



**EMPLOYEE CODE OF CONDUCT
JANUARY 2017**



1.0 Introduction

1.1 It is desirable for the protection of the public and the protection of employees that guidance be given to local government employees as to the conduct expected of them. This Code provides guidance to assist councils and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.

1.2 The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

2.0 Framework for the Code

2.1 The public is entitled to expect the highest standards of conduct from all employees who work for Watford Borough Council (WBC) and this Code has been developed in line with best practice, existing legislation and the following guidance.

2.2 The provisions of this Code apply to all staff employed by WBC in the performance of their duties on a day-to-day basis including any additional offices to which they may be appointed in their capacity as a district council employee.

2.3 National Agreement on Pay and Conditions of Service (the National Agreement)

2.3.1 The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (the National Agreement):

- **Official Conduct**

- *Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained; and*

- *Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.*

2.3.2 Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

2.4 Seven Principles of Public Life

2.4.1 This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) which emphasises that those in public life should:

- **Selflessness** *take decisions based solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.*

- **Integrity** not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity** in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability** are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty** have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership** promote and support these principles by leadership and example.

3.0 Standards of Behaviour, Impartiality and Conflicts of Interest

- 3.1 WBC employees are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public.
- 3.2 Where it is part of their duties to provide appropriate advice to councillors and fellow employees this must be done with impartiality at all times.
- 3.3 Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service (see paragraph 17.1. *Whistleblowing*).
- 3.4 Responsibility is placed on every member of staff for disclosing to an appropriate manager or officer of the council every potential conflict of interest in which he/she may be involved.
- 3.5 In general employees' private interests must not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute. This includes standards of behaviour outside the working environment and in the use of social media in relation to elected members, fellow officers and the general public.

- 3.6 Employees should not misuse their official position or information acquired in their official duties to further their private interest or those of others.
- 3.7 Employees must report to the appropriate manager any impropriety or breach of the terms of this Code.
- 3.8 Employees should have regard to the Councils Corporate Priorities and Corporate Plan when undertaking their duties and should make their line manager aware of any circumstances where these aims and objectives might not be able to be followed.

4.0 Disclosure of Information

- 4.1 The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may also decide to be open about other types of information.
- 4.2 The Council will therefore make clear to employees:
- the types of information which must be made available, and to whom;
 - the types of information which the Council has voluntarily made open, and to whom;
 - the types of information which the Council does not wish to be disclosed without specific permission.
- 4.3 The law also requires that personal information held about individuals must be treated in accordance with the Data Protection Act 1998. Employees must ensure that they process data lawfully in accordance with the data protection principles. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the authority's publication scheme.
- 4.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 4.5 Any particular information received by an employee from a councillor which is personal to the councillor and does not belong to the council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.

5.0 Political Neutrality

- 5.1 Employees serve the Council as a whole. They must serve all councillors and not just those of a particular group and must ensure that the individual rights of all councillors are respected.

- 5.2 Employees may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested. An exception to this is the Mayor's Political Assistant who is specifically appointed to assist the Mayor and is not required to share any advice given to any other political group
- 5.3 Certain employees have roles which prevent them from undertaking certain political activities, such as canvassing for a political party or seeking election as a councillor (at a council other than Watford Borough Council) or other political office. These roles are commonly referred to as politically restricted posts. Please check your job description/employment contract to discover if you are in such a post.
- 5.4 All employees whether or not politically restricted must follow all lawful policies of the Council and must not let their own personal or political opinions interfere with their work.

6.0 Potential Conflict of Interest Situations

- 6.1 Employees are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute.
- 6.2 In particular attention is drawn to the following examples of situations where potential conflicts of interest can occur.

6.2.1 Relationships with Councillors

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to councillors. Mutual respect between employees and councillors is essential to good local government.

Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors and should therefore be avoided

Employees should deal with councillors in a polite and efficient manner.

Whilst it is permitted for an employee to speak to their local ward councillor about any issue affecting them in their private capacity as a local resident. They should not approach nor attempt to influence councillors in relation to anything that relates to their position as an employee, or for their own or a relative or friends personal gain/or detriment and should report to an appropriate manager if a councillor attempts to pressurise them to deal with a matter outside of Council procedure or policy.

6.2.2 Contact with the Local Community and Service Users

The community and service users have a right to expect a high standard of service from the Council.

Employees have a responsibility to the community they serve and should, ensure courteous, effective and impartial service delivery to all groups and individuals within the community.

Employees should always try to be positive, constructive and inclusive.

When necessary make extra efforts to communicate with people with disabilities in accordance with Council policies.

6.2.3 Relationships with Contractors, Planning Applicants and those applying for Council Grant

All relationships with external contractors or potential contractors or applicants for planning consents, grants or licences must be made known to the appropriate manager. This is particularly important if you are the employee who would normally deal with the matter in question. If that is the case you must declare your interest to your manager and the Council's Monitoring Officer and not have any involvement in making any decision relating to the matter.

Similarly any beneficial interest or licence in respect of land which is affected by a planning application must be made known to the appropriate manager.

Orders and contracts, grants and planning decisions must be decided on merit and no special favour should be shown in the tendering process to any businesses or potential suppliers particularly those run by, for example, friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship').

No part of the local community should be discriminated against.

Employees who deal with, engage or supervise contractors or process or determine applications under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager and not have any further dealings with the matter.

Employees must not accept money or any other reward from anyone who may benefit from work or funding provided by the council. To do so would, in law, be corrupt.

7.0 **Bribery, Corruption and Fraud**

7.1 Under the Bribery Act 2010 it is a serious criminal offence to

- Offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- Accept, agree to accept or request a reward in return for performing a relevant function or activity improperly. Bribe a foreign public official in order to win business, keep business or gain business advantage for the organisation.

7.2 Use of Financial Resources

- 7.2.1 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 Council.

7.3 Hospitality and Gifts

- 7.3.1 Employees should only accept offers of 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 they are part of the life of the community or where the Council should be seen to be represented. They must be properly authorised and recorded in accordance with the Council's agreed procedure.

- 7.3.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

- 7.3.3 Employees should not accept significant personal gifts from contractors, members of the public and outside suppliers, although the Council will allow employees to keep items of token value such as pens, diaries etc.

- 7.3.4 When considering whether or not to accept authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

- 7.3.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- it is clear that the hospitality is corporate rather than personal;
- the Council consents in advance;

or

- the Council is satisfied that any procurement decisions are not compromised.

7.3.6 Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent procurement decisions.

7.4 Sponsorship - Giving and Receiving

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

7.4.2 Where the Council wishes to sponsor an event or service neither an employee nor any friends, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship') must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

7.4.3 Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved

8.0 **Appointments and Other Employment Matters**

8.1 Employees involved in appointments should at all times act in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures).

8.2 The Code of Procedures at Part D, Stage 2 – Conflict of Interest, page D:52 states:
"Responsibility is placed on every panel member to disclose to an appropriate manager or officer of the council where potential conflict of interest may be present, for example partners or persons where a family relationship is deemed to exist, or if an individual has agreed to act as a referee for an applicant"

And

"Where a potential conflict of interest exists, the issue is not about satisfying the conscience of the individual. Public perceptions and also those of other candidates must be considered and, in such cases, it may be appropriate for the individual to withdraw from the recruitment exercise."

In any such case the officer should take no part in the recruitment or selection process

8.3 Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee who is a friend, a person to whom the employee owes (or is owed) an obligation, partner or person where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship').

9.0 **Outside Commitments**

- 9.1 An employee must not subordinate his/her duty to the Council to his/her private interests or put himself/herself in a position where duty and private interests conflict.
- 9.2 The Council will not attempt to preclude officers from undertaking additional employment outside their hours of duty with the Council, as long as any such employment does 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.
- 9.3 Therefore, where an officer wishes to engage in other business or take up additional appointment/s he/she must seek the permission of the Council and act at all times in accordance any contractual obligations in this respect.
- 9.4 Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.
- 9.5 Employees should be aware of their responsibilities under the European Working Time Directive.

10.0 Personal Interests

- 10.1 Employees should review regularly their personal circumstances and take steps to deal with any potential conflict of interest.
- 10.2 Employees must declare to an appropriate manager any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:
- membership of an organisation receiving grant aid from the council
 - membership of an organisation or pressure group which may seek to influence the Council's policies
 - membership of an organisation which may seek to influence the performance of an employee in carrying out their duties
 - having a beneficial interest in land which is within the Council's district and is subject to any planning application.
- 10.3 Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager.
- 10.4 The Council recognises and respects the right of all employees to become members of organisations. It only requires that employees declare personal interests where

there is, or could be perceived to be, a conflict of interest between their duties as an employee and their membership of the organisation.

11.0 Equality Issues

11.1 All members of the local community, customers and employees have a right to be treated with fairness and equity.

11.2 In this regard employees must:

- be made aware of their obligations under equality law (see Appendix 1, paragraph 4);
- co-operate with the Council in the application of any policies agreed by the Council relating to equality issues;
- not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions;
- report any concerns about discriminatory conduct to their line manager or other appropriate employee.

12.0 Information Security

12.1 The Council maintains an Information Security Policy in line with industry standards and recognised good practice to support the confidentiality, integrity and availability of its information assets which are held electronically. As well as working to best practice standards, the Authority commits to deploying suitable hardware and software facilities to ensure that the data held by the Council is maintained in a secure environment. The Policy is also intended to ensure compliance with relevant legislation.

12.2 The purpose of the Policy is to ensure the effective maintenance and delivery of IT facilities, to protect the information that we hold and to meet relevant regulatory and legal obligations. It applies to all users of the Council's IT facilities and associated hardware/software and data processed by these systems.

12.3 Mobile telephone and smartphone usage

12.3.1 Mobile telephones may be used for private purposes during working hours, if kept on silent or vibrating alert. Such use must be reasonable and kept to a minimum e.g. in the case of an emergency, and should no way interfere with your work.

12.4 Social Media

12.4.1 The Council maintains an ICT Acceptable Use Policy and Social Media guidance.

- 12.4.2 Personal use of social media is permitted outside of your working hours e.g. during lunch breaks but should not involve unprofessional or inappropriate content and should not interfere with your productivity or duties as an employee.
- 12.4.3 As an employee you should be aware that your personal use of social media – such as Facebook, Twitter, LinkedIn – should never breach any of our policies. For example employees should not use social media – either during or outside of working hours – in a manner that would breach:
- the Disciplinary policy
 - the Bullying and Harassment policy
 - the Information Security/Acceptable Use policies
 - any obligations you may have relating to confidentiality
 - criticise or offend the Council, its members, customers or other associates
- 12.4.4 Misuse of the Internet/Intranet/Social media may result in action under the any of the above policies, and could result in dismissal.

13.0 Criminal Offences

- 13.1 You must inform your line manager if you are being investigated, charged or have been convicted of any criminal offence during your employment. The only exception is in the case of minor convictions or cautions that are unrelated to the post that you are employed to do. In the case of motoring offences these will be relevant if it is necessary to drive as part of your role. The line manager must inform HR immediately if they become aware that their employee is being investigated, charged or has been convicted of any criminal offence. Any breach of this requirement could result in summary dismissal for gross misconduct or other action under the Council's Disciplinary Policy.
- 13.2 It is your responsibility to immediately inform the Council if events occur which would change or add to the information included in a DBS or Disclosure Scotland check or to your original declaration under the Rehabilitation of Offenders Act 1974. Any breach of this requirement could result in action under the Council's Disciplinary Policy which could include dismissal. For further details please refer to the Council's Enhanced Vetting and Barring Policy on the intranet.

14.0 Whistleblowing

- 14.1 If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Council's confidential reporting procedure, or any other procedure designed for this purpose.

15.0 Breaches of the Code of Conduct

- 15.1 Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may render the employee liable to disciplinary proceedings. It should be noted that a breach of the Code and its supporting policies and guidance

will be subject to the provisions of the council's disciplinary or other related procedures.

Appendix 1**LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT****1. Disclosure of Information (Section 4.0)**

Data Protection Act 1998.

Freedom of Information Act 2000.

Local Government Act 1972 as amended (Access to meetings and documents.)

Obligations of Discovery in connection with litigation.

2. Potential and/or Perceived Conflict of Interest Situations (Section 6.2.3)

Persons who owe you an obligation, or to whom you owe an obligation – this might include a debtor, creditor, fellow member of an organisation.

Very close personal relationships may also create a conflict, e.g. a good friend.

Family Relationship

Stage 2 - Composition of Panels paragraph entitled Canvassing on page D:50 of the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures) states that a relevant family relationship is deemed to exist between a Council officer and/or member and the person (i.e. the contractor, potential contractor, partner in a business etc.) if they are husband or wife, or partner (civil or otherwise), or if the person is the:

- parent
- son or daughter
- brother or sister
- uncle or aunt
- nephew or niece
- grandparent
- grandson or granddaughter
- foster child or foster parent
- dependent

of the Council officer or member, or of the spouse or partner (whether civil or otherwise) of the Council officer or member.

For the purposes of potential conflicts of interest, as outlined in this Code, this definition is extended to cover partner relationships.

Potential Categories of Interest

Examples of potential Categories of Interest based on The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (for Councillors)

(a) any employment ,office, trade, profession or vocation carried on for profit or gain;

(c) any person, other than your council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a councillor;

(d) any corporate body which has a place of business or land within your council's district, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(e) any contract for goods, services or works made between your council and you or a firm in which you are a partner, an unincorporated body (i.e. Industrial & Provident Society), a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;

(f) any land in which you have a beneficial interest and which is within your council's district;

(g) any land where the landlord is your council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above; (j) any land within your council's district in which you have a licence (alone or jointly with others) to occupy for 28 days or longer).

3. Bribery

Bribery Act 2010, it is a criminal offence to request, agree, or accept a financial or other advantage intending that you will exercise your role as an officer improperly, or get another officer, or councillor to exercise their role or perform their duties improperly. It does not matter if you do not directly receive or accept the advantage.

4. Appointments and Other Employment Matters (Section 8.0) Section 7 Local Government and Housing Act 1989 Requires all officers to be appointed on merit

5. Equality Issues (Section 11.0)

Legislation

- Equalities Act 2010
- Human Rights Act 1998

KEY TERMS USED IN THE CODE OF CONDUCT

- Employee/s or Member/s of Staff

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Code also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council.