

# Code of Conduct

DUDLEY METROPOLITAN BOROUGH COUNCIL



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## **1.0 Introduction from Chief Executive**

The public is entitled to expect the highest standards of conduct from all employees. It is therefore important that everyone understand their roles and responsibilities whilst at work and where necessary understand how behaviours and activities outside of work may impact upon their ability to do their work during working hours.

This code of conduct is based on the Council's Contract Standing Orders and Financial Regulations, the provisions of general law as well as your conditions of service. This code of conduct should also be read in conjunction with other policies and guidance referred to throughout this document.

As the code applies to everyone, please take time to carefully read this document and ensure that your conduct is at all times consistent with its requirements. It provides you with the guidance you need to protect yourself and compliance with the code will help maintain the reputation of Dudley Council.

**This document forms part of your contract of employment and you are required to complete the Code of Conduct for Employees Policy Acceptance via the Policy and Learning Centre Page on Connect on an annual basis.**

**Staff working within Schools should complete a Code of Conduct for Employees Policy Acceptance form and submit this to their Headteacher on an annual basis.**

**This is to confirm that you have read and understand the standards, values, behaviours and conduct expected of you.**

Democratic local government cannot be taken for granted – all of us involved in providing services to the public should work together to make a special effort to retain public confidence, serve our community and support the delivery of the organisational priorities such as a 'one council approach'.

I am sure I can rely on you all to play your part in up-holding the highest standards in public life.

**Kevin O'Keefe  
Chief Executive**

# QUICK VIEW - SUMMARY

**The Code of Conduct applies to all employees (worker, contractor, interim, consultant, apprentice, work experience, volunteer or partner)**

The highest standards and behaviours are expected to protect the Council and all employees

**The Code of Conduct for Employees requires the following**

**Values and Behaviours** - are at the core of our business and they underpin the way we perform our duties and the standards to be followed

**Policies and procedures** - to comply and follow at all times

**Equality** - committed to promoting equality, treating everyone fairly, with dignity and respect

**Safeguarding** - is everyone's responsibility to protect children, young people and adults at risk

**Information Governance and confidentiality** - store, process and protect all information

**Conflict of interest** - identify private and council work and do not use official position, status, powers or authority to influence a decision or action

**Gifts and hospitality** - declared and approved upfront and recorded in the Chief Officer's register

**Use of Council property, facilities & equipment** - to be used for Council purposes only

**To seek clarification, advice or interpretation of Dudley's Code of Conduct, contact your Manager, Headteacher or Human Resources**

## 2.0 Values

### Our Values underpin everything we say and do

Our code of conduct has the Council's values at its core and sets out the standards for the way we work that are consistent with the Values and Behaviours Framework.

Dudley's six core values outlined below underpin everything we say and do, how we work and behave. Working together, demonstrating our values through everything we do underpins the organisation's culture. Essentially core values are the organisation's guiding principles that should be lived through the actions of everyone representing Dudley Council.



..... **The Values and Behaviours framework supports our vision to deliver best value services, supporting a one council approach, building an effective and dynamic organisation.**

It is important that everyone takes the time to read and understand the framework as it clearly sets out the behaviours we, as employees and as an organisation are expected to demonstrate to achieve our priorities to include adopting a 'one council' approach.

[connect.dudley.gov.uk/initiatives/values and behaviours framework](https://connect.dudley.gov.uk/initiatives/values-and-behaviours-framework)

## 3.0 Our Code of Conduct

Dudley Council relies on the professionalism, reliability and loyalty of its employees. This code of conduct sets out the Council's expectations of everyone to maintain the highest standards of integrity and personal conduct. Anyone representing the Council in their work is required to promote and maintain these standards to uphold the strong reputation of the Council and its services.

### Aim of the Code

#### The code will:

- **Support the effective operation of the Council's business and wellbeing of its employees;**
- **Assist all employees to perform their duties effectively by ensuring the rules and standards of the organisation are clearly communicated and adhered to;**
- **Guide all employees in their dealings with the public, Elected Members and all other members of staff.**

### Who is covered by the Code of Conduct?

The code of conduct covers all employees (employees for the purposes of this code of conduct means any worker, contractor, interim, consultant, agency worker, apprentice, work experience, volunteer or partner whether permanent or temporary) who are either employed or are engaged to provide services to Dudley Council.

This includes all employees employed or are engaged to provide services in Community and Voluntary Controlled Schools.

A separate Code of Conduct/Member Officers Charter is in place for Elected Members.

### Breaches of the Code of Conduct?

We hope you appreciate that this code is in everyone's best interests and you will need to familiarise yourself, refer to and follow this code of conduct and all the associated policies and procedures. This document forms part of your contract of employment and failure to comply or breaches of the code of conduct may be considered to be gross misconduct which will lead to disciplinary action being taken under the ***Council's Disciplinary Policy and Procedures***, not excluding dismissal.

### If in doubt, seek advice?

The code cannot cover everything. So, when dealing with an issue that it doesn't address directly, you should use our values to help resolve the issue, speak to your Manager, Headteacher or consult with Human Resources.

In the same way, if you need any clarification about anything held within this code of conduct, please talk to your Manager, Headteacher or Human Resources who will be able to support you.

**If you suspect a breach of the Code:**

You should without fear of recrimination raise immediately with your Manager, Head of Service, Director or Headteacher.

OR

-report through the *Whistleblowing Policy* for employees

### **3.1 Standards**

All employees representing the Council 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 Elected Members, the public and fellow employees with impartiality.

All employees will be expected to bring to the attention of the appropriate level of management any deficiency in the provision of services or any impropriety or breach of our code, policies and/or procedures

#### **3.1.1 Leadership**

All leaders and managers are responsible for the application of this code of conduct in their area of work. They must ensure the code is adhered to and will:

- Be a role model of the required standards of behaviour;
- Reinforce the required standards of behaviour through appropriate communications within their teams;
- Explain the provisions of the code to promote understanding;
- Coach, support and provide feedback to employees on their performance and define what is expected and deal with concerns about the work and conduct;
- Actively promote and robustly support and be willing to take appropriate action at the earliest opportunity to deal with non-compliance with the standards of the code.

To be fully accountable, transparent and open and to achieve excellence leaders the Council have in place core *Leadership Accountabilities* which must be followed at all times.

### **3.2 Standards of Behaviour and Conduct in the Workplace**

Employees are expected to treat members of the public and colleagues, with the utmost dignity and respect, this is expected in the manner in which they communicate either through verbal or written communication.

More specifically employees must:

- Ensure that their conduct is not discriminatory, bullying or harassing to others;
- Ensure that their behaviour and performance meets workplace standards at any time they are at work, representing the Council/School or are likely to be identified or

associated with their role as a public official or employee serving Dudley Council (whether or not they are working at the time);

- Make sure that they are familiar with and follow the Council's/School's Equality strategies, policies and aim to advance equality of opportunity and foster good relations;
- To ensure values are adhered to, including democracy, the rule of law, employee liberty and mutual respect. At all times respect those employees and service users with different faiths and beliefs;
- Work in accordance with the terms and conditions of your principal statement of employment and job description;
- Ensure you act in accordance with the statutory requirements of '*Keeping Children Safe in Education*;'
- All Teachers must act within the *Teacher Standards Part Two – Personal and Professional Conduct*;
- Comply with Safer Working Practices;
- Comply with the requirements of the *UK General Data Protection Regulations (UK GDPR)*, *Data Protection Act 2018* and Council Policies relating to the protection of personal and special categories of personal data.

### **3.2.1 Policies, Procedures and Professional Codes of Practice**

Employees must comply with all reasonable management instructions and abide by legislation, the Council's constitution, policies and procedures, operational practices and health and safety rules. You must also follow the protocols of any relevant professional bodies and the standards required of your profession.

### **3.2.2 Safeguarding**

Protecting children, young people and adults at risk is everyone's responsibility for the Council, agencies and within the community, to apply a zero tolerance and create a safe environment.

For all employees within Dudley Council, if you are worried or concerned about a child, young person or adult, who you think is being abused, exploited or neglected, then you must report your concerns.

The *Dudley Safeguarding People Partnership* is in place to support Dudley Council and has a website providing a range of policies, procedures and practices for all employees who work with children and adults to follow. Any concerns, questions or if a referral is necessary, then you should contact the *Children's or Adults Safeguarding Boards* or within School's follow your child protection and safeguarding policy and liaise with the Schools Designated Safeguarding Lead (DSL).

### **3.2.3 Equality**

The Council requires the highest standards of behaviour from all employees and we are committed to ensuring that discrimination does not affect our judgements, behaviours or decisions either at work or in dealing with others outside of Dudley Council.

All employees must ensure that our policies and practices relating to equality are adhered to, in addition, to the requirements of the law and the Equality Act 2020. All members of the local community, public, customers, partners and other employees have the right to be treated with fairness and equity.

The Council is fully committed to combating against all forms of racism, including antisemitism. Any behaviours or use of language which targets or is perceived to target and/or intimidates any individual's or members of ethnic or religious groups/communities, is unacceptable and will not be tolerated and will be dealt with in accordance with the ***Council's Disciplinary Policy***.

### **3.2.4 Health, Safety and Wellbeing**

Employees must comply with the Health and Safety at Work Act 1974, associated regulations, guidance and approved codes of practice. You are also required to comply with the Council's/School's ***Health and Safety Policy*** and take reasonable care and be responsible for your own health and safety and that of others whilst carrying out your duties.

Therefore, you are legally bound to comply with all safety rules and instructions set by the Council. Employees should inform their manager of any medical conditions that may impact on their ability to carry out the duties and responsibilities of their role.

### **3.2.5 Information Governance and Confidentiality**

It is crucial to the success of Dudley Council that all information including 'sensitive information' is appropriately managed to protect our operational interests and our responsibilities towards the public, partners, agencies and our employees. To ensure accountability we should take an "open by default" approach to making information regularly and routinely available to those who wish to see it. However, when dealing with personal data and special categories of personal data we should value, protect and use information in a way that demonstrates that we have taken a "privacy by design" approach.

You must undertake your mandatory training and make yourself aware of our policies and procedures relating to information governance and all information must be treated in accordance with our information security and privacy notices and the associated standards;

***UK General Data Protection Regulations (UK GDPR) Guidance***

***Privacy Notice Statement***

***Freedom of Information***

***Environmental Information Regulations***

***Local Government Transparency Code***

### **3.2.6 Legal and Constitutional Compliance**

We must comply with the law and it is a fundamental principle we must follow in all our dealings and behaviours. Employees must ensure that they have the required delegated powers to make appropriate decisions or carry out appropriate actions and this may require an onward delegation from Council, Cabinet, Committee, Cabinet Member, Governors or Senior Officers/Headteachers.

### **3.2.7 Upholding Public Trust**

Everyone has a duty to behave in a way that actively upholds public trust and gives people confidence in the integrity of Dudley Council and we should never behave at work or in public, in a manner which may damage or bring Dudley Council into disrepute.

### **3.2.8 Working Together**

We should always treat colleagues with politeness and respect and show respect for local cultures and customs. As in our relationships with colleagues we should treat people outside of Dudley Council with the utmost dignity and respect.

Dudley Council believe that fair treatment is very important to help build lasting and successful relationships and working together to deliver effective, timely support and/or services and to meet the organisation's vision, priorities and plans to serve our community to the best of our abilities.

Should you witness what you believe to be unacceptable behaviour towards others or within working practices, even if you are not directly affected, you should raise any concerns through the ***Whistleblowing Policy***, or the ***Dudley Safeguarding People Partnership*** for any concerns regarding children and vulnerable adults, or by raising with your Manager, Headteacher and Human Resources or with your Trade Union Representative.

The Council will also do whatever it takes to minimise the risk from Serious and Organised Crime. Employees need to be aware of the risks of Serious and Organised Crime and flag up any concerns to their manager.

### **3.2.9 Standards of Dress & Appearance**

Employees should ensure they dress appropriately, safely, and professionally in accordance with the environment and role they are employed to undertake.

## **3.3 Protecting the Council**

### **3.3.1 Criminal charges and convictions**

Unless covered by the Rehabilitation of Offenders Act, all applicants are required to disclose any live criminal convictions or charges. Certain positions are exempt from the Rehabilitation of Offenders Act and require DBS (Disclosure and Barring Service) clearance before the applicant is offered a post. Where a post is subject to a DBS clearance, employees in the post will be required to participate in further DBS check renewals during employment in line with regulatory requirements and/or the Council's/School's Policy. Please refer to the ***DBS Policy*** for further guidance.

If during the course of employment or services provided to the Council where an employee is charged, convicted of a crime or receives a caution or other form of reprimand in relation to a criminal or civil offence, even if the offence does not relate to their employment or contract with the Council, they must report as soon as possible and within 5 working days, the conviction or

caution or other form of reprimand to their Manager/Headteacher or Human Resources Services.

The Manager/Headteacher may consult with the Head of Organisational Development, Human Resources Team or Legal Services, who will consider the impact upon the employee's position and if there has been a breach of Council Policies and Procedures, it may lead to disciplinary action in accordance with the Disciplinary Policy and Procedures.

Dependent upon the employee's position, consideration must be given to whether this poses a risk to children or young people or to adults who access any health, social care or educational services and a referral through safeguarding procedures may be necessary.

### **3.3.2 Use of Council Property, Facilities and Equipment**

Employees must exercise reasonable care and skill in their use of the Council's facilities and equipment. The Council is entitled to expect at least the same standard of care of its property as employees give to their own property.

Council facilities are to be used for Council business and for no other purpose unless the employee has the relevant Headteachers or Director's approval beforehand in writing.

When an employee leaves the employment of Dudley MBC, they must return all equipment including laptop, tablet, mobile phone. They should also hand back to their Manager their Identification Badge and any keys they have been provided (buildings, cabinets etc). Officers who do not return equipment may be charged the cost of replacement.

Reasonable use of telephones and photocopiers is allowed in exceptional circumstances provided the employee has been authorised to do so by their Manager. However, non-Council work may not be carried out in the Council's time, or on the Council's premises or with the use of the Council's equipment.

Employees may use the internet for incidental and occasional personal use, as recognition that familiarity with this technology is imperative to the Modernisation of Local Government. Consequently, employees will be able to use the Internet during their own time for personal use e.g. during lunch breaks. Further guidance can be found in the Council's/School's ***Internet Acceptable Usage Policy*** and ***Use of Emails Policy***.

### **3.3.3 Use of Social Networking Sites and Social Media**

Staff have the opportunity to request access to social media for work purposes, using Council equipment. The guidelines and support needed are available in the Council's ***Social Media Policy*** which details your responsibilities and the standards you must comply with to protect the Council and its employees. In summary:

- You **must not** use any social media or social networking communications that could damage the Council's business, operations or reputation including, contents posted that could still be construed as relevant to your employment at Dudley Council even if you do not directly identify yourself as an employee.

- You **must not** post any messages or comments that may directly or indirectly cause serious offence, or would be discriminatory, defamatory, potentially damaging about the Council, its employees, fellow colleagues, Elected Members, contractors, partners, clients, or customers.
- Ensure nothing is posted on the internet or on social media that could bring the Council into disrepute, break the law e.g. data protection law.
- Employees **must not** do anything including inappropriate contact/communication with children, young people or vulnerable adults that puts them in a potentially compromising situation in relation to their employment e.g. accepting inappropriate friendships with any children, young people who access Dudley MBC services, or to adults who access any health or social care services provided by Dudley MBC, on social networking sites.
- Be aware that any communication you post via social media communication tools may be disclosable under Data Protection and Freedom of Information laws.

Schools staff should refer to the Schools Social Media Policy.

### **3.3.4 Other Employment and Conduct outside of Working Time**

Employees paid at grade 8 to 15 have conditions of service which require them to obtain written consent to take any outside secondary employment. This will be detailed in the employee's principal statement of employment. All employees should be clear about contractual obligations and must not take outside employment which conflicts with their position or with the Council's interests. Any additional employment must be in accordance with any legislation that may apply such as the Working Time Regulations (1998) (as amended). They must also ensure that Council time and/or resources are not utilised in connection with any private employment.

Generally, what an employee does outside work is of their own concern (unless professional standards state otherwise), but they must avoid doing anything that might adversely affect the reputation of the Council or impact on the Council's or their profession's confidence in their ability to do their job. This includes the use of social media and the internet. If in doubt, employees should seek the advice of the Lead for Law & Governance (Council's Monitoring Officer) or Head of Communications and Public Affairs.

### **3.3.5 Use of Financial Resources**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the Council. Employees with responsibilities for financial resources such as budget management, procurement, payment, income, and asset/inventory processes must understand and comply with the Council's ***Contract Standing Orders*** and ***Financial Regulations***. Employees must ensure that any expenditure is within the limits that they are personally authorised to incur.

Employees may not order, in the name of the Council, any good or service, whether with a discount or not, from official Council suppliers for their own personal use even if the cost is reimbursed in full to the Council or School.

### 3.3.6 Miscellaneous Income

Under Section 117 of the Local Government Act 1972, an officer (employee) of a local authority shall not, under colour of her/his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration.

Any income (with the exception of an employee's salary) that is generated from an employees' work that is directly or indirectly from his/her position with the Council, irrespective of whether it was carried out in private time should be treated as income of the Council or School.

### 3.3.7 Contractors

Section 117 of the Local Government Act 1972 requires all employees to give written notice of any contract or proposed contract in which the Council is involved in and which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest is a criminal offence and may result in prosecution.

A direct financial interest arises where an employee or their spouse/partner, family member or close friend has a financial interest in a contract or proposed contract whether to their advantage or disadvantage, in which the Council is involved. An indirect financial interest may arise where an employee or their nominee or employee's spouse/partner holds securities or shares in a company which exceeds £5,000 or 1/100th of the nominal issued share capital of a company which they have a direct financial interest, whichever is the lesser amount.

A non-financial interest may occur when an employee or their spouse/partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations with the Council.

Employees with a financial (direct or indirect) or non-financial interest in any matter should not only declare that interest but not have any involvement in the matter. Employees must be open and up front about their interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Council meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.

Employees involved in the award or management of contracts shall declare in writing to their Director any association or friendship with any contractor and should take no part in a tender process involving the contractor.

Any reference to contractor includes their sub-contractors, partners, and stakeholders.

All such relationships of a business or private nature with external contractors, or potential contractors, must be declared via the **Disclosure of Relationships Form in PIMS Employee Self-Serve (ESS) and the user guide on how to action this is available via the PIMS Hub on connect, or directly to the Headteacher/Governors.**

The requirement to make a declaration under this paragraph also applies to employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor.

Orders and contracts must be awarded on merit by fair competition and no special favour may be shown to any business run by, for example, friends, partners, or relatives, in the tendering process. No part of the local community may be discriminated against.

### **3.3.8 Separation of Roles during Tendering**

Employees involved in the tendering process and dealing with contractors need to be clear of the separation of client and contractor roles within the Council and Schools. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors, and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform the appropriate manager, and withdraw from the contract awarding processes.

Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives, or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

Employees must not use their position and knowledge of the Council or School to gain access to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work or to provide services or supplies.

### **3.3.9 Conflict of Interest**

A conflict of interest is a conflict between an employee's private interests or the private interests of others, such as their spouse/partner, close family or close friends and their official responsibilities as a person in a position of trust, as an employee of the Council.

Employees must not use their official position, status, powers, or authority to seek to improperly influence a decision or action.

Employees are expected to provide honest, impartial, and comprehensive advice, regardless of their personal feelings on a matter. If an employee's personal views conflict with the performance of their official duties or if they believe they cannot act impartially, they should contact their line manager and attempt to resolve the conflict.

In their role of Council employee or even in a personal capacity, employees must not allow their personal interests to conflict with the Council's requirements or use their position to improperly confer an advantage or disadvantage on any person.

Where an employee faces a conflict between their private interests and public duties, they must resolve the conflict in favour of their public duties. Where a conflict of interest is likely to occur, the employee must inform their manager as soon as possible, who will ensure that the Council is not compromised. This is particularly pertinent where the employee is involved in making decisions affecting contracting, tendering or regulatory functions. Employees must declare any situations (**using the Disclosure of Relationships Form in PIMS ESS or directly to their Headteacher**) whereby there are any doubts as to whether their actions could be seen as a conflict of interest.

Examples of possible conflicts of interests are as follows:

- Employees with access to computer databases of customers updating their own personal records or those of close relatives
- Employees being contracted to provide services to the Council outside their paid employment
- Purchasing goods from a company that employs your spouse/partner
- Generating work which involves travel to provide an opportunity to visit friends
- A supervisor who is in a position to approve overtime to a subordinate where a close personal relationship exists
- Involvement with an interview panel when a relationship exists with one of the applicants
- Processing a payroll transaction that affects a close friend
- Determining a housing benefits application for your next-door neighbour
- Approving a Council house application for your close relative
- Undertaking a regulatory check of your relative's restaurant.

*Please note the above is illustrative only and is not an exhaustive list.*

You must declare any personal relationship with another employee, where the relationship could affect, or could be perceived to affect your or any colleagues' performance.

### **Declaring potential Conflicts of Interest**

**Employees must declare via the Disclosure of Relationships Form in PIMS Employee Self-Serve - ESS (user guide on how to complete this is available via connect) or directly to their Headteacher** any financial or non-financial interests, whether direct or indirect, which could conflict with the interests of the Council. This would include any cases where the employee is a company director, company secretary, School Governor, or voluntary organisation trustee. PIMS reporting will automatically notify and update the relevant Director or in the case of a school, the Head teacher of any disclosures.

### 3.3.10 Gifts and Hospitality

#### **Bribery Act 2010**

Employees must be aware that it is a serious criminal offence for them 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 as a Council employee. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

#### **Hospitality**

Employees **must only** accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions must be accepted only when these are part of the life of the community or where the Council must be seen to be represented.

**Acceptance of hospitality must be agreed (prior to receiving the hospitality) with the relevant Director and the details should be recorded in the Gifts and Hospitality Register.**

When the hospitality has to be declined those making the offer need to be courteously but firmly informed of the procedures and standards operating within the Council. Although declined the offer of hospitality needs to be brought to the attention of your Director, who should ensure that the offer is recorded in the Gifts and Hospitality Register.

When receiving authorised hospitality employees need to be particularly sensitive as to its timings in relation to decisions which the Council may be taking affecting those providing the hospitality.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Director gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised.

An offer of hospitality to individual employees calls for special caution particularly if the host is undertaking or applying to do business with the Council or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence.

Where visits to inspect equipment, etc. are required, employees must ensure that the Council meets the cost of such visits and any meals to avoid jeopardising the integrity of subsequent purchasing decisions.

Hospitality must not be accepted unless the acceptance can be readily acknowledged in public or is similar to that which the Council would provide in the same circumstances.

**All hospitality offered whether received or not should be recorded in the Gifts and Hospitality Register.**

## Donations

Where an outside organisation wants to make a donation to a local government activity, whether by invitation, 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 donation should be approved by the appropriate Director and recorded in their Gifts and Hospitality Register or separate register. If the donation has been specified to a particular service area, it can go to that area's budget with the approval of the Director. If the donation is non-specific it should be given to the Major's charity.

## Gifts

Employees may only accept insignificant items of token value (i.e. less than £10). Other items must be handed to the Mayors' office for a prize in any raffle or tombola for charity if they are non-perishable, or perishable items such as flowers/cakes must be used to display in public areas or distributed amongst the service team. Alternatively, for employees working within schools they can hand these other items to their Headteacher to be used for a prize in their own school raffle. Irrespective of whether the gift has been received or not (i.e. offered but not accepted) it must be brought to the attention of the appropriate Director/Headteacher and recorded in the Gifts and Hospitality Register.

Gifts offered by persons who are providing, or seeking to provide goods or services to the Council, or who are seeking decisions from the Council, should be refused and returned, as should gifts offered by those receiving services from the Council (unless the item is of token value i.e. under £10).

Employees must not accept under any circumstances significant personal gifts from contractors and outside suppliers and they should notify their Director or Headteacher of any such offers.

Employees who are bequeathed gifts or money in the will of a service user that they know from their working capacity must not accept the gifts or money unless they are insignificant items of token value (i.e. less than £10). When the gifts/money has to be declined the executor of the will needs to be courteously but firmly informed of the procedures and standards operating within the Council.

## Gifts and Hospitality Register

**Each Director/Headteacher should maintain a Gifts and Hospitality Register, which should record the gifts and hospitality offered/received by their staff. If a Director is offered or receives a gift or hospitality, this needs to be approved by the Chief Executive or Deputy Chief Executive and recorded in their Gifts and Hospitality Register. If the Chief Executive or Deputy Chief Executive are offered or receive a gift or hospitality, then this should be recorded in the Register maintained by the Chief Executive and brought to the attention of the Leader of the Council.**

### **3.3.11 Appointments and Other Employment Matters**

Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which 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 must not be involved in an appointment where they are related to an applicant or have a close personal relationship outside of work with the applicant.

Similarly, employees must not be involved in decisions relating to recruitment, disciplinary, promotion, performance or pay adjustments for any other employee who is a relative, partner, close friend etc.

### **3.3.12 Sponsorship – Giving and Receiving**

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service either an employee, or any partner, spouse, relative or close friend must not benefit from such 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 must ensure that impartial advice is given and that there is no conflict of interest involved.

### **3.3.13 Political Neutrality**

Employees serve the Council as a whole. It follows they must serve all Elected Members and not just those of the controlling group and must ensure that all Elected Members are respected.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their personal or political opinions to interfere with their work. They must be seen to be able to remain unbiased in the performance of their duties.

### **3.3.14 Professional and Trade Union Activity**

Members of professions are expected to uphold the standards of performance and conduct set by the relevant professional association and this code of conduct. Employees are expected to raise any concerns they may have regarding a conflict of interest between their role at the Council or School and the standards of their profession.

When speaking in the capacity of workplace or trade union representative or professional association, it must be made clear that the opinion is made on behalf of the union or association represented and not the Council or School.

### **3.3.15 Disclosure of Information**

You may acquire information at work which has not been made public or is of a confidential nature. Employees must never disclose confidential information, without the consent of a person authorised to give it unless they are required to do so by law.

Employees must not use any information which is obtained through their work for the Council for personal gain or benefit, nor may 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 must not be divulged by the Employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

We have legal obligations towards privacy and security whilst processing personal information relating to any living Employee. Such information must be processed in accordance with the Council's Data Protection Policy and Freedom of Information Policy.

Further information relating to Data Protection and Freedom of Information requirements can be obtained from the ***General Data Protection Regulation Update***.

In the event that, during the course of their employment with the Council an Employee has been employed within a traded services area and/or during their employment acquired access to confidential information relating to the traded service then the following principles will apply:

- The Employee shall not for 6 months after the end of their employment, solicit or endeavour to entice away from the Council the custom of a client/customer with whom they have had contact with during the period of their employment, with a view to providing goods or services to that client/customer.
- The Employee shall not for 6 months after the end of their employment offer to employ or engage or otherwise endeavour to entice away from the Council any person employed or engaged by the Council who was involved in any capacity within the traded services area and with whom they have dealt with.
- The Employee shall not for 6 months after the end of their employment, be involved in the preparation of any tender for services, good or works relating to the service area they previously worked.

In addition, if a Council employee is made redundant from a traded services area then they must adhere to the ***Managing Employees at Risk of Redundancy (MEARR) Policy Section 5.5*** which advises they must not re-engage with the Council on either a permanent or temporary basis within a 12 month period following the leaving date (*with the exception of employees working in schools who adopt the Schools Redundancy Policy*).

Please note for staff employed by schools and/or any employees approached or securing employment outside of the Council following a redundancy situation could chose to secure alternative employment in a traded service area. In these circumstance, individuals must be aware of the above and not share any confidential information relating to the traded services area they previously worked for or entice away custom or any other person employed or engaged by the Council.

However, you must be made aware of the ***Redundancy Payments (Continuity of Employment in Local Government) (Modification Order 1999)*** which clearly defines that to be able to receive redundancy payments at least a break in the contracts of employment of four weeks or more is required if the new employer is included in the list of organisations within the Modification Order

### **3.3.16 Intellectual Property**

Under copyright law the Council owns any material made by the Council or under its direction. As an employee, any material produced in the course of work belongs to the Council unless otherwise explicitly provided for in the contract of employment. Therefore, to use any work owned by the Council the Employee must seek permission from their Director.

### **3.3.17 Public Communication**

All media requests for information and enquiries that relate to policy and procedures and operational activities must be responded to by the Communications and Public Affairs Team.

When making a public comment in an official capacity employees must:

- Ensure that it is part of their official role
- Ensure that the facts are not misrepresented
- Ensure that Data Protection Law is not contravened
- Respect the confidentiality of information that has not been approved for release either by Cabinet or through official Council channels.

As private citizens employees have the same rights as members of the public to openly discuss or comment on community and social issues. Employees must make it clear that when commenting in this capacity that it is their personal opinion and not that of the Council and they are not abusing their position, by using knowledge gained from their role as a Council officer.

### **3.3.18 Internal Audit**

When an internal audit or corporate fraud investigation is carried out there is a duty on all employees to co-operate fully with the audit/fraud process, to be open and honest and provide all documentation and explanations required.

If an employee is identified within an audit action plan, there is an onus on them to complete the agreed action(s) within the timescale set.

## **4 Ways of Working**

### **4.1 Working with Elected Members**

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Elected Members and senior managers and all are there to carry out the Council's work. Mutual respect between Employees and Elected Members is essential to good local government.

### **4.2 Working with Local Communities and Service Users**

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and employees within that community as defined by the policies of the Council.

### **4.3 Agile Working**

Through modernisation of the Council's workforce and working arrangements, the relationship between the Council and its employees relies ever more heavily upon trust and the management of outcomes rather than presence at an office base, where applicable. Any abuse of the policies, procedures, guidance and or flexibility afforded will be fully investigated and may lead to disciplinary action being taken. Please refer to the [\*Agile Working Policy\*](#) for further information.

## **5 Whistleblowing (Confidential Reporting)**

Since 1999 the Council has had a policy on confidential reporting, i.e. whistleblowing. Under this policy employees who have serious concerns about any aspect of the Council's work are encouraged to come forward and voice those concerns. A copy of the policy can be obtained from your Directorate, Human Resources or from the Council Intranet Site or the Traded Services Portal.

## **6 Employee Personal Data**

The Council collects and processes personal data relating to its Employees to manage the employment relationship. A detailed [\*employee privacy notice\*](#) is available to provide further information as to why the Council processes employee information.

## **7 Interpretation**

If an Employee is unsure about any aspect of the code of conduct, they must raise this with their line manager immediately. Employees of the Council who disagree with the interpretation of this document (as it may affect them) have the right to raise the matter through the Council's/School's Official Grievance Procedure or complaint procedure.