

REPORT TITLE: EMPLOYEE CODE OF CONDUCT

PERSONNEL COMMITTEE

16 JANUARY 2017

PORTFOLIO HOLDER: Cllr James Byrnes, Transport & Professional Services

REPORT OF ASSISTANT DIRECTOR (ORGANISATIONAL & SERVICE DEVELOPMENT)

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WARD(S): ALL - GENERAL

PURPOSE

The recent Ethical Governance Audit recommended that the Council's Employee Code of Conduct was reviewed to ensure that it remains fit for purpose and that version control was introduced to the document. The Code has been reviewed and minor changes made to provide greater clarity to officers.

The purpose of this report is to inform Members of proposed changes to the Employee Code of Conduct.

RECOMMENDATIONS:

That it be recommended to Council:

- 1) That, subject to no material objections being raised by Unison, the Employee Code of Conduct set out at Appendix 1 be agreed and implemented.

## IMPLICATIONS:

### 1 COUNCIL STRATEGY OUTCOME

The public and Council expect high standards of behaviour from officers; these requirements are set out within the Employee Code of Conduct.

The consistent application of HR policies has a positive impact on employee engagement and therefore enables the Council to deliver all aspects of the Council's Strategy.

### 2 FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

There are no legal or procurement implications associated with this report.

### 4 WORKFORCE IMPLICATIONS

The Employee Code of Conduct complements the standards of behaviour set out in the Council's Policies and Procedures. All staff should be aware of the new Code; briefings will be held for managers and the revised policy communicated to all staff.

### 5 PROPERTY AND ASSET IMPLICATIONS

None

### 6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT

Unison have been invited to comment on the draft policy although no comments have been received.

There are no equality related issues associated with this report; the Assistant Director (Organisational & Service Development) continues to monitor the impact of the policy.

## 7 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
Unacceptable behaviour potentially damages the reputation of the Council.	The Code of Conduct sets out the expected standards of behaviour that all officers are to demonstrate.	

## 8 SUPPORTING INFORMATION:

- 8.1 The Employee Code of Conduct has been reviewed following recommendations from the recent Internal Audit Ethical Governance Review.
- 8.2 The Code has been refreshed, taking into account comments from the HR Manager and the Monitoring Officer to ensure a consistent expectation of behaviours is applied to all officers. The general approach remains unchanged, although a new section (Section 3) has been added to formally incorporate the “Nolan” principles on standards in public life, Section 6 (Confidentiality) has been amplified to reinforce privacy issues, and protect the Council’s position in respect of information which it holds. Paragraph 7.4 is a new provision emphasising that political activity should take place outside of the workplace. Section 8 has been rewritten to expand guidance on Member/officer relations, dealing with contractors, and relations between staff.
- 8.3 The proposed (refreshed) policy is attached as **Appendix 1** of this report for ease of reference.

### BACKGROUND DOCUMENTS:-

#### Previous Committee Reports:-

None

#### Other Background Documents:-

None

### APPENDIX:

Appendix 1: Employee Code of Conduct



## EMPLOYEE CODE OF CONDUCT

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**Employee Code Of Conduct****Document History**

<b>Document Title</b>		<b>Employee Code of Conduct</b>	
<b>This Version</b>		<b>0.1</b>	
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<b>0.1</b>	<b>16/12/2016</b>	<b>JC</b>	<b>Initial Draft</b>

## Employee Code Of Conduct

### 1. Introduction

- 1.1 Winchester City Council expects the highest standards of conduct from all its employees and representatives, requiring them to conduct themselves in a way that ensures that high standards of service and the reputation of the Council are maintained.
- 1.2 This Code of Conduct, hereinafter called 'Employee Code', has been produced in the light of the challenges that are faced in today's working environment and is intended to protect employees and representatives of the Council from misunderstanding or criticism by setting minimum standards for employees to adhere to.
- 1.3 The purpose of the Employee Code is to promote consistency and make all staff aware their responsibilities whilst engaged in work for the Council, by specifying standards of behaviour and by clearly defining rules concerning official conduct.
- 1.4 It is the responsibility of all staff to read the Code. If any of the provisions contained within the Code are not fully understood, officers should seek advice from their line manager.
- 1.5 Staff must comply with this Code as it forms part of their terms and conditions of employment. Breaches of the Code will be investigated and may result in action in accordance with the Council's **Disciplinary Procedure**.
- 1.6 Officers are expected to report any impropriety, without fear of recrimination, using the Council's **Whistleblowing Policy**.

### 2. Scope

- 2.1 The use of the word "employee" within this Code includes all employees under a contract of employment (whether permanent or temporary). It also applies to casual workers and agency staff.
- 2.2 In addition to this Employee Code, there are also statutory provisions, disciplinary rules, the Council's Constitution, policies and guidelines and other specific codes of conduct which dictate the way that the Council operates. Management may issue further rules from time to time either in writing or by oral instruction (oral instructions should be recorded by Management).
- 2.3 A copy of this Employee Code is available on the staff intranet. Alternatively, staff should contact the Human Resources Team if they require a hard copy to be made available. Managers are required to take such steps as necessary to ensure that their employees understand the rules and standards in respect of work performance and the observance of working procedures, operational regulations, safety rules and regulations and provisions in the Council's Constitution.

2.4 Where clarification is required on matters contained with this Employee Code or other related procedures or regulations, advice can be sought from management or the Human Resources Team.

### 3. Key Principles

3.1 This Employee Code has been developed, taking into account the recommendations of the Committee on Standards in Public Life setting out the 7 principles of public life (“The Nolan Principles”), as amended.

3.2 The Nolan Principles are the basis of the ethical standards expected of public office holders and apply to all those who are elected to public office, nationally and locally, and all people appointed to work in local government.

3.3 Employees are expected to demonstrate the Nolan Principles as summarised below:

<b>Principle</b>	<b>Description</b>
Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

#### **4. General Conduct**

- 4.1 Employees are expected to conduct themselves at all times (both inside and outside of work) in a manner which will maintain public confidence in both their integrity, and the services provided by the Council. In general, what an employee does while not at work is his/her personal concern, unless those actions would cause a breakdown in the employment relationship, but an employee shall at all times, while at work, observe the requirements of the law: the Council's Constitution and the officer/member protocol and the Council's Procedure Rules.
- 4.2 Failure to observe this Employee Code or any of the additional policies, regulations, standards or codes of conduct referred to may lead to disciplinary action in accordance with the Council's disciplinary procedure.
- 4.3 Misconduct outside of work may result in disciplinary action if it directly affects the employee's performance of their work, or the reputation of the Council. Any employee who is the subject of any criminal proceedings which might affect their ability to do their job or the reputation of the Council must disclose this to their line manager as soon as practicable who will record this information with the Human Resources Team.
- 4.4 Staff must also follow any specific rules as set out by their Professional Body as appropriate.

#### **5. Maintenance of Standards**

- 5.1 To ensure the highest standards of customer service are achieved, employees are expected to bring to the attention of the appropriate manager any deficiency in the provision of service, or breach of this Employee Code, and to be able to do so without fear of recrimination.
- 5.2 Any such matter should be brought to the attention of the appropriate manager through the Council's Whistleblowing Procedure.

#### **6. Confidentiality/Disclosure of Information**

- 6.1 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 and the public. In addition, the Council may decide to make available other types of information.
- 6.2 Employees must ensure they are clear about any confidential information they are privy to, and maintain that confidentiality. Employees in any doubt as to whether they should release information must consult with their line manager, or an appropriate member of Legal Services, before any disclosure is made.
- 6.3 Where confidentiality is necessary to protect the privacy or other rights of individuals or organisations, the information should not be released to anyone



other than an individual who has a right to know, or another person who is entitled to receive it for the proper discharge of their duties.

- 6.4 Nothing in this Code is intended to prevent the sharing of information where there is a statutory duty to do so or where specific partnership working arrangements require the sharing of information for efficiency.
- 6.5 Employees are forbidden from using any information obtained in the course of their employment (whether this information is written, verbal, or in electronic, audio or CCTV/video format) for personal gain or benefit, either directly or indirectly.
- 6.6 Staff must not divulge any personal or organisational confidential or commercially valuable information to which they have access in the course of their employment. This also applies after staff have left the Council.
- 6.7 All information relating to the Council, however stored, is the property of the Council and staff must not keep or use it for their own purposes. When staff leave the Council for whatever reason, any such information in their possession must be returned to their line manager.
- 6.8 Information given in the course of duty must be true to the best of an employee's knowledge, fair and not designed to mislead.

## **7. Political Neutrality**

- 7.1 All employees must serve all councillors and not just those of the controlling group, ensuring that the individual rights of councillors are respected.
- 7.2 Where employees are required to advise political groups they must do so in ways which do not compromise their political neutrality.
- 7.3 Employees, whether or not they are in politically restricted posts, must not allow their own personal or political opinions to influence or interfere with their work.
- 7.4 While the Council recognises the right of every individual to hold political opinions and to take part in political activity in his/her own time, it also recognises that politics is a subject on which individuals hold many different views. It is therefore the Council's policy that employees may not take part in any type of political activity<sup>1</sup> while at work or during work time.
- 7.5 Employees should also make an informed decision about engaging in political activities outside of their scheduled working time (including periods of paid or unpaid leave) to ensure that their activities do not potentially impact on the reputation of the Council or compromise political neutrality.

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<sup>1</sup> "Political Activity" means any activity in support of, within or in opposition to, a political party or to a specific candidate. Examples include (although not exclusively) fundraising; developing, publishing or promoting political material; attending specific events such as campaigns, rallies or similar political gatherings.

7.5 Employees should be aware that some posts are politically restricted.

## **8. Relationships**

### **8.1 Councillors**

8.1.1 For some staff, their role is to give advice to Councillors. Mutual respect between employees and councillors is essential to local government.

8.1.2 It is important that any dealings between Councillors and officers should observe reasonable standards of courtesy; neither officers nor members should seek to take unfair advantage of their position.

8.1.3 Failure to maintain this expected standard can potentially damage working relationships and prove embarrassing to other employees. Ultimately, it could damage the reputation of the Council as a whole.

8.1.4 Officers should familiarise themselves with the requirements of the Council's Protocol for Member/Officer Relations.

8.1.5 Where the relationship with councillors may have been compromised in any way, officers should declare it to their line manager and to the Head of Legal and Democratic Services.

### **8.2 The Local Community, Service Users and Colleagues**

8.2.1 Employees must maintain courteous, efficient and impartial service delivery to all groups and individuals within the community.

8.2.2 This expectation extends to employee's dealings with colleagues.

8.2.3 Officers should not at any time act in an oppressive or abusive manner, use threatening language or take action to cause offence towards any individual (or incite others to do so).

8.2.4 All staff must ensure that the Council's Policies relating to Equality are complied with at all times.

### **8.3 Contractors**

8.3.1 If an employee or a member of their family<sup>2</sup> or a person with whom they have a close personal association has a business, employment, or other financial interest in a supplier, and either a) the Council has an existing contract with that supplier or b) the supplier has or may in the future tendered, provided a quotation, or may be interested in bidding for work from the Council, then the employee must record in writing full details of such interest and pass that record to their line manager who should notify the Head of Legal and Democratic Services as detailed in section 22.1.

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The employee's spouse or civil partner, child, parent, sibling or someone who lives in the same house (but not a lodger or tenant)

8.3.2 All orders and contracts must be awarded on merit, by fair competition against other tenders and without unfair discrimination.

8.3.3 Any Employees whose duties include the engagement or supervision of contractors or have any other relationship with contractors should record in writing any previous, existing, or proposed contractual relationship with such contractors which arises in their private or domestic capacity, and pass these details to their line manager to protect the Council and the employee's integrity.

#### **8.4 Personal Relationships at Work**

8.4.1 The Council recognises that employees who work together may form personal friendships and in some cases close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the Council to ensure that all employees behave in an appropriate and professional manner at work, at all times.

8.4.2 Any employee who embarks on a close personal relationship with a colleague working in the same department/section must declare the relationship to his/her manager. If the relationship is between a manager/supervisor and an employee whom he/she supervises, the relationship should be declared to the appropriate Head of Team. The information declared will be recorded on the HR files of both employees and treated in strict confidence.

8.4.3 In order to avoid a situation in which an employee has managerial authority over another with whom he/she is having a close personal relationship, the Council reserves the right to elect to transfer one or both of the employees involved in the relationship to a suitable, alternative role within the Council.

### **9 Appointment and Employment Matters**

9.1 Employees involved in appointments or decisions relating to discipline, promotion or grading should not be involved where they are related to an applicant, or have a close personal relationship outside work with him or her.

9.2 All employees involved in recruitment and selection on behalf of the Council must be familiar with, and abide by, the 'Recruitment and Selection procedure' a copy of which is available from the Human Resources Team.

9.3 Canvassing of Councillors relating to any employment matter, including appointments, is strictly prohibited, will disqualify the candidate concerned for that appointment and may result in disciplinary action.

9.4 If staff wish to be accompanied on a business trip (i.e. an occasion where they are representing the Council) by a partner or other personal contact, they must have the prior authorisation of their line manager to do so. Under no circumstances will any expenses (including although not limited to travel, subsistence or accommodation) relating to the companion be paid for by the Council.

## **10 Outside Commitments/Dealing with The Council**

- 10.1 Employees should seek written approval prior to undertaking additional employment (paid or unpaid) or other business activities. Approval will normally be given where such employment or other business activities do not, in the view of the Council, conflict with or react detrimentally to the Council's interests or in any way weaken public confidence in the conduct of the Council's business.
- 10.2 Any employee who is in doubt as to the implications of taking up additional employment elsewhere must seek the approval of their line manager, who should record this information.
- 10.3 Where employees have dealings with the Council on a personal level e.g. as a tenant or applicant for planning permission, they should never seek or accept preferential treatment in such dealings and should avoid placing themselves in a position which could lead to accusations of preferential treatment. In accordance with the Council's Planning Protocol, officers who are involved in a planning application should notify the Head of Legal and Democratic Services and the Head of Development Management of their involvement. This will mean that in the interests of openness, the application will be dealt with by the Planning Committee rather than under officer delegated powers.
- 10.4 Employees are strictly prohibited from using their position within the Council to seek preferential treatment for friends or relatives or any company with which they are personally connected.

## **11 Intellectual Property/Copyright/Lecture Fees**

- 11.1 All creative designs, writings and drawings produced by employees in the course of their duties are the property of the Council.
- 11.2 All inventions made by employees remain the property of the Council if made during the course of normal duties. Normal duties are those described in an employee's terms of employment, job description and those arising from an instruction from a manager or other authorised representative of the Council.
- 11.3 Fees for giving lectures or writing articles may only be retained by employees where these activities are not integral to their employment or position with the Council and they are conducted in the employee's own time.

## **12 Personal Interests**

- 12.1 Employees must declare to their manager (who should record this information) any financial or non-financial interests that a reasonable person would consider could conflict with the interests of the Council. Any such declaration will be kept on a Register of Interests maintained by the Head of Legal and Democratic Services.

### **13 Sustainability Issues**

- 13.1 Employees must be aware of their obligation to work towards improving the environment and in particular ensure the wider long-term implications of their own actions are in accordance with Council policy.
- 13.2 Employees are required to consider sustainability issues when undertake their duties, including in the procurement of goods and services. In particular they should seek opportunities to improve and promote energy conservation, advocate recycling and waste minimisation, reduce pollution and support positive Council initiatives to improve the environment.

### **14 Corruption**

- 14.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. In the event that any such allegation should be made it will be for the employee to demonstrate that any such rewards have not been corruptly obtained.

### **15 Hospitality & Gifts**

- 15.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. Acceptances of hospitality should be authorised by management and recorded with the Head of Legal and Democratic Services.

Where a gift is offered it may be accepted if:

- (i) it is offered during official authorised hospitality
  - (ii) it is of nominal value (a guide to nominal value being a box of chocolates or item of under £5) and, in either case,
  - (iii) no ulterior motive is apparent nor is there any danger of misinterpretation by the public (for example, because the offer comes from a person or company tendering for work) and
  - (iv) they have not become a frequent occurrence
- 15.2 Employees must refuse an offer of a gift from any person engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and the employee is directly responsible for formulating recommendations to the Council or for monitoring the service received from the person concerned.
- 15.3 Gifts of money cannot be accepted under any circumstances.

- 15.4 Any gifts outside the scope of these guidelines must be refused.
- 15.5 Any employee who is pestered or harassed into accepting gifts or other incentives must inform their line manager or the Human Resources Team immediately.
- 15.6 Employees should actively discourage clients from bequeathing property, money or other items to them. Where an employee becomes aware that a client intends to bequeath something to them, they must inform their line manager immediately. Wherever possible bequests should be declined, either directly to the client or to the solicitor responsible for the will.
- 15.7 Where it is too late to decline a bequest or to do so would cause undue offence, the employee must submit all relevant details to their manager who will authorise the employee to accept/retain the bequeathed items only if they are satisfied no undue influence has been exerted on the client by the employee. A record of this authorisation will be held by the Human Resources Team. Any allegation that undue influence has been brought to bear will be investigated and, if proven, will be treated as gross misconduct under the Council's disciplinary procedure.

## **16 Use of the City Council's Resources**

- 16.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.
- 16.2 The Council's resources should be used solely in respect of its business. No improper use, or use for anything other than council business, should be made of any council facility such as: premises, vehicles, equipment, stationery or services, subject to the provisions made in the IMT Security and Conduct Policy and lease car agreements or where specifically authorised by the Council.
- 16.3 Staff must ensure that they follow the Council's Policy in relation to IT equipment and the proper management of electronically held information.

## **17 Sponsorship – Giving and Receiving**

- 17.1 Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Great care must be exercised when dealing with contractors or potential contractors.
- 17.2 Where the Council wishes to sponsor an event or service, no employee or any relative or close friend should benefit from sponsorship in a direct way without there being full declaration to their line manager of any such interest to be included in the Register of Interests as detailed in 22.1. Similarly, where the City Council through sponsorship, grant aid, financial or other means gives

support in the community, employees involved must ensure that impartial advice is given and that there is no conflict of interest.

## **18 Constitution**

18.1 Employees are required to observe agreed working procedures, operational regulations, safety rules, regulations and codes of practice, safe working procedures, and provisions of the Constitution and to carry out reasonable and proper instructions given in matters relating to their duties.

18.2 An employee shall not:

- (i) Fail to discharge through carelessness, or neglect an obligation placed upon him/her by contract or statute;
- (ii) Fail to report any matter, which he/she is required to report.

## **19 Standards of Appearance**

19.1 The Council recognises the diversity of cultures and religions of its employees and will take a sensitive approach when this affects standards of dress. However, priority will be given to health and safety, security and other similar considerations.

19.2 All employees are required to be neat, clean and tidy while at work, whether working on the organisation's premises or elsewhere.

19.3 Any clothing that has words, terms, slogans or pictures that may be offensive to others is unacceptable. Staff should ensure that their clothing is practical for work, but not distracting to others.

19.4 Employees who are required to wear a uniform must ensure that they do so during working hours, unless advised otherwise by their manager. Uniforms must always be clean and worn in a presentable fashion. The uniforms issued must not be altered in any way without the permission from the appropriate Head of Team.

19.5 Where uniforms are issued by the Council, they remain the property of the Council. Employees must take responsibility to ensure that good care is taken of them, and return any uniforms issued on the termination of employment.

## **20 Social Media**

20.1 Social media is a powerful tool and reaches a wide audience which could include colleagues, clients or other individuals who may be connected with the Council.

20.2 When using any social media, employees must always carefully consider what they write online and whether this has potential to cause detrimental impact on colleagues, the reputation of the Council or compromise the status and

actions of elected Members, Officers or partner organisations or might otherwise damage the confidence the public has in a public service.

- 20.3 Officers should ensure that nothing they publish online can reasonably be perceived by the public or colleagues to be discriminatory, abusive, oppressive, harassing, bullying, victimising, offensive or otherwise incompatible with the expectations set out in this Code.

## **21 Declaration of Interests**

- 21.1 Any possible conflicts of interest as described in this Code or any related policies, procedures, regulations or the Council's Constitution must be declared in writing to the appropriate line manager. All declarations of interest will be held in a confidential Register of Interests by the Head of Legal and Democratic Services.

- 21.2 If in doubt, employees should always declare a potential conflict of interest.

## **22 Revision**

- 22.1 This policy will be reviewed by Human Resources every 2 years or sooner if required, taking into account changes to legislation, ACAS guidelines and best practice.