



Tyne and Wear Integrated Transport Authority

CORPORATE GOVERNANCE

APPENDIX B

CODE OF CONDUCT FOR EMPLOYEES

CONTENTS

Paragraph		Page
	Introduction	1
1	Standards	2
2	Disclosure of Information	2
3	Political Neutrality	2
4	Relationships	3
5	Recruitment and other employment matters	3
6	Commitments outside work	3
7	Personal interests	4
8	Equality	4
9	Tendering Procedures	4
10	Corruption	4
11	Financial Regulations	5
12	Gifts and other benefits	5
13	Hospitality	5
Annex A	Data Protection Act	
Annex B	Local Government Act 1972 - Section 117	
Annex C	Organisations to which paragraph 7d of the Code applies	
Annex D	Local Government Competition Regulations	
Annex E	Prevention of Corruption Acts 1906 and 1916	

CODE OF CONDUCT FOR EMPLOYEES

Introduction

The people of Tyne and Wear are entitled to expect high standards of conduct from our employees. We have drawn up a code of conduct for employees by consulting staff representatives. We want you to know the rules that apply to you and to give you guidance to help you keep to them. Your directorate may have other rules and we will bring these to your attention.

The code sets out the minimum standards we expect of you and provides a framework that will help to prevent misunderstandings or criticism. All employees of the Authority and office holders must keep to the standards of this code and carry out their duties honestly and fairly. If you do not do this, it is a serious matter and could result in disciplinary action including dismissal.

Please read the Code carefully. If you have any queries, ask your manager or supervisor. If you need a copy of one of the Forms CCE.1 - 7 referred to in this Code, please ask your manager or supervisor or your directorate's administration or staffing section. The forms explain where you should send them.

The Authority has endorsed the *general principles of public life* proposed by the Government. These principles are:

Selflessness

You are appointed solely to serve the public interest. You should never use your position to gain for yourself, your family or your friends any financial benefits, preferential treatment or other advantage, or to confer such benefits, treatment or advantage improperly on others.

Honesty and Integrity

You should not put yourself in a position where your honesty or integrity is called into question by any financial or other obligation. As well as avoiding actual impropriety, you should avoid any appearance of it.

Objectivity

In carrying out public business such as making appointments, awarding contracts, or recommending individuals for rewards or benefits, you should make choices only on merit.

Accountability

You are accountable to the electorate and the Authority's wider community for your actions and for the way in which you carry out your responsibilities. You should co-operate fully and honestly with whatever scrutiny is appropriate to your office.

Openness

You should be as open as possible about your own actions and those of the Authority, and seek to ensure that disclosure of any information held by the Authority is restricted only in accordance with the law and the Authority's requirements on confidentiality.

Leadership

You should promote and support these general principles by leadership and example. You must observe political impartiality at all times and always act in a way that preserves public confidence in the Authority.

Personal Judgement

Whilst you may very properly take account of the views of others, it is your responsibility to decide what view to take on any issue which is before you.

Duty to uphold the law

You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you.

Stewardship

You have a responsibility to play your part in ensuring that the Authority uses its resources prudently and in accordance with the law.

1 Standards

- a We expect you to give the highest possible standard of service to the people of Tyne and Wear and to carry out your duties honestly and fairly.
- b If you become aware of anything illegal, improper or a breach of procedure, you must report it to your manager or supervisor, or, if you prefer, to the Clerk to the Authority. You will not be penalised for doing this as long as you act in good faith. Managers must record, investigate and take appropriate action on your reports.
- c It is not enough to avoid doing wrong. You should also avoid anything which could give the impression or appearance of doing wrong.

2 Disclosing information

- a The law says certain types of information must be open to Councillors, auditors, government directorates, service users and the public. If you do not know whether you can release any particular information, always check with your manager first.
- b You must not use any information you get in the course of your duties for personal gain or benefit. You must not pass information on to others who might use it for their own gain.
- c You can only give confidential information or documents to those who have a legitimate right to them. You can only give information stored on computer systems according to the requirements of the Data Protection Act 1984 (see appendix A). You should not make statements directly to the Press or other media without first getting approval from your Head of Department. (If you are a trade union representative, you can contact the media in that role.) Heads of Departments should speak to the relevant Portfolio Holder before making statements to the press or other media on major policy issues. References to Heads of Departments also includes other officers authorised by a Head of Department to act for them.
- d You must not pass on information which is personal to a Councillor without the Authority's permission unless the law allows this.

3 Political Neutrality

- a You will serve the Authority as a whole. You must serve Councillors equally and make sure that you respect their individual rights.
- b You do not have to go to meetings of political groups. However, we may ask senior officers to do this. If you agree, you must act in a way that shows you are neutral.
- c You cannot allow your own political opinions to interfere with your work.
- d You may not display political posters, including election material, in areas of the Authority's buildings which the public has access to.

4 Relationships

a With Councillors

Employees and Councillors must respect one another. You must not form close personal relationships with Councillors as this can damage your working relationship and could be embarrassing.

If you think that a Councillor has not acted in a proper way towards you, you may report the matter to your Head of Department who will then deal with it under the Members' Code of Conduct.

b With the local community and service users

A commitment to customer care is central to the services delivered by the Authority. As an employee you must always be polite, efficient, fair and impartial when you provide services to all groups and individuals within the community you serve. You must follow any customer care policies laid down by the Authority.

c With contractors and suppliers

You must tell your Head of Department about any relationship of a business or personal nature which you have with the Authority's contractors or suppliers. You must fill in form CCE.1 to do this. You must award contracts according to the Authority's financial regulations and not show special favour to anyone.

5 Recruitment and other employment matters

a If you are involved in appointing people to posts with the Authority, you should make sure that you follow the Code of Practice on Recruitment and Selection.

b So that you are never accused of bias, you must not be involved in any appointment where you are related to, or have a close personal relationship outside work with, the person applying.

c If you are graded above Green Book pay point 28 (this used to be APT&C Scale 6) or the equivalent salary level you must use form CCE.2 to tell the Clerk about any relationship between you and any person you know is applying to us for a job.

d You must not be involved in, or try to influence, any decision to do with discipline, promotion or pay adjustments for any employee who is related to you or with whom you have a close personal relationship outside work.

6 Commitments outside work

a What you do in your own time is your business so long as you do not

- put your private interests before your duty to the Authority;
- put yourself in a position where your duty and private interests conflict or could appear to conflict; or
- do anything which could harm the Authority's reputation.

b If you are graded above Green Book pay point 28 (this used to be APT & C Scale 6) or the equivalent salary level, you must not carry out any other business or take up any additional appointment while employed by the Authority without its permission. (If you want permission, fill in form CCE.3.) You will not be unreasonably prevented from carrying out other employment. However, this employment must not in the

PTA's view, conflict with its interests and the following conditions will have to be complied with.

- c The following conditions apply to all commitments outside work. We will tell you about any other specific conditions relating to you depending on your circumstances.
- you must not carry out private work (whether paid or unpaid) relating to the Council without permission from your Head of Department.
 - you must not carry out any work related to a private interest (including taking or making phone calls) during normal working hours.
 - you must not use the Authority's facilities or equipment or confidential information.
 - all approvals will be reviewed from time to time and may be withdrawn if thought necessary by the Authority.

7 Personal interests

- a If you have a financial or non-financial interest which could conflict with the Authority's interests, you must declare this on form CCE.4.
- b Section 117 of the Local Government Act 1972 (see appendix B) says you must make a formal declaration about the Authority's contracts where you have a financial interest. If you do not do this, it is a criminal offence. You should make the declaration on form CCE.5.
- c You may not make decisions in the course of your official duties if you have a personal interest in them.
- d If you belong to an organisation which is not open to the public and does not have formal membership and which has secrecy about rules, membership or conduct, you must tell us on form CCE.6. A definition of such an organisation appears at Appendix C.

8 Equality

- a All members of the local community and our employees have a right to be treated fairly and equally. You must follow our policies on equal opportunities.

9 Tendering procedures

- a If you are involved in the tendering process or dealing with contractors, you should make sure that you know the separate roles of client and contractor. Heads of Department with both client and contractor responsibility must be aware of the need for accountability and openness. A summary of key legal conditions appears in Appendix D.
- b If you are in contractor or client units, you must deal fairly and impartially with all customers, suppliers and other contractors and sub-contractors.
- c If you have access to confidential information on tenders or costs relating to contractors, you must not give it to any unauthorised person or organisation.

10 Corruption

- a The Prevention of Corruption Acts make it a serious criminal offence for you, in your official capacity, to corruptly receive or give any gift, loan, fee, reward or advantage or to show favour or disfavour to any person. If an allegation is made, you must prove that any rewards have not been corruptly gained or given. A summary of the legal provisions appears in Appendix E.

11 Financial Regulations

- a If you are involved in financial activities and transactions for the Authority, you must follow financial regulations and any accompanying guidelines.
- b You must use public funds in a responsible and legal way and try to make sure you provide value for money to the local community and to avoid legal challenges to the Authority.

12 Gifts and other benefits

- a If you are offered gifts or other benefits (or your partner and family members are offered gifts) arising from your official duties, this could cause a conflict between your private and public duties.
- b Unless the exception below applies, you must not accept any gift or other benefit offered to you, or your partner or a family member, by:
 - any person you have provided services to in the course of your official duties or their partner or a family member;
 - any person associated with an organisation which has, or wishes to have, dealings with the Authority.

You must declare any offer on form CCE.7 and say what action you have taken. The exception to this rule is where the gift is of token value such as a diary, calendar or pen.

- c Because offering gifts is common practice in the business world particularly at Christmas time, you should refuse them politely. If, for example, a gift is simply delivered to your place of work, there may be a problem returning it, in which case, you should report this to your Head of Department or the Clerk, who will decide what to do.
- d If you know that you, or your partner or a family member, have been made a beneficiary in the will of a service user or former service user, you must immediately tell your Head of Department, who will decide on the appropriate action.
- e You, your partner and any member of your family cannot borrow money or other property from a client you provide services to. You cannot act as executor of a client's will.

13 Hospitality

- a A modest amount of entertainment is a normal part of public life, but you must not risk undermining public confidence or allow it to appear that you could be improperly influenced in the way you carry out your duties. Hospitality is sometimes offered to representatives of the Authority and can be accepted at official level if that is reasonable. In these cases, only Heads of Department (or those acting for them) should go.
- b You must be particularly careful if you are offered hospitality by someone who wants to do business with the Authority or to get a decision from it. It is important to avoid any suggestion of improper influence. You should accept an offer of hospitality only if you genuinely need to go to an event to receive or give information or represent the Authority. You should only accept offers to go to social or sporting occasions if these are part of the life of the community or if the Authority should be seen to be represented.
- c If you turn down hospitality you should do this politely and explain the rules on hospitality.
- d You must use form CCE.7 to record whether you have accepted or refused offers of hospitality. This is not required if the hospitality is of token value (e.g. the offer of a single drink).

DATA PROTECTION ACT

The Data Protection Act aims to protect the public from people not using information held on computer correctly. The Data Protection Registrar oversees the Act but it is up to the Authority and its staff to make sure that the conditions of the Act are kept.

Each Department has a member of staff who acts as its Data Protection Officer and oversees the information held on the department's computer systems so as to make sure the Authority keeps to the Act.

The basic conditions of the Act are that information held on computer is:

- accurate;
- relevant;
- not excessive for the purposes registered; and
- held for no longer than is needed.

If you are going to give information to someone else, you must make sure that you do this according to the conditions of the Act and the conditions of registration. Your department's Data Protection Officer will tell you about this. If you give out information regularly, you should make sure you are familiar with the relevant conditions.

LOCAL GOVERNMENT ACT 1972 - SECTION 117

- 1 If you become aware that you have a direct or indirect financial interest in a contract that the Authority has entered into or intends to enter into, you must tell us immediately.
- 2 You must not accept any fee or reward other than your normal salary.
- 3 If you break either of the conditions shown above, you can be prosecuted and fined. (The maximum fine is level 4 on the standard scale.)

ORGANISATIONS TO WHICH PARAGRAPH 7D OF THE CODE APPLIES

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 group;
- b includes an obligation on the part of the member to make a commitment of allegiance to the lodge, chapter, society or gathering or meeting; and
- c includes a commitment of secrecy about the rules, membership or how the lodge, chapter, society, trust, gathering or meeting carries out its business.

The Authority does not consider a lodge, chapter, society, trust, gathering or meeting as a secret society if it forms part of a generally recognised religion.

LOCAL GOVERNMENT COMPETITION REGULATIONS

The following summarises some of the key principles to be observed:

All staff should:

- avoid acting in a way which restricts or prevents competition or is likely to have that effect.
- do nothing that would distort or inhibit competition.
- treat outside bidders or contractors equally with any of the Authority's in-house service providers. For example, information given to any applicant about work which is subject to competition must be made available to all bidders.

Only client-side officers may

- choose a publication in which a notice is to be published under section 7(1) of the Local Government Act 1988.
- choose who is to be invited to bid for the work.
- send the tender documents to those chosen to bid for the work.
- work out or estimate any costs.
- receive, open or evaluate tenders for the work.
- decide whether the work is to be carried out by one of the contractors or by an in-house service provider.

Heads of Department who are "twin-hatted", with responsibility for both client and contractor functions should be aware of the strict limitations upon them and should seek legal advice on how they should carry out their duties.

Note: This needs to be reviewed in connection with the change from CCT to Best Value - in the meantime, the principles will continue to apply.

PREVENTION OF CORRUPTION ACTS 1906 AND 1916

Under the Prevention of Corruption Acts 1906 and 1916, it is an offence for you to accept any gifts or other benefits for:

- doing, or not doing, anything in your official capacity; or
- showing favour to any person in your official capacity.

Under the Prevention of Corruption Act 1916, the Authority will treat any money, gift or other benefit you receive as a corrupt gift from a person or organisation holding or trying to get a contract with the PTA unless you prove differently.