CONFLICTS OF INTEREST POLICY

November 2020
Introduction

The potential for conflicts of interest have always existed for those with Local Government Pension Scheme (LGPS) administering authority responsibilities as well as for advisers to LGPS funds. This simply reflects the fact that many of those managing or advising LGPS funds will have a variety of other roles and responsibilities, for example as a member of the scheme, as an elected member of an employer participating in the LGPS, as an officer with responsibilities for or within a shared service or as an adviser to more than one LGPS administering authority. Further any of those persons may have an individual personal, business or other interest which might conflict, or be perceived to conflict, with their role managing or advising LGPS funds.

It is generally accepted that LGPS administering authorities have both fiduciary and public law duties to act in the best interest of both the scheme beneficiaries and participating employers. This, however, does not preclude those involved in the management of the fund from having other roles or responsibilities which may result in an actual or potential conflict of interest. Accordingly, it is good practice to document within a policy, such as this, how any such conflicts or potential conflicts are to be managed.

This is the Conflicts of Interest Policy of the Fund, which is managed by East Sussex County Council (the Council). The Policy details how actual and potential conflicts of interest are identified and managed by those involved in
the management and governance of the East Sussex Pension Fund (“the Fund”) whether directly or in an advisory capacity, and seeks to ensure consistency with the Council’s policies and codes.

This Conflicts of Interest Policy is established to guide the Pension Committee members, Pension Board members, officers and advisers. It aims to ensure that those individuals do not act improperly or create a perception that they may have acted improperly. It is an aid to good governance, encouraging transparency and minimising the risk of any matter prejudicing decision making or management of the Fund otherwise.

This conflict of interest policy also identifies areas of potential conflict that are specific to the Local Government Pension Scheme (LGPS) that would be dealt with in the same manner as conflicts of interest under the Members’ codes of conduct and Employees’ codes of conduct.

**Aims and Objectives**

In relation to the governance of the Fund, the Administering Authority's objectives are to:

- Act in the best interests of the Fund’s members and employers
- Have robust governance arrangements in place, to facilitate informed decision making, supported by appropriate advice, policies and strategies
- Ensure the Fund is managed, and its services delivered, by people who have the appropriate knowledge and expertise
- Act with integrity and be accountable to stakeholders for all decisions, ensuring they are robust and well based
- Understand and monitor risk
- Strive to ensure compliance with the appropriate legislation and statutory guidance, and to act in the spirit of other relevant guidelines and best practice guidance
- Clearly articulate its objectives and how it intends to achieve those objectives through business planning, and continually measuring and monitoring success
- Ensure the confidentiality, integrity and accessibility of the Fund's data, systems and services is protected and preserved.

The identification and management of potential and actual conflicts of interest is integral to the Council achieving its governance objectives as the administering authority of the Fund.
To whom this Policy Applies

This Conflicts of Interest Policy applies to:
- all members of the Pension Committee and the Pension Board, including scheme member and employer representatives, whether voting members or not.
- all managers in the Council’s Fund Management Team,
  - the Chief Finance Officer (Section 151 Officer),
  - the Chief Operating Officer, and
  - any other officer of East Sussex County Council or Surrey County Council who has responsibilities relating to the Fund, including those who are part of the Orbis shared service (from here on in collectively referred to as the officers for or of the Fund).
- all advisers and suppliers to the Fund, whether advising the Pension Board, Pension Committee or Fund officers.

The Head of Pensions will monitor potential conflicts for officers involved in the daily management of the Fund and highlight this Policy to them as they consider appropriate.

This Policy and the issue of conflicts of interest in general must be considered in light of each individual's role, whether this is a management, advisory or assisting role and including responsibilities representing the Fund on other committees, groups and bodies.

In this Policy, reference to advisers includes all advisers, suppliers and other parties providing advice and services to the Council as the administering authority in relation to Fund matters. This includes but is not limited to actuaries, investment consultants, independent advisers, benefits consultants, third party administrators, shared service partners, fund managers, lawyers, custodians and AVC providers. Where an advisory appointment is with a firm rather than an individual, reference to "advisers" is to the lead adviser(s) responsible for the delivery of advice and services to the Council rather than the firm as a whole.

In accepting any role covered by this Policy, those individuals agree that they must:
- acknowledge any potential conflict of interest they may have;
- be open with the Council and any other body on which they represent the Council, on any actual or potential conflicts of interest they may have;
- adopt practical solutions to managing those conflicts; and
- plan ahead and agree with the Council how they will manage any conflicts of interest which arise in future.

The procedures outlined later in this Policy provide a framework for each individual to meet these requirements.
Legislative and related context

The overriding requirements in relation to the management of potential or actual conflicts of interest for those involved in LGPS funds are contained in various elements of legislation and guidance. These are considered further below.

The Public Service Pensions Act 2013
Section 5 of this Act requires that the scheme manager (in the case of the Fund, this is the Administering Authority) must be satisfied that a Pension Board member does not have a conflict of interest at the point of appointment and from time to time thereafter. It also requires Pension Board members (or nominated members) to provide reasonable information to the Administering Authority for this purpose.

The Act defines a conflict of interest as “a financial or other interest which is likely to prejudice the person’s exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).”

[Further, the Act requires that the Council as administering authority must have regard to any such guidance that the national LGPS Scheme Advisory Board may issue (see below).]

The Local Government Pension Scheme Regulations 2013
Regulation 108 of these Regulations applies the requirements of the Public Service Pensions Act (as outlined above) to the LGPS, placing a duty on the Council as administering authority to satisfy itself that Pension Board members do not have conflicts of interest on appointment or whilst they are members of the Board. It also requires those Pension Board members to provide reasonable information to the Administering Authority in this regard.

Regulation 109 states that each administering authority must have regard to guidance issued by the Secretary of State in relation to local pension boards. Further, regulation 110 provides that the national LGPS Scheme Advisory Board has a function of providing advice to administering authorities and local pension boards. The LGPS Scheme Advisory Board issued guidance relating to the establishment of local pension boards, including a section on conflicts of interest. This Conflicts of Interest Policy has been developed having regard to that guidance.

The Pensions Act 2004
The Public Service Pensions Act 2013 also added a number of provisions to the Pensions Act 2004 related to the governance of public service pension schemes and, in particular, conflicts of interest.

Section 90A requires the Pensions Regulator to issue a code of practice relating to conflicts of interest for pension board members. The Pensions Regulator has issued such a code and this Conflicts of Interest Policy has been developed having regard to that code.
Further, under section 13, the Pensions Regulator can issue an improvement notice (i.e. a notice requiring steps to be taken to rectify a situation) where it is considered that the requirements relating to conflicts of interest for local pension board members are not being adhered to.

**CIPFA Investment Pooling Governance Principles for LGPS Administering Authorities Guidance**

The CIPFA governance principles guidance states *"the establishment of investment pooling arrangements creates a range of additional roles that committee members, representatives, officers and advisors might have."* It includes some examples of how conflicts of interest could arise in these new roles. It highlights the need for administering authorities to:

- update their conflicts policies to have regard to asset pooling;
- remind all those involved with the management of the fund of the policy requirements and the potential for conflicts to arise in respect of asset pooling responsibilities; and
- ensure declarations are updated appropriately.

This Conflicts of Interest Policy has been updated to take account of the possibility of conflicts arising in relation to asset pooling in accordance with the CIPFA governance principles guidance.

**Localism Act 2011**

Chapter 7 of the Localism Act 2011 requires local authorities to produce a code of conduct for members. All members and co-opted members of the Pension Committee are required to register and declare ‘disclosable pecuniary interests’ and abide by the Council’s Code of Conduct for Members. That Code contains provisions relating to Code Interests and Disclosable Pecuniary Interests, their disclosure and limitations on members’ participation where they have any such interest.

**The Seven Principles of Standards in Public Life**

Sometimes known as the ‘Nolan Principles’, the seven principles of public life apply to anyone who holds public office. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in:

- the civil service
- local government
- the police
- the courts and probation services
- non-departmental public bodies
- health, education, social and care services

The principles also apply to all those in other sectors that deliver public services. Many of the principles are integral to the successful implementation of this Policy.

- Selflessness
- Integrity
- Objectivity
- Accountability
• Openness
• Honesty
• Leadership

Advisers’ Professional Standards
Many advisers will be required to meet professional standards relating to the management of conflicts of interest, for example, the Fund Actuary will be bound by the requirements of the Institute and Faculty of Actuaries. Any protocol or other document entered into between an adviser and the Council in relation to conflicts of interest, whether as a requirement of a professional body or otherwise, should be read in conjunction with this Policy.

Administering Authority Requirements
Pension Committee Members
Committee Elected Members and co-opted members of East Sussex County Council are required to adhere to the Council’s Members’ Code of Conduct (annex 1) which, in Part 2 and 3, includes requirements in relation to the disclosure and management of personal and prejudicial interests.

Pension Board Members
Pension Board members are required under (xxi) of the Board’s terms of reference to adhere to the Members’ Code of Conduct which, in Part 2 and 3, includes requirements in relation to the disclosure and management of personal and prejudicial interests.

Officers
Officers of the Council are required to adhere to the Council’s Code of Conduct and Conflict of Interest Policy for Employees (annex 2) which includes requirements in relation to the disclosure and management of all potential conflicts of interests that may impact on their work or that of the Council.

Employees of Surrey County Council who, as part of their responsibilities provide services to or on behalf of the Fund under the Orbis shared service, are required to adhere to the Surrey County Council Code of Conduct for Employees which has similar requirements relating to the disclosure and management of their work for Surrey County Council, which will include their responsibilities for carrying out work for the Fund.

Advisers and suppliers
Advisers and suppliers to the Fund are required to sign up to the Orbis Supplier Code of Conduct (annex 3) as part of the tendering process for all East Sussex County Council services. Suppliers are required to declare any conflicts of interest when quoting or submitting a tender for any contract. The terms of contracts for all advisers and suppliers of the Fund will also include specific requirements around conflicts of interest deemed necessary for this specialised type of service.

Conduct at Meetings
There may be circumstances where a representative of employers or members wishes to provide a specific point of view on behalf of an employer
(or group of employers) or member (or group of members). The Administering Authority requires that any individual wishing to speak from an employer’s or member’s viewpoint must state this clearly, e.g. at a Pension Board or Pensions Committee meeting, and that this will be recorded in the minutes.

What is a Conflict or Potential Conflict of interest and how will they be managed?

General conflicts of interest

The Public Service Pensions Act 2013 defines a conflict of interest as a financial or other interest which is likely to prejudice a person’s exercise of functions.

Conflicts of interest for Pension Board and Pension Committee members

Conflict of interests as they apply to Pension Board and Pension Committee members are defined in the Members’ Code of Conduct which is set out at Annex 1.

As well as the definition in the Code of Conduct, paragraph xxxvi of the terms of reference of the Pension Board states a conflict of interest is defined in the Public Service Pensions Act 2013 as: “in relation to a person, means a financial or other interest which is likely to prejudice the person’s exercise of functions as a member of the Pension Board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).”

Conflicts of interest for Officers

The Council’s Code of Conduct and Conflict of Interest Policy for Employees is set out at Annex 2 and defines personal interests in Section 8: Personal interests. Officers are also required to declare any outside commitments under Section 7 of the Code.

Conflicts of interest for advisers and suppliers

The terms of contracts for all advisers and suppliers of the Fund will specify what constitutes a conflict of interest and how it will be managed.

There may be circumstances where these advisers are asked to give advice to scheme employers, or even to scheme members or member representatives such as the Trades Unions, in relation to pension matters. Similarly, an adviser may also be appointed to another administering authority which is involved in a transaction involving the Fund and on which advice is required or to a supplier or organisation providing services to the Fund. An adviser can only continue to advise the Council and another party where there is no conflict of interest in doing so.
An adviser appointed to advise the Pension Committee or Pension Board, or Fund Officers can be the same person as there is no conflict of interest between the multiple responsibilities.

Areas of potential conflict that are specific to the LGPS

These are areas of potential conflict that the Scheme Advisory Board identifies as specific to the LGPS. They apply to Pension Committee and Pension Board Members, as well as officers, advisers and suppliers and are to be managed in the same way as other conflicts of interest under the relevant policy:

- Any commercial relationships between the administering authority or host authority and other employers in the fund/or other parties which may impact decisions made in the best interests of the fund. These may include shared service arrangements which impact the fund operations directly but will also include outsourcing relationship and companies related to or wholly owned by the Council, which do not relate to pension fund operations.
- Contributions setting for the administering authority and other employers.
- Cross charging for services or shared resourcing between the administering authority and the fund.
- Dual role of the administering authority as owner and client of a pool.
- Local investment decisions
- Any other roles within the Council being carried out by committee members or officers which may result in a conflict either in the time available to dedicate to the fund or in decision making or oversight. For example, some roles on other finance committees, audit or health committees or finance cabinet should be disclosed.

Members of the Pension Board or Pension Committee would need to consider whether they have a personal interest and whether that is prejudicial or pecuniary under the Members' Code of Conduct.

Officers would need to consider whether any of the above conflicts of interest apply to Section 7 or Section 8 of the Code of Conduct and Conflict of Interest Policy for Employees.

Advisers and suppliers to the Fund also need to consider whether any of the above conflicts of interest apply to the conflict of interest policy in their contract with the Administering Authority.

Therefore, a conflict of interest may arise when an individual:
- has a responsibility or duty in relation to the management of, or provision of advice to, the LGPS Fund administered by the Administering Authority, and
- at the same time has:
  - a separate personal interest (financial or otherwise) or
  - another responsibility in relation to that matter,
giving rise to a possible conflict with their first responsibility. An interest could also arise due to a family member or close colleague having a specific responsibility or interest in a matter.

Some examples of potential conflicts of interest relating to the areas of conflict specific to the LGPS are included in Appendix 1.

East Sussex County Council, as Administering Authority, will encourage a culture of openness and transparency and will encourage individuals to be vigilant, have a clear understanding of their role and the circumstances in which they may have a conflict of interest. East Sussex County Council will evaluate the nature of any interests or responsibilities that are highlighted and assess the impact on pension fund operations and good governance were an actual conflict of interest to materialise.

**Gifts and Hospitality**

The Members’ Code of Conduct sets gifts and hospitality with worth estimated at over £50 as a personal interest under section 8 (3) (a) (iii).

Section 5 of the Code of Conduct and Conflict of Interest Policy for Employees forbids officers from the acceptance of any gifts other than those set out in 5.6. Section 6 sets out that officers should exercise caution in offering and accepting hospitality.

The suppliers code of conduct requires advisers and suppliers to maintain a gifts and hospitality register (relating to Council contracts) that is available on review.

**Managing conflicts of interest**

*Managing conflicts of interest for members of the Pension Board and Pension Committee*

Section 9 of the Members’ Code of Conduct sets out the requirements around Members disclosing an interest at a meeting of the authority at which any matter relating to the business is considered, including circumstances where they do not have to disclose an interest. Each agenda of the Pension Board and Pension Committee includes an agenda item seeking declarations of interest from members for all matters for discussion on the agenda.

Section 12 of the Members’ Code of Conduct sets out the effect of prejudicial interests on participation at a meeting, including circumstances where they must withdraw from a meeting and where they may continue to attend a meeting but only for the purposes of making representations. Section 15 sets out dispensations to these restrictions. A Member declaring a personal, non-prejudicial interest would not be expected to take any action.
Section 13 of the Members’ Code of Conduct deals with the requirement for Members to register in the register of members’ interests all personal interests and personal interests that are also disclosable pecuniary interests.

Section 14 sets out the steps taken where a Member considers that the information relating to any of their personal interests is sensitive information, and the authority's Monitoring Officer agrees. Section 14 (3) states that "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Section xxxix of the Pension Board terms of reference requires Members of the Pension Board to provide, as and when requested by the Scheme Manager, such information as the Scheme Manager requires to identify all potential conflicts of interest and ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest at appointment or whilst a member of the Pension Board.

Managing conflicts of interest for officers

The Code of Conduct and Conflict of Interest Policy for Employees says all potential conflicts of interest must be declared before the activity commences or the issue arises. If an individual’s circumstances change, it is their responsibility to immediately inform their manager and make a new declaration.

Annually, all staff will be reminded of the need to declare potential conflicts of interest and required to complete an annual form, including where a NIL return has been made in the previous declaration.

Appendix 1 of the Code of Conduct and Conflict of Interest Policy for Employees describes how potential conflict of interest are dealt with.

For clarity, officers who form part of or who have responsibilities for Orbis, the shared service with Surrey County Council, are not classed as advisers. As employees of East Sussex County Council or Surrey County Council, they will follow this policy in the same way as the East Sussex Pension Fund Management Team.

Managing conflicts of interest for advisers and suppliers.

The contract between the adviser and supplier and the Administering Authority will specify how conflicts of interest are managed. This will include All of the advisers and suppliers to the East Sussex Pension Fund being expected to have their own policies on how conflicts of interest will be managed in their relationships with their clients, and these should have been shared with, East Sussex County Council.
all advisers and suppliers must:

- be provided with a copy of this Policy on appointment and whenever it is updated
- adhere to the principles of this Policy
- provide, on request, information to the Head of Pensions in relation to how they will manage and monitor actual or potential conflicts of interest relating to the provision of advice or services to the Council
- notify the Head of Pensions immediately should a potential or actual conflict of interest arise

**Reporting conflicts of interest**

*Pension Committee Members*

Section 13 of the Members’ Code of Conduct requires Members and co-optees of East Sussex County Council to complete a registration of interests form within 28 days of election or appointment to officer (where that is later) containing details of personal and pecuniary interests.

A copy of the register of interest form is available on the Administering Authority’s website and available to view on request.

Member Services officers will send an annual reminder to Members to review their registration of interests.

Any declarations of interest made at a Committee meeting will be recorded in the minutes.

*Pension Board Members*

Pension Board members are required under (xxi) of the Board’s terms of reference to adhere to the Members’ Code of Conduct.

Section 13 of the Members’ Code of Conduct requires Members and co-optees of East Sussex County Council to complete a registration of interests form within 28 days of election or appointment to officer (where that is later) containing details of personal and pecuniary interests.

A copy of the register of interest form is available to view on request.

Member Services officers will send an annual reminder to Board Members to review their registration of interests.

Any declarations of interest made at a Board meeting will be recorded in the minutes.

*Officers*

Annually, all staff will be reminded of the need to declare potential conflicts of interest and required to complete an annual form, including where a NIL return has been made in the previous declaration.
The officers line manager/Assistant Director will retain a copy of an officer’s conflicts of interest declaration?

Responsibility

The Council as the scheme administering authority manager for the East Sussex Pension Fund must be satisfied that conflicts of interest are appropriately managed. For this purpose, the Head of Pensions is the designated individual for ensuring the procedure outlined above is carried out.

However, it is the responsibility of each individual covered by this Policy to identify any potential instances where their personal, financial, business or other interests might come into conflict with their pension fund duties, to declare and register interests and seek advice and to withdraw from meetings if they are not complying.

Key Risks

The key risks to the delivery of this Policy are outlined below. All of these could result in an actual conflict of interest arising and not being properly managed. The Head of Pensions will monitor these and other key risks and consider how to respond to them.

- Insufficient training or poor understanding in relation to individuals’ roles on pension fund matters
- Insufficient training or failure to communicate the requirements of this Policy or the relevant codes of conduct referred to in this policy
- Absence of the individual nominated to manage the operational aspects of this Policy and no one deputising, or failure of that individual to carry out the operational aspects in accordance with this Policy
- A decision by an individual to disregard advice and be subject to formal action under the Localism Act 2011.

Costs

All costs related to the operation and implementation of this Policy will be met directly by East Sussex Pension Fund. However, no payments will be made to any individuals in relation to any time spent or expenses incurred in the disclosure or management of any potential or actual conflicts of interest under this Policy.
Approval, Review and Consultation

This Conflicts of Interest Policy was approved on 30 November 2020 by the East Sussex Pension Committee. It will be formally reviewed and updated by the Committee at least every three years or sooner if the conflict management arrangements or other matters included within it merit reconsideration, including if there are any changes to the LGPS or other relevant Regulations or Guidance which need to be taken into account.

Further Information

If you require further information about anything in or related to this Conflicts of Interest Policy, please contact:

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Appendix 1

Examples of situations where a conflict of interest may arise

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<tbody>
<tr>
<td>a)</td>
<td>An employer representative on the Pensions Board may be required to consider a policy or covenant change which could result in an increase in employer costs by the employer he or she represents.</td>
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<td>b)</td>
<td>A member of the Pension Committee is on the board of an Investment Manager that the Committee is considering appointing.</td>
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<td>c)</td>
<td>A Pensions Committee or Pensions Board member is a beneficiary of the East Sussex Pension fund and a discussion item as a result of legislative change could affect members benefits.</td>
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<td>d)</td>
<td>An officer of the Pension Fund also has responsibilities within the administering authority or relating to a shared service initiative which provides services to the Fund, and which has objectives which are not fully aligned to that of the Fund.</td>
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<td>e)</td>
<td>An employer representative on the Pension Board is employed by a company to which the Council has outsourced its pension administration services and the Pension Board is reviewing the standards of service provided by that company.</td>
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<td>f)</td>
<td>The person appointed to consider internal disputes is asked to review a case relating to a close friend or relative.</td>
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<td>g)</td>
<td>The Pension Fund is considering alternative supply of services currently provided by the Administering Authority. The Chief Finance Officer, who has responsibility for the Council budget, is expected to approve the report to go to the Pension Committee which, if agreed would result in a material reduction in the recharges to the Council from the Fund.</td>
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<td>h)</td>
<td>Officers are asked to provide a report to the Pension Board or Pension Committee on whether the administration services should be outsourced which, if it were to happen could result in a change of employer or job insecurity for the officers.</td>
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<td>i)</td>
<td>An employer representative appointed to the Pension Board to represent employers generally could be conflicted if he or she only serves to act in the interests of their own authority/organisation, rather than those of all participating employers. Equally, a member representative, who is also a trade union representative, appointed to the Pension Board to represent the entire scheme membership could be conflicted if he or she only acts in the interests of their union and union membership, rather than all scheme members.</td>
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<td>j)</td>
<td>A Fund adviser is party to the development of a strategy which could result in additional work for his or her firm, for example, selection of new investment managers, providing assistance with monitoring the covenant of employers or where they are also advisers to the ACCESS Pool.</td>
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<td>k)</td>
<td>An employer or employee representative has access to information by virtue of his or her employment, which could influence or inform the considerations of the Pension Board. He or she has to consider whether to share this information in light of their duty of confidentiality to their employer. Their knowledge of this information will put them in a position of conflict if it is likely to prejudice their ability to carry out their functions as a member of the Pension Board.</td>
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l) An officer of the Fund or member of the Pension Committee accepts a dinner invitation or gift from an Investment Manager who has submitted a bid as part of a tender process.
ANNEX A

CONSTITUTION – PART 5 – CODES AND PROTOCOLS

Code of Conduct for Members

On their election or co-option to the East Sussex County Council, members are required to sign an undertaking to comply with the authority’s Code of Conduct.

This Code of Conduct, adopted by the authority on 20 July 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

Part 1 – General provisions

Introduction and interpretation

1. —(1) This Code applies to you as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service, which are set out in Appendix 1. You should have regard to these principles as they will help you to comply with the Code.

(3) If you need guidance on any matter under this Code you should seek it from the authority’s monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority’s monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority’s monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -

(a) whether to take action in relation to you and

(b) what action to take.
(6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.
(7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.

(8) In this Code—

“authority” means East Sussex County Council

“Code” means this Code of Conduct

“co-opted member” means a person who is not a member of the authority but who-

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member.

“register of members’ interests” means the authority's register of members' pecuniary and other interests established and maintained by the authority’s monitoring officer under section 29 of the Localism Act 2011.

Scope

2. —(1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.
(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);

(b) bully or harass any person; Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(c) intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—
(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

( ) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer, where

that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
Part 2 – Interests

Personal interests

8. – (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-

(a) the authority may deal with the matter as mentioned in paragraph 1(5) and

(b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).

(3) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers,
ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a close friend; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner have an interest within the following descriptions:
<table>
<thead>
<tr>
<th>Interest</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</td>
</tr>
<tr>
<td>Contracts</td>
<td>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</td>
</tr>
<tr>
<td>Land</td>
<td>Any beneficial interest in land which is within the area of the relevant authority.</td>
</tr>
<tr>
<td>Licences</td>
<td>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</td>
</tr>
</tbody>
</table>
## Securities

(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Any beneficial interest in securities of a body where—
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

‘body in which the relevant person has a beneficial interest’ means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

‘director’ includes a member of the committee of management of an industrial and provident society;

‘land’ includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

‘M’ means the person M referred to in section 30 of the Localism Act 2011;

‘member’ includes a co-opted member;

‘relevant authority’ means the authority of which M is a member;

‘relevant period’ means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Localism Act 2011;

‘relevant person’ means M or any other person referred to in section 30(3)(b) of the Localism Act 2011;

‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial
Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.
(6) In sub-paragraph (5), your partner means—

(a) your spouse or civil partner,

(b) a person with whom you are living as husband and wife, or

(c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. (1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) If the personal interest is entered on the authority’s register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority’s register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(6) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.
Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.
Interests arising in relation to overview and scrutiny committees

11. You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority’s executive or another of your authority’s committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority—

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

(b) you must not exercise executive functions in relation to that matter; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence.
relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 – Registration of Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later), register in the register of members' interests details of—

(i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and

(ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is
no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members’ interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

**Dispensations**

15 - (1) The standards committee, or any sub-committee of the standards committee or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee or the monitoring officer.—

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority’s executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.
APPENDIX 1

The Seven Principles of Public Life

The Principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness
1. Holders of public office should act solely in terms of the public interest.

Integrity
2. Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity
3. Holder of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability
4. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness
5. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty
6. Holders of public office should be truthful.

Leadership
7. Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occur.
Code of Conduct and Conflict of Interest Policy

Key Points:

- This policy applies to all County Council employees, including schools based employees where the Governing Body has adopted the policy (subject to such other changes which may have been adopted by the Governing Body of the school). Throughout this policy, reference to the ‘County Council’ includes County Council-maintained schools.
- Words such as ‘you’ and ‘your’ throughout this policy refer to an employee of the County Council.
- The Code aims to ensure that confidence in the integrity of employees is maintained at all times.
- The Code forms part of your contract of employment and must be followed – breach of this code may be viewed as a serious disciplinary matter depending on the severity of the breach.
- The Code, where appropriate, must be read in conjunction with the Anti-Fraud and Corruption Strategy, Whistleblowing Policy, Financial Regulations, Procurement Standing Orders, the Scheme of Delegations, and with any other more detailed County Council/Departmental operational instructions/guidelines.
- All potential conflicts of interest must be declared before the activity commences or the issue arises. If your circumstances change, it is your responsibility to immediately inform your manager and make a new declaration.
- Annually, all staff will be reminded of the need to declare potential conflicts of interest and required to complete an annual form, including where a NIL return has been made in the previous declaration.
- A separate code of conduct applies to Members (Members’ Code of Conduct).
- For School Governors, a code of practice is available from the National Governors Association website.

1. Introduction

1.1. This Code should be considered alongside relevant guidance from professional bodies, such as the Health and Care Professions Council. In Schools, this includes the ‘Code of Conduct for Employees Whose Work Brings Them into Contact with Young People’.

1.2. Please take time to read this Code, and make sure that you understand it. Although this Code cannot be exhaustive, its intention is to provide sufficient information to make you aware of what is required of you. Therefore, if you are unclear, or want to know something specific, please talk to your manager.

1.3. It is important that you understand that a breach of the Code could lead to disciplinary action, and even dismissal, depending on the severity of the breach (please refer to the Disciplinary Policy and Procedure). Ignorance of the guidelines in the Code will not be seen as a valid excuse.

1.4. All staff are required to complete the Declaration Form for all potential Conflicts of Interest.

1.4.1. Staff in corporate departments should use the form at Appendix 2. Staff in corporate departments who do not have an ESCC email account should send their written declaration to their line manager.

1.4.2. Staff in schools should use the separate form available on Czone.

1.5. You will be asked to review your declaration of interest form annually, including where you have made a NIL return in your previous declaration. However, if there is a change in your circumstances and a potential conflict arises, it is your responsibility to inform your manager as soon as possible so the conflict of interest can be considered.

1.6. Throughout this policy, where it is stated that Assistant Directors will determine whether a conflict of interest exists or whether a gift or offer of hospitality may be accepted, when the employee in question is an Assistant Director the determination will be made by the relevant Chief Officer and/or the Assistant Chief Executive. For Headteachers, the school’s Governing Body should decide and a recommendation may be sought from the Director of Children’s Services.
2. Standards

2.1. You are expected to give the highest possible standard of service to members of the public, observing the standards of conduct which the law, the Council's Standing Orders and Financial Regulations, Conditions of Service, this Code and any School/Departmental rules require together with any relevant guidance from professional bodies.

2.2. The Council has adopted the Nolan Committee's seven principles, which set the standards in public life. In performing your duties, you must act in accordance with the seven Nolan principles, which are:

- Selflessness – You must act solely in terms of the public interest and not in order to gain financial or other material benefits for yourself, family or friends.
- Integrity – You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- Objectivity – You must make choices on merit when making decisions on appointments, contracts, or recommending rewards and benefits for individuals.
- Accountability – You are accountable for your decisions and actions to the public and you must submit yourself to whatever scrutiny is appropriate.
- Openness – You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.
- Honesty – You have a duty to declare any private interests relating to your work and you need to take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership – You should promote and support these principles by leadership and example.

2.3. You are encouraged and expected, through agreed procedures and without fear of recrimination, to raise workplace concerns about risk, malpractice or wrongdoing in accordance with the County Council’s Whistleblowing Policy.

2.4. You must ensure that you use public funds entrusted to you in a responsible and lawful manner and in accordance with the County Council’s Financial Regulations.

2.5. If requested to do so, you are expected to co-operate in any investigation being carried out by or on behalf of the County Council.

3. Political neutrality

3.1. Please note that Section 3 ‘Political Neutrality’ is not applicable to employees on teachers’ terms and conditions of employment.

3.2. You serve the County Council as a whole. It therefore, follows that you must serve all County Councillors and not just those of the majority group and you must ensure that the individual rights of all County Councillors are respected.

3.3. You must not be involved in advising any political group of the County Council or attend any of their meetings in an official capacity without the express consent of your Chief Officer. You must follow every lawful expressed policy of the County Council and must not allow your own personal or political opinions to interfere with your work.

3.3.1. Political Assistants appointed on fixed term contracts in accordance with the Local Government & Housing Act 1989 are exempt from these conditions.

3.4. As an employee of the County Council you are not eligible to stand for office as an elected member of the County Council. For County Council staff (with the exception of staff on Teachers’ Terms and Conditions of Employment), some posts are politically restricted and employees are prohibited from political activity as defined in the Local Government and Housing Act 1989 (as amended), either:

(i) where the post holder gives advice on a regular basis to the Authority (meaning the County Council, the Cabinet, Lead Cabinet Member, any committee or sub-committee of the Authority, or to any committee on which the Authority is represented); and/or
(ii) the post holder speaks on behalf of the Authority on a regular basis to journalists or broadcasters. Advice on this can be obtained from the Assistant Chief Executive.

3.5. If your duties bring you into contact with County Councillors, you should be aware that guidance on relationships with Councillors is contained within the Code on Member/Employee Relationships.

4. Using County Council equipment, materials and property

4.1. You must ensure that you use public funds entrusted to you in a responsible and lawful manner, and in accordance with the County Council’s Financial Regulations, and all other relevant County Council policies.

4.2. The facilities and equipment provided as part of your work belong to the County Council and should only be used for legitimate County Council business purposes. Please ensure that you:

- Comply with health and safety regulations and use personal protective equipment as required;
- Take care of County Council property or equipment, keeping it secure and reporting any breakages or breaches of security;
- Use equipment and facilities for authorised purposes only;
- Do not use County Council equipment or property, including vehicles, for your own private benefit or gain or in fraudulent activity or for any unauthorised purposes.

4.3. Facilities and equipment is taken to mean, but is not limited to; computers, software, telephones, vehicles and intellectual property. The County Council reserves the right to access all IT systems (including telephone voice recordings), in the event of a policy or security breach. Please also refer to the Personal Use of Council Equipment Policy, Internet Access and Usage Policy, Email Use Policy and Data Protection and Information Security Policy.

5. Gifts, bequests and legacies

5.1. It is a serious criminal offence for you to corruptly receive or give any bribe, gift, loan, fee, reward, or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. If an allegation is made, it is for you to demonstrate that any such rewards have not been corruptly obtained. Please also refer to the Anti-Fraud and Corruption Strategy.

5.2. As a representative of the County Council it is important that you treat any offer of a personal gift, loans, fees, rewards or other financial or in kind advantage (collectively referred to here as ‘gifts’) with care. You must not accept gifts from contractors or potential contractors, including those who have previously worked for the County Council, service users, clients or suppliers.

5.3. You should handle the refusal of gifts with tact and courtesy. The intentions of those offering gifts may not have been corrupt but simply inappropriate to professional relationships in the public sector. It is therefore important, that where organisations make offers of gifts or hospitality, they are clearly made aware that such practice is unacceptable and should not be repeated.

5.4. If you receive any unexpected gifts they must be returned with a polite refusal letter to the sender, which makes it clear that County Council employees are not permitted to accept any gifts, other than those set out in sections 5.6 and 5.7.

5.5. All gifts offered including, but not limited to, inducements such as air miles, trading discounts, vouchers, or offers of hospitality, must be declared

5.5.1. Staff in corporate departments should use the form at Appendix 3

5.5.2. Staff in schools should use the separate form available on Czone.

5.6. Minor articles such as diaries, calendars, mugs, office items and the like will not be regarded as a gift. If you have any doubt as to whether an item falls within the definition of a gift and / or is acceptable, you are expected to raise this with your manager at the earliest opportunity.
5.7. In the case of schools, low value items are frequently offered as a gesture of appreciation from pupils, parents or carers, at the end of term for example. These may be accepted if they are not in any way connected with the performance of duties. Discretion should be exercised where the items offered are in excess of £10 in value and then can only be accepted with the Headteacher’s approval and must be declared.

5.8. The same rules as above apply to bequests, which must be refused, unless there are special circumstances approved in writing by your Assistant Director in consultation with the Assistant Chief Executive. In schools, this should be approved by your Headteacher and Chair of Governors.

5.9. In summary:
- You should not accept gifts.
- Declare the offer of any gifts (including bequests or legacies).
- You should handle the refusal of gifts with tact and courtesy and make those offering them aware that such practice is not acceptable and should not be repeated.
- Unexpected gifts must be returned with a polite refusal letter to the sender.
- All gifts offered for any amount must be declared.
- Minor articles of a promotional nature such as diaries, calendars, and mugs will not be regarded as a gift.
- If you have any doubt, as to what is acceptable, speak to your manager beforehand or at the earliest opportunity following receipt of the article or gift.
- In the case of schools, articles from pupils/parents/carers of less than £10 in value need not necessarily be refused.

6. Hospitality

6.1. You should exercise caution in offering and accepting accommodation, tickets or passes for an event, food or drink, or entertainment which is provided free of charge or at a discounted rate (‘hospitality’). You should bear in mind how it might affect your relations with the party offering it or receiving it and how it might be viewed by a range of stakeholders, including:
- County Councillors;
- School Governors;
- other potential suppliers/contractors;
- the public;
- the media;
- your colleagues.

6.2. When considering any offer of hospitality, the following should be considered when determining whether it can be accepted:
- the invitation comes from an organisation or individual likely to benefit from the County Council;
- the organisation or individual is seeking a contract with the County Council, or one has already been awarded;
- in the case of a visit, it is genuinely instructive and does not constitute, or could be perceived as being, more of a social function;
- the scale and location of the hospitality is proportionate and relative to the event;
- the event takes place outside of normal working hours;
- it is being offered on a frequent basis;
- it is being offered just to you or others as well;
- the hospitality is purely a social or sporting event as opposed to an event which you are attending in an official capacity.
CONSTITUTION – PART 5 – CODES AND PROTOCOLS

6.3. Examples of Hospitality which should not normally be accepted include:

- events that are purely social occasions;
- attendance at events that, if they had been funded by the County Council, would be perceived as a poor or inappropriate use of public funds;
- events where current or potential contractors pay for the meals or the table at the event; and /or
- attendance at corporate events, including sporting or cultural events.

6.4. Examples of events which may be accepted (subject to consideration of the factors listed in 6.2):

- events that are clearly of a training or development nature; and / or
- events where you are invited to attend as a formal representative of the County Council and attendance relates directly to the performance of your duties.

6.5. In all instances where you wish to accept hospitality, including site visits as part of procurement or similar activities, you must seek the approval in advance in writing from your Assistant Director/Headteacher and wherever possible the County Council should meet the cost of your attendance in full.

6.6. Particular care should be taken in the case of attendance at conferences, seminars or other training and development events, where current or potential contractors or suppliers offer to pay the associated costs. Whilst these may be business related events, it may be inappropriate hospitality to be funded by others. In such cases, advice should be sought from your Assistant Director/Headteacher but as a general rule, if the event is genuinely business related then it should be funded by the County Council and the expense subject to the normal authorisation process.

6.7. All offers of hospitality, whether accepted or not, should be declared. You are also reminded that, where organisations make inappropriate offers of gifts or hospitality, they should be made aware that such practice is unacceptable and should not be repeated.

7. Outside commitments

7.1. Regardless of grade, whether whole or part-time, permanent, temporary, relief or seasonal, you must seek the written permission of, and make a written declaration (an oral declaration is not sufficient) to, your Assistant Director/Headteacher before engaging in any other work or business (*) which might relate or in any way impact on your duties for the County Council. This includes paid or unpaid work, and will include one off pieces of work as well as regular employment.

7.1.1. Staff in corporate departments should use the form at Appendix 3. Staff in corporate departments who do not have an ESCC email account should send their written declaration to their line manager.

7.1.2. Staff in schools should use the separate form available on Czone.

7.2. If you are paid at or above NJC Scale 6 (spinal column point 28 and above) / Single Status Grade 9 (spinal point 23 and above) or equivalent, you are specifically required to declare to, and obtain consent from, your Assistant Director/Headteacher, if you wish to engage in any other business (*), or take up any additional appointment regardless of whether there is any conflict of interest anticipated. Such consent will not be unreasonably withheld. If your request is approved, the County Council must be mindful of its responsibility under the Working Time Regulations 1998, the Health and Safety at Work Act 1974 and its general responsibilities towards the health of its employees.

7.3. You must declare in writing to your Assistant Director any relatives, partners or friends who are engaged in a business (*), which either currently provides services to the County Council or may do so in the future. In the case of schools based staff, you must declare in writing to your Headteacher any relatives, partners or friends who are engaged in a business (*), which either currently provides services to your School, or schools with which your school collaborates or is federated to, or may do so in the future. This is in order to minimise the risk of suspicion that some influence may be exerted over a particular customer as to the choice of provider, or that the provider gained advantage in terms of information received.
CONSTITUTION – PART 5 – CODES AND PROTOCOLS

7.4. You must not work privately for personal gain for a service user/pupil for whom you have a service provision role within the County Council unless you have written consent from your Assistant Director/Headteacher. This includes service users or pupils to whom an employee may not personally be giving a service but does receive a service from the County Council. Suitability of such work may depend on the scale of the work, the impact it has on an employee’s performance and whether there is any potential for an employee to be perceived as taking advantage of their position to generate the work. This determination lies with your Assistant Director or Headteacher.

7.5. If you are permitted to engage in any other business or take up any additional employment, you must not undertake any work in connection with your additional employment in County Council time, or make use of any County Council equipment or facilities. It is the responsibility of each individual employee to declare any additional personal income to Her Majesty’s Revenue and Customs (HMRC).

7.6. If you have any doubt whatsoever you should make a declaration, so that the County Council can make the judgement as to whether a conflict exists.

7.7. The County Council is entitled to ownership of intellectual property e.g. copyright of material created by you in the course of your duties as an employee of the County Council. Please see Guidance Notes on Ownership of Intellectual Property.

(*) - “engage in any other business” includes roles such as company directorships, company secretaries and so on.

8. Personal interests

8.1. Your off-duty hours are your own personal concern. However, you must not put yourself in a position where your job and personal interests conflict.

8.2. You must declare in writing any financial or non-financial interests that could in any way be considered to bring about conflict with the County Council’s interests. This includes any relationship, discussions or correspondence over any employment or private interests with organisations or individuals that may have a past, current or future business connection with the County Council, including but not limited to circumstances where funds are being paid or received by the County Council or situations that could result in more favourable treatment or give advantage to an individual or organisation. If you have any doubt whatsoever you should make a declaration, so that your employer can make the judgement as to whether a conflict exists (see Appendix 1: Making a declaration).

8.3. You are required to disclose any personal interest that may conflict with the County Council’s interests e.g. representative of an organisation which may seek to influence the County Council’s policies (see Appendix 1: Making a declaration).

8.4. You must inform your Assistant Director/Headteacher if you are declared bankrupt or are involved as a Director of a company which is wound up or put into voluntary liquidation, if it may potentially impact upon your role and duties. Bankruptcy may impact on the duties of employees who have a financial responsibility. The purpose of this is to ensure that a proper framework of support is in place.

9. Disclosure of information and confidentiality

9.1. It is generally accepted that open government is best. The law requires that certain types of information must be made available to members, auditors, government departments, service users, and the public. In particular, the Freedom of Information Act 2000 gives a legal right of access to information held by the County Council, subject to certain exemptions. You must ensure that you are aware of the Freedom of Information Policy, and guidance for staff issued in relation to this.

9.2. No politically or commercially sensitive information should be released to anyone, including County Councillors, without authorisation from your line manager.
CONSTITUTION – PART 5 – CODES AND PROTOCOLS

9.3. You must ensure that any personal information you work with is only processed in accordance with data protection legislation. When handling personal data you must always adhere to the Data Protection Guide for Employees and Confidentiality Code of Practice. Further training and guidance is available from the Council, and you should ensure you are familiar with it.

9.4. If you are in any doubt about disclosing information then you are expected to seek guidance from your manager.

9.5. Confidential Committee papers must not be released without the consent of the Assistant Chief Executive. In schools, confidential Governor Papers must not be released without the approval of the Governing Body.

9.6. You must not use any information obtained in the course of your employment for personal gain nor pass it on to others who might use it in such a way or for any purpose for which it was not originally intended.

9.7. Any information which you might receive from a County Councillor/Governor relating to his/her personal/private affairs and which does not belong to the County Council should not be divulged without the prior approval of that County Councillor/Governor, except where such disclosure is required or sanctioned by law.

10. Appointment and other employment matters

10.1. You must not be involved in the day-to-day line management, appointment, or any other decisions relating to the discipline, promotion or pay or conditions of another employee, or prospective employee, who is a relative, partner or friend. Managers should consider whether their relationship with a colleague may have an impact on their ability to carry out their duties. In schools, staff Governors should not be involved in making decisions about these matters when a colleague is the subject.

10.2. If you are responsible for appointing employees, you must ensure that decisions are based on merit and not on anything other than their ability to do the job. Similarly, you must not canvass on behalf of any applicant. (Please see the Recruitment and Selection Policy).

10.3. If you have a connection in a private, social or domestic capacity with someone who also works for the County Council or who sits on a school’s Governing Body that may potentially create, or be thought to create, a conflict of interest you need to declare this to your Assistant Director/Headteacher for them to consider.

10.4. Employees must inform their manager if they are being investigated by any professional body and any sanction imposed.

10.5. If you are in doubt about any of the above, please seek advice from the Personnel Advisory Team.

11. Employment after working at the County Council

11.1. The County Council is concerned to safeguard the integrity of the workings of local government and to avoid even the appearance of impropriety among its employees. It is in the public interest that people with experience of public administration should be able to move into business and other bodies. It is also important that whenever a County Council employee accepts a particular outside appointment, there should be no cause for any suspicion of impropriety. The rules set out in Appendix 4 to this Code are aimed at safeguarding both the County Council and individual employees from such criticism or suspicion. The rules apply to appointments in the United Kingdom and across the European Union.

12. Criminal offences

12.1. Employees are expected to conduct themselves at all time (inside and outside of work) in a manner which will maintain public confidence in both their integrity and the services provided by the County
Council. In general, what an employee does outside work is his/her personal concern, unless those actions would cause a breakdown in the employment relationship.
CONSTITUTION – PART 5 – CODES AND PROTOCOLS

12.2. Employees must inform their manager if they are arrested/convicted/cautioned in respect of any offence as soon as possible. Employees do not need to disclose minor driving offences (such as fixed penalty notices for speeding tickets) unless either:

12.2.1. driving is a key requirement of their role (e.g. they drive County Council vehicles or drive their own vehicle regularly for work); and / or
12.2.2. the conviction results in disqualification from driving.

(See the Safe Use of Motor Vehicles Policy for details.)

12.3. Disclosing all convictions does not necessarily mean disciplinary action will be taken against an employee. The extent to which a criminal offence may affect employment depends on whether the conduct:

- Makes the employee unsuitable for their type of work; and/or,
- May reflect adversely on the County Council’s reputation or ability to perform its function.

12.4. Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.

12.5. Employees should always notify their manager if there is any doubt as to whether or not they need to share information about an arrest or conviction.

12.6. Any failure to disclose such information, even where no charges are brought against you, may lead to disciplinary action. Where it is deemed that there is an adverse impact on your employment, the Disciplinary Policy will apply.

13. Position of trust

13.1. It is the responsibility of all staff to ensure they maintain professional standards and do not abuse or appear to abuse their position of trust in the way they conduct their relationships with service users/pupils/contractors, their families or carers.

13.2. Specific examples of conduct which should be avoided include, but are not limited to:

- meeting socially with pupils or service users (or their carers or families); and/or
- exchanging personal contact details or connecting using social media.

13.3. Employees must refrain from conduct of this nature unless there is sound operational reason to do so, in which case the action must only be taken with the express written approval of the employee’s Assistant Director/Headteacher.

13.4. If employees are engaging in activity or associating with people outside work whose current or past conduct could raise doubts or concerns about an employee’s own integrity or ability to be in a ‘position of trust’ with regard to children or vulnerable adults, this could have a direct consequence on their employment.

14. Sponsorship

14.1. When an outside organisation wishes to sponsor or is being asked to sponsor a County Council activity, the basic conventions concerning the acceptance of gifts and hospitality apply. Please refer to the East Sussex County Council’s Corporate Sponsorship Policy.

14.2. This section on sponsorship is not applicable to schools.
CONSTITUTION – PART 5 – CODES AND PROTOCOLS

15. Relationships

15.1. Councillors

Employees are responsible to the County Council through its senior managers, except where a school's Governing Body is the employer. Your role may require you to give advice to councillors and senior managers. 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 Councillors. It should therefore be avoided.

15.2. Contractors

You must declare in writing to your Assistant Director/Headteacher any current or past relationships of a business or private nature with any outside organisation or individual that has a relationship with the County Council (see Appendix 1: Making a declaration). Orders and contracts must be awarded on merit and no special favour should be shown to any businesses, particularly those you have an interest in. If you have such an interest you must not be involved in any way in awarding work or orders or subsequent management of contracts. Similarly, you must not canvass on behalf of any outside organisation that has a relationship with the County Council.

Where your role within the Council means that you are involved with outside businesses and suppliers (e.g. through raising orders, letting contracts, contract management etc.) discussions over potential conflicts and gifts/hospitality should be had as part of regular performance and development conversations with your manager.

You must declare in writing to your Assistant Director/Headteacher, if you become aware that the County Council is entering a contract in which you have a direct interest.

15.2.1. Staff in corporate departments should use the form at Appendix 2.

15.2.2. Staff in schools should use the separate form available on Czone.

15.3. Contract Tenders

If you wish to tender for a contract from the County Council, you must declare such an intention to the appropriate Assistant Director/Headteacher, as soon as intent has been formed, and at the earliest possible opportunity.

15.4. Foster Carers

If you act as a foster carer for the County Council or any other agency you must declare this (including the intention to do so if you are not already a foster carer) in writing as a potential conflict of interest.

15.5. The Press and Media

You must not deal direct with the press or the media in relation to anything related to County Council business unless required to do so as part of your duties, or you have been expressly authorised by your line manager in consultation with your Assistant Director/Headteacher.

If you speak as a private individual directly to the press or at a public meeting or other situation where your remarks may be reported to the press, you must take reasonable steps to ensure nothing you say might lead the public to think you are acting in your capacity as a County Council employee.

15.6. The Local Community and Service Users

You must always remember your responsibilities to the community which you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the County Council.
16. Approvals

16.1. Where Assistant Directors, Deputy Chief Officers, and Chief Officers require approval or notification under the Code then this shall respectively be obtained from the appropriate Deputy Chief Officer, Chief Officer, or the Chief Executive. The Chief Executive shall obtain approval or notify either the Monitoring Officer, or the Section 151 Officer.

16.2. Where the Headteacher requires approval or notification under the Code then this shall be obtained from the Chair of Governors.

17. If in doubt

17.1. It is not possible to cover every situation you may face as an employee of the County Council. Simply because a particular action may not be addressed within the Code, this does not condone that action by omission. If you are in any doubt about anything contained within this Code, or are concerned about anything relating to your personal position, you should speak to your line manager immediately. Where necessary, line managers should seek advice from their Assistant Director/Headteacher.
Appendix 1: Potential Conflicts of Interest
**Step 1: Inform your line manager**
Tell your line manager about the potential area of conflict.

**Step 2: Complete the declaration form**
Complete the form (Appendix 2 to the Code of Conduct) giving details of the potential conflict. Pass the completed form to your line manager for them to complete the relevant sections, including what involvement they might have and detailing any safeguards that could be put in place.

**Step 3: Submit the declaration form**
The line manager submits the form to the Assistant Director.

**Step 4: The decision**
The relevant Assistant Director will be responsible for deciding whether or not a conflict of interest exists. They will need to be satisfied that this would neither interfere with your performance or duties nor lead to any suspicion of improper influence. Each set of circumstances will be considered on an individual basis. If there is a conflict identified, the relevant Assistant Director will decide how best to manage it.

**Step 5: Confirmation**
The relevant Assistant Director will write to you outlining their decision. All declarations will be recorded on your Departmental Register of Interests.

**Step 6: Appeal**
If you wish to appeal against the relevant Assistant Director’s decision, you should use the County Council’s Grievance Policy.

**Step 7: Changes**
If your circumstances change it is your responsibility to tell your manager immediately and make a new declaration as above.

**Step 8: Reminder**
A reminder will be issued to all staff annually for a declaration to be made.
Appendix 2: Declaration form

<table>
<thead>
<tr>
<th>Declaration form for conflict of interests</th>
</tr>
</thead>
<tbody>
<tr>
<td>This form will be given to the appropriate Assistant Director who will need to be satisfied, in giving their consent that the declaration would neither interfere with the employee's performance or duties nor lead to any suspicion of improper influence. Each set of circumstances will be considered on an individual basis.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employee’s name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee’s job title</td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td>Working location:</td>
</tr>
<tr>
<td>Manager’s name</td>
<td></td>
</tr>
<tr>
<td>Do any of the following apply to this role?</td>
<td></td>
</tr>
<tr>
<td>LMG Manager</td>
<td>Legal Services Officer</td>
</tr>
<tr>
<td>Non-LMG Manager</td>
<td>Procurement Officer</td>
</tr>
<tr>
<td>Finance Officer</td>
<td></td>
</tr>
</tbody>
</table>

Part 1 – to be completed by the employee

Please outline your declaration OR state 'Nil Return' below. It is then your responsibility to pass this form to your line manager for his or her comments.

| Employee’s signature | Date |

Part 2 – to be completed by the employee’s line manager

Please detail any supporting information with regard to your member of staff's declaration. This should include your views and comments, what involvement you anticipate having and detailing any safeguards that could be installed. Please also include the views of your manager if appropriate.

| Line manager’s signature | Date |

Part 3 – authorisation by the Assistant Director

Authorised? (delete as appropriate)  Yes No

Additional comments

| Authoriser’s signature | Date |

On completion by the line manager of a Positive return, return this form in an envelope marked 'Private and Confidential' to the relevant Assistant Director.

On completion by the line manager of a nil return, return this form to your Departmental Coordinator as outlined below.

<table>
<thead>
<tr>
<th>Department</th>
<th>Coordinator</th>
<th>Department</th>
<th>Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Social Care</td>
<td>Kirstie Battrick</td>
<td>Governance Services</td>
<td>Caroline Hodge</td>
</tr>
<tr>
<td>Children’s Services</td>
<td>Flis Wright</td>
<td>Communities, Economy &amp; Transport</td>
<td>Lauren King</td>
</tr>
<tr>
<td>Business Services</td>
<td>Robyn Hunter</td>
<td>Chief Executive’s Office</td>
<td>Caroline Hodge</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public Health</td>
<td>Tracey Houston</td>
</tr>
</tbody>
</table>
### Appendix 3: Declaration of gift or hospitality

**Declaration Form for gift or hospitality**

Once you and your Manager have signed this form, you need to send it marked ‘Private and Confidential’ to your Assistant Director.

<table>
<thead>
<tr>
<th>Employee name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employee job title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Team and/or department name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manager’s name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Part 1 – to be completed by the employee**

I have been offered the following gift / invited to the following:
(Where relevant, include details of what has been offered, reason for offer, place, date and time of the event, likely business benefits and frequency of the event.)

<table>
<thead>
<tr>
<th>Estimated value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offered to me by</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Delete as appropriate:
The gift/hospitality offered was not accepted
I wish to accept the offer of hospitality for the following reasons:

<table>
<thead>
<tr>
<th>Employee’s signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Part 2 – authorisation by the Assistant Director**

Authorised? (delete as appropriate) Yes No
If authorised, please record why it is acceptable:

If authorised, are the costs being met in full by the Council? If not, please detail and explain why:

<table>
<thead>
<tr>
<th>Authoriser’s signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CONSTITUTION – PART 5 – CODES AND PROTOCOLS

Appendix 4: Employment after working at the County Council

1. In order to safeguard the integrity of the administration of the County Council, and in order to counter any suspicion of impropriety in, among other things, the contracting process for local authority works and services, the County Council requires each of its employees to obtain the approval of their Chief Officer/Headteacher before accepting any offer of employment in business or other bodies outside the County Council which would commence within six months of leaving the employment of the County Council, whether full or part-time, or before establishing a consultancy in the following circumstances:

   a. If you have had any material official dealings with your prospective employer (who, for the purpose of applying any of the clauses of these rules could be any organisation, individual or related undertaking including parent and subsidiary undertakings and associated undertakings as well as partners in joint ventures) during the last two years of employment with the County Council; or

   b. If you have had any material official dealings of a continued or repeated nature with your prospective employer during the last two years of employment with the County Council; or

   c. If you have had access to commercially sensitive information of competitors of your prospective employer in the course of your official duties; or

   d. If you have been substantially involved in negotiations on behalf of the County Council in respect of any commercial or contractual arrangements with an external body or party; or

   e. If, during the last two years of your employment with the County Council your official duties have involved advice or decisions benefitting that prospective employer, for which the offer of employment could be interpreted as a reward, or if your official duties have involved developing policy, knowledge of which might be of benefit to the prospective employer; or

   f. If you are to be employed on a consultancy basis, either for a firm of consultants or as an independent self-employed consultant, and you have had any dealings of a commercial nature with outside bodies or organisations in your last two years of employment with the County Council.

Chief Officers to whom the rules apply are required to obtain approval from the Chief Executive. The Chief Executive will need to obtain approval from the Governance Committee in the event that s/he proposes to take up an appointment which would lead to the rules applying to him/her. Headteachers to whom the rules apply are required to obtain approval from the Chair of Governors.

2. Approval for appointment to any position falling within the scope of these rules shall not be withheld unreasonably. In considering whether to approve an appointment, the Chief Officer/Headteacher will take into consideration the following matters:

   a. The relationship of the County Council to the prospective employer;

   b. The relationship between the applicant and the prospective employer during the course of the applicant's employment with the County Council;

   c. The possibility that the applicant may have had access to trade secrets and/or confidential information about one or more of the prospective employer's competitors during the course of employment with the County Council;

   d. The applicant's degree of seniority within the County Council; and / or

   e. Any other relevant factors.
3. It will be open to those considering applications to recommend unqualified approval or to recommend approval subject to any waiting periods less than two years or other conditions which are appropriate to the particular circumstances of the applicant (e.g. seniority of the employee and the prospective employer).
ANNEX C

Orbis Supplier Code of Conduct
On behalf of East Sussex County Council, Surrey County Council and Brighton and Hove City Council

Author: Anna Kwiatkowska, Head of Procurement, Surrey County Council
Version: 3.0
Date: February 2020
Approver: Keith Coleman, Deputy Director of Procurement
Introduction
This document sets out a short Code of Conduct to which we in Orbis Procurement expect suppliers to adhere when bidding for and delivering contracts for goods, works and services for our partners and customers. It is complementary to our Ethical Procurement Statement, which sets out our own standards and commitments.

Our aim is to adopt and ensure ways of working in our supply chains which:

- Respect fundamental international standards against criminal conduct (such as bribery, corruption and fraud) and human rights abuse (such as modern slavery), and respond immediately to such matters where they are identified, and
- Result in improvements to the working lives of people who contribute to our supply chains

Our purpose in doing this is to ensure that contracts are being delivered responsibly by our suppliers, and to build the trust of the public by promoting a culture of high ethical standards that deter or expose poor behaviour and practice.

Supplier Code of Conduct
We expect any supplier providing goods, works or services for our Partners or Clients to maintain high standards of integrity and professionalism in their business dealings, adhering to the law and taking action where necessary to minimise negative impacts and potential risks.

We will therefore expect our suppliers to agree to abide with the following principles, where proportionate and directly relevant to the subject matter of the contract. These are not normally included explicitly in the subject matter of contracts as most are governed by employment law and, as such, are legal requirements which if breached would be grounds for excluding the supplier from further contracts for non-compliance.

Further, we expect suppliers to ensure, as far as is proportionate, reasonable and practicable, that these principles are followed by suppliers in their own supply chains.

During a public procurement process we do not set standards which exceed the law, though we may work with suppliers post-award, and on a voluntary basis, to pursue wider ethical issues together to deliver additional improvements or added value.

We expect that:

Acting with integrity and transparency

- Procurement processes are conducted in an transparent and equal way in accordance with the latest Public Contracts Regulations
- There is transparency and honesty in the spending of public money
- Suppliers will have systems and processes in place to ensure public money is used for the purpose it is intended.
- Suppliers will maintain a gifts and hospitality register relating to Council contracts to be made available upon request.

Taxation

- Pay the required taxes responsibly and fairly, and not to seek to evade tax by the use of unethical practices

Working conditions are safe
• Operate appropriate health and safety policies and procedures overseen by a senior manager responsible for compliance and monitoring and ensuring employees have the necessary training and health and safety equipment.

• Provide comfortable and hygienic working conditions with clean toilets and water suitable for drinking and washing. Where worker housing is provided it should meet the same standards for health and safety as the workplace.

Good health is promoted

• Invest in measures for tackling ill health as healthy employees experience a better quality of life and tend to be more productive.

Employment is freely chosen

• Afford employees the freedom to choose to work and not use forced, bonded or non-voluntary labour.

• Afford employees freedom of association with the right to join an independent trades union or other workers’ associations and to carry out reasonable representative functions in the workplace.

• Put in place alternative means of democratic representation for workers where laws restrict freedom of association and collective bargaining.

• Do not use illegal blacklists to deliberately or unfairly exclude some sub-contractors or workers.

Working hours are not excessive

• Comply with national and international law or industry standards on employee working hours, whichever affords greater protection for the employee.

• Employees should not be expected to work more than 48 hours a week on a regular basis and, on average, receive at least one day off in every seven days. Overtime should be voluntary and not be demanded on a regular basis and where required it should be remunerated at an appropriate rate or be recoverable as time off in lieu and not exceed 12 hours in any week.

Performance Management

• Provide clear, easily understood disciplinary, grievance and appeal procedures that are lawful and appropriate. Any disciplinary measures should be recorded and suppliers should not seek to deprive employees of their legal or contractual rights.

Wages and Contracts

• Provide wages and benefits at rates that meet at least national legal standards of the country in which the services are performed.

• Provide employees with an easy to read contract of employment clearly explaining wage levels and other benefits. Where employees are unable to read, the contract should be explained to them by a union representative or another appropriate third party.
• Work with us post-award to ensure zero hours contracts are used only when clearly beneficial to both employer and employee.
• Wages should be monetary and not in kind (e.g. goods, vouchers) with no deductions made unless permitted under national law or agreed by the employee, without duress.
• Ensure that relevant criteria or standards for workers to be treated as self-employed are followed.

Training is provided

• Raise employees’ skills through training and access to professional development as befits their role to improve quality and secure greater value for money.

No discrimination

• In relation to age, disability, gender reassignment, marriage/civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, to practice no discrimination in hiring, compensation, training, promotion, termination or retirement either directly or indirectly.

Mediation and Disputes procedure

• Provide clear and accessible processes for resolving disputes with employees and follow them.

Child labour is eliminated

• Support the elimination of child labour.
• Provide for any child found to be working to attend and remain in quality education until adulthood.
• Ensure no children and young persons are employed at night or in hazardous conditions, as defined by the International Labour Organisation.

No inhumane treatment is allowed

• Prohibit physical abuse, the threat of physical abuse, sexual or other harassment, verbal abuse and other forms of coercion.

Operating sustainably and responsibly for your environmental impact on local communities

• Support the reduction in operational carbon emissions.
• Support the switch or further use of renewable energy.
• Work towards zero avoidable Single Use Plastic use (wherever possible),
• Encourage and participate in environmental programmes with local groups, schools and colleges,
• Encourage voluntary time to the sustainability of local green areas to increase biodiversity and keep green spaces clean.
Monitoring compliance with this Code

We aim to work with our suppliers to make improvements and deliver a more ethically-based supply chain for our partners and customers, taking a positive and supportive approach to compliance. We will do this in two main ways:

1. As a standard agenda item at existing regular contract review meetings, we will note progress and discuss any issues arising. Clear action plans will be put in place to drive further improvement. Where relevant key performance indicators are agreed in relation to specific contracts we will monitor trends.
2. On an annual basis, we will invite a small number of suppliers to share good practice and case studies, and identify initiatives for continuous improvement.

Whistleblowing

Our partners each maintain a Whistleblowing Policy for all employees and supplier, see [Surrey County Council](https://www.surreycouncil.org.uk), [East Sussex County Council](https://www.eastsussex.gov.uk), [Brighton and Hove City Council](https://www.brightonandsussex.gov.uk). Our suppliers are encouraged to use these policies when appropriate, and also to ensure an appropriate policy is in place in their own organisation.