



## **Officer Code of Conduct**

### **Introduction**

**Operating across a large geographic area, including complex environments, the Council's performance and levels of service are based on our values that guide all our activities. The Code of Conduct describes how the Councils put these values into practice everyday. It explains the Councils commitments and expectations towards our customers and each other and provides guidance for employees and everyone who works on our behalf.**

The public is entitled to the highest standards of conduct from all employees working for the Councils. Employees have an obligation to avoid conflicts between their private interests and their duty to the Councils, particularly where this could adversely affect the Council interests or in any way weaken public confidence in the conduct of the Council's business.

This Code of Conduct (the Code) is a common reference document for all employees across both that 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.

### **Scope**

This Code of Conduct applies to all employees of both South Holland and Breckland District Council. The Code does not apply to Elected Members, who have their own Code of Conduct set out in the relevant authority's constitution. Also in each Council's constitution is protocol on Member/Officer Relations.

### **Aim**

The objectives of the Code are to:

- set out clearly our standards of conduct
- define the Council's expectations towards employees in their day- to day decision making and in their relationship with others
- provide support in case of questions or concerns
- to provide guidance for all employees in order to maintain and improve standards and to help protect employees from misunderstanding or unjustified criticism.

### **Roles and Responsibilities**

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Managers have specific responsibilities. They are expected to refer to the Code of Conduct with their team members and make sure they understand it. They are responsible for creating a speak-up climate that will enable employees to discuss any issues. They must ensure our standards are implemented and respected. They must behave in an exemplary way that embodies our values

All employees must understand and respect the standards contained in our Code of Conduct

Suppliers, contractors and partners are expected to apply standards that are equivalent to ours, in particular towards their employees.

## **1.0 Employee Standards**

The Councils have confidence in the motivation, competence and sense of responsibility of our employees. Employees are expected to provide the highest possible standard of service to the public, and where part of their duties, to provide appropriate advice to colleagues and Members with impartiality.

All employees must bring our values to life through their behaviours, ensuring that they carry out our daily activities in compliance with the Code of Conduct.

All employees have an annual appraisal during which objectives are set, performance and the respect of the Code of Conduct are assessed and development opportunities, facilitated by appropriate training are discussed.

The Councils pay particular attention to employees' working conditions, especially the respect for individuals, the absence of discrimination, freedom of association, as well as the protection of our health and safety. No form of harassment is tolerated.

The Councils include employees in the development and progression by initiating and facilitating, by consultation and by engaging in ongoing dialogue.

The Councils recruit employees solely on the basis of our requirements and the specific capabilities of individual applicants.

The Councils develop our employees' professional skills and careers without any discrimination, whether based on origin, gender, age, disability, sexual orientation, gender identity or affiliation with a political, religious, union organisation or minority group.

Employees are expected, without fear of recrimination, to draw the attention of an appropriate Officer to any deficiency in service, suspected impropriety or breach of Council procedures.

Colleagues, Elected Members and the Public are to be treated with dignity and respect at all times.

## **2.0 Information Disclosure**

The law requires that certain types of information must be available to Members, auditors, government departments, service users, trade unions and the public. The Councils may decide to be open about other types of information.

Employees must be aware of which information the authority is permitted to release or not permitted to release due to the operation of law or a policy decision. If in doubt, guidance should be sought from an appropriate officer, such as the Monitoring Officer/Deputy Monitoring Officer before information is disclosed.

### **3.0 Confidentiality**

Many employees are in a position to obtain information in the normal course of their employment which is highly confidential, politically and commercially sensitive, or is personal information protected by data protection regulations.

Employees may not disclose confidential information, whether verbally, in writing or electronically. Employees must not use any 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 the Councils, their employees or members and the public. Employees must make themselves aware of the requirements of Data Protection Act and Freedom of Information Act 2000 and obtain advice from the Council's designated Freedom of Information Officer, where applicable.

Employees are responsible for the security of information in their possession, and must ensure that it remains secure at all times. Appropriate security measures should be taken by employees when they leave their desk or when working from home or from another location.

When an employee leaves the employment of either Council they must still respect the confidentiality of official information that has been made available to them in the course of their duties and not use this information for private, commercial and political gain.

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.

### **4.0 Information Security**

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 refer to the ICT security policy for further guidance where necessary.

### **5.0 Political Neutrality**

Employees serve the Council(s) as a whole. It therefore follows they must serve all Members of the Council and not just those of the politically controlling group, and must ensure that the individual rights of all Members are respected.

Senior Officers 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.

By law, enforcement of the political neutrality of specific posts results in the position being considered “politically restricted”. Further details of politically restriction and a list of the positions subject to such are available on the intranet.

## **6.0 Relationships**

### Relationships with Elected Members

Mutual respect between employees and Members is essential to good local government.

Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and therefore should be avoided.

The Protocol on Member/Officer Relations, as set out in each Councils constitution, provides more detail.

### Relationships with the Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery to all groups and individuals within the community.

### Relationships with Contractors

All current and past relationships (including Directorship) of a business or private nature with any Council external contractors, or potential Council contractors, should be made known to the employee’s Line Manager, Senior Manager and/or Director and recorded in the Register of Personal Interests, held by HR. Employees are to complete the Declaration Form for Personal Interests.

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.

### Relationships between employees, and with job applicants or Members

The Councils recognise that close personal relationships may exist or develop within the organisations. For the purposes of the Code, such relationships are defined as:

- Individuals who are married, dating, co-habiting or similar.
- Immediate family members i.e. parents, step-parents, children, siblings, grandparent and grandchildren.
- Other relations e.g. extended family such as aunts, uncles, cousins, nieces, nephews and any other individuals with whom there is a close personal relationship.

Whilst the Councils do not seek to prevent relationships, and not all such may cause concern, there may be occasions where a perceived or actual conflict of interest exists.

The Code aims to ensure sensitive, effective management of such situations in order to avoid potential conflicts of interest, perception or accusation of bias, favouritism or prejudice. The Councils must also ensure that all employees feel confident of fair treatment without the fear that a close personal relationship will influence their or other employees' treatment or broader working relationships.

Where there is a relationship (as defined), this should be disclosed, in confidence, to the Line Manager and HR by the employee(s) concerned (by completing the Declaration Form for Personal Interests). This disclosure should be recorded on the employees' personal file. Failure to disclose a personal relationship could leave an officer open to allegations of misconduct should subsequent issues arise. When a relationship at work is declared, the impact of the relationship must be assessed by HR in consultation with a relevant manager (for example, Senior Manager, Director or Monitoring Officer) in the following areas:

- Potential conflicts of interest
- Potential confidentiality issues
- Impact on service users or the public
- Potential operational issues.

It is very important that any relationship is not seen to bring advantage to an employee and closer personal relationships between a manager and one of their staff should be avoided. If such a relationship develops, it may be necessary to redeploy one of the employees.

#### **7.0 Appointment and Other Employment Matters**

Employees involved in the appointment of staff must follow established recruitment procedures at all times. Relationships with an applicant must be declared to HR. Employees should not be involved in decisions about discipline, promotion or pay adjustments for someone with whom they have such a relationship as described above.

#### **8.0 Outside Commitments**

Employees should be aware that their contract prevents them from taking outside employment which conflicts with the Council's interests. This encompasses employment both within, and without the bounds of the district.

Employees are required to obtain written consent from their Senior Manager **before** taking up any outside employment. This will be recorded on their personal files. It should also be formally recorded by in the Register of Interests held by HR. If the request to take outside employment is from a Senior Manager the consent must be obtained from a Director.

In all cases Senior Managers must ensure employees remain compliant with the working time directive. Advice can be provided by the HR Team.

Employees must not engage in private work in council time, on council property or using council equipment. Employees must also ensure that they clearly communicate that their private work is not being undertaken in association with the Council.

These provisions do not apply to public appointments or voluntary work such as a magistrate.

## **9.0 Intellectual Property, Inventions and Patents**

Intellectual property is a legal term that refers to the rights and obligations received and granted, including copyright. Ownership of intellectual property is determined by considering the circumstances in which it was conceived and developed. The Council own the copyright in materials made by or under their directions. This includes inventions, computer coding, drawings and original creative writings. Whether an employee or contractor, copyright in material produced in the course of work belongs to the employing Council, unless otherwise explicitly provided for in an employee's contract of employment.

Inventions and Patents made before 1 June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1 June 1978 inventions are only the property of the employer if:

- They have been made in the course of the employee's normal duties;
- They have been made in the course of duties specifically assigned to the employee and where invention might reasonably be expected, or;
- It was made in the course of the employee's duties and at the time the employee had (because of the nature of their duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

## **10.0 Personal Interests**

Employees must register any interest they or their family members have which may conflict with the Council's interests, by providing written notification to their line manager who will then forward to Human Resources. Such interests include, but may not be limited to: employment by, substantial shareholding in, or membership of any company or body, including voluntary organisations, which has or may enter into a contractual relationship with the Council, or which is involved in campaigning or lobbying in respect of any council activity

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 not process any claim or application to the Council for themselves, a relative or personal friend.

Such personal interests must be logged in the Register of Personal Interests.

## **11.0 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 contractors 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 the relevant 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.

## **12.0 Corruption**

It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage. If an allegation is made you may have to demonstrate that any such rewards have not been corruptly obtained.

## **13.0 Gifts and Hospitality**

Employees must show good sense and tact when receiving offers of gifts and/or hospitality, and any such offer must be discussed with their line manager or an appropriate senior officer prior to their acceptance. N.B. a senior officer is defined as one whose post is included within the senior management structure. The senior officer may agree that the gift/hospitality can be accepted however may request that the gift is shared with the employee's team.

When considering offers of gifts and/or hospitality, employees must be particularly sensitive as to the timing in relation to decisions which the authority may be taking affecting those providing such. No such gifts or hospitality are to be knowingly accepted from contractors who are submitting a tender during a tendering period.

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.

Small gifts up to the estimated value of £25.00 such as chocolates or flowers may be accepted. Where any gifts or hospitality in excess of the estimated value of £25 are both offered or received, employees must submit a declaration, by completing the Gift and Hospitality Form, to HR for entry on to the register of Gifts and Hospitality, within 28 days. In such instances, it is the right of the

authority to require that such gifts or hospitality be allocated in an appropriate way i.e. donation to corporate causes.

In normal circumstances cash must not be accepted. Exceptions to this may be permitted provided that the amount given does not exceed £5.00, it is then shared with the rest of the team, and the approval of the Line Manager has been received. An example of this exception might be “tips” given to refuse collectors at Christmas time. If the individuals are in receipt of monies in this circumstance, it is their responsibility to declare this as part of a tax self-assessment form.

Where necessary, an employee declining gifts and/or hospitality must do so in as gracious manner as possible, clearly explaining that the Code prevents them from accepting.

#### **14.0 Use of Financial Resources**

Employees must ensure that public funds entrusted to them are used in a responsible and lawful manner.

The best possible value for money to the local community must be obtained in all transactions.

#### **15.0 Equipment and Materials**

The Councils’ telephone, computer systems, vehicles 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.

Personal use of the internet must be strictly within the guidelines set out in the Council’s Information Security Policy which is available to all staff on the Council’s intranet. Internet 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 Line 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.

Further detail can be found in the Information and Security Guides available on the Council’s intranet.

#### **16.0 External Sponsorship**

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

## **17.0 Council Sponsorship of Community or Individual Activities**

Where either Council through sponsorship, grant aid, financial or other means, is giving support in the community, and employees are giving advice, they should ensure that it is impartial and that there is no conflict of interest involved.

When the Council wishes to sponsor an event or service neither an employee nor their partner, any relative or personal friends must benefit from the sponsorship in a direct way without there being full disclosure to the appropriate manager, which should be recorded on the Register of Interests.

## **18.0 Security**

Employees must wear or carry their ID badge or card at all times whilst on Council premises. All employees are required to appropriately challenge people in secure areas of the Council's premises without either an Employee ID or Visitor's Badge.

Employees must not allow any individual not displaying an ID or visitor's badge to follow them into any secure area of the Council's premises (this includes friends and relatives).

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.

## **19.0 Standard of Appearance**

The Councils have the right to expect high standards of appearance and personal hygiene from employees whilst undertaking their duties. Employees should be neat and well-groomed in appearance, whilst dressing appropriately for the task they are undertaking, and in accordance with locally agreed dress code where such are in effect. As examples, employees must not wear items of jewellery if they may cause the wearer or another person injury; office based employees should be dressed in appropriate business attire whilst those who are provided with a Council uniform should be wear this during business hours.

Other than by prior management agreement, casual or sports clothing is not considered suitable.

Sensible and suitable footwear must be worn at all times on Council business.

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 appropriate officer without delay.

## **20.0 Debts with the Employing Authority**

No employee should owe money to the Council i.e. Council tax arrears, and the existence of such a debt may result in disciplinary action being taken. Any such debt should be brought to the attention of the employees Line Manager or HR as soon as the employee is able.

Debts accrued as a result of payroll errors are exempt from the requirement for employees to inform their line managers. However, where the officer becomes aware of such an overpayment without it having been notified to them by HR, it is their responsibility to bring it to the attention of HR.

Any loans, training debt or other payments needing to be made to the Council prior to leaving will be deducted from an employee's final pay, however if the debt is larger than the amount being paid, an agreement will need to be made with the Council prior to exit on the outstanding monies will be paid back.

## **21.0 Conduct Outside Working Time**

There is a respect of private lives and more specifically the personal data of all employees but employees should avoid doing anything that might adversely affect the reputation of the Council, bring the Council into disrepute or affect their ability to carry out their duties during work hours.

Should such misconduct occur, the Councils reserve the right to implement disciplinary proceedings.

## **22.0 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 the Chief Executive, Directors, Senior Managers, and the Communications Team should speak directly with the media. Other members of staff may deal with them providing they have permission to do so from their Director or Senior Manager.

## **23.0 Using Social Media**

The Councils recognise that many employees make use of social media in a personal and professional capacity. Employees must be aware that they can damage the organisation if they are recognised as being one of our employees.

Any communications that employees make through social media must not:

- bring the organisation into disrepute, for example by:
  - criticising or arguing with customers, colleagues or Members;
  - making defamatory comments about individuals or other organisations or groups; or
  - posting images that are inappropriate or links to inappropriate content;
- breach confidentiality, for example by:
  - revealing confidential information owned by the Council;
  - giving away confidential information about an individual (such as a colleague or customer contact) or organisation or

- do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
  - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
  - using social media to bully another individual (such as an employee); or
  - posting images that are discriminatory or offensive [or links to such content].

For further information, reference should be made to the Social Media Guidance available on the intranet.

## **24. Substances and Alcohol**

The inappropriate use of alcohol or substances can damage the health and well-being of employees and have far reaching effects. At work, alcohol or substance misuse can result in reduced levels of attendance, impaired work performance and increased risks to health and safety. The effects of alcohol or substance use may also be detrimental to the Council's reputation and image and its ability to deliver high quality services.

Alcohol and substance misuse can affect behaviour performance and relationships, both within work and outside. It is recognised that such issues are very sensitive and individuals may face difficulty in coping with this aspect of their lives. The Substance and Alcohol Misuse policy and procedures and aims to offer appropriate support and guidance where possible, resorting to sanctions only where necessary.

Employees have a responsibility to ensure they comply with the principles of the Substance and Alcohol Misuse policy and procedures. They are expected to present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal responsibility to adopt a responsible attitude towards the consumption of alcohol and other substances to which the policy relates.

### **Failure to Follow the Code of Conduct**

All employees are responsible for ensuring that the Code of Conduct is applied. The Councils understand that an employee may need advice in order to make sure the employee is compliant with the Code of Conduct. If an employee needs guidance on any topic related to the Code of Conduct, contact your manager, or ask someone in the HR team or another manager.

Failure to follow the Code in any aspect may be raised in disciplinary action taken against employees for a breach of the Council's rules or procedures. Criminal sanctions may apply where an abuse of position has occurred as a result of a Council contract or where an employee or his/her relatives have gained pecuniary advantages.

If employees fail to make any declaration required by this Code, it will not, in itself, constitute a disciplinary offence. However, should a relationship emerge which was relevant to the employee's duties and this has not been declared as set out in this Code, non-declaration might be taken as evidence of misconduct or gross misconduct.

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