

## **5.3 EMPLOYEE CODE OF CONDUCT**

### **5.3.1 Standards**

- (1) Local Government 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.
- (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.

### **5.3.2 Disclosure of Information**

- (1) It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware the types of information which are open and which are not. Managers must ensure their employees are well briefed on these matters. Employees must make themselves aware of their responsibilities under the Data Protection Act. If there is any doubt advice should be sought from the Data Protection Officer, Legal Services or Governance.
- (2) 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 Council 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.
- (3) 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 a Director or Head of Service.
- (4) Employees should not communicate information acquired at work to the press, TV or radio without specific authority from a Head 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.

### 5.3.3 Political Neutrality

- (1) Employees serve the Council 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.
- (2) Subject to the Council'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 or Governance.
- (3) Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- (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). Council would need to agree the appointment and would be for Councillors (as the political group seeking a political assistant) to manage. The post would be appointable until the next election.

### 5.3.4 Relationships

- (1) Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers who are all there to carry out the Council's work. 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.

- (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.

- (3) Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. 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) 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 appropriate manager.

### 5.3.5 Appointment and other employment matters

- (1) 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 to an applicant, or had/have a close personal relationship outside work with an applicant. A close personal relationship would be defined as one involving the employee with a relative, partner or friend as defined below:
  - “relative” means 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) of any of the preceding person,
  - “partner” means a member of a couple who live together,
  - “friend” means a person with whom one enjoys mutual affection and regard.

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

- (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.
- (3) Every candidate for an appointment with the Council is required, when making such an application, to disclose whether to their knowledge they are related to any Member/employee of the Council. Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after the appointment is made that person will be liable to dismissal.

### 5.3.6 Outside Commitments

- (1) An employee’s off duty hours are their own concern but an employee must not allow private interests to conflict in any way with the duties of their employment with the Council or to cause any detriment to the interests of the Council or to undermine public confidence in that officer’s integrity.
- (2) No employee shall undertake additional work (whether paid or unpaid) outside of the Council without completing a Secondary Employment Form which is available from Human Resources, and obtaining the prior approval of their Director or Head of Service as appropriate. All such requests require the further approval of the Head of Paid Service.

- (3) Where undertaking authorised additional work outside the Authority, employees must not use Council vehicles, tools, equipment or clothing.
- (4) Guidance for Directors and Managers on employees' outside interests and the need for Council approval is attached at Appendix 2.

#### 5.3.7 Intellectual Property

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

#### 5.3.8 Personal Interests

- (1) Employees must declare, and submit in writing to the Monitoring Officer, details of any non-financial interests that they consider could bring about conflict with the Council's interests.
- (2) Employees must declare, and submit in writing to the Monitoring Officer details of any financial interests that could conflict with the Council's interests.
- (3) Employees should declare to the Monitoring 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, membership or conduct.
- (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

#### 5.3.9 Equality Issues

- (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.
- (2) All members of the community, customers, councillors and other employees have a right to be treated with fairness and equity.
- (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.

### 5.3.10 Contracts, Procurement and Tendering

- (1) Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- (2) Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- (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.
- (4) Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- (5) Employees should ensure that no special favour is shown to current or recent former employees or their friends, partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- (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 Contract Procedure Orders and Financial Regulations.
- (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.

### 5.3.11 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 in Appendix 1 of this Code.

### 5.3.12 Use of Financial Resources

- (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.
- (2) Employees should be aware of and adhere to the Council's Standing Orders, Financial Regulations and Procurement rules. If any employee has concerns over the lawfulness of certain action they should raise their concerns with their Director or Head of Service as appropriate, or Monitoring Officer and Chief Finance Officer. For full details of how to raise concerns please refer to the Council's Whistleblowing Policy.
- (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.

### 5.3.13 Sponsorship – Giving and Receiving

- (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. The Council now has in place an Advertising and Sponsorship Policy which should be considered before any sponsorship is taken.
- (2) Where the Council wishes to sponsor an event or service neither an employee nor any relative, partner or friend must benefit from such a sponsorship in a direct way without there being full disclosure to an appropriate manager 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.

### 5.3.14 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.

### 5.3.15 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. **For the purpose of this Code, a definition of 'Criminal Offence' is: an act harmful**

**not only to some individual but also to a community, society or the state ("a public wrong"). Such acts are forbidden and punishable by law.**

#### **5.3.16 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.

#### **5.3.17 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.

#### **5.3.18 Abuse of authority**

- (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.
- (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.

#### **5.3.19 Co-operation**

- (1) Employees must comply with the reasonable and lawful instructions of their supervisors. Any act of insubordination could constitute grounds for disciplinary action
- (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.

#### **5.3.20 Time Keeping/Attendance**

- (1) Employees must attend work regularly and punctually during their normal working hours.
- (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.
- (3) Employees absent through illness must not prolong their absence by neglecting to act on medical advice.

- (4) Employees may not absent themselves without giving reason.
- (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.
- (6) Employees should ensure that they are familiar with the Council's Absence Management Procedure.

#### 5.3.21 Alcohol and drugs

- (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.
- (2) Employees must not consume alcohol during working hours, or on Council property, or in a Council vehicle unless expressly authorised to do so by a Head of Service, or Director. An example where this may be authorised is at a celebratory Council event.
- (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.
- (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.

#### 5.3.22 Rules

- (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.
- (2) 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 Bullying at Work Policy and other policies, procedures, protocols, rules and guidance documents applicable to them and to their post.
- (3) Any breach of this Code of Conduct may be regarded as a disciplinary offence.

#### 5.3.23 Interpretation

The Monitoring Officer will provide advice and guidance on the interpretation of this Code.

**APPENDIX 1**

**GIFTS AND HOSPITALITY GUIDANCE**

- (1) In many areas of the commercial world it is common practice to offer and accept gifts, hospitality and other benefits. This practice is frequently used to influence a decision when one company is seeking business with another and it is perfectly legal to do so – but it can be quite the contrary in public service.
- (2) The acceptance of gifts, hospitality or other benefits, even on a modest scale, may arouse suspicion of impropriety and extreme caution and discretion should be exercised in accepting either. In principle you should refuse any personal gift offered to you or your family by any person or company who has or seeks dealings of any kind with the Council.
- (3) The only reasonable exceptions to the guidance given in (2) above are:-
  - (a) Small gifts of a purely token value given by way of trade advertisements (e.g., calendars, diaries, articles for general use in the office).
  - (b) Small articles, again purely of a token value given at the conclusion of courtesy visits (e.g. to a factory).
  - (c) A small gift offered without warning and where refusal would give particular offence.
- (4) Should you receive an unexpected gift, which falls outside the categories (see 3 above) you should consult your Director or Head of Service, as appropriate, who will decide the course of action. This may include:-
  - (a) returning the gift, ensuring that the donor is told in a polite way why this has been necessary;
  - (b) passing the gift on to some charitable cause if it is appropriate to do so;
  - (c) agree that the gift may be kept by the recipient.
- (5) Details of all gifts covered by the above categories must be recorded in a book kept for this purpose by the Monitoring Officer.
- (6) Hospitality is sometimes offered to employees and it is not always possible or desirable to reject offers of a moderate nature. Examples of acceptable hospitality include a working lunch of a modest standard, provided to allow business discussion to continue.

- (7) Some offers of hospitality are clearly unacceptable and these would include offers of holiday accommodation, individual offer of theatre tickets for yourself or your family and individual invitation to dinner.
- (8) You should be particularly cautious when any form of hospitality is offered by an individual or organisation seeking to do business with, or a decision from, the Council as acceptance might affect your relations with the party offering it and how this might be viewed. If in any doubt at all you should consult with your Director or Head of Service as appropriate before acceptance. Directors/Head of Service must consult with Monitoring Officer or Chief Financial Officer.
- (9) Acceptance of offers of hospitality must be recorded in the book kept for the purpose.
- (10) These guidelines are intended as a general overview on the acceptance of gifts and hospitality but cannot cover every eventuality. If you are in any doubt you should consult your Director or Head of Service, as appropriate.
- (11) **The procedure for registering offers of gifts and hospitality to officers will be as follows:**
  - When a gift/hospitality arises it is the responsibility of the recipient to use the Gifts and Hospitality Declaration form which can be located on the intranet.
  - There will be two versions of the Declaration form –
    - **Gifts and Hospitality Corporate Declaration form** – to be completed by all Bolsover District Council Employees
    - **Gifts and Hospitality Members Declaration form** – to be completed by any District Councillor.
  - Note for officers only: Complete the relevant form and get the Authorising Officer to sign the document (if the gift or hospitality is being accepted).

### **REMEMBER**

- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality. ***Members have 28 days to do this.***
- Members are required to declare any gift or hospitality that is above the value of £25. However, there is nothing to stop you from declaring any gift or hospitality that is below the stated value if you prefer to have this on record.

- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality.
- Give an approximate value of the offer. You can say “*de minimis*” or “*less than £10*” if the gift is small.
- Name the donor, including where the Authority provides hospitality.
- It must be clear from the entry whether the offer is accepted or refused.
- The name and extension number of the individual who received the offer must be provided on the form.
- A reason for acceptance must be given and the Line Manager’s authorisation (signature) obtained.
- Line Managers should not authorise their own acceptance of gifts and hospitality. A Director or Head of Service should be asked to authorise.
- Scan the signed and completed document and email the form to the Monitoring Officer.
- The register will be checked annually by the Monitoring Officer, on behalf of the Standards Committee, to ensure that the system is being used and to monitor the frequency of any gifts and hospitalities during the calendar year.

## APPENDIX 2

### GUIDANCE FOR MANAGERS AND OFFICERS' OUTSIDE INTERESTS AND THE NEED FOR THE COUNCIL'S APPROVAL

