

# Code of Conduct

## Introduction

This Code of Conduct sets out the standards of conduct expected by the Council's employees. The purpose is to provide guidelines for staff to maintain and promote public confidence in the integrity of the Council. It is the expectation of the Council and clients' of the Council that the highest standards of conduct are adhered to. It takes into account the requirements of the law and also what is regarded as good practice.

Reference to this Code should be made in all contracts of employment and copies should be given to all staff. Investigations of alleged breaches of this Code will be dealt with under the Council's disciplinary procedures.

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As a Council employee, I will observe the following principles:

- make the safety of staff and the public my first concern and act to protect them from risk;
- respect the public, customers, Council staff and partners in other agencies;
- be honest and act with integrity;
- accept responsibility for my own work and support proper performance of my team and the wider Council;
- show my commitment to working as a team member by working with all my colleagues in the Council and the wider community;
- take responsibility for my own learning and development.
- protect the reputation of the Council.

*This means I will:*

### Be accountable

- 2.1 Employees are accountable, and owe a duty, to the whole Council. They must act in accordance with the principles set out in the code and recognise their duty to discharge public functions in accordance to the law.
- 2.2 Employees must perform his/her duties with integrity, honesty, impartiality and objectively. Their role is to the serve the Council in:
- Providing advice;
  - Implementing its policies; and
  - Delivering services to the local community.

### Have a duty of trust

- 2.3 An employee must at all times act in accordance with the trust the public is entitled to place in him/her.

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The public is entitled to expect the highest standards of conduct from all employees of the Council in performing their duties. They must act with integrity, honesty, impartiality and objectivity. Their role is to serve the Council in providing advice; implementing its policies and delivering services to the local community. In delivering services, employees' are expected to uphold the Council's values.

## 2.3.1 **Stewardship** - Employees must ensure that public funds which they control are used in a responsible and lawful manner.

An employee must:

- a) use any public funds entrusted to or handled by him/her in a responsible and lawful manner; and
- (b) not make personal use of property or facilities of the authority unless properly authorised to do so. This includes use of discounts or personal purchasing and supply through the Council's ordering facilities.

## **Respect relations with councillors, the public and other employees**

Mutual respect between employees and Councillors is essential to good local government, and working relationships must be kept on a professional basis. Employees should deal with the public, Councillors, and other employees/workers sympathetically, efficiently and without bias.

## 3.1 **Unacceptable behaviour**

All employees/workers of the council are required to behave in a professional manner whilst at work representing the council. The following are examples of behaviour that is not acceptable within the workplace;

- Actions which are unwanted, unwelcomed or unreciprocated which undermines that person's dignity/feelings at work are unacceptable. This includes any behaviour which might unreasonably threaten a person's job security, promotion prospects or create an intimidating working environment for an employee or volunteer.
- Any behaviour towards an employee, worker or volunteer from another person at work including a client/customer, councillor or contractor which has overtones the recipient finds offensive.
- Any verbal or written comments about any officer in front of other employees which could be reasonably considered as being disrespectful.
- Actions, jokes, or suggestions which might create a stressful working environment as regarded by that individual including the production, distribution, display or communication and discussion of material (such as books, posters, magazines, newspaper articles, photographs, videos, computer generated imagery etc.) which may give rise to offence. This also includes the inappropriate use of social media for work related incidents.
- Any actions which do not comply with the council's equality policy.

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## Register any personal interests related to my work

- 4.1 An employee must comply with any requirements of the authority:
  - (a) to register or declare interests; and
  - (b) to declare hospitality, benefits or gifts received as a consequence of his/her employment.
- 4.2 Several clauses of the code refer to interests or personal interests. Whilst the Council recognises that employees have lives outside their employment, for the purposes of this code - an interest is any matter in their lives that may influence Council decision-making.

## Be open and honest

- 5.1 Employees should normally be prepared to disclose information about the Council's business and must not prevent anyone from having access to information to which they are entitled by law.
- 5.2 Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, the information should not be released to anyone other than a Councillor, Council employee, or other person who is entitled to receive it, or needs to have access to it, for the proper discharge of their functions.
- 5.3 Nothing in this Code overrides existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. (An example of this is the tension between the Freedom of Information Act and the rights of individuals under the Data Protection Act). Employees are expected to be open and helpful to those seeking information held by the Council. Advice is available from the Governance and Information Manager.

## Not accept gifts

- 6.1 Can employees ever accept a gift at work? Small gifts may be accepted, for example a small item of confectionary, where the reason for or purpose of the gift is fully transparent and acceptable in a public sector environment. Gifts accepted must not have a value of more than £20.00. Gifts and their value should be recorded with the Democratic Team for the Solicitor to the Council as soon as possible after receiving the gift. Again, the important issue is to protect your own reputation, and the reputation of the Council.
- 6.2 It is understood that where a gift is offered it may be difficult to refuse without causing embarrassment to the giver. However, gifts over the value of £20.00 must not be accepted under any circumstance. In any event, such an offer should be recorded with the Democratic Team for the Solicitor to the Council.
- 6.3 If an employee were to accept gifts from a person tendering for work, for example, then it could easily be perceived as a bribe.

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- 6.4 Gifts of money should never be accepted, or gifts which have a monetary value, such as vouchers.

## **Register any hospitality received**

- 7.1 Can employees receive hospitality/attend functions in their official capacity?

Many employees are invited to a variety of functions in an official capacity. This is fine where the employee is representing the authority or is providing information at the engagement as a "voice" of the Council, for example a conference, exhibition, professional networking event or other professional themed event. Employees must always act appropriately where the Council has sent them on the Council's behalf, or where the employee's own professional body invites them.

- 7.2 Where employees are invited to a function or offered hospitality as a result of their employment with the Council but are not required to attend or represent the Council in their official capacity by the host, such offers must be refused and the invitation recorded with the Democratic Team for the Solicitor to the Council. For example, where an employee is invited to a hospitality function by a potential provider of services or products to the Council, or where a contract tendering or re-tendering process is taking place.

- 7.3 In any circumstances, an offer of hospitality or attendance at a function must be recorded with the Democratic Team for the Solicitor to the Council as soon as possible after receiving the invite.

## **Register and declare conflicts of interests**

- 8.1 While employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. Employees must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. Employees must not accept benefits from a third party unless properly authorised to do so by the Council.

- 8.2 Specifically, employees must comply with any rules made by the Council on:
- a) the registration and declaration of financial and non-financial interests; and
  - b) the declaration of benefits (including hospitality or gifts) offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting, or seeking to benefit, from a relationship with the Council.

- 8.3 What would be classed as corruption? This is legally defined as receiving or giving any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. This is a

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very broad definition and since corruption could lead to a criminal offence being committed it is vital that all officers at the Council ensure they perform their duties in a demonstrably fair and proper way. As always, advice is available from Legal Services if you are unsure about what might be classed as corruption.

## **Declare personal interest in decisions being made**

- 9.1 There are many ways in which factors can have such an influence. One example would be where an employee makes a decision and the external factors are, or could be, an effect on our decision. So if a planning officer were to make a decision on a house which is owned by a relative (for example) then the decision could easily be one which could be perceived to give preferential treatment to their relative. This will mean that in the interests of openness, the application should be dealt with by the Committee rather than by the officer under delegated powers.
- 9.2 The important issue here is that for the Planning Officer to make the decision may conflict with or react detrimentally to the way in which the Council makes rational decisions for the benefit of the area as a whole. A second and equally important issue is that the public should have confidence that the Council carries out those decisions in a fair way. Employees should also note that the professional reputation of the employee concerned is also protected by the Council's stance on these issues.

## **Remain politically neutral in my work**

- 10.1 Employees must not allow their own personal or political opinions to interfere with their work. Those employees who are in politically restricted roles (by reason of the post they hold, the nature of the work they do, or the salary they are paid), must comply with any statutory restrictions on their political activities.

## **Ensure I remain compliant with equality and diversity**

- 11.1 Employees must comply with the Council's policies relating to equality and diversity issues, in addition to the requirements of the law.

Respect for Others, an employee must:

- (a) treat others with respect;
- (b) not discriminate unlawfully against any person; and
- (c) treat members and co-opted members of the Council professionally.

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## Report misconduct

- 12.1 An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.

## Make staff appointment decisions based on merit

- 13.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. To avoid any possible accusation of bias, employees must not be involved in any appointment for any employee, or prospective employee, to whom they are related, or a friend.

### 13.2 Other Conditions

An employee must not be involved in any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee who is related or a friend.

### 13.3 Definition

(a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

(b) "partner" in sub-paragraph (a) above means a member of a couple who live together.

## Report (“Whistle blow”) any concerns about council matters

- 14.1 Employees, who become aware of activities which they believe to be illegal, improper, unethical, or otherwise inconsistent with this Code, should report the matter in accordance with the Council's "Whistleblowing Policy".
- 14.2 There is a Whistleblowing policy which is available to all employees and can be found on the intranet or obtained from the Monitoring Officer.

## Comply with investigations by a Monitoring Officer

- 15.1 Employees must comply with any requirements of the Monitoring Officer in connection with investigations made under regulations S.66 of the Local Government Act 2000.

## Seek approval for any additional employment

- 16.1 The Council recognises that employees may engage in additional employment, or self-employment in addition to their primary post. However

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the Council must be satisfied that there are no conflicts of interest and the additional work does not have an adverse effect on ability to carry out duties.

- 16.2 All employees wishing to undertake Additional Employment (with the exception of canvassing and election duties directly in support of the councils own democratic processes) must seek written approval from their Line Manager/ Head of Service. Employees must not commence additional employment until approval has been granted.

Employees who wish to undertake unpaid voluntary duties which may require time off from Council employment, must inform their Line Manager/ Head of Service. Unpaid voluntary work is excluded from the working time regulations.

Additional Employment covers:

- An additional post with the organisation
- Paid employment with another employer
- Voluntary work including public office duties e.g. Local Councillor
- Self-employment.
- Bank / Locum / Agency Work outside the Council
- Bank / Locum Work or an additional post within the Council.

Reservist Occupations (Reservists can be obliged to inform their employer, which should result in a discussion and agreement about what this means for the reservist and the employer's ability to deliver its service).

- 16.3 The Council will allow employees to either continue in their additional employment, or undertake additional employment, providing it is satisfied that:

- It will not adversely affect employee's duties under their contract of employment.
- There is no conflict of interest between employers or roles.
- The reputation of the Council is protected. Discussing council matters is to be avoided. In serious cases, discussing matters in this way could become a disciplinary issue.
- The arrangement complies with the requirements of the Working Time Directive. Employees do not work more than 48 hours a week on average - normally averaged over 17 weeks, unless the employee has signed an opt out form which has been approved by their manager. Please note that the Council does not encourage working above 48 hours.

The Council does not have to accept an opt out if its considered view is that agreement would adversely affect the individual's ability to fulfil their duties. Where managers have concerns regarding impact on performance or conflict of interest HR Advice should be sought.

- 16.4 Managers should forward any approval to the HR Team for retention on the individual's personal file. In the event the request is deemed against the interests of the Council the manager will confirm this decision in writing

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outlining the reasons for refusal. A copy of this letter will be sent to the HR Team for retention on the individual's personal file.

- 16.5 Employees should refrain from their additional employment whilst on sick leave from the Council. This includes any work during "Council working hours", e.g. weekends and evenings unless a GP Fit for Work Certificate states otherwise.
- 16.6 There may be circumstances where it is necessary for the Council to retract its permission for a member of staff to undertake additional employment.

Examples of these are outlined below.

- Poor attendance / time keeping
  - Employees subject to capability / performance where it is considered additional work has contributed to poor performance.
  - Rise of a conflict of interest due to changed circumstances
- 16.7 Managers are expected to regularly review employee's well-being and performance and may retract approval should the additional employment have an adverse effect on general performance or circumstances change which could lead to a conflict of interest.
- 16.8 Employees are expected to update their managers on any changes that could impact on the Council's reputation or their ability to work.
- 16.9 Failure to comply with this procedure may result in action being taken in accordance with the Council's Disciplinary Policy.

## **Comply with an acceptable standard of appearance at work**

- 17.1 The Council does not impose a particular style of dress with the exception of where protective clothing and uniforms are required.

The Council recognises that it employs workers from a wide range of backgrounds, cultures, ages and tastes, who wish to exercise choice in the way they dress. The Council accepts that adjustments may sometimes be necessary due to health, cultural or religious considerations.

- 17.2 The standards set out below are applicable to all employees at all times:
- A high standard of cleanliness and personal hygiene.
  - A standard of business dress which promotes the professionalism of the organisation.
  - Council name tags worn visibly where appropriate.
  - Only uniforms or protective clothing issued by the Council may be worn for those in particular positions. No substitutes are to be made. Any alterations for religious or health reasons must be agreed with the line manager and must be compatible with the colour and style of the uniform

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as well as offer the same level of protection.

- It is the duty of each worker to keep all items of their own uniform and protective clothing clean, pressed, in good repair and to wear it in this condition when at work.
- The uniform/protective clothing must not be worn outside work hours (except when travelling directly to and from work).
- Managers are responsible for ensuring that replacement of uniform/protective clothing is made available when given reasonable notice.

## Breaching the code

- 18.1 Alleged breaches of the Code of Conduct will be promptly considered and fairly and reasonably investigated. Individuals must be held to account for their own performance, responsibilities and conduct where the Council form a reasonable and genuinely held judgement that the allegations have foundation.
- 18.2 Investigators should consider whether there are wider system failures and organisational issues that have contributed to the problems.
- 18.3 If Senior Officers eg: Director level or statutory roles are to be investigated, the Council will appoint a suitable independent investigator who could be employed outside of the council.
- 18.4 This code of conduct will form part of all contracts of employment including Chief Executives and Directors and new appointments.