

Employee Code of Conduct

September 2018



We speak your language

Polish

Mówimy Twoim językiem

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

If you require this publication in
large print or another format
please call us on **01246 242424**

CONTROL SHEET FOR Employee Code of Conduct

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Employee Code of Conduct
Current status – i.e. first draft, version 2 or final version	Version 1
Policy author (post title only)	HR & OD Manager
Location of policy (whilst in development) – i.e. L-drive, shared drive	
Relevant Cabinet Member (if applicable)	Councillor Duncan McGregor
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council	
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

Employee Code of Conduct

CONTENTS

1. Standards
2. Disclosure of Information
3. Political Neutrality
4. Relationships
5. Appointment and Other Employment Matters
6. Outside Commitments
7. Intellectual Property
8. Personal Interests
9. Equality Issues
10. Contracts, Procurement and Tendering
11. Corruption
12. Use of Resources
13. Sponsorship – Giving and Receiving
14. Safety
15. Criminal Activity
16. Falsification of Records
17. Damage to Property
18. Abuse of Authority
19. Co-operation
20. Time Keeping and Attendance
21. Alcohol and Drugs
22. Rules
23. Interpretation

EMPLOYEE CODE OF CONDUCT

1. Introduction

This code has been drawn up broadly in line with the Local Government Management Board's Code of Conduct for local government employees, with variations to reflect Bolsover's conditions and circumstances.

This code has been formulated by the Council to provide a set of standards of conduct expected of employees at work and the link between that work and their private lives.

The code takes into account the requirements of the law and the provisions on official conduct in the appropriate National Conditions of Service.

The code applies to all Council employees. Those employees involved in processing applications for services or resources, licences or statutory consents and those involved in the procurement of goods and services need to pay particular attention to the code.

The code will be made readily accessible in all work places to all employees for reference purposes. Investigations of alleged breaches of this code will be dealt with under the Council's Disciplinary Policy. If employees are in any doubt whether they may be in breach of this code they should seek advice from their Head of Service.

2. Standards

1.1 Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

1.2 Employees are expected to undertake their duties on the basis of mutual trust, respect and courtesy. Conduct which undermines the satisfactory working of the establishment and is not in accordance with these principles will give rise to disciplinary action which could include dismissal.

3. Disclosure of Information

2.1 The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of the types of information which are open and which are not. Heads of Service must ensure their employees are well briefed on these matters. Employees must make themselves aware of their responsibilities under the General Data Protection Regulation. If there is any doubt advice should be sought from the Data Protection Officer or Legal Services.

- 2.3 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 2.4 No employee shall communicate to the public the proceedings of any Council meeting from which the public are excluded, nor the contents of any document or other information relating to such a meeting, unless required by law or expressly authorised to do so by an Officer with the appropriate authority.
- 2.5 Employees should not communicate information acquired at work to the press, TV or radio without specific authority from a Heads of Service or Director. Where an employee communicates with the media in a capacity other than as an employee, the employee should make it clear that he/she is speaking for him/herself and should not name the authority.

4. Political neutrality

- 3.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways that do not compromise their political neutrality. Guidance is contained within the Member/Officer Protocol and may also be obtained from Legal Services.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

5. Relationships

4.1 Councillors

Mutual respect between employees and councillors is essential to good local government. Close personal familiarity or hostility between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Employees should read and act in accordance with the Council's Protocol on Member/Officer Relations.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Head of Service. For Heads of Service notification should be given to the Director/Chief Executive Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 4.4 Employees who engage or supervise contractors or have any other official relationship with the contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare in writing that relationship to the Head of Service.

5. **Appointment and other employment matters**

Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related (including a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner or ex-partner) to an applicant, or had/have a close personal relationship outside work with him or her.

All employees participating as part of the interview panel will be required to sign a declaration that they are not related, or have/had a close personal relationship or association (whether positive or negative) with any of the candidates.

- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or friend.
- 5.3 Every candidate for an appointment with the Authority is required, when making such an application, to disclose whether to his/her knowledge they are related to any member/employee of the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after the appointment is made he/she will be liable to dismissal.

6. Outside Commitments

- 6.1 An employee's off duty hours are their own concern but he/she must not allow private interests to conflict in any way with the duties of their employment with the Authority or to cause any detriment to the interests of the Authority or to undermine public confidence in that officer's integrity.
- 6.2 No employee shall undertake additional work (whether paid or unpaid) outside of the Authority without completing a Secondary Employment Form which is available from Human Resources and obtaining the prior approval of their Head of Service. All such requests require the further approval of the Chief Executive Officer.
- 6.3 Where undertaking authorised additional work outside the Authority, employees must not use Council vehicles, tools, equipment or clothing.

7. Intellectual Property

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

8. Personal Interests

- 8.1 Employees must declare, and submit in writing to the Chief Executive Officer, details of any non-financial interests that they consider could bring about conflict with the Council's interests.
- 8.2 Employees must declare, and submit in writing to the Chief Executive Officer, details of any financial interests that could conflict with the Council's interests.
- 8.3 Employees should declare to the Chief Executive Officer, membership of any organisation which is not open to the public and has no formal membership but to which the individual owes a commitment of allegiance and which has secrecy about rules or membership.
- 8.4 Employees must not, in respect of data held by the Council, access or deal with their own personal records/information/data or that of their family or close friends

9. Equality issues

- 9.1 The Council is committed to a policy of equal opportunities in the full context of employment issues and all officers responsible for recruitment, training, promotion and career development shall select candidates irrespective of whether they have a 'protected characteristic'. 'Protected characteristics' covered by the Equalities Act 2010 are because of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation or any personal characteristic of the individual, whether the person possesses a particular characteristic or it is perceived they do

- 9.2 All members of the community, customers, councillors and other employees have a right to be treated with fairness and equity.
- 9.3 Employees are expected to carry out their duties and responsibilities in accordance with the Council's Equalities Policy. Employees must not discriminate against or harass any member of the public or colleague on grounds of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

10. Contracts Procurement and Tendering

- 10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the Director and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no special favour is shown to current or former employees or their friends, partners, relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 10.6 Employees must ensure that any action taken in respect of the tendering process, dealing with contractors or in the procurement of goods or services is compliant with the Council's Standing Orders and Financial Regulations.
- 10.7 Employees dealing with contractors should ensure that they do not use their professional relationship to obtain advantageous prices for themselves, which would not be available to all employees, or where the obtaining of this advantageous price would be to the detriment of the Council.

11. Corruption

It is a serious criminal offence for an employee 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. Employees must act in accordance with the Council's Guidance on Acceptance of Gifts and Hospitality.

12. Use of Resources

- 12.1 Employees must ensure they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 12.2 Employees should be aware of and adhere to the Authority's Contracts Standing Orders, Financial Regulations and Procurement Strategy. If any employee has concerns over the lawfulness of certain action they should raise their concerns with their Head of Service or Director/Chief Executive Officer. **Employees should ensure that they are familiar with the Council's Whistle blowing Policy and be aware of the protection that it can provide.**
- 12.3 The Council's time, property and facilities, including the use of plant machinery, stationery, vehicles, offices and other assets may be used only for Council business.

13. Sponsorship – Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiations or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the Council wishes to sponsor an event or service neither an employee nor relative, partner or friend must benefit from such a sponsorship in a direct way without there being full disclosure to Head of Service/Director/Chief Executive Officer of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14. Safety

All employees have a duty to take care of their own health and safety and that of others who may be affected by their activities, acts or omissions. Failure to comply with Health and Safety Policies and Procedures, or to recklessly or negligently endanger themselves or others may be regarded as gross misconduct and will be grounds for disciplinary action.

15. Criminal activity

A criminal offence or incident committed in the course of employment or connected to it will be grounds for disciplinary action. A criminal offence or incident outside the course of employment may be grounds for disciplinary action if it renders the employee unsuitable for the requirements of his/her post.

16. Falsification of Records

Any act involving the deliberate falsification of records, qualifications, entries on flexi-time sheets, abuse of the flexi-time system, time sheets, bonus sheets, expense claims or similar document, will be grounds for disciplinary action.

17. Damage to Property

Employees must take good and reasonable care of the Council's property, equipment and other physical assets and of the property, equipment and other physical assets of fellow employees and of any other person where the Council is in a position of trust or has a duty of care.

18. Abuse of authority

- 18.1 Employees have a position of trust and responsibility in respect of the effective and efficient operation of the organisation. Employees must not use an official position improperly or for a private advantage for themselves or another.
- 18.2 An Employee must not in his/her official capacity, or any other circumstance, conduct him/herself in a manner which could reasonably be regarded as bringing his/her office or the Council into disrepute.

19. Co-operation

- 19.1 Employees must comply with the reasonable and lawful instructions of their supervisors. Any act of insubordination could constitute grounds for disciplinary action.
- 19.2 Employees have a duty to obey lawful and reasonable instructions, to serve the Council, as their employer, personally and faithfully, to exercise reasonable care and skill in carrying out their work, to abide by the law and not to disclose confidential information after the employment ends.

20. Time Keeping/Attendance

- 20.1 Employees must attend work regularly and punctually during their normal working hours.
- 20.2 Employees unable to attend through illness or for any other reason must report this on the first and fourth days of absence by 9.00 am, or earlier where this is necessary for the efficient scheduling of cover.
- 20.3 Employees absent through illness must not prolong their absence by neglecting to act on medical advice.

- 20.4 Employees may not absent themselves without giving reason.
- 20.5 Employees must complete a self-certificate for any absences of less than eight calendar days and produce documentary medical evidence to cover absences in excess of 7 calendar days.
- 20.6 Employees should ensure that they are familiar with the Council's Absence Management Procedure.

21. Alcohol and drugs

- 21.1 Employees must not use, sell, buy or possess illegal drugs (of any classification) or other such substances during working hours, or on Council property, or in a Council vehicle.
- 21.2 Employees must not consume alcohol on Council property or during work time unless expressly authorised to do so by the Head of Service.
- 21.3 Employees must ensure that their use of alcohol or drugs or other substances does not adversely affect work performance or the safety of any person, including themselves, who may be affected by their work activities and that it does not bring the Council into disrepute.
- 21.4 Employees taking prescribed or over-the-counter drugs must ensure that their use does not knowingly adversely affect work performance or the safety of any person, including themselves, who may be affected by their work activities.

22. Rules

- 22.1 This Code of Conduct outlines some general standards and employees must ensure that they are aware of any other rules that apply to their profession, position and workplace. Employees must familiarise themselves with and observe the requirements of the Council's Standing Orders, Financial Regulations, Computer Security Policy, Internet & email Policy, Harassment and Bulling at Work Policy and other policies, procedures, protocols, rules and guidance documents applicable to them and to their post.
- 22.2 Any breach of this Code of Conduct may be regarded as a disciplinary offence.

23. Interpretation

HR Service staff will provide advice and guidance on the interpretation of this code.

24. Responsibility for Implementation

Head of Service, Corporate Governance.

25. Appendices (if applicable)

Secondary Employment form.