

Section 2 – Employees’ Code of Conduct

1. Introduction

- 1.1 The public are entitled to expect the highest standards of conduct from all our employees.
- 1.2 The aim of this Code is to assist employees achieve the required standards by setting out clearly what is required. This should help employees to protect their own integrity, the integrity of the Council, and to ensure the confidence of the public is retained.
- 1.3 The Council’s values of: Proud, Decent, Together support this code, by providing further guidance in relation to how employees need to conduct themselves in the workplace. Further information on these values is included in the Employee Handbook.
- 1.4 In addition to the values, the Council has developed a number of policies, procedures, guidelines and service standards which should be read in conjunction with this code. Further information on Council policies and procedures are available in the Employee Handbook.
- 1.5 Employees are required to read this Code and clarify any questions they may have with their manager. Please note that a breach of the standards set out in the Code will be dealt with through the Council’s Disciplinary and/or Capability Procedure, and could result in formal action up to and including dismissal.
- 1.6 This Code reflects the requirements of the “7 Principles of Public Life”, which apply to anyone who works as a public office-holder, which includes 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 (See Appendix A for the principles).

- 1.7 The Code also reflects the requirements of the Local Government Act 1972, Section 117 (See Appendix B).
- 1.8 The Bribery Act 2010 sets out that employees must not offer inducements in breach of the provisions of this Act.

2. General Principles

- 2.1 It is expected that our employees will deliver the highest possible standards of service at all times.
- 2.2 In addition where it is part of their duties to advise, employees must provide any advice impartially. This includes advice to councillors, colleagues, customers, contractors and the public.
- 2.3 If an employee becomes aware of activities which they consider to be illegal, improper, unethical or otherwise inconsistent with this Code, they must report it to their manager (or next appropriate manager) as soon as possible. Information on whistleblowing is also available on the hub.
- 2.4 Responsibility is placed on every employee to disclose to an appropriate manager any potential conflict of interest which may affect them in their job role.
- 2.5 Employees must not misuse their position, council information or any Council resources or equipment to further their own or others personal interests.
- 2.6 It is not enough for employees to actually avoid a breach of this Code. At all times, employees must act in such a way to avoid any occasion for suspicion and any appearance of improper conduct. This includes activities both in and outside of the normal place of work, and includes work related functions e.g. leaving celebrations. It also includes occasions outside of work where an employee makes themselves identifiable as an employee of this Council e.g. social media activities, wearing a uniform, driving a council vehicle.
- 2.7 Any breaches of the requirements of this Code of Conduct will be dealt with under the Council's disciplinary procedure

3. Disclosure of Information

- 3.1 The Council is required by law to provide certain information to councillors, auditors, government departments, customers and the public. However, prior to the release of any data or information an employee must consider and be confident that this is not in breach of data protection legislation, or other legal or Council requirements for confidentiality. If in any doubt, employees must check with their manager prior to the release of the information.
- 3.2 Personal data obtained in the course of employment should always be treated confidentially and only be disclosed in accordance with data protection legislation or other legal or Council requirements.
- 3.3 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they knowingly pass it on to others who might use it in such a way.

- 3.4 Any information received from a councillor that is personal to that councillor and does not belong to the Council should not be further shared without the explicit approval of that councillor. The only exception to this is where such a disclosure is required by law. If in any doubt, employees must check with their manager prior to the release of any information.
- 3.5 Information on data protection is available on the hub or from line managers or the Council's information governance team.

4. Political Neutrality

- 4.1 Employees serve the Council as a whole, and must serve all councillors equally and ensure that the individual rights of councillors are respected. Employees must not allow their personal or political opinions to interfere with their work or their behaviour at work.
- 4.2 Where an employee is requested to advise a full meeting of a political group or its executive, the Chief Executive must be informed by the employee in advance of the meeting. In providing the advice, political neutrality must be maintained. In addition, any advice given should be made available to all political groups, if requested.
- 4.3 Employees who are employed in a job role that is "politically restricted" are prevented from certain roles e.g. becoming members of a local authority (other than parish councils), an MP, from holding office in a political party and from canvassing, speaking in public or writing on party political matters.

5. Relationships at Work

- 5.1 Employees must declare to their manager any situation where their impartiality, objectivity, or honesty may be compromised due to them being related to, or having a close personal relationship with someone at work.

Councillors

- 5.2 Mutual respect between employees and councillors is essential. Some employees work closely with councillors, and all communication should be dealt with in a polite, impartial and efficient manner. Close personal familiarity between employees and individual councillors must be avoided at all times to prevent damage to the relationship and embarrassment to individuals and the Council.

The Local Community and Service Users

- 5.3 Employees should always remember their responsibilities to the community and ensure a polite, impartial and efficient service delivery to all groups and individuals within that community.

Contractors / Suppliers / Procurement / Tendering

- 5.4 All relationships of a business or personal nature with external contractors or suppliers must be declared to the Chief Officer on the Employees' Code of Conduct form (available on the hub) at the earliest opportunity. This form will be considered and the Chief Officer will make arrangements for any appropriate steps to be taken to manage any conflict of interest.
- 5.5 Orders and contracts must be awarded in accordance with the Council's procedures and no special favour must be shown to businesses or individuals.
- 5.6 Employees whose work involves the procurement, appointment or supervision of contractors must disclose any former or current private or official relationships with contractors to their Chief Officer using the Employees' Code of Conduct form.
- 5.7 When a conflict of interest is disclosed, the Council reserves the right to remove the employee from any areas of direct or indirect involvement in the matter concerned.

6. Recruitment and Selection and Other Employment Matters

- 6.1 Recruitment and selection and employment decisions must be made in accordance with Council policies and procedures.
- 6.2 To avoid accusations of bias, employees must not be involved in recruitment and selection processes where they are related to or have a close personal relationship with an applicant.
- 6.3 Senior officers are required to disclose to the Chief Executive on the Employees' Code of Conduct form any relationship known to exist between them and any person who they know is a candidate for an appointment with the Council. (Senior Officer means any employee paid a salary more than spinal column point 33 or equivalent).
- 6.4 Employees should not be involved in other employment related decisions for employees who are a relative or with whom they have a close personal relationship nor should they attempt to influence such decisions. This includes decisions on matters such as discipline, promotion or pay adjustments.

7. Outside Commitments

- 7.1 Employees must not allow their personal interests to conflict with or be detrimental to their duties or Council business.

- 7.2 Employees paid at or above Spinal Column Point 28 or above, irrespective of hours worked, must not engage in any other business or take up any additional employment or other appointments without the agreement of the Council. Employees requesting such agreement should complete the Employees' Code of Conduct form and submit it to their Chief Officer for recommendation. The Chief Officer will submit their recommendation to the Head of Human Resources and Organisational Development (HR&OD), who will make the final decision of the Council in consultation with the Head of Law and Governance.
- 7.3 The Council will not unreasonably prevent employees from taking additional employment. However, the Council will not approve any additional employment that, in the view of the Council, has the potential to conflict with, or be detrimental to the Council's interest or in any way weaken public confidence in the conduct of its business.
- 7.4 Employees are not permitted to carry out private trading in relation to goods, services or any form of intellectual property on the Council's premises nor may they do so elsewhere whilst on Council duties.

8. Personal Interests

- 8.1 All employees, regardless of their spinal column point, must declare to their Chief Officer, using the Employees' Code of Conduct form any financial or non-financial interests which they consider could bring about conflict with the Council's interests.
- 8.2 For those employees paid below spinal column point 28, this could include agreement to take up additional employment or a business opportunity where there could be a potential conflict of interest. Once the Employees' Code of Conduct form is completed, it must be submitted to the Chief Officer, who will submit their recommendation to the Head of HR&OD, who will make the final decision of the Council in consultation with the Head of Law and Governance.
- 8.3 It is a legal requirement for employees to formally declare any contracts with the Council in which they have a pecuniary interest. Such declarations should be made on the Employees' Code of Conduct form and sent to the Chief Executive. It is a criminal offence to fail to comply with the provision (See Appendix B).
- 8.4 Employees must not make official professional decisions on behalf of the Council about matters in which they have a personal involvement.

9. Equality

- 9.1 All members of the community, customers and employees have the right to be treated with fairness and equity. Employees must behave in a way that supports equality, dignity and respect and must observe the Council's Equality Scheme and other employment policies outlined in the Employee Handbook.
- 9.2 Unlawful discrimination, harassment and victimisation on any basis including age, disability, gender reassignment, marriage and civil, partnership, pregnancy and maternity, race, religion or belief, sex; and sexual orientation will not be tolerated and will be dealt with through disciplinary procedures.

10. Tendering / Contracting Arrangements

- 10.1 Employees involved in a tendering process and/or dealing with contractors must ensure they carry out their duties in a clear, transparent and fair way.
- 10.2 There must be a clear separation of client and contractor roles. Senior employees who have both a client and contractor responsibility must ensure clear accountability, transparency and openness.
- 10.3 Employees in contractor or client services must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 10.4 Employees who have access to confidential information on tenders or costs relating to either internal or external contractors must not disclose that information unless there is clear and specific authorisation to do so.
- 10.5 Employees must declare any relationship which may have the potential to conflict with the tendering process or could be perceived by others as a potential reason for bias.

11. Fraud or Corruption

- 11.1 It is a serious criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. See also Section 12 and 13 below.

12. Use of Financial Resources

- 12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. Employees should always strive to ensure value for money to the local community and to avoid legal challenge to the Council.

- 12.2 To support employees in this, the Council has developed financial rules and procedures, and information is also set out in the Financial Procedure Rules set out in the Constitution.

13. Hospitality and Gifts

- 13.1 A potential source of conflict between private and public interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. At all times an employee must consider whether the gift or offer of hospitality would lead a member of the public to question whether their dealing with a matter may be prejudiced by a gift.

Gifts

- 13.2 An employee should refuse any personal gift offered to him or her, or to any family member, by any person or organisation who has dealings with the Council. There is a limited number of exceptions to this, as set out below. Any offer of such a gift should be reported to the Chief Officer using the Employees' Code of Conduct form. An employee should show tact and courtesy when refusing a gift, including explaining why they are unable to accept.
- 13.3 If the gift is delivered to an employee's place of work there may be a problem returning it, in which case it should be reported to the appropriate Chief Officer immediately using the Employees' Code of Conduct form. The gift should not be used unless specific authorisation is received.
- 13.4 Particular issues can be encountered by employees in a "caring" role or delivering a direct personal service. For example, it is not unusual for people receiving support at home from paid staff or their relatives to wish to express their thanks and gratitude to care staff by offering gifts, money or even by making an employee a beneficiary in their Will. It is essential that employees avoid any suggestion of improper motives or conduct. The general principle must be that gifts or money should be politely and tactfully refused with an appropriate explanation. If it is not possible to return a gift, the details of the gift and the reason why it is not returned must be reported immediately to the manager who will give further guidance. The gift must not be utilised unless explicit authorisation is received.
- 13.5 If an employee becomes aware that they have been made a beneficiary in an individual's Will, they must immediately report this to their manager. The manager will then visit the client to ensure that the bequest represents the genuine wishes of the individual and has not been improperly influenced by the employee. Following this, the manager will notify the Chief Officer who will determine the appropriate course of action. In some cases an employee may be unaware that they are a beneficiary until after the death of the client. As soon as an employee is made aware of such a bequest they must notify their Chief Officer who will determine the appropriate course of action.
- 13.6 The following are exceptions, and do not need to be declared to the Chief Officer (however, if there is any cause for concern, an employee is responsible for discussing the matter with their line manager).

- A modest gift of a promotional nature given to a wide range of people, such as calendars, diaries, pens and other such articles which are common in the office and can be considered to form part of the general mailings of a company.
- A modest gift where refusal would cause needless offence and the giver is not seeking a business decision it is merely an expression of thanks for service e.g. box of chocolates or a standard bottle of wine.

13.7 An employee must not on any occasion accept the offer of money.

Hospitality

13.8 The guiding principle is that it is important not to create an appearance of improper influence which can then undermine public confidence. In general terms, it will often be more acceptable to join in hospitality offered to a group than to accept something on an individual basis.

13.9 Hospitality is sometimes offered and accepted by employees where it is reasonable in all the circumstances, and there is a legitimate requirement to attend. Approval by an appropriate manager is required. Caution is needed where the host is seeking to do business with the Council or to obtain a decision from it. It is important to avoid any suggestion of improper influence.

13.10 Care must be taken when considering attending exhibitions, seminars or visiting manufacturers, etc. Such visits can be linked to a major sporting events, shows, concerts etc. and can be an attempt to legitimise offers of hospitality in the guise of business activities.

13.11 When a particular person or body has a matter currently in issue with the Council, e.g. an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality be refused even if in normal times they would be regarded as acceptable.

13.12 All offers of hospitality should be reported to the Chief Officer concerned, or if the offer is made to a Chief Officer or Deputy, to the Chief Executive on Employees' Code of Conduct form.

13.13 The following checklist of questions may help to determine if an offer of hospitality or gift should be accepted or tactfully rejected.

- Is the donor or event significant in the community or in your Council's area?
- Is there an expectation that a Council representative attends because of their role?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place an employee under pressure in relation to any current or future issue?
- Could the decision to attend be justified to the Council, press and public?

- What is the hospitality or the nature of the gift and is it reasonable and appropriate in all of the circumstances to accept?
- What are the concerns about accepting the hospitality?

14. Summary of Process

- 14.1 Employees are required to read and understand the standards of conduct that are required of them, as set out in this Code. Employees must speak to their manager promptly if they have any questions on this Code.
- 14.2 Employees should note that any breach of the standards set out in the Code will be dealt with through the Council's Disciplinary and/or Capability Procedure.
- 14.3 Employees must ensure that they complete the Employees' Code of Conduct form to make the declarations and/or request approval as set out in this document. A response to each completed form will be sent to the employee. The employee must not engage in any activity (personal or otherwise, including receipt of gifts) which requires declaration and/or approval until they have received written authorisation from an appropriate Council officer.
- 14.4 Employees must report any activities which they consider to be illegal, improper, unethical or otherwise inconsistent with this code to their manager as soon as possible after they become aware of it.

Appendix A – The 7 Principles of Public Life

The 7 principles of public life apply to anyone who works as a public office-holder. 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. They were first set out by Lord Nolan in 1995 and are included in the Ministerial Code.

The 7 Principles:

1) Selflessness

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

2) Integrity

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.

3) Objectivity

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

4) Accountability

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.

5) Openness

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 so doing.

6) Honesty

Holders of public office should be truthful.

7) Leadership

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 occurs.

Appendix B - Local Government Act 1972, Section 117

1. If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a Local Authority that a contract in which she/he has any pecuniary interest, whether direct or indirect (not being a contract to which she/he is herself/himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, she/he shall as soon as practicable give notice in writing to the authority of the fact that she/he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

2. An officer of a local authority shall not, under colour of her/his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
3. Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [level 4 on the standard scale].
4. References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.