

Section 5B - Officers' Code of Conduct

“Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.”

(National Joint Council Conditions of Service, Section 2.1)

1 Introduction

- 1.1 The Council recognises that ~~employees~~ Officers undertake their duties with integrity, probity and honesty. The public expect the highest standard of conduct from public servants.
- 1.2 The Council recognises that ~~employees~~ Officers do uphold the standards of this Code in their day to day work. However, the misconduct of any one ~~employee~~ Officer can affect us all as it can be very damaging to public perceptions. It is important to make clear that failure to observe the Code could render an ~~employee~~ Officer liable to disciplinary action.
- 1.3 The Code will not apply directly to schools but it will be adapted by the Directorate of ~~Children's Educational Services, Education and Skills,~~ with the same principles being used for school based staff.
- 1.4 This Code of Conduct should be read together with the Protocols developed to support the decision making system in the Council. These Protocols cover issues such as Officer/Member relations, financial issues and contact with the media. The Code should also be read together with the Council's policy on Whistleblowing.

2. Standards

- 2.1 City of York Council ~~employees~~ Officers will give the highest possible standard of service to the public. ~~Employees~~ Officers will provide advice to ~~councillors~~ Members and fellow ~~employees~~ Officers with impartiality.

3 Disclosure of Information

- 3.1 The Council actively seeks to promote openness in government. The law requires that certain types of information must be made

available to Members, auditors, government departments, service users and the public.

- 3.2 However there are certain categories of information which [employees-Officers](#) must not disclose. Examples include sensitive information which could damage the interests of the Council or its customers. [Staff-Officers](#) should seek guidance from their line manager on information that cannot be disclosed.
- 3.3 [Employees-Officers](#) should avoid using information obtained through their job for personal gain or pass it on to others who might benefit from it.
- 3.4 Personal information received about a [councillor-Member](#) should not be disclosed without their approval except when it is required or sanctioned by law.
- 3.5 [Employees-Officers](#) should ensure that disclosure of personal data conforms to the principles of the Data Protection Act [1998/2018, supplemented by the General Data Protection Regulations and any related guidance and codes of practice relating to the processing of personal data and privacy](#). [Employees-Officers](#) can disclose personal information if they have written authority from the individual concerned or if the Council is registered to do so under the Data Protection Act. If [employees-Officers](#) are in any doubt as to whether information may be disclosed they should check with their line manager.

4 Raising concerns

- 4.1 [Employees-Officers](#) should inform their line manager if they are aware of any problems with the service, impropriety or breach of procedures.
- 4.2 The Council has a separate Whistleblowing Policy that [employees-Officers](#) can refer to if they have concerns they wish to raise.

5 Political Neutrality

- 5.1 [Employees-Officers](#) work for the City of York Council and as such all [councillors-Members](#) are entitled to the same quality of advice

and support. The individual rights of all ~~councillors~~ Members should also be respected.

5.2 If ~~employees~~ Officers are required to attend political group meetings, they should receive clearance from their Chief Officer beforehand and should maintain their neutrality.

5.3 ~~Employees~~ Officers should not allow their personal or political opinions to interfere with their work. Restrictions are placed on employees in politically restricted posts, refer to Annex 1.

5.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 54.1 to 54.23 above.

6 Relationships

6.1 With ~~councillors~~ Members

(a) Mutual respect between ~~employees~~ Officers and ~~councillors~~ Members is essential to good local government. ~~Employees~~ Officers should be aware that close personal familiarity between ~~employees~~ Officers and ~~councillors~~ Members going beyond the normal employer/employee relationship can be misinterpreted and should be treated with caution.

(b) ~~The Council recognises that the relationship between Members and Officers may change following the implementation of the Executive decision making system. In response to this,~~ a Protocol on Officer/Member Relations has been developed to provide guidance on issues such as dealing with scrutiny. This is available from Democratic Services.

6.2 With colleagues

(a) Mutual respect between fellow ~~employees~~ Officers is also essential to maintaining constructive working relationships and providing a high quality service to the community. It is also a key part of the Council's Equalities statement.

6.3 With local people

- (a) Employees-Officers will seek to deliver a courteous, efficient and impartial service to the community and to treat all citizens and customers with respect. All members of the community should be treated fairly and with respect in accordance with the Council's Equalities statement. Employees-Officers will ensure that they are always fit to perform their duties effectively and will not allow standards to be impaired in any way (for example, by the use of drugs or alcohol).

6.4 With contractors, suppliers and partner organisations

- (a) Orders and contracts should be awarded on merit after fair competition with other tenders. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

7 Employment Matters

- 7.1 The Council wishes to employ talented people and thus it is important that recruitment and selection decisions are based on merit and the best person for the job appointed. It is unlawful to discriminate in recruitment on the grounds of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, sex, race, religion or belief or disability. To avoid accusations of bias, employees-Officers should avoid-not being involved in an appointment if they are related to, or the partner of, an applicant. Officers should consider the Recruitment and Selection Guidelines regarding avoiding discrimination.
- 7.2 Employees-Officers should also avoid being involved in decisions relating to discipline, promotion or pay for another employee Officer who is a relative or a close personal friend.
- 7.3 Full time employees-Officers should not normally take outside employment as this may have a detrimental effect on their job performance and health and safety. All employees-Officers graded above spinal column point 28 of the National Joint Council scheme of conditions of service grade 7 or equivalent need Chief Officer approval to take outside employment. All requests should be

discussed with the appropriate Chief Officer, or the Directorate Human Resources Manager.

- 7.4 The Council accepts that ~~employees~~Officers may make minimal personal use of Council facilities such as telephone, internet and fax. Managers should make sure this is not abused. The use of these Council facilities should be exercised with integrity, for example it is acceptable for an ~~employee~~Officer to use the Internet at their workstation during their lunch break but not during work hours or outside normal working hours.

8 Personal Interests

- 8.1 It is important that ~~employees~~Officers are protected from accusations of impropriety. ~~Employees~~In accordance with the Council's Declaration of Interest Policy, Officers should declare in writing (using the Declaration of Interest form) to their Chief Officer any financial or non-financial interests which they consider could conflict with the interests of the Council or adversely affect the performance of their duties.

- 8.2 ~~Employees~~Officers should also declare to their Chief Officer membership of any secret societies. The definition of "secret society" is:

"Any club, lodge, chapter, society, trust or regular gathering or meeting which:

- i. is not open to members of the public who are not members and;
- ii. includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance and;
- iii. includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct."

[For detailed guidance on financial and non-financial information that should be declared Officers should refer to the Declaration of Officer Interests policy.](#)

9 Equality Issues

9.1 All who come in to contact with the Council, whether ~~employee~~Officer, customer or citizen should be treated fairly and with respect in accordance with the Council's Equalities Statement.

10 Relationships with contractors

10.1 ~~Employees~~Officers who work with contractors and other organisations where ~~we~~the Council operates in partnership should maintain a professional working relationship. ~~Employees~~Officers who have both a client and contractor responsibility should be aware of the need for accountability and openness.

10.2 ~~Employees~~Officers should exercise fairness and impartiality when dealing with customers, suppliers, contractors, sub-contractors and partner organisations. No special favour should be shown to current or recent ~~employees~~Officers, their partners, close relatives or friends in awarding contracts to businesses run by them or employing them in a senior position.

10.3 ~~Employees~~Officers will avoid disclosing confidential information on tenders or costs to any unauthorised party or organisation.

11 Use of Financial Resources

11.1 ~~Employees~~Officers should use public funds in a responsible and lawful manner. They should strive to achieve value for money and to avoid legal challenge to the Council. ~~Employees~~Officers should refer to the Council leaflet '*How to Safeguard Public Money*' which includes details of a confidential reporting line.

11.2 ~~Employees~~Officers should, at all times, be honest when claiming money or other resources from the Council (such as Housing Benefits or student grants). Any fraudulent claims will be reported to the ~~employee's~~Officer's Chief Officer and will be treated as a disciplinary offence.

11.3 Managers should refer to the Audit Section's guidance manual on '*Managing Financial Risks*' to ensure adequate controls are in place to minimise risks to staff and resources. They should also refer to the Protocol on financial matters that supports the Executive decision making system. All ~~employees~~Officers should

comply with standing orders and financial regulations, as well as any other guidance and procedures issued within their own department.

12 Gifts and Hospitality

12.1 ~~Employees~~Officers should act with caution when accepting or giving gifts or hospitality and always seek approval from their line manager. All gifts and hospitality received or given must be declared in the departmental register. ~~Employees~~Officers who corruptly receive gifts will face disciplinary action. ~~Employees~~Officers should read the guidance notes on Gifts & Hospitality, which are available in this section, on the intranet or can be obtained from your departmental Human Resources Team.

13 Sponsorship

13.1 When an outside organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply.

13.2 If the council wants to sponsor an event or service, ~~employees~~Officers, their partner, spouse or relatives should not benefit directly without full disclosure to the appropriate Chief Officer. Similarly, where the council gives sponsorship to a community project via a grant, ~~employees~~Officers should ensure there is no conflict of interest.

14 Contact with press and media

14.1 ~~Employees~~Officers should refer to the Protocol on Press and Publicity, which has been developed to support the Executive decision making system. In the main, the Chief Executive, Chief Officers, and the Corporate Communications Team will be responsible for dealing with the press and media. No ~~employee~~Officer should give a view which is contrary to or critical of Council policy. ~~Employees~~Officers should seek authorisation from their Chief Officer prior to speaking to the media.

14.2 Outside working hours, an ~~employee~~Officer is entitled to voice their opinion on issues affecting the local community e.g. at a ~~ward~~

~~committee meeting~~ neighbourhood forum. However, ~~employees~~ Officers have a general duty of care to avoid a conflict of interest and should not criticise, damage or act in any way against the Council.

- 14.3 A trade union official or member may be asked to comment by the media on, for instance, an industrial dispute. Any opinion expressed should be clearly given in their capacity as a Trade Union official or member.

Annex 1 – Politically Restricted Posts

The Local Government and Housing Act 1989 set certain restricted restrictions on the political activity of designated post holders ~~where:~~. Posts are politically restricted either because the particular post is listed in the legislation or because of the responsibilities of the post.

The specific posts which will always mean that the Officer is politically restricted are the following:

- The head of Paid Service;
- Statutory Chief Officers;
- Deputy Chief Officers;
- Monitoring Officer;
- Assistants to political groups;
- Other officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the Council in a list maintained.

The posts which are politically restricted because of the nature of the duties performed are posts which are not included in the list above but are:

- Posts where the duties involve regularly giving advice (other than mere factual information) to the Council or a Committee, sub-Committee or joint Committee.
- Posts where the duties involve speaking on behalf of the Council to journalists or broadcasters on a regular basis.
 - ~~the rate of pay is at or above the spinal point 44; or~~
 - ~~the postholder regularly gives advice to the council and committees;~~
or
 - ~~the postholder speaks on behalf of the authority to journalists and broadcasters on a regular basis.~~

Effect of a post being politically restricted

Staff designated as pPolitically restricted employees ~~Officers cannot~~ will not be allowed to undertake the following activities:

- Stand as a candidate for election as a Member of (a) the House of Commons, or, (b) the European Parliament, or, (c) a Local Authority.~~an MP, MEP or councillor~~
- Act as an election agent or sub agent for a candidate for election as a member of (a), (b) or (c) above.
- Canvass on behalf of a political party or on behalf of a person who is or proposes to be a candidate as above.
- Hold office in a political party or branch of political party if ~~it means the post holder will be required to:~~
 - (a) ~~takeing~~ part in the general management of the party or branch;
or
 - (b) ~~acting~~ on their behalf of the party or branch in dealings with ~~people outside the party~~persons other than members of the party.

However, mere membership of a political party is not affected.

- Officers may not speak to the public or a section of the public with the intention of ~~gaining~~ affecting public support for a political Party.
~~—speak to the public in circumstances which create the impression they are an authorised representative of a political party~~
- Officers may not publish or cause, authorise or permit any other person to publish any written or artistic work of which they are the author, co-author or editor, if ~~it the work~~ appears to intend to affect support for ~~be authorised by or supportive of~~ a political party.

For Political Assistants these last two provisions do not apply but the following apply instead:

- Political Assistants may not speak to the public at large or to a section of the public in circumstances or terms which are likely to create the impression that they are speaking as an authorised representative of a political party whether they are authorised to do so or not.
- Political Assistants may not publish or cause, authorise or permit any other person to publish any written or artistic work of which he is the

author, co-author or editor in circumstances which are likely to create the impression that the publication is authorised by a political party, whether or not it is so authorised.

These restrictions form part of the [postholder's-Officer's](#) terms and conditions of employment.

Appeals

~~Employees who want to appeal against their post being politically restricted should ask their Directorate HR Manager for details. There is no right of appeal against political restriction where the post is one of those specifically listed in the legislation. There is a right of appeal where the post is being treated as politically restricted because of the nature of the duties. Appeals are made to the Chief Executive. To grant an appeal, the Chief Executive must be satisfied that the post does not involve giving advice on a regular basis to Members or regularly speaking on behalf of the authority to journalists, etc.~~

~~The Chief Executive must consult the Council's Monitoring Officer before making any decision.~~

To check if a post is politically restricted, contact ~~your~~ [a member of the Directorate HR Managerteam](#).

~~November 2000~~