



# Burnham on Crouch Town Council

## Code of Conduct for Employees

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## 1. Explanatory introduction

### 1.1. Application

This Code of Conduct applies to ALL Burnham on Crouch Town Council employees/Volunteers irrespective of the job that they do or the grade that they are on.

## **1.2. Purpose behind the Code**

Burnham-on-Crouch Town Council is a public authority funded in the main from revenue raised by local taxation. As such, the public, and all other individuals and organisations who come into contact with the Council, are entitled to expect from the Council's employees the highest standard of service in terms of integrity, efficiency, impartiality and courtesy.

This Code sets out the standards of conduct that Burnham-on-Crouch Town Council employees should adhere to when carrying out their work and duties. In addition, its purpose is to maintain and improve standards and protect employees from misunderstanding or criticism.

Employees should always bear in mind that it is not enough to avoid actual impropriety or improper conduct. Employees should at all times endeavour to avoid any occasion for suspicion and any appearance of improper conduct or impropriety.

## **1.3. Status of the Code**

This Code has been formally approved and adopted by the Council. The Council believes that the Code represents the standard against which the conduct of employees will be judged, both by the public and by their fellow employees. It is not an exhaustive listing of all standards expected of employees.

## **1.4. Non-Observance of the Code**

Failure to adhere to the Code can bring the Council into disrepute. Such failure could also lead to a finding of maladministration on the part of the Council by the Local Government Ombudsman. One of the purposes of the Code is to provide guidance to employees, and protect them from misunderstanding or criticism. It is therefore in each employee's own interest to adhere to the Code. Employees should be aware that breach of the Code will constitute misconduct (and in certain circumstances, gross misconduct), which may lead to disciplinary action being instituted against the employee in accordance with the Council's Disciplinary Procedures.

Furthermore, employees need to be aware that conduct which is contrary to certain provisions of the Code (e.g. those dealing with unauthorised disclosure of confidential information) could, depending upon the precise circumstances of the case, also amount to an offence under the criminal law (e.g. Data Protection Act) and thus result in prosecution of the employee concerned.

## **1.5. Interpretation**

The Code is to be interpreted in spirit as well as by the letter. An employee who is in any doubt as to whether a particular provision in the Code is applicable to his/her situation should, in the first instance, refer the matter to his/her manager.

## **2. Burnham-on-Crouch Town Council's Expectations**

The Council has adopted certain values which are at the core of how staff and the organisation are expected to behave whether frontline staff, support staff, volunteers, managers or leaders.

**General Conduct at work** During working hours, you are required to devote all your time and energies to the service of the council. We expect you to conduct yourself in a reasonable and appropriate manner towards all those with whom you come into contact during the course of your employment with us. You have an obligation to ensure that you do not act in a manner, which could be considered to be discriminatory conduct, harassment or bullying. You are expected to achieve and maintain a good standard of work and to demonstrate a conscientious approach to your role. You are expected to show the skill or aptitude required for the job, especially where such skills are claimed or implied at the time your employment commenced. You are expected to read and observe all authorised notices that are displayed by us.

**Be patient and courteous.**

**Be inclusive.** We welcome and support people of all backgrounds and identities. This includes but is not limited to members of any sexual orientation, gender identity and expression, race, ethnicity, culture, national origin, social and economic class, educational level, colour, immigration status, sex, age, size, family status, political belief, religion, and mental and physical ability.

**Be considerate.** We all depend on each other to produce the best work we can as a council. Your decisions will affect the public and colleagues, and you should take those consequences into account when making decisions.

**Be respectful.** We won't all agree all the time, but disagreement is no excuse for disrespectful behaviour. We will all experience frustration from time to time, but we cannot allow that frustration to become personal attacks. An environment where people feel uncomfortable or threatened is not a productive or creative one. **Choose your words carefully.** Always conduct yourself professionally. Be kind to others. Do not insult or put down others. Harassment and exclusionary behaviour aren't acceptable. This includes but is not limited to:

- Threats of violence.
- Discriminatory jokes and language.
- Sharing sexually explicit or violent material via electronic devices or other means.
- Personal insults, especially those using racist or sexist terms.
- Unwelcome sexual attention.
- Advocating for, or encouraging, any of the above behaviour.

**Repeated harassment of others.** In general, if someone asks you to stop something, then stop. When we disagree, try to understand why. Differences of opinion and disagreements are mostly unavoidable. What is important is that we resolve disagreements and differing views constructively.

**Our differences can be our strengths.** We can find strength in diversity. Different people have different perspectives on issues, and that can be valuable for solving problems or generating new ideas. Being unable to understand why someone holds a viewpoint doesn't mean that they're wrong. Don't forget that we all make mistakes and blaming each other doesn't get us anywhere. Instead, focus on resolving issues and learning from mistakes.

### **3. Dealings with the public etc.**

#### **3.1. General**

Employees are expected to give the highest possible standard of service to the public and local community and to abide by the customer care standards set by the Council. Employees who, in the course of their employment, have contact with the public, whether face to face, over the telephone or by way of written correspondence should ensure that at all times they deal with the individual(s) in an efficient and courteous manner, irrespective of the circumstances.

#### **3.2. Standards of Dress**

Employees should dress in a manner appropriate to their role so as to ensure, so far as is reasonably possible, that no offence is caused to individual members of the public, including members of minority groups. Employees should refrain from wearing any badges, jewellery or insignia which might give offence, or which could be taken to indicate that the wearer is a supporter of a particular political party or pressure group. Grounds staff are obliged to wear the clothing that is issued to them when they join the council.

#### **3.3. Consumption of Alcohol/Drugs**

It is not acceptable to be under the influence of alcohol or drugs at work or consume alcohol or drugs before or during hours of work- this includes paid and un-paid breaks. Employees found in possession of illegal drugs or using illegal drugs whilst at work will normally be reported to the police.

In some cases, the legitimate use of prescribed drugs can affect a person's ability to do their job (for example, driving, operating machinery and supervising others). In such instances employees should inform their line manager.

#### **3.4 Comments, compliments and complaints**

Employees who, in the course of their employment, have contact with the public should familiarise themselves with the Council's comments, compliments and complaints policy and procedure and, where appropriate, bring the procedure to the attention of any individual member of the public. Employees should be prepared to disclose to any member of the public their name and position with the Council unless in any particular case they have genuine cause to believe that such disclosure might compromise their own personal safety.

## **4. Disclosure and use of confidential information**

### **4.1. Disclosure of Information**

Employees should not divulge by any means to any person(s) outside the Council or to any unauthorised person(s) within the Council confidential information obtained in the course of their employment.

#### **Note:**

- (a) Employees should bear in mind that some information which the Council has in its possession is available to the public or other outside parties as of right. It is, however, the responsibility of each individual employee to satisfy himself or herself in any particular case that the disclosure is authorised and proper. In cases where there is any doubt as to whether information is confidential or not employees should refer to their manager.
- (b) Employees should also be aware that under the Data Protection Act 2018 the unauthorised disclosure of personal information held on computer is a criminal offence, punishable, on conviction, with a heavy fine.
- (c) This provision is not intended to preclude or discourage employees from communicating confidential information to their own Manager or Clerk, where such communication is necessary in order to bring to that officer's notice conduct which is (or might be) unlawful or in breach of the Council's Disciplinary Standards.

**NB:** The Council has in place a formal procedure which is applicable to employees who have concerns that they feel should be raised in a confidential setting.

### **4.2. Use of Information by Employees**

Employees should never use confidential or sensitive information obtained by them in the course of their employment for personal gain or benefit.

## **5. Equality issues**

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

## **6. Political neutrality**

### **6.1. When Carrying Out Work**

Employees should follow every lawful expressed policy of the Council and should not allow their own personal or political opinions to interfere with or influence their work.

### **6.2. Dealings with Councillors**

Employees should bear in mind that they serve the Council as a whole and should ensure that the individual rights of all Councillors are respected. Close personal familiarity between employees and individual Councillors should be avoided in the conduct of Council business.

## **7. Acceptance of gifts & hospitality**

### **7.1. General**

Except in the very limited circumstances employees should not accept any fees, gifts or other benefits on their own behalf or on behalf of a third party, from any member of the public, pressure group or other outside party. All employees are expected to make themselves aware of the policy for gifts and hospitality.

### **7.2. Accepting Hospitality**

Employees should only accept offers of hospitality if these are occasions on which they are gathering, imparting or exchanging information or representing the Council. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Attendance at such functions should be authorised in accordance with the procedure set out in the policy for gifts and hospitality.

## **Awareness of Criminal Law**

Employees should be aware that it is a serious criminal offence for them **corruptly** to receive any gift, loan, fee, reward or advantage **for doing, or not doing anything, or showing favour or**

**disfavour to any person** in their official capacity. If an allegation is made then it is for the employee to demonstrate that any gift, loan, fee, reward actually received has not been corruptly obtained.

## **8. Personal interests - disclosure etc**

### **8.1. The Underlying Principle**

Employees should never use their positions with the Council to seek special favour or preferential treatment for themselves, or friends or relatives. Equally important, employees should not allow the impression to be created that they are, or may be, using their position to promote private or personal interests.

### **8.2. Disclosure Generally**

Employees should disclose, in writing, to their manager any personal interest (whether financial or non-financial in nature) which may affect, or be considered by others to affect, an employee's impartiality in any matter relevant to his/her duties. Note: Non-financial interests could, for example, include involvement with an organisation receiving grant aid from the Council, or involvement with an organisation or pressure group which is seeking to influence or change the Council's policies.

### **8.3. Statutory Duty to Disclose any Financial Interest in Contract**

Employees must be aware that by law (Section 117 of the Local Government Act 1972) they are required to disclose in writing to the Council any financial interest, whether direct or indirect, which they have in any contract which, to their knowledge, has been, or is proposed to be entered into by the Council. Failure to disclose such an interest is a serious criminal offence. The Clerk maintains a register for the disclosure of financial (pecuniary) interests. This register is open to inspection by the public.

Employees who are not sure whether disclosure is required in a particular case should initially refer the matter to their manager.

## **9. Relations with outside contractors and proposed contractors**

### **9.1. Familiarity with Contract Rules etc.**

Employees who make or advise on purchasing decisions or are otherwise involved in the ordering of goods or services on behalf of the Council must ensure that they are familiar with the Council's Contract Rules and Financial Regulations relating to contracts and orders.

### **9.2. Awarding of Contracts and Orders**

Employees who make purchasing decisions, or who are otherwise involved in the ordering of good or services on behalf of the Council, must ensure that orders and contracts are awarded strictly in accordance with the Council's Contract Rules and that no special favour is shown, or preferential treatment given, to businesses run by partners, relatives, friends or former employees.

### **9.3. Disclosure of Private Work Carried out by Contractors - The General Principle**

All employees who are involved in purchasing decisions (including the selection of persons invited to tender, and the evaluation of tenders etc) and who have, or have had, a private business relationship (as defined below) with a person or company whom they know has or is seeking to have a contractual relationship with the Council (whether for the supply of goods, services or construction works) should disclose that fact in writing to the Clerk.

The Clerk shall record the disclosure in a register which is kept for that purpose and which is open to inspection by the public.

### **Definition of Private Business Relationship**

An employee shall be taken to have a private business relationship with a person or company if that person or company has been engaged to carry out work to the employee's home or that of his/her family or close friend(s); or to supply any goods or services to the employee or his/her family or close friend(s).

### **9.4. Exceptions**

This part of the Code shall not, however, be taken as requiring an employee to disclose a private business relationship with:

(1) any public utility company or statutory undertakers (e.g. British Telecommunications Plc, Eastern Electricity, rail operators and other public transport companies) where work done or goods/services supplied is a kind which is provided or made available to a large section of the general population.

(2) any bank or similar financial institution where the services provided are of a kind commonly provided or made available to other customers of the bank/institution. (3) any retail store or outlet (e.g. a supermarket or bookshop) where the private business relationship has arisen solely because the employee has purchased from the store/outlet (during its opening hours) goods or services which, at the time of purchase were on display or offer to the general public at the same price and on the same terms.

#### **9.5. Employees Who Supervise Contracts**

Employees who supervise contractors should disclose in writing to the Clerk any private business relationship (as defined in 9.3 above) which they have, or have had, with any of the contractors which come within their supervision. The Clerk shall record the disclosure in a register which is kept for that purpose and which is open to inspection by the public.

#### **10. Outside commitments**

Employees should not engage in any outside employment which conflicts or may conflict with the Council's interests.

##### **Note:**

Certain employees are in any event precluded, by their contracts of employment, from engaging in any outside employment unless they have first obtained the consent of the Council. An employee who wishes to take up outside employment must therefore obtain approval. A proforma for this purpose can be found in Appendix 1.

#### **11. Separation of roles during tendering**

##### **11.1. Separation of Roles**

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both client and contractor responsibilities must be aware of the need for accountability and openness.

##### **11.2. Fairness and Impartiality**

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

#### **12. Use of resources and council property etc**

##### **12.1. Use of Resources**

Employees must ensure that they use public funds entrusted to them in a responsible manner. They should strive to ensure value for money to the local community.

##### **12.2. Use of Council Property Etc**

Employees should not use Council property, equipment (including computer/word processing hardware and software) and materials for their own personal gain or private purposes.

##### **12.3. Security**

Employees should be mindful of the constant need to ensure, so far as is practicable, the security and safety of their fellow employees, and the safeguarding of Council property and buildings. Each employee should endeavour to avoid acts or omissions on their own part which may be prejudicial to, or compromise, safety and security.

#### **13. Close Personal Relationships at Work**

**13.1 Recruitment** Employees involved in recruitment must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, an employee must not be involved in making an appointment if they are related to, or have a close personal relationship with an applicant, in accordance with the Employment Rules in the Authority's Constitution.

### **13.2 Other Employment Matters**

Employees must not be involved in decisions relating to disciplinary, grievance, promotion or payment related matters, which affect someone with whom they have a close personal relationship.

### **13.3 Relations with Other Employees**

Mutual respect and professional conduct between colleagues is essential to good local government. Employees are required to act in a professional manner and not allow personal relationships to impact on their work and professionalism. Employees are asked to complete a declaration form regarding Close Personal Relationships at work, for which manager will undertake a risk assessment to protect the employees' and the Council.

The Council reserves the right to sensitively address any issues arising from close personal relationships at work that cause ongoing work issues, which may ultimately in some cases lead to exploring with the involved parties the transfer of one or both of them.

**Note:** The Council endeavours to be a model employer. Failure to observe the above standard of behaviour can, among other things, lead to poor industrial relations, low staff morale and also a poor public perception of the Council as a whole.

### **14. Generally**

If an employee has any doubt as to whether or not any action taken or contemplated on his/her part, or on the part of a third party, is likely to result or has resulted in a breach of this Code of Conduct then he/she should discuss the matter with his/her manager.

## Appendix 1

To: **Chief Officer, Burnham-on-Crouch Town Council**

Disclosure of Outside Employment / Business Interest - Officers

I MAKE THIS REPORT UNDER THE CODE OF CONDUCT ADOPTED BY THE COUNCIL.

Name and Role of Employee making report: .....

Details of outside employment / business interest:

.....  
.....  
.....  
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.....  
.....  
.....  
.....

Manager's Comments:

.....  
.....  
.....  
.....

Signed..... Date.....

Manager's Signature..... Date.....

(A copy of this completed form, countersigned, will be returned to you for your records if required).

### **Guidance Notes for Authorisation**

Councillors should consider the following:

- Does the additional employment conflict with the Council's interests i.e. benefitting from position of being a Council employee e.g. tendering for business?
- Does the additional employment conflict with the working time agreement e.g. the employee should not be working 7 days a week and must ensure that they can have the prescribed rest hours? Should the additional employment result in the employee working more than 48 hours a week, an opt out form should be completed.
- Could the business interest be seen to be promoted by their position within the Council?
- Does the contract preclude the member of staff from having additional employment or a secondary business interest?

