

CONSTITUTION

PART 9 – CODE OF CONDUCT FOR EMPLOYEES

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Code of Conduct for Employees

1. Introduction

- 1.1 The Council exists for the benefit of the local community and so employees are expected to provide the highest possible standards to ensure public confidence in its activities. Employees of the Council are therefore required to conduct themselves appropriately whilst undertaking Council business.

2. Objectives

- 2.1 The objective of this code is to outline the standards expected of all employees within the Council and to provide guidance on the conduct that is expected.

3. Scope

- 3.1 This Code of Conduct covers all employees of the Council including permanent, temporary and casual employees.
- 3.2 The Code of Conduct is additional to national conditions of service, local agreements, the Council's Standing Orders and Financial Regulations and any other Council or departmental policies that may be issued or amended.
- 3.3 This code will be reviewed regularly to ensure that it continues to be relevant and up to date.

4. Employee Responsibilities

- 4.1 Employees should consider this code carefully and comply with it fully as it forms part of their terms and conditions of employment. If an employee does not understand any aspect of the code, or requires further clarification about any of the information, they should speak with their manager or contact Human Resources.
- 4.2 Employees should be aware that any breach of this code, or its supporting policies and guidance, may result in action being taken under the Disciplinary Policy.

5. Manager Responsibilities

- 5.1 Managers should ensure employees within their team understand the Code of Conduct and should discuss it with any new starters as part of the local induction to ensure that all employees are aware of the code.

6. General Conduct and Relationships

- 6.1 Employees should always be aware of their responsibilities to the local community and should treat all members of the public, service users, partners and colleagues with respect and courtesy at all times. Likewise, employees should never abuse, threaten or strike any member of the public or a colleague and should also take care never to damage property belonging to a member of the public, or the authority or a colleague.

- 6.2 Orders and contracts, grants and planning decisions must be decided on their merits and in line with Council procurement policies. Favourable treatment must not be shown to businesses in which employees have an interest or are run by friends, partners or relatives. Likewise, employees should take all reasonable steps to ensure that an impression is not created that they are using their position within the Council to promote a private or personal interest.
- 6.3 Similarly, managers should ensure that recruitment is conducted in accordance with the Council's Recruitment and Selection Policy. Where a manager is recruiting for a post where one of the applicants is a relative, or they have a close personal relationship outside of work with them, they should ensure that this does not affect the recruitment. For instance, by requesting another manager (who does not have a relationship with the applicant) to support the process.
- 6.4 Managers should also ensure that they make Human Resources aware of any situation involving an employee which could result in a conflict of interest. For example, if a manager is conducting a disciplinary investigation where allegations have been made against someone who is a relative or with whom they have a close personal relationship outside of work. In such circumstances appropriate arrangements will be made such as appointing another manager as an investigating officer. Likewise, where a manager has a relationship with a member of their team, another manager could be involved in performance management / appraisal processes to ensure they are conducted fairly.
- 6.5 Some employees will be required to provide advice to Members. Mutual respect between employees and Members is essential to good local government and close personal familiarity between Members and employees can damage the integrity of the Council and prove embarrassing to other employees and Members and should therefore be avoided. The Member/Officer Protocol within the Council's constitution provides guidance in respect of conduct and relationships.

Customers and Service Users

- 6.6 Employees should ensure that they establish and maintain clear and professional boundaries in their relationships with customers and service users and must not use their position to enter into relationships that exploit service users sexually, emotionally, socially, financially or in any other manner.
- 6.7 Employees should ensure that they use sound professional judgement when supporting service users with specific and often personal needs, or where the employee is in a position of trust, to ensure that contact with service users remains appropriate and that personal and professional boundaries are clearly defined.

7. Use and Disclosure of Confidential Information

- 7.1 It is generally accepted that open government is best but due to the nature of its business and its relationship with service users, other organisations and members of the public, the Council deals with highly confidential and sensitive information affecting policies, transactions and employees. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. In addition, the Council may decide to be transparent about other types of information not covered by legislation. Employees should

ensure that they are clear which information the Council is able to provide as a matter of course in relation to their area of work and which information should remain confidential, or is exempt from public access and should act accordingly. Where employees are uncertain regarding disclosure of information, they should check with their line manager or appropriate senior manager.

- 7.2 Employees may not use any information obtained in the course of their employment for personal gain or benefit and should also not pass such information on to others who may use it inappropriately.
- 7.3 Conflicts of interest may also arise where employees receive information as part of their duties before it is made public. The Council will ensure, wherever possible and appropriate, that information becomes public knowledge at the earliest possible stage to minimise conflicts of interest. However, employees should ensure that they deal with such information with honesty and openness and discuss with their manager any conflicts of interest.
- 7.4 Employees have a duty to maintain confidentiality and must not disclose any information gained in the course of their employment to any third party for any unauthorised reason. A disclosure which complies with the requirements of the Whistleblowing Policy will be regarded as an authorised disclosure.
- 7.5 Confidential and sensitive data includes all information whether electronic, paper based or verbal information. Employees should also ensure that they comply with the requirements of the Data Protection Act and Freedom of Information Act when dealing with information. Any queries in relation to these acts should be referred to the Legal team.

8. Use of Council Resources

- 8.1 Any materials, equipment or resources that are the property of the Council should only be used by employees in the course of the duties of their role. Employees should not inappropriately use resources such as vehicles, equipment and stationery.

9. Political Neutrality

- 9.1 It is expected that employees follow the policies of the Council and do not allow their own personal or political views to affect or interfere with the work they undertake. In addition, employees should support all Members equally, regardless of their own political views, and not just those of the controlling group. In some circumstances employees may be required to advise political groups and in these circumstances they should do so in a way that will not compromise their political neutrality.
- 9.2 Employees appointed to a post as political assistant in accordance with the Local Government and Housing Act 1989 are exempt from these political restrictions. However, the other provisions of this Code of Conduct would still apply to these employees.
- 9.3 Where an employee's post has been determined as politically restricted this will be included in his/her job description and contract of employment.

10. Gifts and Hospitality

- 10.1 The acceptance of gifts and/or hospitality should be treated with caution as there is a delicate balance between the acceptance or refusal of hospitality or tokens of good will on certain occasions. Employees should make a judgement between the risk of causing offence by refusal and risking improper conduct by acceptance.
- 10.2 The receipt of items, with a value of less than £25 will not require disclosure. Items with a value of over £25 must be declared by employees completing a Gift / Hospitality Form.
- 10.3 Offers of hospitality or invitations to social occasions from those who do business with the Council, or have an interest in its decisions, where the value of the hospitality is less than £25 do not require disclosure. Hospitality received with a value over £25 must be declared by the employee completing a Gift / Hospitality Form.
- 10.4 Copies of the form are available on the intranet or by contacting the Democratic Services Team. When a form has been completed, the employee should forward it to a manager to approve the form who will indicate either that the acceptance of the gift / hospitality does not contravene this Code of Conduct, or alternatively that the gift / hospitality has been declined. Completed forms should then be returned to the Monitoring Officer for recording on the Gifts / Hospitality Register.
- 10.5 In all cases of acceptance of gift or hospitality, it is the duty of the employee to ensure that personal integrity, and therefore the integrity of the Council, is not put at risk. If an employee has any queries about registering a gift / hospitality they should speak with their manager, a senior manager or the Monitoring Officer.

11. Press and the Media

- 11.1 Employees should not deal directly with the press or media unless required to do so due to the nature of their role (i.e. employees within marketing and communication roles) or because they have been expressly authorised to do so by a senior officer.
- 11.2 All enquiries for information or comment on issues affecting the work of the Council should be referred to the Corporate Communications team. Employees should contact the team if they have any queries relating to media / press enquiries.

12. Dress Code

- 12.1 There is an expectation that employees are smart, tidy and suitably dressed in order to undertake the duties and responsibilities of their role and are dressed in keeping with the customer service initiatives within the Council. This includes wearing appropriate safety clothing and equipment in accordance with Health & Safety regulations (refer to individual PPE risk assessments).
- 12.2 Particular consideration/attention should be made in warm summer months to ensure that employees dress is appropriate for work as opposed to leisure.

12.3 The Council values and welcomes the diversity of its workforce and employees are free to observe ethnic and religious dress requirements whilst ensuring that this does not affect their own health and safety, or that of other colleagues or service users.

13. Employee Photographs

13.1 Employees will be required to provide a photograph or have their photograph taken so that it can be used for business purposes such as the intranet and internal email system. This photo will also be used to create an identification badge.

14. Criminal Convictions

14.1 If an employee is charged with a criminal offence or is cautioned in respect of a criminal offence, he/she should notify the HR Manager as soon as possible so that any possible impact on the role he/she undertakes / his/her employment at the Council can be determined.

14.2 Any employee who is required to drive as part of their employment is disqualified from driving; (irrespective of the vehicle and whether or not driving on Council business at the time) must within 2 days inform both his/her line manager and HR Manager. The impact on the role will be considered in line with relevant policies.

15. Intellectual Property

15.1 All creative designs, writings, drawings and inventions which are produced by employees through their employment remain the property of the Council.

16. Whistleblowing

16.1 The Council is committed to high standards of openness and accountability. If employees have concerns or become aware of activities that they believe are illegal, improper, unethical or in any other way inconsistent with this Code of Conduct or the principles of honesty and openness they should report these in accordance with the Council's Whistleblowing Policy, which is available on the Council's website.

17. Equality & Diversity

17.1 Employees should ensure that they demonstrate a commitment to the Council's equality and diversity policies and treat all members of the local community, Elected Members, service users and colleagues with fairness and equity. A copy of the Council's Corporate Equality and Inclusion Policy is available on the intranet.

18 Safeguarding Children and Vulnerable Adults

18.1 The Council has policies relating to the protection of children and vulnerable adults and employees should ensure that they are clear of their responsibilities for safeguarding and promoting the welfare of vulnerable groups. All employees should be vigilant for signs of neglect or abuse and report any concerns to their manager or follow the processes detailed in the Safeguarding Children and Vulnerable Adults Policy and Procedures (available on the intranet).

19. Corruption

- 19.1 Employees should be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for taking, or not taking, a particular course of action or showing favourable or disfavourable treatment to any person within the course of their role.
- 19.2 For further information regarding the receipt of gifts please also refer to Section 10 - Gifts and Hospitality.

20. Money Laundering

- 20.1 The Proceeds of Crime Act places responsibility on Councils to identify and report known, or possible, money laundering activities. Where employees are aware of such activities, or suspect that money laundering may be taking place, they should report this to the Corporate Resource Director. Employees should not discuss reporting the issue with the suspected perpetrator(s) as this could affect any subsequent investigation.

21. Additional Paid or Voluntary Work

- 21.1 Any employee undertaking additional work either on a paid or voluntary basis must provide details of the proposal to the appropriate senior manager who will either
- (i) Confirm that the Authority has no issue with the proposal or
 - (ii) Approves the proposal subject to conditions or
 - (iii) Advises the employee that the additional work may conflict with the Council's interests
- 21.2 In case of (i) or (ii) under 20.1 the employee needs to complete a Declaration of Interests form (please see Section 23 for more information).

22. Preparation of Plans/Advice linked to Ashfield District Council Services

- 22.1 An employee should not undertake any work within Ashfield District Council boundaries, that has a direct link to the Authority's services and functions e.g. preparation of plans, green deal etc. This work can only be undertaken for clients outside the district boundaries.

23. Extramural Activities; Lecturing, Freelance Writing

- 23.1 Employees in the Council may be involved in:-

Delivering or contributing to presentations, seminars etc. which promotes objectives, services and/or functions of the Council. In addition, an employee may be given the opportunity to contribute to local authority publications or those of related professional bodies.

- 23.2 These activities will normally be regarded as part of an employee's role within the Council and therefore their official duties. In these circumstances the work involved in being part of such events will typically be completed during office hours and no fee should therefore be paid to the employee.
- 23.3 Occasionally, however, employees may receive invitations to lecture in other circumstances or may be commissioned to write articles for local government press or professional journals. Alternatively, an employee may decide to produce a book; deliver a presentation or appear on the radio / television. In these circumstances where the lecture or writing etc. is not within the scope or remit of the employee's role within the Council, any preparatory work should not be completed during working hours. Consideration should be given to the guidance contained in 20.1 Similarly, if an employee is delivering a lecture or appearing on radio / television during office hours they should seek approval from the relevant senior manager. Time may be provided either with or without pay (depending on the circumstances) and the Council may request that the whole, or a prescribed proportion, of any fee received by the employee is paid back to the Council.
- 23.4 If an employee is undertaking extramural activities, delivering lectures, conducting radio / television appearances etc., they should not use any confidential information or quote from documents copyrighted by the Council without agreement from his/her senior manager. Employees may use information which is already within the public domain or use knowledge or experience which they have gained in the course of their role within the Council (subject to relevant policies / legislation for example Data Protection Act).
- 23.5 Those employees who are employed within posts that are designated as politically restricted should bear in mind that they should not speak to the public at large (for example by delivery of a lecture or by a radio / television appearance) or publish any written work which could affect public support for a particular political party.
- 24.6 Where an employee is delivering lectures, writing articles, conducting radio / television appearances etc. he/she should ensure that he/she outline that any views that he/she is expressing are not the views of the Council, unless he/she has the approval of the relevant senior manager to indicate otherwise.

24. Declaration of Interests

- 24.1 How employees spend their time out of work is obviously their own personal business, but whilst employed by the Council they should ensure they don't put themselves in a situation where their work role and private interests conflict. Where there is a possible conflict of interest, this should be declared using a Declaration of Interests Form (available on the intranet). Further guidance is available on the form to clarify how to complete it. Also refer to 6.2
- 24.2 Employees are required to declare any financial, or non-financial interests, that they consider could conflict with the Council's interests. These may include: -
- Any previous relationship, e.g. as an employee of a company that the Council contracts with.

- Involvement in a company (i.e. employee, director or owner) that does, or could, do business with the Council.
- A family member / partner / spouse who has a company that does, or could, do business with the Council.
- Details of any additional employment / voluntary work or business interests that could conflict with the interests of the Council.
- Family members who are Elected Members of the Council or close personal relationships with Elected Members that could be perceived to cause a conflict.
- Secondary paid or unpaid employment including voluntary or fee-paying work.
- Drivers of official council vehicles must complete “other work” declaration (paid work for other companies/self-employed) along with driving licence check. (please refer to the Driving Policy for ADC Vehicles).

- 24.3 Please note that the above list is not exhaustive, and if an employee has any queries about whether or not an interest should be declared he/she should discuss this with his/her manager, Human Resources or the Monitoring Officer.
- 24.4 Employees may not become trustees or board members of organisations which receive any form of funding from the Council unless they have the approval of the appropriate senior manager. Any requests should be submitted in writing and senior managers may discuss such requests in consultation with the Monitoring Officer.
- 24.5 All Declaration of Interest forms should be signed and agreed by the line manager and relevant senior manager, a copy should be forwarded to Human Resources to be stored on the employee’s personal file.
- 24.6 An employee will have the right of appeal to the Chief Executive following the decision on a Declaration of Interest form.
- 24.7 All employees will be asked to complete a Declaration of Interest when they start their employment with the Council and where employees have no interests to declare they should indicate this on the form and submit a nil return. Employees should then submit a new form where their circumstances change which mean they have interests to declare. It is the responsibility of all employees to ensure that they complete a form when their circumstances change.