

**Review of the Employee Code of Values, Behaviours
and Coduct - Gifts and Hospitality**

**Report of Helen Lynch, Head of Legal and Democratic
Services**

Purpose of the Report

1. To inform the Standards Committee of proposed revisions to the Employee Code of Values, Behaviours and Conduct on Section 5.10 Gifts and Hospitality.

Executive Summary

2. As part of the aim to promote high ethical standards within the authority and as good practice a review was undertaken of the Code of Values, Behaviours and Conduct in January 2019, particularly in relation to Section 5.10 Gifts and Hospitality.
3. The review recommended a number of amendments to the Code by way of clarification to make it easier for Employees to understand their obligations in relation to Gifts and Hospitality.

Recommendation

4. That the Standards Committee:
 - i. consider the proposed changes to Section 5.10 of the Code of Values, Behaviours and Conduct as attached at Appendix 2; and
 - ii. recommend that the proposed changes are considered by Constitution Working Group prior to consideration by full Council.

Background

5. The Council adopted the new Code of Values, Behaviours and Conduct (the Code) at a Full Council Meeting on 19 September 2018. Section 5.10 of the Code relates to Officer gifts and hospitality.
6. Members may recall that during the 2017/18 review of the Constitution, the arrangements for Members in relation to gifts and hospitality were reviewed. A similar review has now been undertaken in relation to the arrangements in place relating to Officer Gifts and Hospitality. The review recommended that the Employee Code of Values and Behaviours is amended to clarify the obligations for Officers in relation to gifts and hospitality.
7. The Code suggests that Officers do not need to declare offers/acceptance of gifts and hospitality where acceptance would not create a conflict of interest. Whilst there might not be a conflict of interest, accepting gifts and hospitality without the appropriate declarations may create the perception of a conflict of interest. The Code has therefore been clarified so that all offers of gifts and hospitality (other than token gifts/hospitality of a nominal value) should be declared.
8. The Code has therefore been amended to give examples of token gifts/hospitality that do not need to be declared such as light refreshments offered during meetings, conferences etc or token gifts such as mugs, mouse mats, pens etc.
9. Where Officers are invited to attend and/or speak at conferences or events and the event organiser pays for/reimburses travel expenses, accommodation costs and subsistence expenses, these should be declared as hospitality in advance of the event. The Code has therefore been amended to clarify this requirement.
10. Consideration was given as to whether all gifts and hospitality should be declared even if they are refused. However, declaring hospitality invitations which are declined may be particularly onerous to Officers who receive a number of such invitations. It is therefore proposed that hospitality only needs to be declared if it is to be accepted. However, it is recommended that all gifts are recorded even if they are declined/donated to the Chairman's charity. This will protect Officers from any accusations of theft or accepting inducements. It is proposed that section 5.10 is amended so that the obligations in relation to gifts and hospitality are separated so the different obligations are clear.

11. The review also recommended that the Code/declaration form should be amended to explicitly that gifts from service users and gifts of money should never be accepted. It was noted that in some instances refusal of a gift is not always possible or may cause offence. In such circumstances, Employees may donate the gift to the Chairman's charity. It is therefore proposed that the declaration form be updated to reflect the option of donating the gift to the Chairman's charity.
12. The Code requires that attendance at sporting events needed to be approved by the relevant line manager to confirm that there was a specific justification for attending such an event. This is inconsistent with the general requirement that acceptance of all gifts and hospitality is to be approved by Heads of Service. It is therefore proposed to amend the Code to address this inconsistency. The declaration form has also been amended to include rationale from the Head of Service as to the justification for approving acceptance of the gifts/hospitality.
13. The review also recommended that the Code should be amended to make it clear that hospitality should be approved in advance. However, it is acknowledged that there will be rare occasions where hospitality is offered at short notice and it is not possible for Officers to decline without causing offence. In those circumstances, a declaration should be made immediately after the event.

Conclusion

14. Consideration has been given to recommendations of the review and the proposed updates to the Code have been made accordingly shown at Appendix 2.
15. If the changes are approved by full Council, employees will need to be informed of the changes which will be carried out by briefings and direct communications.

Background Papers

None

Contact: Helen Lynch Tel: 03000 269732

Appendix 1: Implications

Legal Implications

Members do not generally get involved in matters relating to employee conduct. However, the Code of Values and Behaviours forms part of the Council's Constitution and amendments require approval of full Council. Consideration of proposed changes to the Code is consistent with the Standards Committee remit to help the Council meet its statutory duty to uphold high standards of ethical conduct within the authority.

Finance

None

Staffing

The Code applies to all employees of Durham County Council (excluding School employees), and the updated document will be available on the Council intranet.

Risk

None

Equality and Diversity / Public Sector Equality Duty

None

Accommodation

None

Crime and Disorder

None

Human Rights

None

Procurement

None

Disability Issues

None

Consultation

Relevant consultation will be undertaken with Trade Unions and changes will be communicated to employees.