

Code of Conduct - Appendix 26

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Code of Conduct

1. Introduction

1.1. Scope of code

This Code of Conduct is aimed at ensuring that employees are aware of the standards of behaviour expected of them by Leeds City Council (LCC). This Code of Conduct is Part 5 (b) of the Council's constitution. It applies to all employees of Leeds City Council.

1.2. General principle

The public is entitled to expect the highest standards of conduct from all employees who work for Leeds City Council.

1.3. Responsibility for awareness

Individuals are responsible for ensuring that they are aware of the Code and that they comply with its requirements. Line managers are responsible for ensuring that employees have been made aware of the provisions of this Code of Conduct. Managers are responsible for ensuring that non-employee workers are made aware of elements of the code by which they are expected to abide.

1.4. Consequences of breaching the code

Failure to observe the standards set out in this code may be regarded as serious and any breach may render an employee liable to disciplinary action, which may include dismissal. The disciplinary procedure is part of the Local Conditions of Employment.

1.5. Duty of loyalty

- i) All employees have a Common Law duty of loyalty to their employers and any failure to fulfil this duty will be treated as a breach of this code of conduct. This means that whilst the Code will not specifically cover every eventuality, employees should be aware that conduct which most people would consider as unreasonable or disloyal will be treated as a breach of the Code.
- ii) Such actions that would normally be obviously disloyal to most people will be considered as breaches of the Code; e.g. an employee who is shown to have publicly made derogatory or slanderous remarks about other employees or Members, would be in breach of the Code even though such activities are not specifically listed. Employees should note that comments made through electronic means, such as social networking sites, forums or comments pages, or postings to blogging sites may be considered to be "public" in this context.
- iii) Employees may very well have legitimate roles to carry out: as Trade Union representatives; community action group representatives; tenant committee members etc. These roles may involve such staff in taking part in public meetings, making statements to the press etc. acting on behalf of their particular group. Employees should make clear the capacity in which they are speaking or making statements etc. In this capacity, the employee should exercise great care in presenting the facts of the case in order to avoid personal opinions which may be

damaging to the Council or derogatory or slanderous remarks about other employees or Members.

iv) Paragraph 15 of this Code specifically refers to contact with the press and media.

1.6. Impropriety/Breach of code

- i) It is the duty of each employee to report to the Internal Audit Division - see Financial Regulation FR 6.4 - In accordance with Financial Regulation 6.4, whenever any matter arises which involves, or is thought to involve irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council, including unofficial funds, it shall be immediately brought to the attention of the respective Director.
- ii) The relevant Director will notify the Director of Resources by contacting the Internal Audit Division.
- iii) Any member of staff wishing to report a concern to Internal Audit may choose to use the Whistleblowing hotline on 0113 247464; via the Whistleblowing page on the intranet (currently at Interest Areas»Former Departments»Corporate Services»Audit and risk»Internal Audit»Whistle Blowing Policy»Whistleblowing online referral form) or contact Internal Audit on Ext 74170.

2. Statutory provisions

- i) Under Section 117 of the Local Government Act 1972 an employee must give notice to the Council of any pecuniary interest he/she has in any contract whether it has been or is proposed to be entered into by the Council. Such a declaration should be made to his/her Director who must also inform The Chief Executive. Such a declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived/ construed as arising - see paragraph 9.1.
- ii) Section 117 also specifies that "an officer shall not, under colour of his office or employment accept any fee or reward whatsoever other than his/her proper remuneration".
- iii) An employee who contravenes the provisions of Section 117 shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale, which is currently £2,500.
- iv) Section 2 of the Prevention of Corruption Act 1916 provides that where it is proved that anyone holding or seeking a contract with a public body has made a payment to an employee of that body, the payment shall be deemed to be corrupt unless the contrary is proved.

3. Conduct/behaviour

3.1. Gifts and hospitality from external bodies and people connected with external bodies

- i) Public confidence, and that of the Council, would be shaken if the least suspicion were to arise, however ill-founded, that an employee could in any way be influenced by improper motives. It is not enough to avoid actual impropriety and employees should at all times also avoid any occasion for suspicion of the appearance of improper conduct.
- ii) Accordingly, employees must not accept gifts, entertainment, hospitality or any benefits of any kind from external bodies or people connected with those external bodies with whom the Council may, whether directly or indirectly, be in actual or potential contractual or business relationships. The term “external bodies” includes individuals, such as clients. This applies to:
 - offers of benefits which are for the employee(s) themselves **and/or** for the benefit of those connected with the employee(s), whether the offer is made in connection with official duties or not.
 - offers of accommodation, travel, food, drink, entertainment, hospitality, money, presents and all similar benefits, including offers which may be made in wills.
 - goods or services offered by an external body on preferential terms for private purposes if these terms were given either directly or indirectly because of the contractual or other official relationship (either potential or actual) between the external body and the Council.

All such offers must be refused, unless authorised as set out below.

- iii) The only possible exceptions are set out below, but it is emphasised that they should be accepted only where to refuse them would inhibit the normal business activities of the Council. Each employee is personally responsible for any decision to accept such offers and for any possible criticism that may follow. If in doubt he/she should refuse, or insist on paying for himself/herself, or refer to the Director.

3.2. Gifts of a nature which might allow acceptance

3.2.1. Gifts may only be accepted in the following circumstances:

- i) Those gifts which are of a modest kind, such as a calendar, diary, blotter or other inexpensive item of office equipment, and which can be regarded as in the nature of advertising matter, can be accepted. Such gifts must bear the name or insignia of the firm concerned. These gifts do not need be declared even if they normally would be covered by the provisions at 3.1.
- ii) All other gifts must be politely but firmly refused. If received through the post they must be returned immediately to the donor with a suitably worded covering letter.

3.2.2. Meals or refreshments may only be accepted in the following circumstances:

- i) Only such meals or refreshments as are a necessary part of the business in hand and which are immediately and directly connected with and wholly incidental to Council business can be accepted. Even then, they must be of a modest kind and wherever possible the employee should pay for himself/herself.
- ii) Such meals or refreshments as are connected with a public or semi-public occasion, such as an opening ceremony associated with new premises in which the Council have an interest such as owners or partners in the scheme and where the employee attends in an official capacity as representative of the Council and obtains prior authorisation from the appropriate employee *.

3.2.3. Offers of accommodation or travel which may be accepted

- i) Only where practically unavoidable, of a modest kind and necessarily and wholly incidental to the business in hand, such as a lift for a short distance to a site where the employee concerned has no other means of transport.
- ii) Visits to inspect land, buildings, machinery, goods or services where the Council bear the expense and the appropriate employee* has given prior approval.

3.2.4. Conferences and seminars, etc.

- i) If an employee accepts an offer to attend a seminar (conference or similar function) and the Council pays the normal fees for that seminar, then the offer/interest need not be recorded.
- ii) If an employee wishes to accept an offer to attend a seminar (conference or similar function) for which there is no fee then this must be recorded.
- iii) If an employee declines an offer to attend a seminar (conference or similar function) for which there is no fee, then the offer need not be recorded, unless (1) the offer is “significant”, or (2) it involves another event, function or overnight stay.
- iv) All offers of a “significant” nature must be recorded - a degree of judgement is required in determining significance.
- v) In deciding the significance of an offer, the potential recipient should take into consideration various factors including; the financial value of the offer; the imminence of any relevant contractual matters / arrangements; any legal action / public enquiries; any Council decisions (pending or otherwise). This list is not exhaustive

3.3. Definition of appropriate employee for section 3.1 and 3.2

*Please note, for the purposes of section 3.1, the “appropriate employee” will normally be the Director in the case of an employee other than a Director . Directors are expected to exercise their own judgement in such matters but may be answerable to Members or The Chief Executive in this regard.

3.4. Disclosure of gifts and hospitality

- i) All offers of gifts and or hospitality, with the exception of the minor items outlined in 3.1 above, must be recorded in the register of gifts and hospitality using a copy of the form shown at Appendix 1.
- ii) Gifts and offers of hospitality should be declared (a) if they are of a type which should be declared, and/or (b) they are from a source which should be declared.

4. Disclosure of information

4.1. Open Government

- i) This Council believes that open government is best. The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information.
- ii) Employees must be aware of which information they are authorised to release and to whom. If an employee has any doubts as to whether or not an item of information should be released then they should politely refuse to offer the information and refer the matter to their line manager or other person who has a line management responsibility for them.
- iii) Employees should also be aware of the provisions of:
 - the Data Protection Act 1998; and
 - the Freedom of Information Act 2000

4.2. Information from councillors

Any particular information received by an employee from a councillor which is personal to that councillor and is not held by the Council on documents available for public scrutiny, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

4.3. Insider dealing

- i) Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way, e.g. Where an employee of the Council who in the course of their employment becomes aware of information (which is not in the public arena i.e. is confidential), which could impact upon the performance of a business or other corporate identity, such information must not be passed on to any third party who does not have a legitimate right of access to that information.
- ii) Where an employee is in doubt as to the issue of a right of access to such information then they should refer the matter to a senior employee of their department or to the Internal Audit Division on ext. 74170 or write to Internal Audit, Leeds City Council, 3rd Floor West, Civic Hall, Leeds, LS1 1JF. All information will be treated in confidence by the employee(s) concerned.
- iii) The information must not be disclosed unless the Internal Audit Division has agreed that it is 'safe to do so'. - For further information see Appendix 3

5. Political neutrality

5.1. Individual councillors

Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected. Employees should act at all times in accordance with the rules relating to their relationships with members set out in guidance and/or protocols in the Council's Constitution.

5.2. Political groups

- i) Employees should not usually be called upon by any political group of the Council to provide political advice either in regard to the work of the group or of the Council. It is, however, an accepted function of employees to address councillors individually and in groups, and this may include political group meetings.
- ii) The Chief Executive and Directors may attend political group meetings. All other employees must receive clearance from the Director of their department.
- iii) Where employees are required to attend political groups, they must do so in ways which do not compromise their political neutrality. Employees should confine their address to matters of fact, and in no way advise on political decisions or political policy.

5.3. Duty to follow the lawfully expressed policy of the Council

Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5.4. Political assistants

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 5.1 to 5.3. The Council's policy concerning Politically Restricted posts as defined by the Act is set out as Appendix 43 to the Local Conditions of Service.

6. Relationships

- i) Employees should remember that the provisions of this Code, and, in particular this section of the Code, apply regardless of the method of communication or the means by which a relationship may have arisen or developed. The provisions apply equally to face-to-face contact, telephone conversations, electronic communications (including social networking and blogging facilities) etc. (This list is not exhaustive.)
- ii) In all cases, employees should declare any interests / relationships as soon as is practicable.

6.1. Councillors

- i) Employees are responsible to the Council through its senior managers. The role of employees is to carry out the Council's work. Some employees' roles include giving advice to councillors. Mutual respect between employees and councillors is essential

to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and to other councillors; such familiarity should therefore be avoided.

- ii) Employees should act at all times in accordance with the rules relating to their relationships with members set out in guidance and/or protocols in the Council's Constitution.

6.2. The local community and service users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community and as defined by the policies of the Council.

6.3. Contractors

- i) Employees should make known to their Director, all relationships of a business or private nature with external contractors or potential contractors. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. This information should be given to The Chief Executive or his/her nominated representative, using a copy of the form 'Registers of Employees Interests' as shown at Appendix 2.
- ii) Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Director . This information should be given to The Chief Executive or his/her nominated representative, using a copy of the form Register of Employees' Interests as shown at Appendix 2.

7. Appointment and other employment matters

- i) Employees involved in appointments should ensure that these are made on the basis of merit. All selection decisions must be transparent and based on the fair and objective assessment of applicants against clear requirements of the post. Where disability barriers are identified for a disabled applicant, the panel must consider reasonable adjustments.
- ii) In order to avoid any possible accusation of bias, employees should not be involved in an appointment where any close relative is an applicant. Employees sitting on the panel for recruitment exercises must declare to the other panellist(s) if they have any other out-of-work relationship(s) with applicants; and should consider whether it would be appropriate to withdraw from involvement in the appointment to avoid any appearance or accusation of bias.
- iii) Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is close relative. A close relative is defined as a spouse, parent, sibling, son, daughter, common law partner, or civil partner.

8. Outside commitments

- i) All employees have contractual obligations with the Council and should not take outside employment which conflicts with the Council's interests.
- ii) All employees graded above spinal column point 28 of the NJC scheme of conditions of service for Local Government Employees (or who are paid an an equivalent, or higher, rate of pay) are required to obtain consent of the Council, by applying to their Director, to take outside employment.
- iii) No outside work of any sort, whether paid or unpaid, should be undertaken in the office and the use of facilities (telephone, computers, photocopier, etc.) is forbidden for such purposes.

9. Copyright

- i) Employees should be aware that all literary, dramatic, musical or artistic work (including (as an example) but not limited to documents, computer programs, photographs, drawings, recordings or graphic work) which is produced by the employee in the course of their employment with the Council is the copyright of the Council in accordance with S11 (2) of the Copyright Design and Patents Act 1988. Accordingly, employees must not do anything which in any way would constitute an infringement of the Council's copyright in any literary, dramatic musical or artistic work.
- ii) Employees must use all reasonable endeavours to ensure that they do not do anything which would constitute an infringement of the copyright of any third party whilst in the course of their employment with the Council.
- iii) The Council holds copyright in the Council crest(s) and other elements of corporate identity. Employees should take care not to infringe this copyright by using these for any unauthorised activity.

10. Personal interests

- i) From time to time Directors may direct that employees must complete and return a declaration of personal interests, even if individuals involved do not believe they have any interests to declare. Directors, or their nominated representatives, are responsible for assessing any returns from such exercises which are not "nil" returns.
- ii) A register of interest is available in the room of the Members Services Officer for those Members involved. The responsibility for bringing this resolution to the notice of departmental employees rests with Directors.
- iii) Where employees have declared an interest in regard to paragraphs 9.5, the information should be given to their Director or his/her nominated representative, using a copy of the form Register of Employees Interests as shown at Appendix 2.

10.1. Non-financial interests

- i) Employees must declare to their Director any non-financial interests that they consider conflict with the Council's interests, for example, if they are involved in an

official capacity with an outside organisation which has dealings with the Council, e.g. grant requests.

- ii) Such a declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived / construed as arising.
- iii) A good test is for the employee to ask himself/herself whether others would think that the interest is of a kind to make this possible. If the employee thinks this is so or is in doubt then the information should be given to Director or his/her nominated representative, using a copy of the form Register of Employees Interests.

10.2. Financial Interests

Employees must declare to their Director any **financial interests** which could conflict with the Council's interests, e.g. work for which a fee is received. This information should be given to their Director or his/her nominated representative, using a copy of the form Register of Employees Interests.

10.3. Secret Societies

Employees should declare to the Council, via their Director, membership of any secret societies. The definition of "secret society" is as follows:

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

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

10.4. Freemasonry

The Council has resolved that this Council believes that in the interest of free and open government that any member of the Freemasons be obliged to declare their interest, and to this end,

- (i) Instructs the Chief Executive to make arrangements so that all Council Members who are Freemasons declare the membership in a register of interest.
- (ii) Instructs the Chief Executive to establish an employees' register of interest in which all who are Freemasons declare their membership.

11. Equality issues

- i) The Council is an equal opportunities employer and all employees are under an obligation to ensure that policies relating to equality issues, are complied with and that they do not unlawfully discriminate on the basis of race, disability, gender, sexual orientation, age, religion or belief, pregnancy, maternity and gender reassignment.
- ii) All members of the local community, customers and other employees have a right to be treated with fairness and equity.

12. Separation of roles during tendering

- i) Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All such employees must ensure that their actions are in accordance with the Standing Orders with respect to contracts. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- ii) Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- iii) Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- iv) When awarding contracts employees should ensure that no special favour is shown in awarding contracts to businesses run by current (or former) employees (or by their partners, close relatives or associates). Employees should also ensure no special favour is shown to current (or former) employees (or their partners, close relatives or associates) by employing them in a senior or managerial capacity.

13. Corruption fraud and theft

- i) It is a serious criminal offence for employees corruptly to receive or give 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, it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- ii) Where an employee has any suspicions that Council employees or any other individuals are involved in potentially fraudulent or corrupt activities, or theft, then they must in the first instance report these suspicions to either someone more senior in their line management, or to a relevant service manager.
- iii) If an employee feels unable to do this then they should contact the Internal Audit Division on ext. 74170 or write to Internal Audit, Leeds City Council 3rd Floor West, Civic Hall, Leeds LS1 1JF.
- iv) Alternatively you can contact Internal Audit on the Whistle blowing Hotline 0113 247464 or via the Whistleblowing page on the intranet (currently at Interest Areas»Former Departments»Corporate Services»Audit and risk»Internal Audit»Whistle Blowing Policy»Whistleblowing online referral form). All information will be treated in confidence by the employee(s) concerned.

14. Use of resources

Employees must ensure that they use public resources (including – but not limited to – funds, data and equipment) entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

15. Sponsorship – giving and receiving

- i) Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- ii) Where the Council wishes to sponsor an event or service, neither an employee nor any close relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Director of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

16. Contact with the press and media

16.1. Authorisation

Unless specifically nominated and authorised by the Director concerned, employees are not permitted to give reports or speak to the press and media on matters relating to employment with the Council, Council business or decisions of the Council. In the main, the Chief Executive, Directors and Chief Officers will be responsible for dealing with the press and media.

16.2. Consistency with Council policy and position

- i) Employees with a responsibility for dealing with the press and media should guard themselves against declaring a view 'whilst acting in their official capacity' which is contrary to a position taken by the Council or which may be deemed to be critical of that position.
- ii) In all circumstances, employees are under a general duty of care to avoid a situation arising where they are shown to be acting in conflict with the best interests of the Council and should not criticise, damage or act in any way against the best interests of the Council (see provisos at paragraph 1.5.1). Should this occur, and the employee is found to have acted unreasonably then they may be subject to disciplinary action. Paragraph 1.5.1 refers.

16.3. Trade union representatives

- i) In the event of an industrial dispute involving a Trade Union, an elected representative of that Trade Union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that Trade Union organisation to respond, the employee should exercise great care in presenting the

facts of the case in order to avoid personal opinions which may be unreasonably critical of the Council, other employees or Members.

- ii) Employees in this position should make clear the capacity in which they are speaking.
- iii) Employees concerned about their position should consult with full time Union Officials.

Appendix 1: Register of Gifts and Hospitality

Guidance for completion of a Notification of Offer form

Introduction

- i) These guidelines are intended to help employees complete the Register of Gifts and Hospitality: Notification of an Offer form and the Register of Gifts and Hospitality. Examples are attached of the Notification of an Offer form and a Register of Hospitality and Gifts.
- ii) As a general principle, if employees are in any doubt, they should complete a Notification of an Offer form. (Human Resources can assist you if you have any questions).

Definition of gifts and hospitality

- i) Gifts and hospitality, including meals or refreshments, accommodation or travel and conferences or seminars are defined in the Code of Conduct. Indeed, the Code of Conduct outlines specific instances in which an offer need not be registered. Employees should refer to this document to resolve any dispute about whether an offer needs registering. However, employees should note that a good test is to ask whether others would think that the acceptance of the offer could compromise the employee's position. If the answer is yes, or even possibly, the offer should be politely but firmly rejected.
- ii) This note relates specifically to those offers requiring approval, as outlined in the Code of Conduct.

Completion of a Notification of an Offer form

- i) Directors must ensure that Notification of an Offer forms are available at all appropriate establishments within their Directorate. Having decided that a Notification of an Offer form must be completed the following procedures should be followed:
 - The name of the employee receiving the offer should be entered. If the offer was made to more than one employee, the names of all employees involved should be entered.
 - The date the offer was made should be recorded in the Date Offer Made box.
 - Details of the offer should include as many details as possible. This includes precise details of the offer and, if relevant, details about the circumstances that lead to the offer being made and accepted or rejected. The way in which the offer was made should also be specified. For example, was the offer made in person, over the telephone, by letter or by any other means.
 - The box "offer made by" should be used to record the name of the individual or individuals making the offer, if known.

- If the individual(s) making the offer represents an organisation, the name of the organisation should also be recorded in the relevant box.
 - The relevant box should be ticked either to show that the offer was rejected or that the offer has been forwarded to the Director for approval. If the employee proposes to accept the offer, a justification must be included that must say why it was appropriate or necessary to accept the offer. This should take into account the factors outlined in the Code of Conduct. It is anticipated that acceptances will be rare. It should be noted that there is no provision for offer to be accepted without the express approval of the Director.
 - The name of the employee completing the form should then be entered in the "completed by" box. It is anticipated that in the majority of cases, the person receiving the offer will be the person completing the form. However, there may be instances where an offer is reported by a third party. This may be necessary on occasions where the person receiving the offer decides, for whatever reason, not to notify the Director of the offer.
- ii) The form should then be sent to the Director. If the offer has been rejected, the Director must arrange for the central register to be completed and need take no further action with Notification of an Offer form, which should then be filed.
- iii) However, if the proposal is that the offer should be accepted and the Director agrees that it is appropriate to accept the offer, the form should be signed and a copy forwarded to the employee submitting the request. The original Notification of an Offer form should be retained by the Director for filing. In addition, the details should be included on Register of Hospitality and Gifts.
- iv) If, on the other hand, the Director does not agree with the justification provided, the Director must take appropriate action. Appropriate action will depend on the individual circumstances of each case, as each case must be judged on its own merits, and therefore cannot be specified in advance. However, as a minimum the Director must return a copy of the form to the employee(s) concerned indicating why acceptance has not been approved. Again, the original should be retained for filing.
- v) If the offer is made to the Director, the same procedures apply. The only exception is that offers accepted by Directors do not need to be approved by anyone else. The Director must use their judgement to decide whether the offer should be accepted.

Register of Hospitality and Gifts

Notification of an Offer Form

Section A to be completed by the employee			
	Name	Job Title	Payroll Number
Details of person(s) to whom the offer was made:			
Individual making the offer:		Company / Body / Person making offer:	
Details of offer:			
Approximate value of offer:		Date offer made:	
Tick as appropriate:	<input type="checkbox"/> I have rejected the offer <input type="checkbox"/> I seek approval from the Director to accept the offer		
Please add any comments. If you seek approval to accept the offer you must give your justification for doing so:			
Name of person completing the form:			
Signature:		Date form completed:	

The person completing the form passes it to their Director (or the Director's nominated officer, if known)

Section B to be completed by the Director (or nominated officer)			
Tick as appropriate:	<input type="checkbox"/> I note the contents of this form, and that this offer has been declined <input type="checkbox"/> I approve the request to accept the offer <input type="checkbox"/> I do not approve the request to accept the offer		
Comments:			
Signature:		Date form completed:	

The Director notifies the applicant (s) of the decision made, and forwards this form to the Employee Matters Team at:

E-mail: [BSC HR Employee Matters](#)

Post: Employee Matters Team, Belgrave House, Belgrave Street, PO BOX 561, LS2 8WQ

Register of Hospitality and Gifts

Director	
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No	Employee(s)	Offer/Circumstances/Date	Organisation	Accepted/ Rejected	Director's signature	Director's comments
1						
2						
3						
4						
5						
6						
7						

Completion of the Register of Gifts and Hospitality

- i) The details of contents of all Notification of Officer forms must be entered into a physical register or electronic database, "the register". A template is included if a physical register is to be maintained.
- ii) The register shall record the date on which the entry was made in the register, the name(s) of the employee(s) to whom the offer was made, the offer/circumstance/date of the offer, the organisation which made the offer, whether the offer was accepted or rejected, and the director's comments (if any).
- iii) Periodically, but at least every six months, the Director must review the data from the Register of Hospitality and Gifts. The review should seek to identify any unacceptable trends or situations that require further investigation. The Director must decide on appropriate action. Unacceptable trends could, for example, relate to individual firms making "excessive" offers. In conducting the review,
- iv) Directors should be mindful of:
 - Section 117 of the Local Government Act 1972 requires that an employee shall not, under colour of their office or employment, accept any fee or reward whatsoever, other than their proper remuneration.
 - Section 2 of the Prevention of Corruption Act 1916 provides that where it is proved that anyone holding or seeking a contract with a public body has made a payment to an employee of that body, the payment shall be deemed to be corrupt unless the contrary is proved. That is, the onus is to prove that the payment is not corrupt, not that it is corrupt.

Register of Employees' Interests
Employee's Declaration Form

Full Name:		Payroll Number:	
Job Title:		Directorate:	

As a general principle, employees should err on the side of caution and declare interests that they think could be covered by the following guidance, see notes for guidance in the Code of Conduct. Assistance can be sought from Human Resources in the first instance if clarification is required.

Interest	Details
1. Governor of educational establishment	
2. Involvement (including that of close relatives) with organisation receiving grant aid from the Council	
3. Involvement (including that of close relatives) in companies (state company, and position)	
4. Close relationship to an employee paid at a rate equal to or greater than spinal column point 29 on the NJC scale, or to a Member of the Council	
5. Membership of a secret society as defined in section 9.3 of the Code of Conduct	
6. Beneficial interest in land or property	
7. Intent to bid for land or property owned by the Council	
8. Others (please specify):	

Section 9 is applicable to employees employed in positions responsible for letting or supervising contracts or selecting suppliers or contractors, including those related to investments:

9. Holding of shares or other securities, excluding banks and building societies: state name of company/body (declaration of size of nature of holding is not necessary):	
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For guidance, see the Code of Conduct, Appendix 2, Guidance notes for employees completing a Register of Employee's Interests form.

If you have nothing to declare please tick the following declaration:

10. I have no interest to declare	<input type="checkbox"/>
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Signature:		Date form completed:	
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Please return this form to:
Employee Matters Team, Belgrave House, Belgrave Street, PO BOX 561, LS2 8WQ

Appendix 2: Register of Employees' Interests

Guidance notes for employees completing a Register of Employee's Interests form

As a general principle employees should err on the side of caution and declare interests that they think could be covered by the following guidance. Assistance can be sought from Human Resources in the first instance if any clarification is required.

A close relative is defined as a spouse, parent, sibling, son, daughter, common law partner, or civil partner.

The following points relate to the numbered sections on the form "Register of Employee's Interests":

1. Membership of Governing Bodies, including all schools maintained by the authority, all further education establishments and all grant maintained schools.
2. Involvement could be either paid or unpaid.
3. Involvement in companies includes, for example, directorships and company secretary, or any other position where a person is actively involved in the running of a company's affairs, where the company has, or may have, a contractual relationship with the Council.
4. Relationship to an employee paid at a rate equal to or greater than spinal column point 29 on the NJC scale, or to a Member of the Council. Relationship is interpreted to be a close relative, as defined above.
5. Secret societies are defined by the Local Government Management Board, it is recommended that this definition is used to determine whether a declaration should be made. The LGMB use the following definition: 'any lodge, chapter, society, trust or regular gathering or meeting, which:
 - (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
 - (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
 - (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of generally recognised religion'.
6. Beneficial interest in land or property excludes the employee's own dwelling and only relates to land and property within the authority's boundary.
7. The intention to bid for the purchase of land or property owned by the Council should be made as soon as is practicable. Section 117 of the Local Government Act also requires that the interest be declared to the Director who shall also inform The Chief Executive.
8. Please specify interest and nature of interest.
9. The holding of shares or other securities, in a company or other body with whom the authority contracts or is considering contracting, must be declared if the holding exceeds £25,000 or more than 1/100th of the nominal value of the issued share capital, whichever is less. The size and nature of the holding need not be declared, simply the name of the company. This requirement does not extend to banks or building societies.

Appendix 3: Insider Dealing

Insider Dealing was first made a criminal offence by the Companies Act 1980. The reason for this was to protect public confidence in the market and to prevent those with inside knowledge cheating others in their dealing with them. The old law was criticised for being complex, now, insider dealing is covered by Part V of the Criminal Justice Act 1993.

There are 3 types of insider dealing:

- Actual dealing
- Encouraging others to deal
- Disclosing inside information

There are 2 types of insider:

- Primary insider who has the information because of their status
- Tippee

For information to be classified as inside information all the following criteria must be satisfied:

- The information must relate to a particular security or issuer of securities and not to securities generally
- The information must be specific or precise
- The information must not have been made public
- If the information is to be made public, the information would significantly affect the share price

Defences against accusations of dealing or encouraging others to deal are:

- A profit was not expected
- The information has been widely disclosed enough
- The individual would have acted in the same way even if they did not have the information.

Defences against accusations of disclosing are:

- The discloser did not expect anyone to deal
- The discloser did not expect the deal to result in profit

The internal policing of inside information is currently not built into any fraud strategies. There are no existing strategies that lend themselves to incorporate arrangements for identifying inside information.