

Appendix C

Extract from Staff Code of Conduct

Gifts

Section 117(2) of the Local Government Act 1972 states:- "An officer of a local authority shall not under colour of his office or employment accept any fee or reward whatsoever other than his proper remuneration."

It is a criminal offence, the penalty for which is a fine of up to £2500. Therefore if there is any shadow of doubt in your mind the safest answer is always "No" - certainly where money, extravagant gifts or bargain purchases are concerned. It should be borne in mind that in a case of alleged corruption the onus in law is upon a person receiving a gift or favour to prove that it was not corruptly given to him/her.

The Council does not favour acceptance of gifts by employees. All gifts should always be tactfully refused; you should refer to this Code of Conduct as being the reason for the refusal to avoid inadvertently causing any offence. In any event, your Manager must, for your own safety, be told that the offer has been made. If gifts are delivered or handed to an employee and cannot reasonably be returned then they should be declared and handed to the Chief Executive's Executive Assistant. The gifts or any proceeds from the disposal will be given to the charity(ies) supported by the Chairman of the Council. Similarly perishable gifts may be donated to local charities for the homeless.

The Chief Executive's Executive Assistant will keep a central record of all such gifts and how they were dealt with.

Bequests

In some circumstances money or some other item may be left to an employee in a will as appreciation for services rendered to the deceased. **An employee will not be allowed to accept a bequest unless its value is under £10.** Where an indication is made that an employee might expect to receive some gift under a person's will the employee should encourage that person to take proper and independent legal advice in the preparation of their will. It would also be sensible for the employee to seek legal advice from the Solicitor to the Council to safeguard his/her position. It would reflect badly on the Council if, at a later time, claims were made by relatives or others, that undue influence had been placed on the deceased to make the gift. If proved true, the Council would consider this to be a serious disciplinary matter.

The Council have issued special guidance about bequests, or gifts by will, to members of staff working in sheltered schemes. Where bequests are made generally to the Council or a particular warden serviced housing scheme, the gift should be used in accordance with the wishes of the giver. Where these wishes are not made known, the money will be used to fund a project, event or to purchase equipment or furnishings that will be of joint benefit to the Council's clients and staff in that particular scheme.

Hospitality

This is probably a more difficult area than that of gifts. Occasional entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the Council's relationships should be cordial; but an appearance of improper influence is easily created.

Where a firm (or an individual) is already doing business with the Council and their representatives, and employees of the Council have to work closely together, working meals **which can be reciprocated by the employees** concerned are normally be acceptable provided no extravagance is involved. If a meal is provided subsistence is not to be claimed unless authorised expenditure has in fact been incurred.

An invitation to a social / business function to which members, other employees, or outside people or bodies, are invited, an invitation to attend a Society or Institute function, or a general celebration would normally be acceptable again provided no extravagance is involved. However, offers of holidays, hotel or other accommodation, meals other than working meals or a theatre/match ticket, would be unacceptable. If you are unsure whether you should accept or refuse an offer of hospitality ask your Manager or Director.

You should always ask yourself two crucial questions before accepting any gift or hospitality from anybody:

1. Is the offer made because you are a local government employee or because you have some other connection with the person making the offer which is clearly unconnected with your job in local government?
2. In your job are you in a position to influence the Authority's affairs, conduct or activities to the extent that you could help the person making the offer to gain some advantage from the Authority, or give something in return at the expense of the Authority?

Some employees employed in the enforcement of sanctions may always have to say "No" to any kind of favour however small or apparently innocuous and the reality is that there is little any local government employee can properly accept in the way of gifts or hospitality.

It could be the case that some employees, particularly those involved in the letting of contracts or placing of orders for goods or services, may have to take particular care in their ordinary business dealings in private life even though the people with whom they deal have not previously done business with the Council - circumstances can arise which may cast suspicion upon employees whose personal circumstances have never been and would never be anything but "above board".
