

Part Seven – Council Officers

Section Four – Officers’ Code of Conduct

1. Introduction

- 1.01 The Council strives to conduct all its activities cost effectively, equitably, to the highest ethical standards, and in compliance with its legal obligations.
- 1.02 The Council can only realise this ambition through the actions and conduct of its employees and agents. Employed staff owe a particular responsibility to act in accordance with the Council’s code of conduct. It is therefore essential that all employees conduct themselves according to the highest standards of behaviour, in the most professional manner, and with a commitment to perform their work to the best of their ability.
- 1.03 This Code of Conduct describes the Council’s ethical values and sets out the behaviour that is expected of all officers whether employees, consultants or agency staff and therefore the requirements of this Code should be read in that context. It also identifies policies that are relevant to the conduct of business.

2. Scope

The Council’s ethical values and vision

- 2.01 The Council aims to conduct its business with honesty and integrity and expects employees to maintain the highest ethical standards. The Council recognises the obligations it has towards the community as a whole, its employees, its partners, suppliers and all others with whom it interacts.
- 2.02 The Council seeks to fulfil those obligations according to the original principles laid out in the Nolan Report on standards of behaviour in public life. These principles are set out below. They apply to all employees and it is expected that they will uphold these principles in their roles.

The Nolan Principles

- *Selflessness*

Employees of the Council should take decisions principally in terms of the public interest. They should not take decisions or act in ways that result in financial gain or other material benefits for themselves, their family or their friends.

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- *Integrity*

Employees of the Council should not place themselves under any financial or other obligation to individuals or organisations such that might influence them or bias their actions in the performance of their official duties.

The relationships that the Council has with its partners, contractors, consultants, community groups, suppliers and others must be responsibly managed to ensure there can be no suspicion of corruption or dishonesty with public money. There should be no valid reason to suspect that any employees are using Council resources for private gain.

The Council has procured contracts for services and goods which help us deliver cost effective services. Employees should make use of those corporate contracts in the first instance for any purchases of goods or services.

Any potential conflicts of interest or relationships which might appear to improperly influence a decision about the procurement or use of service should always be immediately declared to their manager and the Council’s Monitoring Officer notified. Where an external third party offers a gift or hospitality, employees are required to register the offer received and the action taken in response on the Council’s gifts and hospitality register.

Without good cause, employees should refrain from wilfully withholding any payments owed to the Council, such as rent or Council tax; this may also include any overpayment of salary/wages.

Employees should consider that in their day to day life when they are not at work, they should avoid any adverse/inappropriate behaviour that might damage public confidence in the Council or in the public’s perception of their work performance. This includes the use of social media, whether in a work or in a private capacity. Guidance on the use of social media in a private capacity can be obtained from the Council’s corporate communications team.

- *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, employees of the Council should offer advice and make choices on a reasonable and reasoned basis, and all appointments (unless exempted by legislation) are to be made on objective merit.

- *Accountability*

Employees of the Council are ultimately accountable to the public for their decisions and actions; as such they must from time to time submit themselves to whatever scrutiny is appropriate to their duties and their office.

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- *Openness*

Employees of the Council should be as open as possible about all the decisions and actions that they take. They should be transparent in their reasoning, their advice and their actions and disclose relevant information in ways that are easily understood by the public. Information should only be restricted in the most exceptional circumstances - such as when disclosure is likely to breach personal confidentiality, place service users and residents at great risk or in the face of overwhelming public interest concerns.

- *Honesty*

Employees of the Council have a duty to declare any private interests (see section 11) relating to their public duties, including when they are involved in decision-making processes (e.g. procurement, determination of entitlement to services) and to take steps to resolve any conflicts arising in a way that protects the public interest. Any potential conflict should be reported to a line manager, with a record made of the interest and any action to mitigate potential conflict. All employees will be required to complete a declaration of interests form as part of their annual appraisal. Line managers will notify HR of declarations made, and declarations will be subject to periodic review.

Employees should always use public money and resources with complete honesty. This includes interactions with service users, colleagues, local partner agencies and suppliers.

It also means avoiding corruption and/or the suspicion of corruption, neither accepting nor seeking bribes, rewards nor favours of any sort.

Fraudulently claiming or issuing housing benefit (or any other benefit from the Council, or any administered by central Government or Inland Revenue) will not be tolerated. Similarly, claiming or maintaining eligibility to other services provided by the Council when no entitlement exists will not be tolerated.

- *Leadership*

Council employees should promote and support these principles through their personal conduct and example. Modelling positive behaviours that reinforce good ethical conduct and eliminate negative conduct is central to the leadership of staff at all levels. Promoting and supporting these principles is consistent with the Council’s values and behaviours: putting communities first; respect; integrity; and working together.

3. Business conduct - the Council’s commitment

3.01 The Council will manage its business according to its ethical values, to the highest standards of integrity, behaviour and business practice. The Council

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will work with others in a spirit of co-operation and will develop relationships based on acting with proper purpose, honesty, fairness and mutual trust.

- 3.02 The behaviour of the Council’s employees is central to how it conducts its business. The Council will ensure the resources are in place to enable employees to realise the delivery of services in line with its ethical values and vision. In particular, the Council will aim to be an employer of choice through the creation of a positive, responsible, innovative, open and challenging working environment. The Council wants to establish a work environment that enables its employees to flourish as individuals and to work collaboratively in mutually supporting teams.
- 3.03 The Council will protect the integrity, availability, and confidentiality of all personal and corporate information it holds, whether in manual or electronic form.
- 3.04 The Council is committed to equality, diversity and inclusion in all its employment practices, policies and procedures. The Council employs a talented and diverse workforce and will help all employees to develop their potential both personally and professionally and to learn from shared experience. The Council will provide a safe and healthy environment for its workforce.

4. The Employees’ Commitment

- 4.01 All employees must respect and encourage the Council’s ethical values and vision set out above, the principles in this document and all policies. It is the personal responsibility of every employee, and anyone else who is conducting business on the Council’s behalf, to act in accordance with this Code and the policies which underlie its content. This Code, an employee’s own contract of employment, and policies and guidance set out the standards expected.

Employees’ general conduct

- 4.02 Employees are required to behave with a high standard of integrity in business and commercial relationships and treat colleagues and anyone with whom the Council has dealings fairly, with respect and dignity.
- 4.03 All employees must comply with all policies, standards and supporting guidelines, working procedures and safety instructions relevant to their job. For example, the Council operates policies covering the following key matters:
 - (i) Discipline;
 - (ii) Grievance;

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- (iii) Bullying and harassment;
- (iv) Attendance at work;
- (v) Data security;
- (vi) Performance; and
- (vii) Improvement.

4.04 This list is not exhaustive. All policies can be found on the intranet and are updated regularly. But policies and procedures are not of contractual force. Employees have a responsibility to ensure that they understand the Council’s key policies and the duties it places upon them.

4.05 All employees are required to take responsibility for their own work and the proper performance of anyone they manage. Learning and development are personal responsibilities. Individuals are required to take full advantage of the opportunities provided and keep up-to-date with best practice in their own field.

4.06 All employees must perform their duties diligently and as directed by their manager. When dealing with the public, employees must conform to any Customer Services Delivery Standards or equivalent standards issued to them.

4.07 All employees must comply with the terms and conditions of their contract of employment. All employees must avoid engaging in activities that are likely to breach that contract or bring disrepute or damage upon the Council, even where such conduct occurs outside of work. Employees must not do anything while on or off duty that could damage the Council’s reputation and/or lead to criminal charges against them.

5. Responsibilities

5.01 All employees must:

- (i) Comply with this Code and the policies underlying its provisions as part of their terms and conditions of employment and/or terms of engagement.
- (ii) Recognise the importance of complying with this Code in terms of the provision of an excellent service to the Council’s customers.

5.02 Employees must also comply with any statutory requirements of their role e.g. staff in politically restricted posts cannot engage in activities which are prohibited by the statutory rules for such posts.

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5.03 Employees should be aware that failure to adhere to the principles contained in this Code, and/ or any policy applicable to their employment may be considered a disciplinary matter.

5.04 Additionally, all managers must:

- (i) Ensure that the requirements outlined in this Code are met including ensuring that employees are aware of them.
- (ii) Ensure that appropriate, fair and consistent action is taken to deal with any failure to conform to them, in accordance with the appropriate procedures.

Misconduct and Gross Misconduct

5.05 If an employee does not respect or work in a way which aligns with the principles of this Code of Conduct, disciplinary action may be taken.

5.06 5.6 The Council has a disciplinary procedure, which gives examples of the types of breaches of standards or behaviour considered to be misconduct which could result in disciplinary action being taken.

5.07 5.7 Some of these are so serious that they are considered to constitute gross misconduct - although it is a reasonably a rare occurrence, if gross misconduct is proven, it could result in an employee's dismissal from the Council's service. The Disciplinary Procedure document gives examples of gross misconduct.

6. Respecting your colleagues, clients and customers

6.01 An employee is required to treat all colleagues, clients and service users equally with the utmost politeness, courtesy, respect, consistency and confidentiality. In the most exceptional circumstances (where, for example, the Council may be vicariously liable for withholding specific information on grounds of confidentiality) it may not be reasonable for the Council to maintain strict confidentiality.

6.02 It is never acceptable to make remarks that are racist, sexist, homophobic, ageist, or otherwise disrespectful or offensive because of a person's religion, culture, ethnicity or that results in belittling of someone's abilities or dignity.

6.03 All interactions should not intend to/be used to harass, bully or discriminate against any colleague. The Council treats complaints of harassment or bullying very seriously. Bullying and/or harassment will not be tolerated towards any person working for us or using our services.

6.04 Anyone working for the Council who feels that another employee or contractor is not behaving appropriately should report this to their manager

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and their manager should report this to the Council’s Director of HR. Where there is a concern that behavior might constitute a criminal offence, the matter should be raised with the Director of Audit, Fraud, Risk and Insurance. Alternatively, staff can report concerns via an independent confidential hotline - Safecall.

7. Putting Communities First

- 7.01 Council services have a real impact on the quality of life of the residents and communities we serve. Their living environment, their health, their wellbeing, and their overall quality of life can all be affected by our conduct and the way we design and deliver services.
- 7.02 For many of our vulnerable residents, we are often the only people they may see or to whom they may talk. Making sure that people are given a personal, compassionate and friendly service can help them feel more connected to their neighbourhood and not isolated from society.
- 7.03 Our work is sometimes politically sensitive and it is always open to public scrutiny. We are public servants. Our residents, other government agencies and the general public may be interested in what we do and how we do it. Our success as a local authority depends on the confidence the public has in our services and in the honesty, professionalism and hard work of the people who work with us.
- 7.04 Our work is publicly funded. To be above suspicion, any payments or other benefits given to an employee as the result of a service they provide on our behalf, must be made through the Council. Additionally, any expenditure or costs incurred while delivering Council services must be lawful and justifiable.
- 7.05 Employees should be authentic in their commitment to public service, putting residents, service users and communities first. We have a duty to give our best, listen to people, be open, helpful, professional and kind-hearted in everything we do for the Borough.
- 7.06 The public should have confidence in our services. This depends on us being considerate, responsible, sensitive and mindful of the need to respect the confidentiality of our service users. It also means treating everyone with the same respect and level of service no matter their gender, ethnicity, social status or sexuality.
- 7.07 The Council is committed to protecting its employees from any aggressive, abusive or bullying behaviour from service users and residents.

Working with Councillors

- 7.08 Councillors, in their role serving residents and communities within their ward and wider borough, may ask for information or assistance with issues brought to their attention by residents. This means maintaining effective working relationships with officers across the Council. In return, Councillors should show respect to employees and not use pressure or act inappropriately to influence any actions or service delivery. Any person working for the Council who feels that a Councillor is not behaving appropriately should report this to their manager and their manager should report this to the Council’s Monitoring Officer.
- 7.09 Employees serve the Council as a whole – they do not work for any individual politician, no faction nor any political party. Employees should maintain political neutrality and be impartial so as to act without political bias in their work. Close, personal relationships between Councillors and officers may make this difficult and, where feasible, should be avoided. Employees should never use their relationship with a Councillor to influence their decisions or actions made on behalf of the Council or for their own personal gain, inside or outside of work.

Working with the media

- 7.10 The Council recognises that we are all ambassadors of the Council, however we ask that employees respect our media protocol with all press and media enquiries being directed through the Communications Team. This includes requests for official statements or opinions from the Council on any issue or topic affecting residents or our service delivery. This protocol protects individual employees from unwanted media attention and allows the Council to properly manage its relationship with the news media. Relations with the media require specific skills and expertise and employees should obtain permission prior to discussing Council business with the press.

8. Working with sensitive information

- 8.01 Employees should always use sensitive information properly and securely, respecting the confidentiality, integrity and availability of information.
- 8.02 The Council is required to make appropriate information available to Councillors, internal and external auditors, government departments, service users and the general public. Information gathered while working for the Council should not be used for pecuniary or personal gain or be otherwise misused.
- 8.03 Employees should avoid discussing sensitive information in public places, and never gossip about or misuse sensitive information about the Council or service users.

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8.04 Data protection and other laws which govern our use of information and the retention/storage of it should be unwaveringly observed. IT equipment (e.g. laptops and mobile phones) should be taken care of when employees are in possession of them away from Council buildings.

9. Offers of gifts or hospitality

9.01 Employees who are offered or who received unsolicited gifts or hospitality with a value of £20 or more should first record this in the Gifts and Hospitality Register System, available on the intranet and secondly discuss with their line manager what action should follow such an offer or receipt. All offers received, whether accepted or refused, should be recorded.

10. Integrity Issues

10.01 Employees are expected to conduct themselves with honesty and integrity and maintain the highest ethical standards. No employee should partake in:

- (i) Corruption: bribing;
- (ii) Corruption: favouritism;
- (iii) Conflict of interest (gifts, jobs, etc);
- (iv) Fraud and theft of resources;
- (v) Waste and abuse of resources;
- (vi) Break rules without explicit good reason;
- (vii) Abuse of Authority/misuse of power;
- (viii) Misuse and manipulation of information;
- (ix) Indecent treatment (intimidation, discrimination); and,
- (x) Personal misconduct in private time.

11. Private interests

11.01 Private interests include both financial and non-financial professional interests.

11.02 A financial conflict of interest is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in the best interests of the Council, could be impaired or influenced by their own interests.

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- 11.03 For example, secondary employment; financial interests in the company of a contractor or supplier (i.e. the owner, director or share-holder); family or close relationship with a contractor or supplier; personal relationship with a job candidate.
- 11.04 A non-financial professional conflict of interest is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in the best interests of the Council, could be, impaired or influenced to increase or maintain their professional reputation.
- 11.05 For example, apply judgement or making decisions to benefit one's career advancement or recognition, in advance of the best interests of the Council.”

12. Raising Concerns

- 12.01 To maintain high standards, it is essential that everyone working for the Council feels able to raise any concerns they have about the way business is being conducted in a manner that is simple, effective and confidential. The Council will ensure employees feel able to raise concerns without fear of any reprisals being taken against them. This commitment is underpinned by the fact that employees have protection in law under the Public Interest Disclosure Act 1998. Certain kinds of disclosure qualify for protection such as those relating to –
- (i) A criminal offence;
 - (ii) A breach of a legal obligation;
 - (iii) A miscarriage of justice;
 - (iv) An act creating a risk to health and safety;
 - (v) An act causing damage to the environment; and,
 - (vi) Concealing information relating to any of the above matters.
- 12.02 Concerns can be raised about any aspect of the Council’s activities, e.g. the safety of the public and/or employees, fraud or financial impropriety, harassment, bullying, discrimination; decisions, actions, conduct or communications that are unlawful, in breach of policies or in significant breach of the Council’s ethical values and vision. An employee should ask the following: -
- (i) Is the action legal?
 - (ii) Is the action within the terms or the spirit of this Code and The Council policies and procedures?

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- (iii) Can I justify this to myself, my manager, senior management and to my family?
- (iv) Is it right? Is it honest? Can I say it is not deceitful or misleading?
- (v) Does it conform to the professional standards set by your professional body?

12.03 If the answer to any of the above questions is “no”, an employee can raise a concern. The Council will protect anyone who raises such matters, provided the disclosures are made through appropriate channels, without malice and in good faith, regardless of whether the concern raised is upheld. Further details are set out in the Council’s Whistleblowing Policy.

Where to get help and advice

12.04 Any concern that an employee has should be discussed in the first instance with their manager or someone else with authority in the area.

Grievance

12.05 Grievances are concerns, problems or complaints that employees raise with their employers about their work, working conditions or relationships with colleagues or managers. Grievances may be raised informally or formally with the employee’ immediate manager.

Fraud, corruption or other unlawful conduct

12.06 If an employee is concerned that the actions of another employee or contractor might represent an unlawful act, they should raise their concerns (and can do so anonymously) with one of the following:

- (i) Director of Audit, Fraud, Risk and Insurance
- (ii) Head of Fraud
- (iii) Director of HR
- (iv) Monitoring Officer

Independent reporting lines

12.07 If an employee feels unable, for whatever reason, to raise either of these types of matter through the above channels, or the nature of the concern does not fall within the definitions above, they can contact Safecall. This service is provided by an external company and issues can be raised anonymously.

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- 12.08 SafeCall can be contacted by telephone: 0800 915 1571 or by completing the online form at: www.safecall.co.uk/report.

Breaches of the Code of Conduct

- 12.09 Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may be a disciplinary offence.

Monitoring and Reporting

- 12.10 Monitoring to ensure compliance with the Code will be carried out by the Director of HR, Monitoring Officer and Director of Audit, Fraud, Risk and Insurance with regular reports being provided to the Executive Management Team and Audit and Transparency Committee. This includes summary reporting on the outcome of investigations into concerns raised by employees and will include assurance on the recording and management of declarations of interest and offers of gifts and hospitality.

Ownership and Review

- 12.11 The Council owns this Code of Conduct. It will be regularly reviewed jointly by the Director of HR, Monitoring Officer and Director of Audit, Fraud, Risk and Insurance.