal Interests

1. You must declare annually to an appropriate senior manager any financial and non-financial interests or commitments, which may conflict with KCC's interests. (Appendix 1 – Model Declaration of Interests Form)

Membership of, or activity on behalf of, a recognised trade union or professional society does not constitute such an interest. KCC encourages you to take an active part in the life of your community. This code does not seek to discourage such involvement. If there is any doubt, advice should be sought from the line manager or Legal and Democratic Services.

2. You should declare to an appropriate senior manager, membership of any organisation, lodge, chapter, society, trust or regular gathering or meeting which is not open to members of the public who are not members of that lodge, chapter, society or trust or requires secrecy about its rules, membership or conduct.
3. In addition to the above, you should advise an appropriate senior manager of your membership of any such organisation where in a specific instance such membership constitutes (or can be perceived as) a conflict of interest.
4. A register of financial and non-financial interest is maintained by each directorate. Personnel & Development maintain a register for senior managers at Managing Director and Director/second tier level who should ensure appropriate entries are made and the nature of any potential or perceived conflict of interest is recorded in the register.
5. KCC Financial Regulations specify that employees who have a direct or indirect financial interest in a contract shall not be supplied with, or given access to, any tender documents, contracts or other information relating to them, without the authority of the Managing Director.
6. Employees must advise a senior manager if they are declared bankrupt or are involved as a Director of a company which is wound up or put into voluntary liquidation if it may impact upon the employee's role and duties. Such information will be treated in the strictest confidence.
7. Intellectual property rights are relevant to patents, copyright, database rights, registered and unregistered design rights, trademarks, utility models, plant variety rights and other intellectual property, applications

for registration of any of the same, confidential information and know how, whether in all cases registered or unregistered. Where an employee makes or creates any Intellectual Property Rights that may be of benefit to KCC in the course of their normal duties, their manager should be informed in writing and, unless an alternative agreement is reached with the managing director, KCC is generally considered the 'owner' so far as the law allows.

I. Equality Issues

You should ensure that policies relating to equality issues as agreed by KCC Council are complied with, in addition to the requirements of the law. All members of the local community, customers, clients, job applicants and employees have a right to be treated with fairness and equity.

J. Separation of Roles during Tendering

1. If you are involved in the tendering process and dealing with contractors, you must be clear about the separation of client and contractor roles within KCC. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
2. If you have access to confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised party or organisation.
3. You should ensure 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.

K. Working With Voluntary And Other Organisations

KCC encourages working in partnership with voluntary organisations. Where the partnership takes the form of a company, trust or charity, guidelines are given within the Companies' Framework held by Legal & Democratic Services.

L. Gifts and Hospitality

1. You should not accept significant personal gifts from contractors, clients or outside suppliers. Minor articles, e.g. diaries, calendars, office items and the like, will not be regarded as a gift. If there is any doubt, a gift should be refused.
2. Gifts, 'fees', personal discounts, loans or any other reward or advantage should be refused. If you receive unsolicited gifts, they must be returned with a polite refusal letter to the sender. You should also inform your manager, so it can be clearly recorded in the Directorate/Service Unit Register of Hospitality/Gifts.
3. You may not accept legacies from clients or others who may have benefited from your services delivered on behalf of KCC. If you are named as a beneficiary, you should immediately inform your manager.
4. You should only accept offers of hospitality if there is a genuine need to impart information or represent KCC in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where KCC should be seen to be represented. They should be properly authorised and recorded in advance of the event in the Directorate's Hospitality/Gifts Register.

5. When hospitality has to be refused, the invitation should still be recorded in the Directorate's Register of Hospitality/Gifts.
6. Many supermarkets, petrol stations and high street stores offer loyalty cards for customers as an incentive to purchase from them. There are various types of loyalty cards, which offer a variety of rewards or bonuses, and it is likely you will have at least one of these cards for your personal use. You should not use your personal loyalty cards when purchasing goods or services on behalf of KCC or its clients. The use of such cards may compromise your professional integrity, particularly if the retail outlet or supplier was chosen because they offer you additional reward and not because it provided the greatest benefit and cost effectiveness to KCC or its clients.
7. Likewise, many credit card companies offer loyalty rewards. The use of personal credit cards to purchase goods or services on behalf of KCC or its clients should be avoided unless no other means of expenditure is available.

M. Sponsorship - Giving and Receiving

1. Where an outside organisation wishes to sponsor a KCC activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply and must be recorded within the Directorate's register. Particular care must be taken when dealing with contractors or potential contractors.
2. Where KCC wishes to sponsor an event or service, neither you nor your partner, spouse, close friend or relative must benefit from such sponsorship. Similarly, where KCC, through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure impartial advice is given and there is no conflict of interest involved.
3. Enquiries about seeking or accepting sponsorship for KCC should be directed to the Kent External Funding Team.

N. Health and Safety at Work

1. You must, by law, take reasonable care for your own health and safety and that of other people who may be affected by anything you do at work. The use of illegal drugs or misuse of other drugs or alcohol to the extent it affects health, work performance, attendance, conduct or relationships at work is not acceptable. (For further information see KCC's Drugs & Alcohol Policy.)
2. KCC has a comprehensive policy on Health and Safety which contains all you need to know about compliance with legislation, standards and KCC procedures in connection with health, safety and welfare at work.

O. Equipment and Materials

1. KCC's telephone, computer systems, other equipment and materials (including headed paper) are the property of KCC and are provided for employees' business purposes and for interaction with the public in the delivery of services.

2. Some personal use of the KCC's electronic communication facilities and devices including phone, internet and email is permitted, provided it is within the scope of KCC's Electronic Communications Use Policy (ECUP) and Responsible User Guidance (RUG).
3. No software can be used unless there is proof of legal registration to KCC under the Copyright, Designs and Patents Act. No personal software may be used on KCC equipment. It is a criminal offence to knowingly use or make unauthorised copies of KCC registered software

P. Use of Financial Resources

1. You must ensure you use public funds entrusted to you in a responsible and lawful manner. They must be fully approved and used for the purpose for which they are intended.
2. You should ensure value for money to the local community and avoid legal challenge to KCC.
3. KCC's Financial Regulations and Anti Fraud & Corruption Statement of Policy must be adhered to at all times.

RELATED PROCEDURES, POLICIES, GUIDELINES AND SUPPORT

The following can be found in the people management handbook, the 'Blue Book' (Kent Scheme Terms and Conditions of Employment) and on KNet.

- * Drugs & Alcohol Policy
- * Equality & Diversity Policy
- * Stress Management Policy
- * KCC's Financial Regulations
- * Anti-Fraud & Corruption Statement of Policy
- * Electronic Communications Use Policy (ECUP)
- * Responsible User Guidance (RUG)
- * Whistleblowing Policy
- * Virus Protection Policy
- * Smoking Policy
- * Managers' Guidance on Employment References
- * Health & Safety at Work Policy and Guidance
- * Health & Safety Framework
- * Harassment Procedure
- * Guidance on Foreign Travel
- * Code of Practice on Tenders and Contracts

**Appendix 1
Annual Declaration of Independence
Issued by Personnel & Development
(Model Form)**



I confirm that in carrying out my work on behalf of Kent County Council (insert Directorate) am free from any conflict of interest arising either from professional or personal relationships or from pecuniary or other interests, except for the areas listed below:

Interest declared	Management action to prevent conflict of interest

Signed:
(Employee)

Date:

Print Name:

Signed :
(Managing Director or
Delegated Manager)

Date: