

# **CODE OF CONDUCT FOR EMPLOYEES**

Version Control

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			Human Resources	

## **1. INTRODUCTION**

- 1.1 The public is entitled to expect the highest standards of conduct from all the Council's employees. Our customers must be sure that the Council makes decisions and provides services with honesty and without corruption.
- 1.2 The purpose of the Code of Conduct is to assist you in carrying out your job by making clear the standards of behaviour the Council requires you to meet. It incorporates existing policies, regulations and conditions of service and "The Seven Principles of Public Life " identified by the Nolan Committee on Standards in Public Life in 1995.
- 1.3 The Code forms part of your contract of employment and must be followed. It is important that you understand that a breach of this code could lead to disciplinary action under the Council's Disciplinary procedure, and even dismissal depending on the severity of the breach.
- 1.4 All staff are required to complete the Register of Interest – Declaration Form for all potential conflicts of interests. This form will be completed on appointment and you will be asked to review your declaration form annually. However, if there is a change in your circumstances and a potential conflict of interest arises, it is your responsibility to inform your manager as soon as possible so that the conflict of interest can be considered.
- 1.5 Please take time to read this Code and make sure that you understand it. If you are unclear or in any doubt you should seek advice from your line manager or HR Adviser.

## **2. SCOPE**

The Code applies to all employees of Eastbourne Borough Council.

## **3. STANDARDS**

- 3.1 You are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to Councillors and fellow employees with impartiality.
- 3.2 In performing your duties, you must act with integrity, honesty, objectively and without bias.

- 3.3 You are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any impropriety or breach of procedure which would impact on the provision of the service. More detailed guidance is contained within the Council's Anti Fraud and Corruption Policy.

#### **4. DISCLOSURE OF INFORMATION AND CONFIDENTIALITY**

- 4.1 It is generally accepted that open government is best. The law requires that certain types of information must be made available to members, auditors, government departments, service users and the public. The Freedom of Information Act 2000 for example requires disclosure of information in response to written requests in circumstances set out in the Act, and the Data Protection Act requires that the Council comply with statute in relation to the handling and processing of personal data. You must ensure that you are aware of the Freedom of Information and Data Protection policies and the guidance for staff issued in relation to these.
- 4.2 No confidential information, politically or commercially sensitive information, or personal information protected by the Data Protection Act, should be released to anyone without authorisation from your line manager.
- 4.3 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 4.4 You must not deal direct with the press or the media in relation to anything related to Council business unless required to do so as part of your duties, or you have been expressly authorised by the Council's Press Office (Cobb PR).

#### **5. POLITICAL NEUTRALITY AND ACTIVITY**

- 5.1 You serve the Council as a whole. It follows you must serve all the Councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 5.2 As part of your work you may be required to provide advice to Councillors or other employees. You must do so impartially and must not allow your own personal or political opinions to interfere with your work.

5.3 Certain posts are designated politically restricted by the Local Government and Housing Act 1989. Your letter of appointment/contract of employment will tell you whether you hold one of these posts and, if you do, you will be required by law to observe certain restrictions regarding your out of work activities. For example, you may not:

- Stand for election to local authorities (except Town or Parish Councils), the House of Commons or the European Parliament
- Hold office in a political party
- Canvass at elections, or
- Speak or write publicly on matters on party political lines

## **6. RELATIONSHIPS**

### **6.1 Personal relationships**

6.1.1 You must declare to the appropriate manager any situation where your impartiality, objectivity or honesty may be compromised due to your being related to or having a close personal relationship with someone at work. The guidance on Close Personal Relationships in Employment gives a definition of "close personal relationships" and should be referred to for further information.

### **6.2. Councillors**

6.2.1 Mutual respect between employees and Councillors is essential to good local government and working relationships should be kept on a professional basis. Close personal familiarity between yourself and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

### **6.3 The Local Community and Service Users**

6.3.1 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

### **6.4 Contractors**

6.4.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. 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 example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

6.4.2 If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors you should declare that relationship to the appropriate manager.

## **7. EQUALITIES**

7.1 You must comply with the Council's policies relating to equalities issues in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## **8. APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

8.1 If you are involved in the appointment of employees, you should be aware that it is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant or have a close personal relationship with the applicant.

8.2 You should not be involved in decisions relating to discipline, promotion or pay and conditions adjustments for another employee who is a relative or with whom you have a close personal relationship.

8.3 The canvassing of any Member of the Council, directly or indirectly, for any appointment under the Council will automatically disqualify the candidate concerned for that appointment.

## **9 CONDUCT OUTSIDE OF WORK AND CRIMINAL OFFENCES**

9.1 Employees are expected to conduct themselves at all times (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 outside of work is his/her personal concern, unless those actions would cause a breakdown in the employment relationship.

- 9.2 This also extends to the use of social networking. Owing to the open nature of social media, control over this content is generally considered to have been lost once it hits the public domain regardless of the privacy settings of an account. Making derogatory personal comments or offensive remarks about the Council and/or other employees could fall within the Council's Dignity at Work policy, for which disciplinary action could result.
- 9.3 You must inform your manager if you are arrested / convicted /cautioned of a crime and if arrested must notify the manager of the development and outcome of the case as soon as it happens.
- 9.4 Disclosing all convictions does not necessarily mean disciplinary action will be taken against you. The extent to which a criminal offence may affect employment depends on whether the conduct:
- 9.4.1 makes the employee unsuitable for their work; and/or
- 9.4.2 may reflect adversely on the Council's reputation or ability to perform its function.
- 9.5 Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.
- 9.6 Where it is deemed that there is an adverse impact on your employment, the Council's Disciplinary Procedure will apply.

## **10. ADDITIONAL EMPLOYMENT AND PRIVATE PROFESSIONAL WORK**

- 10.1 You should not undertake additional employment (paid or unpaid), if your proposed additional work either will or has the potential to:-
- breach employment legislation
  - conflict with or detrimentally affect the Council's interests
  - weaken public confidence in the Council
  - affect your ability to undertake your Council work

If in any doubt you should seek advice from your line manager.

- 10.2 You should not carry out private professional work within the Borough of Eastbourne which involves making an application to the Borough Council as a statutory authority for any form of permission or approval

or

handle any matter in a private capacity in which you could find yourself in a professional relationship with the Council, including your own colleagues.

- 10.3 If you are employed by the Council in a post paid at spinal column point 29 or above, you are required to obtain written consent from your Senior Head of Service to take any outside employment paid or unpaid. In the event approval is withheld you may appeal through the normal Grievance Procedure.
- 10.4 Where you are allowed to undertake additional work, this will be on the express understanding that it will in no way be detrimental to the performance of your normal duties and no part of it will be carried out during office hours.
- 10.5 These instructions do not preclude you handling a private matter or making an application to the Council for yourself or immediate family e.g. a planning application related to the property in which you live or propose to live. However, you must still avoid in these circumstances the conflicts of interests referred to in Paragraph 10.2.
- 10.6 Failure to observe these instructions may render you liable to disciplinary action.
- 10.7 Although there is no requirement, if you are paid below spinal column point 29, it is recommended in your own interests that you inform your manager, in writing, of any involvement in outside or private work.

## **11. PERSONAL INTERESTS**

- 11.1 Personal interest must not conflict with your public duty. An official position or information acquired in the course of your employment must not be used to further personal interests or for the interests of others.
- 11.2 You must declare, in writing, using the Register of Interest-Declaration Form, to your manager any:
  - Financial or non-financial interest which could conflict with the Council's interests
  - Interest in an existing or proposed contract with the Council

- Membership of any organisation or club which could result in a conflict with the Council's interests, or of any organisation or club which is not open to the public and which has secrecy about its rules.

11.3 You are invited to voluntarily register your membership of clubs, organisations or movements with your Senior Head of Service. The register will be open to inspection only by Members of the Council. Such registration enables the Council to protect itself and its staff from any allegation of abuse.

## **12. SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS**

12.1 The Children's Act 2004 includes a specify duty on District Councils to have regard to the need to safeguard and promote the welfare of children and to co-operate with other agencies to improve the well-being of children and young people, therefore all employees are expected to work to promote safeguarding within the Council and with members of the public

12.2 You should ensure that all policies relating to Safeguarding of Children and Vulnerable Adults as agreed by the authority are complied with in addition to the requirements of the law.

12.3 You have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by staff, councillors and others acting for or on behalf of the council, and allegations brought to our attention by a member of the public in line with the Safeguarding policy.

## **13. SEPARATION OF ROLES DURING TENDERING**

13.1 If you are involved in the tendering process and dealing with Contractors you should be clear on the separation of client and contractor roles within the Council. It is incumbent on the Council to make that distinction clear, both through the allocation of responsibility and through the organisational structure it adopts. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.



- 13.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 13.3 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 13.4 You 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.
- 13.5 If you are contemplating a management buy-out, you should, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

#### **14. DECLARATION OF INTEREST IN CONTRACTS**

- 14.1 If you have a financial interest in a company, firm or other organisation, which is proposing to contract with the Council you must give notice of that fact in writing to the Chief Executive immediately. A financial interest of any employee includes any interest of his/her spouse or partner if they are living together. It is an offence not to comply with this provision the maximum fine for which is £1000.
- 14.2 Your declaration will be recorded in a register maintained by the Chief Executive and you should obtain confirmation of entry in the register.

#### **15. PERSONAL DEALINGS WITH THE COUNCIL**

- 15.1 You may have dealings with the Council on a personal level, for instance as a Council Tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in these dealings because of your position as an employee of the Borough Council. You should also avoid placing yourself in a position that could lead the public to think that preferential treatment is being given: for instance, by being in substantial arrears to the Council, or by discussing a planning application personally

with officers when other members of the public would not have the opportunity to do so. Likewise, you should never use your position as an employee of the Borough Council to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

- 15.2 The Council views an employee's failure to pay any money due to itself as likely to bring the Council's own reputation into disrepute. It is for the Council to demonstrate an employee's liability for any payment, and to institute recovery procedures. But any persistent failure to pay a legitimate demand presented in this connection will be dealt with within the framework of our agreed Disciplinary Procedure.

## **16. USE OF FINANCE AND OTHER RESOURCES**

- 16.1 You must ensure that public funds entrusted to you are used in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

- 16.2 You must not utilise property, vehicles, equipment, materials or other facilities of the Council for personal use unless authorised in advance to do so. You must comply with the Council's Financial Procedures.

- 16.3 Intellectual Property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, design and software. Where developed in the course of your duties, such intellectual property is the property of the Council. You should not make use of the Council's intellectual property to conduct private work.

## **17. CORRUPTION**

- 17.1 You must be aware that it is a serious criminal offence for you to solicit or receive or give any gift, loan, fee, reward or advantage for doing, or neglecting to do something or showing favour, or disfavour, to any person in your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained.

## **18. ACCEPTANCE OF HOSPITALITY AND GIFTS**

- 18.1 You should exercise discretion in offering or accepting hospitality. It is essential that any suggestion of improper

influence should be avoided. If you are in any doubt about the right course of action to take you should always seek the advice of your manager.

- 18.2 You should only accept hospitality if there is a genuine need to impart information or represent the Council 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. They should be properly authorised and recorded.
- 18.2 You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the Council.
- 18.3 Your acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, you should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 18.4 You must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public or any organisation with whom you are brought into contact by reason of your duties. The only exceptions to this rule are:-
- small gifts under the value of £10 given by way of trade advertisements to a wide range of people e.g. calendars, diaries, pens, mugs and similar articles for use in the office
  - small gifts under the value of £10 offered during official authorised hospitality e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation
  - small gifts or tokens of appreciation under the value of £10 where the donor is a service user or client and where refusal would cause offence.
- 18.5 You should handle the refusal of gifts or hospitality with tact - courteously and firmly informing the donor of the procedures and standards operating within the Council.

- 18.6 In the event of you receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to your Service Manager.
- 18.7 All gifts and offers of gifts, including inducements such as air miles, trading discounts, vouchers or offers of hospitality , over the value of £25 must be reported to your manager and a Gifts/Hospitality Received Form completed. The incident will be recorded by the service manager/ Senior Head of Service for areas under their control in a Control Register.
- 18.8 The use of personal loyalty cards whilst making purchases on behalf of the Council is unacceptable. It may bring into question the impartiality of the use of that supplier.

## **19. SPONSORSHIP – GIVING AND RECEIVING**

- 19.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 19.2 Where the Council wishes to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

## **20. RELATED DOCUMENTS AND POLICIES**

Your attention is drawn to the following documents which should be read in conjunction with the Code of Conduct for Employees:

- Register of Interests – Declaration Form
- Anti Fraud and Corruption Policy
- Data Protection Policy
- Freedom of Information Policy
- Safeguarding Policy
- Close Personal Relationships in Employment Guidance
- Fair Employment Policy
- Comprehensive Equality Policy
- Social Media Policy

- Contract of Employment/Letter of Appointment
- Hospitality/Gift Received Form
- Hospitality Given Form