

Code of conduct for employees

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1. Introduction

The public is entitled to expect the highest standards of conduct from all employees working for the Council. This Code defines the minimum standards of conduct that employees are expected to observe when carrying out their duties and is produced in the light of challenges employees face in the current and more commercially orientated environment.

2. Status of the Code

The Code is based on an original draft published by the IDeA and has been brought up to date in line with the Local Government Act 2000 which provides a new statutory framework to govern the conduct of Members and employees of relevant authorities in England. The Code forms part of the Council's Standing Orders and employees' terms and conditions of employment.

The objective of the Code is to lay down guidance for all employees with the objective of helping to maintain and improve standards and to help protect employees from misunderstanding or unjustified criticism. Employees should note that any intentional or repeated behaviour that breaches the Code may result in formal disciplinary action by the Council.

Whilst the Code is comprehensive, it does not address every possible circumstance and, simply because a particular action may not be addressed within the Code, this does not condone that action by omission. Employees should seek guidance from their manager where they are unsure how to address specific circumstances.

3. Standards

Council 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. Staff will be expected, without fear of recrimination, to bring to the attention of their Chief Officer, any deficiency in the provision of the service, or any suspected impropriety or breach of Council procedures.

Formal disciplinary action will be taken against any employee whose conduct brings the Council into disrepute including a breach of fiduciary duty.

4. Disclosure of information

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, trade unions and the public.

However, many employees are in a position to obtain information in the normal course of their employment which is highly confidentially, politically and commercially sensitive, or is personal information protected by the Data Protection Act. Employees must not use any

such information for a personal reason or benefit, nor should they pass it on to others who might use it in such a way. This includes information about the work of Sevenoaks District Council, its employees, or members of the public. Inappropriate disclosure of information or a breach of these rules in any other way will render employees liable to disciplinary action and could lead to criminal prosecution.

In addition, employees must not misuse their position by seeking information which they do not need to know to enable them to carry out their duties. To assist this, users of the Council's information systems must keep their equipment and logging in arrangements secure to ensure no unauthorised access.

Employees should make themselves aware of the requirements of the Data Protection and Freedom of Information (Fol) Acts and obtain advice from the Council's designated Fol Officer where applicable.

5. Political neutrality

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.

Subject to the Council's conventions, senior employees and Directors may be required to advise political groups on matters related to the Council's business. They must do so in ways that do not compromise their political neutrality and should make themselves equally available to any and all political groupings.

Employees, whether or not holding a post deemed to be 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. A full list of politically restricted posts is available on request from the Human Resources team.

6. Relationships

6.1 Councillors

Employees are responsible to the Council through their Director. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and therefore should be avoided.

6.2 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 the community.

6.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to your Chief Officer and recorded on a Register of Interest form (available on SiMON) and forwarded to the Human Resources team. 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 instance, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

6.4 With other employees

Close personal relationships between Council employees will sometimes occur. It is very important that any relationship is not seen to bring advantage to an employee and closer personal relationships between a senior manager and one of his/her staff should be avoided. If a close personal relationship develops between a manager and a member of his/her staff, it may be necessary to relocate one of the employees to alternative work.

7. Appointment and other employment matters

An employee appointing, promoting, disciplining or otherwise involved in the terms of employment of a member of staff must make his/her decision on merit only and in accordance with the Council's Equal Opportunities Policy. He/she should not take part in the process if he/she is a relative or partner of that person, or has a relationship with him/her which a person might consider would prejudice his/her view of the matter.

Where an applicant for a post with the Council is related to, or has a close personal relationship with a Council employee, that relationship must be clearly indicated on the application form. Where an employee of the Council is aware that a relation is applying for a post, they must bring this to the attention of the appropriate Chief Officer as soon as possible.

8. Outside commitments

All employees should be clear about their contractual obligations and *must* not take outside employment which conflicts with the Council's interests.

All employees should notify their manager if they take up any outside employment. Employees graded at spinal column point 29 or above are expected to devote their whole-time service to the work of the Council and should not engage in any other business or take up any additional appointment without the consent of their Chief Officer. In addition to any other considerations the Chief Officer may see fit to impose on individual cases to protect the Council's interests, the approval should always be conditional on the understanding that the Working Time Regulations will not be contravened in any way.

Where employees are permitted to take outside employment, this should be recorded on a Register of Interest form (available on SiMON) and forwarded to the Human Resources team.

Where employees are permitted to take outside employment, this should not be undertaken on District Council premises, or with the use of Council facilities such as telephones and computers.

Employees should be aware that an intellectual property created in the course of their employment remains in the ownership of the Council. Intellectual property includes inventions, computer code, original/creative writings and drawings.

These provisions do not apply to public appointments, such as a magistrate.

9. Personal interests

Employees must declare to their Chief Officer any non-financial or financial interests that they, or members of their family, have which may conflict with the Council's interests. This should also be recorded on a Register of Interest form (available on SiMON) and forwarded to the Human Resources team.

At no time should an employee allow the impression to be created that they are, or may be, using their position to promote a private or personal interest.

Employees must declare to their Chief Officer membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. So that there can be no misunderstanding or confusion, membership of Freemasonry or similar organisations should be declared.

Employees must not process any claim or application to the Council for themselves, a relative or personal friend. They must disclose any such claim or application to their Chief Officer who will arrange for it to be dealt with by another employee.

10. Equality issues

All employees should ensure that any policies relating to equality issues agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers, and other employees have a right to be treated with fairness and equality.

11. Separation of roles during tendering

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 and demonstrate the need for accountability and openness.

Employees in contractor and 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 should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, at the earliest possible moment, inform their Chief Officer as appropriate and withdraw from the in-house contract process.

Employees should ensure that no special favour is shown to current or recent 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.

12. Bribery, corruption, gifts and hospitality

Employees must be aware that it is a serious criminal offence under the Local Government Act 1972 for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or show, favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that they did not accept it as a corrupt reward. Employees must also be aware of the requirements as set out in the Anti-Fraud and Corruption policy and the Bribery Act 2010.

Gifts

Only gifts of small value may be accepted by individual staff (e.g. diaries, pens, calendars). Other small gifts such as chocolates or flowers may be accepted provided they are shared or used with the section or department.

Any other gift to an individual is to be politely refused on the basis that it would offend against the Council's Code of Conduct for Employees. Therefore, other gifts including all wines and spirits should be declined as graciously as possible, clearly stating the policy and standards operated by the Council.

The offer of any gift, whether retained or returned, should be recorded in the corporate hospitality book.

Hospitality

All hospitality wherever possible should have the prior sanction of your Chief Officer and must be recorded in the department's hospitality book. This provision relates to drinks, meals, sports events and other entertainment. Staff are expected wherever possible to obtain approval before any hospitality of this nature is accepted from their Chief Officer or Chief Executive.

When receiving authorised hospitality employees should be particularly sensitive as to its timing 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 Council gives consent in advance and where it is satisfied that any purchasing decisions are not compromised.

13. Use of financial resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to pursue efficient delivery of service, ensure value for money to the local community, and avoid legal challenge to the Council.

14. Equipment and materials

Sevenoaks District Council's telephone, computer systems, photocopiers, fax machines and other equipment and materials are the property of the Council and are provided for employees' business purposes and for interaction with the public in the delivery of services.

Whilst occasional personal use of the Council's electronic communication facilities is permitted, use of e-mail and Internet must be strictly within the guidelines set out in the Council's IT Policy which is available to all staff on the intranet (SiMON). However this use should be restricted to the employee's break times, such as lunch hours, and limited to issues which cannot reasonably be dealt with outside working hours. Any continued or extensive use of the Council's facilities should be discussed and agreed with the appropriate manager.

Serious cases of misuse of the Council's electronic communications systems may result in dismissal of the employee on the grounds of gross misconduct.

15. Sponsorship - giving and receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic convention 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 neither an employee nor any partner, spouse, or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Chief Officer. 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.

16. Standard of appearance

The Council has the right to expect high standards of appearance from employees whilst undertaking their duties. Employees should be neat and well groomed in appearance, while dressing appropriately for the task they are undertaking. For example, employees must not wear items of jewellery if they may cause the wearer or another person injury.

Unless dictated by the task in hand, and agreed with the Chief Officer, casual or sports clothing is not considered suitable.

Suitable footwear must be worn at all times on Council premises.

Where provided, safety equipment or clothing should be worn as instructed. No such equipment should be tampered with and any defects apparent must be brought to the attention of the Chief Officer without delay.

Employees must wear their ID card at all times. For the protection of the public and employees, it is particularly important that employees are easily identifiable whilst working out in the community. When making visits to the homes or premises of the public, official Council identification should be presented promptly without being requested.

17. Harassment

Sevenoaks District Council has an established policy on bullying and harassment which makes it clear that intimidation, harassment, or victimisation by, or against, employees within its workforce will not be tolerated. Each employee has a duty to ensure that the standard of conduct for themselves and for colleagues respects the dignity of others and does not cause offence.

18. Effect of domestic problems in the workplace

Employees or their close relatives may be involved in a wide range of problems such as accommodation matters, debts/hardship, responsibility for elderly relatives or marital difficulty (in particular, domestic violence). In all these, and similar cases, where the employee's performance at work is affected, the aim is to identify the real problem, give support and provide advice about what agency or source of specialist help would be most appropriate. In extreme instances, the grant of compassionate leave would be considered.

19. Emergency planning

The Council is required to maintain an emergency plan in order to deal with major emergencies. All officers may be required to assist in this function and should actively participate in planning, training and exercises to prepare for the response to a major emergency.

Officers who are selected for specific roles will receive training and their name, home address and telephone numbers may be included in the emergency plan. Officers without a specific role may still be required to respond and participate should it become necessary.

There is an expectation that all officers will be available when the emergency plan is invoked, including attending Council premises or elsewhere as directed. This may be at any time (during office hours, in the evening, at night, at weekends or on public holidays).

The emergency plan (the District Major Emergency Framework Document) is available on the intranet (in-Site), on the Council's website or from the Emergency Planning Officer.

20. Talking to the media

Employees should be conscious of the sensitivity of some requests for information from the media. In responding to these requests, only Chief Officers, Heads of Service, third tier managers and the Communications team should speak direct with the media. Other members of staff may deal with them providing they have permission to do so from their Chief Officer.