

PART G
OFFICERS

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1. PROTOCOL FOR COUNCILLOR AND OFFICER RELATIONSHIPS

Please see the Councillors Part of this Constitution.

2. EMPLOYEE CODE OF CONDUCT

1.0 Introduction

- 1.1 Local Government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.
- 1.2 This Code sets out the standards of behaviour expected from you as an employee of Newark & Sherwood District Council. The Code applies to all employees of the Council.
- 1.3 This Code should be read in conjunction with other policies, procedures and codes of practice adopted by the Council. The Council has also produced further guidance on the detailed interpretation of this Code.
- 1.4 This Code forms part of your Terms and Conditions of Employment. Any breach of the Code may be treated as a disciplinary offence including gross misconduct, which could lead to disciplinary action including dismissal in appropriate cases. For the avoidance of doubt, you should seek advice from your Business Manager or relevant Director on any queries or refer to the detailed guidance produced by the Council on the interpretation of this Code.
- 1.5 If you are aware of any breaches of this Code of Conduct, you should raise these with your Business Manager or Director. Please also refer to the section of this Code on Public Concern and Whistleblowing.

2.0 Public Funds

- 2.1 You must follow the Contract Procedure Rules and Financial Regulations in any financial transactions and other dealings on behalf of the Council.
- 2.2 It is a serious criminal offence for you to receive or give in a corrupt manner any gift, loan, fee, reward or advantage from or to another person to do, or not to do anything or show favour or disfavour. If an allegation is made, you must be able to prove that any such rewards have not been corruptly obtained.

3.0 Customers

- 3.1 The Council is a public body and you have a responsibility to the community you serve. You should provide courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Council.

4.0 Equalities

4.1 You should at all times recognise the diverse needs of individuals and groups within the community and you should ensure that the Council policies relating to equalities and equal opportunities are complied with in addition to your legal obligations. You should recognise that all members of the local community, customers and other employees have a right to be treated with dignity, fairness and equity.

5. Health and Safety

5.2 You must adhere to the Council's Health and Safety Policies.

6. Standards of Dress and Appearance

6.1 You must ensure that your standard of dress, the type and style of clothes and personal ornamentation worn are appropriate to the nature of the duties and responsibilities you undertake.

7.0 Alcohol and Drugs

7.1 You are expected to attend work without being under the influence of alcohol or drugs or in a condition where your work performance may be adversely impaired by alcohol or drugs.

7.2 Where you are involved with illegal drugs or excessive consumption of alcohol outside normal working hours the Council will consider the impact this may have on your employment, including any impact on its reputation and/or public confidence. Disciplinary action up to and including summary dismissal may be taken against you.

8.0 Conflicts of Interest

8.1 You should not subordinate your public duty to your private interests or put yourself in a position where your public duty and your private interests conflict.

8.2 If you are involved in the determination of regulatory matters (e.g. planning, licensing, council tax and housing benefit) you must take no part, either directly or indirectly, in considering any application made by yourself, a relative, a friend, a close associate or a neighbour.

8.3 You should disclose any personal interest that could conflict with the Authority's interests. Membership of a secret society must be disclosed in confidence to your Director.

9.0 Declaration of Financial and Other Interests

9.1 You are required by Section 117 of the Local Government Act 1972 to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The declaration should be made, in writing, to your Director who will inform the Council's Section 151 Officer of the contents of the declaration.

10.0 Secondary Employment

10.1 If you hold the position of Business Manager or are a member of the Senior Leadership Team, you shall devote your whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without express consent. You will not normally be given permission to undertake private work within the District.

10.2 Subject to 10.1 above, the Council recognises that you may undertake secondary employment including voluntary as well as paid employment.

10.3 If you undertake secondary employment, you should ensure that your total working time does not exceed an average of 48 hours per week in total. The Council may require you to disclose your total working hours and commitments from time to time.

10.4 If you do undertake secondary employment, it should not conflict with the Council's interests, nor bring it into disrepute. It must be undertaken outside your normal working hours. You should not undertake any private work on Council premises or use Council property or equipment without the express consent of your Business Manager which will only be given in exceptional circumstances.

10.5 You should notify your Business Manager of any secondary employment undertaken. This notification does not remove the right of the Council to take action against you where the secondary employment is deemed to be detrimental to the interests or reputation of the Council or where it may affect your work performance for the Council.

11.0 Probity of Records and Other Documents

11.1 You should not deliberately falsify any records or other documents for financial advantage or otherwise. Such action will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions.

12.0 Financial Inducements, Gifts and Hospitality

12.1 It is an offence under Section 117 of the Local Government Act 1972 for any employee to accept any fee or reward other than his or her proper remuneration in the course of his/her duties. It is important that you are able to recognise what is and what is not acceptable. You should have regard to the Council's policy on gifts and hospitality [{hyperlink}](#) and, where necessary, seek advice and guidance from your Business Manager or Director.

13.0 Contracts

- 13.1 If you engage or supervise contractors and you have previously had or currently have a relationship with an existing or potential contractor in a private or domestic capacity, you should declare that relationship to your Business Manager or Director.
- 13.2 You must ensure that no special favour is shown to current or former partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior capacity.
- 13.3 If you are involved in the tendering process and dealing with contractors, you should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 13.4 If you have access to confidential information on tenders or costs for either internal or external contracts, you should not disclose that information to any party or organisation without express authority.
- 13.5 In the event of a possible management buy-out you should, as soon as you have formed a definite intent, inform the appropriate Director and withdraw from the contract awarding process.

14.0 Sponsorship

- 14.1 Where the Council sponsors an event or service, you, your partner, spouse, friend or relative should not benefit from that sponsorship.
- 14.2 Where the Council gives support in the community through sponsorship, financial or other means you should ensure that impartial advice is given and there is no conflict of interest.

15.0 Political Neutrality

- 15.1 You must serve the Council as a whole, serving all elected members and not just those of the controlling group. You should give advice which does not compromise your political neutrality.
- 15.2 You must follow the lawfully expressed policies of the Council and not allow your personal or political opinions to interfere with your work.
- 15.3 Where you are required to advise any political group, you should ensure that you have notified your Business Manager or Director and you should ensure that there are adequate safeguards to ensure your political neutrality. You should have regard to the protocol on Member / Officer Relations.

15.4 If you hold a politically restricted post under the Local Government and Housing Act 1989 you must comply with the requirements of the Act.

16.0 Relationships with Members

16.1 You should not place yourself in a position where close familiarity with a Member prejudices your work. You should have regard to the Council's protocol on Member / Officer Relations. Close familiarity should be avoided.

16.2 You should declare any relationship with a Councillor where the relationship could cause, or be perceived to cause, a conflict of interest.

17.0 The Media

17.1 You should not communicate with the media on matters relating to the activities of the Council without the prior approval of your Business Manager or Director. You should direct any media enquiries to your Business Manager or Customer Services and External Communications, or, in their absence, to your Director.

18.0 Relationships with Other Employees or Partner Organisations

18.1 You must declare any personal relationship with another Council employee or partner organisation where the relationship could cause, or be perceived to cause, a conflict of interest.

18.2 You should treat all colleagues and partners with courtesy and respect.

19.0 Appointments and Other Employment Decisions

19.1 Where you are involved in appointments you should ensure that these are made on merit. You should not be involved in an appointment, either on an Appointment Panel or as a referee, where you are related to the applicant or have a close personal relationship with them.

19.2 You should not be involved in decisions relating to discipline or other sanction or in decisions relating to pay where you are related to or have a close personal relationship with the employee who is subject to that decision.

19.3 You must not directly or indirectly seek the support of any Councillor for any appointment with the Council for yourself or for others.

19.4 You will be disqualified from appointment if you lobby Councillors indirectly or directly for appointment to a new post within the Council and such action may also constitute a disciplinary offence.

20.0 Use of Council Property, Facilities and Equipment

- 20.1 You should use Council property, facilities and equipment for Council purposes only. Limited personal use of telephones, etc., may be allowed with the express consent of your Business Manager or Director in exceptional circumstances only.
- 20.2 When using the Council's communication systems you should have regard to the Council's ICT policies, procedures and protocols.

21.0 Social Networking Sites

- 21.1 If you use social networking sites either in your work or private life, you should have regard to the Council's social media guidelines. Unless you have received written approval from your Business Manager or Director to do so in work, you should set up any personal web forums or blogs outside of work and should not use Council equipment to do so.

22.0 Disclosure of Information

- 22.1 The Council is committed to open Government. The law requires that certain types of information must be available to Members, auditors, Government Departments, service users and the public. The Council itself may decide to be open about other types of information. You should not communicate to the public the proceedings of any Committee meeting or the contents of any document relating to the Council or information relating to any individual where that information is confidential or exempt unless expressly authorised to do so.
- 22.2 You have a duty of confidentiality to your employer. You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 22.3 Intellectual property (the generic term that includes inventions, creative writings, software and drawings) arising in the course of your employment is the property of the Council and you should not use that intellectual property for personal benefit.

23.0 Public Concern and Whistle Blowing

- 23.1 The Council does not tolerate any form of malpractice. As an employee of the Council you have an important part to play in reporting any concerns and you will be expected to co-operate with investigations. The Council recognises that it may be difficult for you to report legitimate concerns through fear of victimisation or reprisal. In such circumstances you should follow the Council's Whistle Blowing procedure.

NB – A full copy of the Code of Conduct Guidance Notes can be found on the Council's Intranet Pages.

3. OFFICER EMPLOYMENT PROCEDURE RULES

1.0 Purpose

1.1 These Rules deal with the appointment and dismissal of staff.

2.0 Appointment, Dismissal and Disciplinary Action

2.1 Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act as the Head of Paid Service or by an officer nominated by him.

3.0 Provisions Relating to Head of Paid Service, Chief Officers, and Statutory Officers

3.1 Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:-

- (a) the officer designated as the Head of Paid Service
- (b) Directors (Chief Officers)
- (d) Statutory Officers (Head of Paid Service, Section 151 Officer, Monitoring Officer)

4.0 Council Approval of Appointment of Head of Paid Service and Council Approval of Dismissal of Head of Paid Services, Chief Finance Officer and Monitoring Officer

4.1 Where a Committee, Panel or Officer is discharging, on behalf of the authority, the function of the appointment of an Officer designated as the head of the authority's paid service the authority must approve that appointment before an offer of appointment is made to him.

4.2 Where a Committee, Panel or Officer is discharging, on behalf of the authority the function of dismissal of an officer designated as the Head of Paid Service, Chief Finance Officer or Monitoring Officer the authority must approve that dismissal before notice of dismissal is given to him.

5.0 Member Involvement in Appeals

5.1 Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:-

- (a) another person against any decision relating to the appointment of another person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of that member of staff.

6.0 Disciplinary Action Against Head of Paid Service, Monitoring Officer or Chief Finance Officer

6.1 In the following paragraphs:-

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

6.2 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

6.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

6.4 In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

6.5 Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order:-

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

6.6 An authority is not required to appoint more than two relevant independent person in accordance with paragraph 5 but may do so.

6.7 The authority must appoint any Panel at least 20 working days before the relevant meeting.

- 6.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:-
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusion of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 6.9 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

7.0 Procedure for Recruitment and Appointment

7.1 General Provisions Relating to Recruitment and Appointment

- (a) Declarations:
- i. The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
 - ii. No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- (b) Seeking Support for Appointment:
- i. the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
 - ii. no Councillor will seek support for any person for any appointment with the Council.

7.2 Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
- i. the duties of the officer concerned; and
 - ii. any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as it is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (l) to be sent to any person on request.

7.3 Appointment of Head of Paid Service

The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a panel of Members of the Council.

7.4 Appointment of Chief Officers

“Chief Officers” means those Officers specified in the Council’s Constitution namely the Chief Executive, Deputy Chief Executive and Directors. Chief Officers will be appointed by a panel of Members. The panel has delegated authority to make such appointments other than in the case of the Head of Paid Service where the appointment must be approved by the Council.

7.5 Appointments below Chief Officer

- (a) Appointments below Chief Officer shall be the responsibility of the Head of Paid Service or relevant Chief Officer
- (b) In the case of Deputy Chief Officers, Chief Officers may consult members on such appointments, but are not required to do so.

7.6 Other Appointments

- (a) Officers below Deputy Chief Officer. Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Chief Officer to whom the Officer will report or his/her nominee. Such appointments must not be made by Councillors.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7.7 Disciplinary Action

- (a) Suspension. The Head of Paid Service, Monitoring Officer, Chief Finance Officer and other Chief Officer(s) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months, without a review of such suspension first taking place.
- (b) Councillors will not be involved in the disciplinary action against any officer other than a Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council’s disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action resulting in dismissal only.
- (c) Deputy Chief Officers will be subject to the same disciplinary procedures as apply to other members of staff.

7.8 Dismissal

Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals.

8.0 Statement of Pay Policy

A statement of the Council's pay policy will be published annually.

9.0 Redundancy and Discretionary Compensation Policy

The Council has adopted this Policy which sets out the arrangements for dealing with both redundancy and discretionary compensation awarded for redundancy, efficiency termination and early retirement. All applications for redundancy, efficiency or early retirement (with the exception of applications from Chief Officers as defined within the Constitution) are considered by the Discretionary Payments Panel; membership and arrangements for the Panel are contained in the Policy.

10.0 Joint Consultative Committee

The Council has established the Joint Consultative Committee to provide a regular method of consultation and where appropriate negotiation between the Council and its employees with the objective of maintaining an efficient service to the public, and to prevent differences and misunderstandings between the Council and its employees. Membership and arrangements for the Committee are contained in its constitution document. For the avoidance of doubt, unless expressly stated, no delegated authority is vested in the Joint Consultative Committee.