

## **4. EMPLOYEE CODE OF CONDUCT**

**Note:** for the purpose of the Employee Code of Conduct, Officers of the Council are referred to as employees.

### **Purpose of the Employee Code of Conduct**

- 4.1 The Council aims to ensure the highest standards of conduct of its employees and to assist employees in performing their duties to the best of their ability. This Employee Code of Conduct (Code) supplements and should be read in conjunction with all HR and staff policies.
- 4.2 Employees are required, under the terms of their contract of employment with the Council to comply the Code and failure to do so may amount to a disciplinary matter.

### **Application of the Code**

- 4.3 The Code applies to all employees of the Council, including casual and agency workers, volunteers, interim appointees and contractors.

### **General Principles**

- 4.4 The Code of Conduct is founded on the following principles:
- (a) To ensure the highest standards of conduct and integrity from all employees of the Council;
  - (b) To support the Council's visions and values, policies and guidance;
  - (c) To set out clear objectives and expectations for all employees;
  - (d) To ensure all employees treat colleagues and those they interact with during the course of their work with dignity and respect;
  - (e) To ensure that there is no unlawful discrimination against any individual in the application of this Code on the basis of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, religion or belief, sex, sexual orientation, or other grounds protected in law.

### **Safeguarding**

- 4.5 The Council has a duty to safeguard and promote the well-being of children, young people and adults at risk of harm. This includes the need to ensure that all employees who work with or on behalf of children, young people and adults at risk of harm are competent, confident and safe to do so.
- 4.6 All employees who come into contact with children, young people and adults at risk of harm in their work have a duty of care to safeguard and promote their welfare.

- 4.7 Employees who work with or come into contact with children, young people or adults at risk of harm must refer to the following documentation in relation to their working practice:
- (a) Safeguarding In Employment Guidance;
  - (b) Guidance for Safer Working Practice for Adults for those working with Children and Young People in Education Settings;
  - (c) Safeguarding Code of Conduct – For all those working with or Visiting Adults at Risk of Harm.

### **Disclosure of Criminal Convictions**

- 4.8 All employees owe a duty of trust and confidence to the Council. If at any time during the course of employment an employee is charged with or convicted of a criminal offence, this should be disclosed at the earliest possible opportunity. The Council will then assess whether or not the charge or conviction affects the employee's suitability to perform their role and their continued employment. Motoring offences that are dealt with by way of a fixed penalty notice do not need to be disclosed except where employees are required to drive Council vehicles as part of their role, or where it results in disqualification from driving and the employee is required to drive in order to perform their role or a substantial part of their role.

### **Equalities and Dignity at Work**

- 4.9 The Council wishes to create an environment where all employees, casual and agency workers, volunteers, interim appointments and contractors are treated with dignity and respect.
- 4.10 The Council is committed to achieving equality of opportunity as an employer of people, provider of services, educator and community Leader.
- 4.11 All employees are expected to adopt the Council's vision of equality of opportunity and embrace the expectations outlined in the Council's Equality in Employment Statement.

### **Relationships**

- 4.12 The Council will not interfere unduly in the private lives of employees but in order to balance the Council's obligations to act in the public interest, it will take legitimate action when close personal relationships at work have an actual or potential impact on Council business or services (for further guidance contact HR).
- 4.13 The Council regards as wholly unacceptable inappropriate close personal relationships between an employee and a child or young person who is under the age of 18 (19 if still at school), or an adult at risk of harm.
- 4.14 Issues involving close personal relationships at work will be approached sensitively and managed promptly, effectively, fairly and lawfully.

- 4.15 All employees must disclose in writing any relationship between themselves and an applicant for employment by the Council once it becomes known to them.
- 4.16 Employees involved in recruitment decisions must ensure that all appointments are made on the basis of merit alone. Employees must not be involved in appointments where they are related to an applicant or otherwise have a close personal relationship with them or have knowledge of them in another context e.g. a social connection or business association.
- 4.17 Employees should not be involved in decisions relating to discipline, promotion, recruitment or pay and conditions for any other employee who is a relative, partner, close friend or similar.
- 4.18 All applicants for a position with the Council will be asked to declare any relationship to any officer or councillor of the Council. Failure to do so could result in the withdrawal of the offer of appointment, or dismissal if already appointed.
- 4.19 Mutual respect between employees and councillors is essential for good local government. Some employees may need to work closely with Councillors. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

#### **Conflict of Interest**

- 4.20 Council employees, casual and agency workers, volunteers, interim appointees and contractors must not act or fail to act in such a way which may bring them into conflict with their employment or engagement by the Council, or allow any private interest or opinion to influence their decisions at work.
- 4.21 Employees must not use their position for personal gain or to further their own interests or the interests of others who may not have a right to benefit under the Councils' policies.
- 4.22 Employees or a close family member / friend may have a private interest which relates to the work of the Council. That interest may either be a financial one, or one which a member of the public might reasonably think could influence an employee's judgement.
- 4.23 Employees will be required to complete a declaration of interests proforma both as part of pre-employment checks and at regular intervals during their employment with the Council.
- 4.24 If an employee becomes aware of any interest in relation to themselves, any family member or person with whom they have a personal connection which may lead to a conflict of interest between them and the Council, this should be declared as soon as is possible using the declaration of interests proforma.

## **Prevention of Fraud and Corruption**

- 4.25 The Council is committed to ensuring the highest standards of propriety in the delivery of its services and management of its resources and assets.
- 4.26 All employees are expected to act with integrity at all times and to comply with legal requirements, rules, procedures and good practice.
- 4.27 Further guidance can be obtained in the Council's Anti-Fraud and Corruption Strategy.

## **Commercial Practices Including Gifts and Hospitality**

- 4.28 The principal aim of the Council's Code of Conduct on Commercial Practices is to ensure that Council business is conducted in accordance with the very highest standards.
- 4.29 Employees should never use their office for personal gain and should seek to uphold and enhance the reputation of the Council by:
  - (a) Maintaining a high standard of integrity in all business and professional relationships;
  - (b) Fostering the highest possible standards of professional competence amongst those for whom they are responsible;
  - (c) Complying both with the letter and the spirit of:
    - (i) The Law;
    - (ii) The Council's Gifts and Hospitality Policy, Standing orders and Financial Procedure Rules and Financial Instructions;
    - (iii) Any additional guidance supplied by Executive Directors / senior managers;
    - (iv) The terms and conditions of their employment with the Council;
    - (v) Rejecting any business practice which might reasonably be deemed improper.

## **Personal Transactions**

- 4.30 Employees must not privately request or obtain goods or services from the Council's consultants, agencies, contractors, or suppliers except in a normal commercial way and no special terms must be asked for because of the Council's business relationship.
- 4.31 Employees must also advise their line manager before any work starts for them in a private capacity, which is being undertaken by consultants, agencies, contractors, or suppliers used by the Council. Employees should obtain evidence of paying a bill and obtaining quotes in order to avoid misinterpretation or any suggestion of preferential treatment.

- 4.32 Employees are not prevented from obtaining discounts as a result of professional memberships, trade union memberships, or any other employee discount arrangement that the Council has in place.
- 4.33 Council order forms, headed note paper and other formal documents must not be used to obtain private goods or services for non-Council or private purposes even where reimbursement is made to the Council. The same applies to personal transactions made using the internet or external email.
- 4.34 Sales and purchases of personal goods between employees and the Council should only take place in exceptional circumstances and may require approval from an appropriate level of management.

### **Political Neutrality & Politically Restricted Posts**

- 4.35 Employees must be politically neutral in the performance of their duties and must not allow personal or political opinions to influence their work. Employees are required to implement the decisions and policies of the Council irrespective of their personal political views. The Council respects the rights of employees to hold political views or opinions, however, employees must ensure that any expression of such views does not constitute a conflict of interest, nor should employees seek to influence the work of others through such expressions.
- 4.36 Under the Local Government and Housing Act 1989 a number of the Council's posts are politically restricted. Individual employees will be notified by their Executive Director / a senior manager if their post is affected.
- 4.37 A person holding a politically restricted post is disqualified from becoming or remaining a member of a local authority (excluding a parish council) or of the House of Commons.
- 4.38 In addition, the terms of employment of individuals holding a politically restricted post are deemed to incorporate various other restrictions, including prohibition on:
- (a) Announcing, or causing or permitting the announcement of the employee's candidature for election to the House of Commons, or a local authority;
  - (b) Speaking to the public or publishing written work with the apparent intention of affecting public support for a political party;
  - (c) Acting as an election agent;
  - (d) Canvassing on behalf of a political party;
  - (e) Being an officer or member of a committee of a political party or branch of a political party if the duties would require the employee to participate in the general management of the party or branch, or act on behalf of the party or branch with persons outside the party.

- 4.39 There is an opportunity to appeal against designation as a politically restricted postholder. Further details of this process can be obtained from the Monitoring Officer.

### **Confidentiality, Security and the Disclosure of Information**

- 4.40 Employees may, in the course of their employment become aware of personal or other confidential information, some of which may fall within the scope of data protection legislation. The Council requires that the confidentiality of such information is respected and the information is kept secure in accordance with the Council's Data Protection Policy and the law complied with where applicable.
- 4.41 Any particular information received by an employee from a councillor that is personal to that councillor should not be divulged by the employee without the prior approval of the Councillor, except where such disclosure is required by law.
- 4.42 Employees must not use 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 unless it is necessary and within the law to do so, for example where there is a police investigation.
- 4.43 Employees are required to comply with both data protection and access to information legislation.
- 4.44 Any meeting recorded without the consent of all those present (covert recordings) will be treated as a conduct matter. If employees have any misgivings about either the process or the managers leading it, they should raise them with the Monitoring Officer.
- 4.45 Information concerning an employee's private affairs will not be supplied to any person outside of the Council unless the consent of the employee is obtained first.
- 4.46 On commencing employment with the Council all employees are required to sign a confidentiality statement as part of their contract of employment. The principles of this statement should be read in conjunction with this document but do not prevent employees from making a protected disclosure within the meaning of section 43A of the Employment Rights Act 1996 as further referred below at paragraphs 4.68 and 4.69 below.

### **Communication, Computer Usage and the Internet**

- 4.47 Use of the Council's information and communication technology (ICT), systems and network is provided as part of an individual's work role.
- 4.48 Employees should make themselves familiar with the Council's ICT policies outlined in the ICT Information Security Framework.
- 4.49 Violation of the ICT policies may be grounds for disciplinary action, which, if found to constitute gross misconduct, may result in sanctions up to and including dismissal.

- 4.50 Use of technology to contact individuals can suggest an informality which may be inappropriate. Great care should be exercised over the use of communications technology such as mobile phones, text messaging, emails, digital cameras, videos, web cams, websites and blogs.
- 4.51 Communication that may cause offence or detriment to individuals may be subject to action under the Council's Conduct and Discipline Procedures.

### **Social Media Use**

- 4.52 Social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. This includes online social forums such as X (formerly Twitter), Facebook and LinkedIn. Social media also covers blogs and video-and image-sharing websites such as YouTube.
- 4.53 Employees must follow the Council's policy on the use of social media which is available as part of the Internet Use Standard within the ICT Information Security Framework.
- 4.54 Employees should be aware that they owe a duty of trust and confidence to the Council as employer which may be breached if unsuitable material is posted on a social media platform, including posts made outside of working hours.
- 4.55 Posts that may cause offence or detriment to individuals may be subject to action under the Council's Conduct & Discipline Procedures.

### **Alcohol and Drugs Misuse**

- 4.56 The Council is committed to ensuring a safe, healthy and productive working environment and to minimising problems arising from the misuse of alcohol and drugs at work.
- 4.57 Employees and those representing the Council are personally liable for their conduct, specifically in relation to their consumption of alcohol or drugs. Employees must avoid the consumption of alcohol, illegal drugs or any substance where it may affect their work or which might place them at risk of accidents, loss of efficiency or effectiveness.
- 4.58 Anyone working on behalf of the Council must not possess, consume, sell or give away illegal drugs especially whilst on duty or undertaking work on behalf of the Council.
- 4.59 Inappropriate behaviour as a result of either alcohol or drug misuse will be dealt with under the appropriate Council policy.
- 4.60 Further information regarding the Council's approach to alcohol and drug misuse and testing may be found in the Alcohol and Drugs Misuse Guidance for Managers and Employees.

## **Work for Other Organisations**

- 4.61 Applicants for employment with the Council will be asked to disclose any employment or work in any capacity they may have with other organisations and failure to do so could result in the withdrawal of the offer of appointment, or dismissal if already appointed.
- 4.62 Employees may undertake other work outside of the Council with the written agreement of their line manager but must notify their manager of any additional employment or work in any capacity for other organisations.
- 4.63 In all instances where additional work is undertaken, the work must not conflict with, or be to the detriment of, an individual's employment with the Council. If conflict or detriment is caused by additional work, the Council reserves the right to take appropriate disciplinary action.
- 4.64 Managers will take appropriate advice from HR when considering whether to agree to the request by reference to the Council's Working Time Regulation Guidelines when considering additional appointments or employment.

## **Intellectual Property**

- 4.65 Intellectual property includes, but is not limited to, patents, rights to inventions, copyright and related rights, trademarks and trade names. Inventions includes but is not limited to ideas and improvements. Intellectual property may be recorded in any medium such as drawing, records, papers and any other documents or files, in hardcopy, electronic or digital format. In so far as the law allows, all intellectual property made wholly or partially by employees at any time during the course of their employment with the Council which relates to or is reasonably capable of being used in the Council's business or services will remain the property of the Council.
- 4.66 Knowledge and information held by the Council is the intellectual property of the Council and must not be used by employees, or any other person engaged by the Council to carry out services for any other purposes than those that are necessary for the effective performance of their duties. Where the sharing of intellectual property with other public sector organisations would benefit public sector improvement the Council will share such intellectual property appropriately.

## **Raising Concerns – Whistleblowing & Grievances**

- 4.67 The Council is committed to employees being able to report any significant concern they may have about any aspect of the Council's business, service provision, or the conduct of employees, members of the Council, or others acting on behalf of the Council without fear of victimisation.
- 4.68 To enable employees to address such concerns the Council has a Whistleblowing Policy and Procedure, which incorporates the provisions of the Public Interest Disclosures Act 1998 and the related provisions of the Employment Rights Act 1996.



- 4.69 If an employee has a concern regarding their own employment this should be raised under the Council's Grievance Policy and Procedure.

**Breach of the Employee Code of Conduct and Other Policies**

- 4.70 Failure to comply with this and all other Council policies affecting or to be followed by employees may result in disciplinary action being taken.
- 4.71 The Council reserves the right to take legal action against employees where breaches of the Code or other policies warrant such action.