



Employee Code of Conduct

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Appendix 1: Rules of Conduct

Wyre Council Code of Conduct

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all Council officers. Your role is to serve the Council in delivering services to the local community, providing advice and implementing its policies. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.

This Code applies to all Wyre Council staff and describes the minimum standards of behaviour required. Maintaining these standards will ensure best practice and protect you from misunderstanding or criticism. Where the Council has a policy or protocol that provides more detail on specific issues, the name of the policy or protocol is in italics at the end of a section.

For ease of reference the main rules of conduct are listed in Appendix 1 but more detailed information is included below.

1.2 Key Points

There are four key points to remember in all that you do: **ensure your conduct:**

- is never influenced by personal gain;
- could not give anyone reason to question your motives;
- is always in line with the Council's policies and procedures.
- does not bring the Council into disrepute.

1.3 The Council's Constitution

The Council has certain powers and duties that are set out in a formal document, the Constitution. The Council must act under the Constitution and the law; otherwise it will be acting ultra vires, that is, beyond the scope or in excess of its legal power or authority.

While you may not use the Constitution in your day-to-day work it is a useful reference for all matters relating to the composition of the Council, rules about members and committee meetings, financial and procurement procedures and other issues of relevance to officers.

The Council has adopted a protocol to govern the relationship between members and officers which forms part of the Constitution.

2. Standards of Conduct

- 2.1 You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you, and in such a way as to preserve public confidence in the council.
- 2.2 You have a general duty to act in the interests of the council as a whole and the local community it represents.

- 2.3 As well as avoiding actual impropriety, you should avoid any appearance of improper behaviour.
- 2.4 Where you have private interests which conflict with your public duty you must resolve this conflict in favour of the public interest.
- 2.5 You should make relevant declarations of interest whenever you consider that your personal interests may be in conflict with the authority's interests.
- 2.6 You should work with colleagues and councillors in a spirit of mutual respect and co-operation.
- 2.7 When making appointments, awarding contracts, or transacting other business, you should ensure that your decisions are made solely on merit.
- 2.8 You should ensure that confidential material, including material about individuals both written and verbal, is handled in accordance with legislative requirements.
- 2.9 You should avoid accepting gifts and hospitality that might reasonably be thought to influence your judgement.
- 2.10 You should ensure that your profile and related content on social media is consistent with how you wish to present yourself to the public. Using your public voice to criticise or embarrass the Council, councillors, colleagues or customers is not acceptable.
- 2.11 You should not post or forward a link to any abusive, discriminatory, harassing, derogatory, defamatory or inappropriate content i.e. anything that your colleagues, councillors, customers, clients etc. would find offensive, insulting, obscene and/or discriminatory.
- 2.12 When disagreeing with others' opinions on social media keep comments appropriate and polite at all times.

3. Equality

- 3.1 You must ensure that Council Policy relating to equality and equal opportunities is followed – see Council Equal Opportunities Policy.
- 3.2 Every employee has a duty to behave in a non-discriminatory way towards all individuals with whom he/she has contact at work, including Councillors, members of the local community, customers and other employees.

4. Proper Use of Council Resources

- 4.1 The Council is responsible for the efficient use of the public resources it controls including financial resources, equipment and its staff. You must not use council premises, property or facilities unless authorised to do so. Some facilities, such as photocopying, may be made available to officers for private use on agreed terms and with prior approval.

All officers have a duty to abide by the highest standards of probity in dealing with financial issues. You must operate within the financial regulations and financial procedure rules to ensure that all the Council's transactions, material commitments, contracts and other essential accounting information is recorded completely, accurately and on a timely basis.

You are required to ensure that Internal Audit and the Council's External Auditor are given access at all reasonable times to premises, personnel, documents and assets that they consider necessary for the purposes of their work.

4.2 Use of Technology, Telephones, Internet and Email

You should be familiar with the rules relating to personal use of equipment, the prohibitions on accessing or downloading racist, sexist, pornographic or violent websites or material, virus protection and the use of unapproved software.

Users must ensure that they use social media sensibly and responsibly whether business or personal use, in line with council policy. They must ensure that their use will not adversely affect the council or its business, not be damaging to the council's reputation and credibility or otherwise violate any council policies.

Officers may make personal telephone calls using the landline whilst at work but such calls should be kept to a minimum. All personal use of a works mobile will be charged at the full rate.

The Council does allow for personal use of e-mail and the internet providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the Council.

For further information see:

ICT Computer Use Policy
Social Media and Employment Policy.

5. Political Neutrality

5.1 Advice to Members

Employees serve the Council as a whole and not any political grouping or individual Councillor. Employees must always operate in a fair and even-handed manner.

Employee support is limited to information and advice on Council business. It does not extend to Party or external business.

Employees need to be aware that should they attend political group meetings these may include non-members of the Council who are not subject to the Council's Code of Conduct.

When providing information or advice to political groups, Employees must at all times maintain confidentiality and political neutrality.

5.2 Politically restricted posts

Some local government employees are contractually prohibited from participating in certain "political activities" as set out below and the Council is obliged, by law, to enforce this contractual obligation.

- Chief Executive;
- Monitoring Officer;
- Section 151 Officer;
- Corporate Directors;
- All posts where the salary is or exceeds spinal column point 38 (Grade 12);
- Posts where the holders are responsible for advising members or speaking on behalf of the authority on a regular basis (even where the salary is below point 38);

These posts are identified as being politically restricted on the job description and on the Council's Establishment list.

Where a local authority employee holds a politically restricted post, he/she may not:

- be an elected member of another authority (except Town or Parish Councils);
- hold office in a political party;
- canvass on behalf of a political party;
- become an MP or an MEP.

This restriction includes a prohibition on public acts in support of a political party such as canvassing and speaking or writing publicly in a personal capacity on subjects that are politically controversial, but other non-political public protests can be made in the same way as other officers.

6. Disclosure of Information

6.1 Confidentiality

Confidential information obtained in the course of your work must not be divulged to any person (inside or outside the Council's employment) who is not authorised to receive it, unless there is a requirement by law to do so. Similarly, no information concerning another employee's affairs, known about through work, is to be given to any person not authorised to receive it, without the consent of that employee.

If you are in any doubt about disclosing information then you are expected to seek guidance from your manager.

6.2 Transparency Code / Freedom of Information

The Council is committed to open government and the law requires that certain types of information must be made available to members, auditors, government departments, service users, and the public. In particular, the Freedom of Information Act 2000 gives a legal right of access to information held by the Council, subject to certain exemptions.

For further information or guidance concerning freedom of information requests please contact the legal services team and for the Open Data/ Transparency Code please contact the Electoral Services and Information Governance Manager.

7. Relationships

- 7.1 Employees should always remember their responsibilities to the community and should provide courteous, efficient and impartial service delivery to all groups and individuals within the community.

You are also expected to apply the same high standards of conduct in your dealings with colleagues as with the public. The disruption of other's work or the acting in any way that unnecessarily makes the tasks of others more difficult or more time consuming is unacceptable behaviour.

7.2 Relationships with Contractors

Orders and contracts must be awarded on merit, by fair competition, in accordance with the Council's Financial Regulations and Financial Procedure Rules.

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.

Those involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees who are privy to confidential information on tenders or costs for either internal or external contracts should not disclose that information to any unauthorised party or organisation.

7.3 Appointments and other employment matters

All appointments should be made on merit and in accordance with the Council's agreed procedures. In order to avoid any possible accusation of bias, managers should liaise with HR to ensure appropriate measures are put in place with the appointment process where they are related to an applicant, have a close personal relationship outside work with him or her, or if their knowledge of an applicant is such that they cannot maintain objectivity. This may include being excluded from the recruitment process.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a friend, partner, relative or a person to whom the employee owes (or is owed) an obligation.

8. Gifts and Hospitality and Registering Interests

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- 8.1 Offers of gifts and hospitality may include items ranging from diaries, stationery, boxes of chocolates, to free meals and golf days.

In exercising judgement as to whether to accept a gift or hospitality the question should be asked what public perception would be if the information was published given your role and circumstances.

It is your responsibility to ensure that you are not placed in a position that risks, or appears to risk, compromising your role with the council and you should not be seen to be securing gifts and hospitality by virtue of your job.

You should tactfully refuse all personal gifts and offers of hospitality that you think may damage public confidence in you.

8.2 **Registering gifts and hospitality**

The Council has a register for recording the receipt of gifts and hospitality, this register is kept by the Head of Governance.

If a gift is received or hospitality accepted **up to the value of £25**, unless it is of purely “token” value (e.g. diary, pen, free gift at an exhibition), it should be declared to your line manager, and reported to the Head of Governance, for inclusion in the Council’s register.

Prior to accepting any gift or hospitality with a **value of £25 or more**, the Officer should seek authorisation from their Director or Chief Executive. Only once consent has been given should the Officer take ownership and the details must then be passed to the Head of Governance immediately for recording in the Council’s Register.

In instances where the Chief Executive is in receipt of a gift or hospitality over the value of £25, approval must be sought from the Leader of the Council. However, if both the Chief Executive and the Leader of the Council are both in receipt of a gift or hospitality, approval must then be sought from the Cabinet.

The Council prohibits the acceptance of cash gifts of any value.

8.3 Personal Interests

Personal interests that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the Council should be declared in writing. These could be an officer's interests outside work, membership or affiliations to societies or clubs, business interests etc. Anything that may lead to allegations of bias or favouritism; whether it is financial or political, should be declared.

Employees must also declare 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
- having a beneficial interest in property or land which is within the Council's district and is subject to any Council business e.g. subject to housing benefit / planning application etc.
- A financial interest (directly or indirectly) in a contract which the Council is about to enter into (or has already done do). This applies to an employee who is a member, a partner or an employee of a company or organisation party to a contract.

8.4 Declaring an Interest

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. The details should then be passed to the Head of Governance to be entered onto the Council's Register.

8.5 For further information see the Gifts and Hospitality and Registering Interests Policy.

9. Outside Commitments

9.1 Although your activities during off duty hours are your personal concern they should not interfere with your duties as an employee of the Council, and you should not put yourself in a position where duty and private interests conflict. The Council will not normally prevent you from undertaking additional employment but any such employment must not, in the opinion of the Council, conflict with or be detrimental to the Council's interest or in any way weaken public confidence in the conduct of the Council's business

Officers at Grade 8 or above may not in any case engage in any business or take up any additional job without permission of the Director or Chief Executive. Directors require the permission of the Chief Executive and the Chief Executive needs the permission of Full Council.

Applications for consent should be submitted to Human Resources who will consult with the relevant Corporate Director, Chief Executive or Employment and Appeals Panel as appropriate.

The guiding principle will be that any such employment must not conflict with or react detrimentally to the authority's interests or in any way weaken public confidence in the conduct of the authority's business.

In any event, no outside work of any sort should be undertaken in the office and use of council facilities is forbidden.

The Council is mindful of its responsibility towards the health and wellbeing of its employees under the Working Time Regulations and the Health and Safety at Work Act and all employees are required to notify Human Resources of any other jobs they may have in addition to working at Wyre Council.

10. Fraud and Corruption

10.1 Council employees have an important role to play in relation to protection against fraud and corruption. You should report any concerns, associated with the Council's finances, resources and responsibilities, to a senior line manager or the Head of Governance.

10.2 Bribery is the act of offering money or other incentives to persuade somebody to do or not to do something, especially something dishonest or illegal. The Bribery Act makes it an offence for UK citizens and residents to pay or receive a bribe either directly or indirectly. This includes transactions that take place in the UK and abroad, and in both private and public organisations.

Employees must be aware that it is a serious criminal offence for them 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 his/her official capacity.

For further information see:

Anti-Fraud, Corruption and Bribery Policy.

10.3 Raising Concerns at Work - Grievances and Whistleblowing

The Council is committed to the highest standards of openness, probity and accountability.

If you have any concerns arising from:

(a) your working conditions or relationships with colleagues that you wish to have resolved you should raise any such issues with your Line Manager, their superior or contact a member of the Human Resources team, you may also wish to seek the support of your trade union representative.

For further information see:

Grievance Policy and Procedure and *Dignity at Work Policy*

(b) any other aspect of the Council's operations, for instance if you become aware of any activities that you believe are illegal, improper, unethical or in some other way inconsistent with the Employee Code of Conduct, or the Council's Constitution, policies and procedures, there is a procedure for these concerns which follows the requirements of the Public Interest Disclosure Act 1998. You should normally raise such concerns with your immediate manager or their superior but this depends on the seriousness and sensitivity of the issues involved. If you believe that management is involved or there is serious malpractice you should approach the Head of Governance immediately.

For further information see:

Whistleblowing Policy.

11. CCTV

- 11.1 CCTV cameras are installed at the Wyre sites in addition to public places throughout the borough. Appropriate signs are clearly displayed so that employees, residents and visitors are aware they are entering an area covered by CCTV.
- 11.2 Images are being recorded for the following reasons:
- To assist in the prevention or detection of crime or equivalent malpractice
 - To assist in the identification and prosecution of offenders
 - To monitor the security of the relevant premises
 - To ensure that health and safety and other council rules, policies and procedures are being complied with.
- 11.3 Wyre Council accept that staff are entitled to a degree of privacy in the work environment. It is therefore not intended to enter into intrusive monitoring, however the council reserves the right to use images for monitoring purposes or as evidence as part of an investigation if there is appropriate reason to do so. Consideration in respect of this must be carried out in liaison with the HR Department and the council's Data Protection Officer.
- 11.4 All managers and authorised users of the CCTV systems are fully trained and aware of their responsibility under Data Protection legislation.

12. Breaches of the Code of Conduct

- 12.1 All employees are expected to accept and adhere to the Code of Conduct. Any breach of any part of the Code or its supporting policies and protocols may render the employee liable to disciplinary proceedings.
- 12.2 Further information on what may be considered to be breaches of the Code of Conduct and the likely consequences of doing so is to be found in the Council's Disciplinary Policy.

13. Equality Impact Assessment and Monitoring

- 13.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any

differences have an adverse impact on a particular group, such that further action would be required.

14. Data Protection

- 14.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

Appendix 1

Rules of Conduct

If a breach of these rules is established, it will constitute misconduct and may lead to action being taken under the Council's Disciplinary Procedure. The more serious the breach the more likely it is possible that such a breach will be regarded as gross misconduct.

The rules as set out below do not constitute a comprehensive list.

All employees are required:

- a) To comply with any published work rule or with any legitimate and reasonable request, instruction or contractual requirement given by a supervisor, manager or Director.
- b) To act in a manner, whether at work or outside work, which will (having regard to the employee's position with the Council) ensure the confidence of the public in the Council and which will not have a serious adverse effect on any individual's employment. This includes any convictions for a criminal offence and any corrupt or improper practice or breach of trust.
- c) To act in a proper and orderly manner and always act within the law on the Council's premises or in the Council's vehicles or in association with any official duty.
- d) To act in a manner that would not result in an action against the Council for negligence.
- e) To comply with health and safety regulations.
- f) To act in accordance with the Council's equal opportunities policy.
- g) To treat colleagues, elected members, the public or clients on the Council's premises or in the Council's vehicles used in association with any official duty with dignity and respect. Any attempts to embarrass, ridicule, harass, threaten, intimidate abuse or assault could lead to disciplinary action being taken.
- h) Not to lose or damage the Council's equipment and/or property by wilful or negligent act.
- i) To act honestly in relation to the Council's property. Theft of or unauthorised or improper use of Council vehicles, equipment, materials or labour (including unauthorised use of or tampering with any computer or associated equipment and software) or theft from a service user would be regarded as a breach of this rule.
- j) To act honestly in relation to the Council's funds. Theft, misappropriation, failure to account for or fraudulently claiming any money belonging to the Council or its service users would be regarded as a breach of this rule.

- k) To attend work between the contracted times and for the contracted number of hours a week and not to be absent from work without permission or, if sick, without notifying the supervisor or such absence. Doctors' medical certificates must be submitted within the prescribed time limits.
- l) To act in accordance with the Council's Promoting Attendance and Controlling Absence Policy and not to act in a manner which would impair recovery and delay a return to work when absent due to illness or injury.
- m) To accurately maintain the Council's records or documents. Alteration, mutilation or destruction of any record or document unless properly authorised to do so or falsification of any record or document will be regarded as a breach of this rule.
- n) To report or record any matter in respect of which there is a duty to report or record. For example, there is a duty to report to a suitable person (who may be a Police Officer) any illegal or corrupt act by another employee or another person on the Council's premises or who is using Council facilities.
- o) Not to disclose confidential information to any unauthorised person.
- p) To act in accordance with Data Protection Legislation
- q) To act in accordance with the Council's Social Media Policy.
- r) To ensure proper use of the council CCTV systems including disclosure of images.
- s) To act in accordance with the Council's safeguarding policy