LANCASHIRE COUNTY COUNCIL

STATEMENT OF ETHICAL STANDARDS FOR EMPLOYEES (OCTOBER 2021)

1. Introduction

1.1 The County Council's reputation for acting with integrity is to a great extent measured by the way in which our employees conduct themselves with our customers, other organisations and each other. This statement sets outs the ethical standards which must be upheld by all Council/School[1] employees. The standards are an important and integral part of the School's Code of Conduct for Employees which sets all the standards of behaviour that the School requires employees to comply with.

1.2 Our customers, the general public and external organisations are entitled to expect the highest standards of conduct from the School and its employees. Public confidence in our integrity would be shaken were the least suspicion to arise that the School or any employee could in any way be influenced by improper motives. Employees must therefore be aware that whilst social contact with persons who have business with the School can be perfectly proper, care must be taken to ensure that contacts of this nature cannot be misconstrued.

1.3 Relationships such as kinship, friendship, membership of an association or club may give the impression to others that an employee might, when undertaking School business, be acting from personal motives and have divided loyalties. The test is whether others would think the interest is of a kind to make this possible. Accordingly, where such relationships exist employees must be aware of their responsibilities under this Statement and, if they consider that any relationship might give such an impression, or if they are in any doubt, they must inform their line manager at once and, if necessary, make a formal declaration as required.

2. Application of the Statement

2.1 This Statement reflects relevant legislation and sets out the expectations of all persons working for the County Council, including those working in Community and Controlled schools. Whilst some of the issues addressed by this Statement are likely to affect senior, managerial and professional employees more than others, all employees and workers are covered by this Statement including those working in Community and Controlled schools, employees seconded to other organisations or those working in companies wholly owned by the Council. The

[1] **All employees and workers (including permanent, temporary, fixed-term employees and casual workers) in Community and Controlled schools are covered by this Statement, including those seconded to other organisations. The Governing Body of a Voluntary Aided, Foundation or Trust School may adopt this Statement for application within their establishment.**

Statement applies to permanent, temporary and fixed-term employees and casual workers. The Governing Body of a Voluntary Aided, Foundation or Trust School may adopt this Statement for application within their establishment.

2.2 The Statement sets out standards with which all employees must comply. Employees must conduct themselves at all times when undertaking School business in accordance with the highest professional and ethical standards and the laws of all countries in which the School does business.

2.3 On appointment (and when otherwise required by the School) employees shall be required to confirm their acceptance of the provisions of the Statement as a fundamental term of their contract of employment with the School.

2.4 Non-compliance with any of the provisions of this Statement will be regarded as misconduct and may result in action being taken under the Disciplinary Procedure. In some circumstances it may also result in criminal proceedings.

2.5 If you consider that other employees may be acting or have acted in breach of any of the provisions of the Statement then you must report this to the Headteacher or Chair of Governors, or raise it through one of the other available procedures e.g. whistleblowing.

2.6 You must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

2.7 You must pay particular attention to these provisions if your role with the School involves dealing with the award of any contracts by the School or if you deal with any financial transactions, particularly where they are high value. You must also carefully consider the implications of any external activity that you may undertake (where that is permitted see paragraph 2.8) in addition to your employment with the School.

2.8 You must not undertake any additional outside employment which is in conflict with your role as an employee. If you are paid above scp 19 on the Lancashire pay spine, or equivalent, you must seek permission prior to undertaking any additional outside employment – see the Code of Conduct.

3. Anti-Bribery and Corruption

3.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. This conduct is never acceptable.

3.2 It is not acceptable for you (or someone on your behalf) to:

(i) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;

(ii) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;

(iii) accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;

(iv) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided in return;

(v) threaten or retaliate against another employee who has refused to commit a bribery offence or who has raised concerns under these rules; and

(vi) engage in any activity that might lead to a breach of paragraphs (i) to (v) above.

3.3 The penalties for committing an offence under the Bribery Act 2010 can be serious. Failing to prevent bribery can result in a fine. Offences of giving or receiving bribes can result in fines and/or up to 10 years' imprisonment.

4. Gifts, Hospitality and Sponsorship

4.1 The acceptance/giving of any gift or hospitality by an employee from/to a person (customer, potential customer, supplier, family member of an employee or any other person), who has or may seem to have dealings with the School can be viewed with suspicion.

4.2 Although such offers may be made in perfectly good faith, employees must not accept or make offers where any suggestion of improper influence might arise. A gift or hospitality must not be able to be construed as a bribe nor must it seek to influence any decision or be contrary to any laws or regulations.

4.3 Any gift or hospitality should only be accepted where you are satisfied that any purchasing, planning or other School decisions are not compromised. You should not put yourself in a position where your own integrity and the integrity of the School may be called into question.

4.4 Gifts and hospitality should not be offered to or accepted from any existing or potential supplier or customer during a procurement exercise.

4.5 You should only accept a gift or hospitality where it is reasonable and justifiable and is on a scale appropriate to the circumstances, for example:

A gift with a token face value of up to £25 given by way of trade advertising to a wide range of contacts (e.g. calendars, pens, diaries);
The gift is not in the form of cash or securities;
The gift or hospitality is a one-off and not repeated on a regular basis; and
The gift or hospitality is given openly, not secretly.

4.6 You must seek prior approval, where possible, from the Headteacher before accepting any gift or hospitality that is estimated to be beyond a face value of £25.

4.7 You must declare all gifts and hospitality received or rejected that is estimated to be beyond a face value of £25. The appropriate form to make a declaration is attached to this Statement at Appendix A. The Headteacher should maintain a register of all declarations of gifts and hospitality. Your completed declaration form should be completed within 10 days of the date of the gift or hospitality. The register will be open to inspection by the Chair of Governors and/or LCC Senior Officer (including LCC Audit) as appropriate.

4.8 You should always consider the benefit to you and the School of declining a gift or hospitality. When a gift or hospitality has to be declined you should courteously but firmly inform those making the offer of the procedures and standards operating within the School.

5. Financial, Personal and Pecuniary Interests

5.1 You should disclose any financial or personal interests that you feel conflict or might be seen as conflicting with the Council/School's interests, for example:

- acting as a school governor within another school maintained by the Council;
- involvement with an organisation receiving grant aid from the School;
- membership of another public sector organisation;
- membership of a body exercising functions of a public nature;
- involvement with an organisation or pressure group which may seek to influence the County Council's policies;
- involvement with an organisation or company that is doing business with the Council/School e.g. as a director;
- membership of a charitable body that has a relationship with the Council/School;
- membership of the freemasons or any similar organisation.

5.2 Section 117 of the Local Government Act 1972 requires you to disclose any direct or indirect financial interest which you may have in any contract involving the Council/School. An interest is deemed to include a beneficial interest in a company, or partnership with, or employment by a person with such an interest. It extends to the interest of your spouse or partner. You must not accept any reward, fee, unauthorised commission, gift, present or payment for any work you

perform for the Council/School other than your proper remuneration. Failure to declare such interests may be a criminal offence.

5.3 If you wish to declare any financial or personal interests you should submit a completed declaration form to the Headteacher. The form is attached at Appendix B. The School's register of interests will be open to inspection by the Chair of Governors and/or LCC Senior Officer (including LCC Audit) as appropriate.

6. Compliance

6.1 Failure to comply with the principles and steps set out in this Statement may result in action being taken under the Disciplinary Procedure and can lead to dismissal. Examples include, but are not limited to:

(i) Failure to comply with the principles and steps set out in this Statement;

(ii) Failure to report a suspected, or actual, instance of non-compliance with the principles and steps set out in this Statement;

(iii) Failure to make, or falsification of, any declaration to the School that the Statement requires you to make;

(iv) Lack of attention or diligence on the part of managers that directly or indirectly leads to a breach of any provision of this Statement or a breach of the law;

(v) Direct or indirect retaliation against an employee who reports an actual, or suspected, breach of the principles and steps required by this Statement.

6.2 In addition to any disciplinary action that may be taken, a breach of any of the provisions of this statement may also amount to a criminal offence. Offences under the Bribery Act 2010 may result in imprisonment. Breach of the provisions of this Statement may also amount to a criminal offence under the provisions of s.117 of the Local Government Act 1972.

7. Amendments to the Statement

7.1 The Council/School reserves the right to amend this Statement at any time as it thinks fit to ensure compliance with legislation or otherwise by giving employees not less than 28 days' notice of any change whereupon the provisions of the revised Statement will take effect as a fundamental term of the employee's contract of employment.

7.2 Should you require any clarification about the requirements of this Statement please contact the Schools HR Team.

APPENDIX A

Register of gift(s) and/or hospitality form

School Name:	
Employee Name:	
Job Title:	

I declare that I have ***received/declined**** the following gift(s) and/or hospitality with an estimated face value of £25 or above:		
Nature of gift:	☐ Gift ☐ Hospitality	
Details of gift:		
Name/Address of provider:		
Date of receipt of gift/hospitality:	_____/_____/20_____	

Signed:	
Date:	

APPENDIX B

Register of financial, personal or pecuniary interests form

School Name:	
Employee Name:	
Job Title:	

Does this form relate to a:	☐ new declaration ☐ Amendment/deletion of an existing declaration

Type of interest:	☐ Financial ☐ Personal
Specific interest:	☐ Charitable body member ☐ Community or voluntary group member ☐ Freemasons ☐ Member of a public sector organisation ☐ Organisation or body that does business with the County Council ☐ Pressure Group ☐ School Governor ☐ Related to a County Councillor/member of the Governing Body ☐ Other (please provide further details)
Please state the details of your interest or the change you wish to make to an existing interest:	

Signed:	
Date:	