

Please note – this is the current code for information only.

Section 3 – Employee Code of Conduct

Note – approval awaited for updated code of conduct – current code remains in force as set out below

5.3.1 POLICY

5.3.2 The public is entitled to expect the highest standards of conduct from every employee who works for the Council.

5.3.3 This Code of Conduct provides a minimum set of standards of conduct expected of employees at work and the link between that work and their private lives. The code takes into account the requirements of the law and regulations. It is produced in the light of the challenges that employees working in today's local government environment face and is intended to lay down guidelines which help maintain and improve standards of service as well as protecting employees from misunderstanding or criticism.

5.3.4 SCOPE

5.3.5 The Code applies to all employees of Herefordshire Council, including schools.

5.3.6 DEFINITIONS

5.3.7 The meaning of some key words and phrases, for the purposes of this policy, are explained below:

Manager. Either the manager, supervisor or team leader with line management responsibility for the employee, or an alternative manager where circumstances set out in the policy have been met.

5.3.8 RESPONSIBILITIES

5.3.9 **Managers are responsible** for ensuring that employees understand the standards of behaviour that are expected of them, maintaining those standards within their teams, and complying with the requirements of Council policies and procedures, should action need to be taken. These standards should be made clear during the induction process and as part of the ongoing communication with employees, including 1:1s, supervision meetings, the staff appraisal process and performance management meetings in schools.

5.3.10 **Employees are responsible** for familiarising themselves with the main standards of conduct, for asking their managers if they are unclear about what is expected of them, and for their own subsequent behaviour and actions.

5.3.11 CODE OF CONDUCT

STANDARDS

- 5.3.12 Employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality and courtesy.
- 5.3.13 Employees are expected, through Council procedures, and without fear of recrimination, to bring to the attention of their line manager any breaches of this or the Councillor Code of Conduct.
- 5.3.14 Where an employee believes that he or she has information which may suggest that some form of irregularity is taking place that information must be passed to their manager or Director. They should follow the Confidential Reporting Code (Part 5 section 4) as appropriate.

5.3.15 DISCLOSURE OF INFORMATION

- 5.3.16 The law requires that certain types of information must be available to Members, auditors, Government departments, service users and the public. Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to Committee Reports and background documents. The Council itself may decide to be open about other types of information. Managers must make employees aware of which information the council is prepared to disclose and which is confidential.
- 5.3.17 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor may they pass it on to others who might use it in such a way. Any particular information received by employees from a councillor, which is personal to that councillor and does not belong to the council, must not be divulged by an employee or other Members without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.
- 5.3.18 Only employees authorised by their Line Manager or Head of Service to do so, may talk to the Press or otherwise make public statements on behalf of their Service or Directorate. Generally, an employee contacted by the Press should refer the matter to Communications who will deal with it as appropriate.

5.3.19 POLITICAL NEUTRALITY

- 5.3.20 Local government employees serve the Council as a whole and not individual Members or groups. They must respect the rights of all and must ensure that the individual rights of all Members are respected. An employee's personal or political views must not interfere with their work.
- 5.3.21 Some senior employees will be expected, within the Council's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the majority group.

- 5.3.22 The legislation controlling the direct activities of local government employees in politics, either national or local, must be adhered to. Generally the law restricts the political activities outside their work of the Chief Executive, Directors, Heads of Service, employees above a certain salary ceiling and those in posts considered to be regularly involved in providing advice to Members. Contracts of employment for employees in posts covered by the relevant legislation contain a restriction clause.
- 5.3.23 If there is any doubt whether or not a political activity is permitted, the Monitoring Officer must be consulted by the employee or Manager concerned.
- 5.3.24 Every employee, whether or not politically restricted, must follow every lawful expressed policy of the council and must not allow their own personal or political opinions to interfere with their work.

5.3.25 RELATIONSHIPS

The local community and service users

- 5.3.26 Employees must always remember their responsibility to the community they 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.

Councillors

- 5.3.27 Employees are responsible to the council through its senior managers. All employees are there to carry out the Council's work and the role of some employees specifically includes giving advice to Councillors and senior managers. Mutual respect between employees and individual Councillors is essential to good local government. However, close personal familiarity between employees and individual councillors can damage the relationship and should be avoided so as not to bring the authority, or the individuals concerned into disrepute

Colleagues

- 5.3.28 Employees should treat colleagues with courtesy and respect at all times.

Contractors

- 5.3.29 All relationships of a business nature with external contractors, or potential contractors, must be made known to the Director, who will record the fact in a register kept for this purpose. Orders and contracts must be awarded on merit and in accordance with the Council's Contracts and Financial Procedure Rules (Part 4 sections 6 and 7).

Close Personal Relationships

- 5.3.30 Particular difficulties may be encountered with any of the above groups if the relationship is of a close personal nature. In such circumstances the 'Close Personal Relationships Policy and Procedure' applies (held separately from the Constitution).

5.3.31 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

5.3.32 Employees involved in appointments must ensure that these are made on the basis of merit as set out in the job description, person specification and other job literature. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, an employee must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them.

5.3.33 Similarly, suitable arrangements should be made when an employee may be in a position to be involved in decisions relating to discipline, promotion or pay for another employee with whom they have a close personal relationship.

5.3.34 More detailed information is contained in the Close Personal Relationships Policy and Procedure.

5.3.35 INFORMATION AND COMMUNICATIONS TECHNOLOGY

5.3.36 To ensure the security of the Council's Information and Communications Technology (ICT) protect the council's equipment from contamination and protect against claims of copyright infringement there is an absolute prohibition on the use of private software packages and "pirate" copies of software on any council computer equipment and the copying of council software by private concerns or vice versa.

5.3.37 Further information about this and other ICT policies can be found on the intranet.

You can obtain more advice and guidance by either contacting the information security team by email infosec@herefordshire.gov.uk or by phone 01432 260160

5.3.38 OUTSIDE COMMITMENTS AND BUSINESS INTERESTS

5.3.39 To avoid confusion about conflicts of interest between the council's activities and other gainful employment by employees, the following standards apply:

- a an employee must not put themselves in a position where their personal or private interests conflict with their employment by the council. The council will not prevent an employee from undertaking additional employment but it must not, in the view of the council, conflict with the council's interests or in any way weaken public confidence in the council. All employees on grade HC7 or above are required to obtain consent in writing from their Director in advance, on each occasion, if they wish to engage in any other business, or take up any other additional work. Similarly, Directors will require the prior consent of the Chief Executive should they wish to engage in such activity.
- b it is essential that there is no confusion or conflict of interest between an employee's private concerns and those of the council. The following standards aim to ensure clarity in the procurement of goods, materials or services for private use:

- c when procuring goods, materials or services for private use, either for themselves or for anyone else, the employee must ensure that the supplier is clear that it is a personal transaction and entirely separate from any business the supplier has, or hopes to have, with the council.
- d in no circumstances whatsoever may goods or materials for private use be delivered to council premises or sites, nor may non-work services be carried out during working hours, or on council premises or sites.
- e all paperwork, invoices, accounts and other correspondence relating to private matters must be sent to the employee's home address. The employee must make it clear to members of the public and suppliers that sending private invoices, accounts or correspondence etc. to council addresses etc. is expressly prohibited. This same principle applies to the private use of the council's mailing system.
- f similarly it is essential that there is no confusion or conflict of interest regarding the use of Council vehicles and equipment, including vehicles and equipment contracted to the council, so the following standards apply:
 - i Council vehicles and equipment must not be used privately and therefore when not in official use must be kept at Council depots or offices.
 - ii however, the use of vehicles or equipment by employees may be allowed where it has been decided by the appropriate Manager that the needs of a service required it.
- g to prevent any issue arising, there is a prohibition on loaning or hiring out of Council-owned equipment other than in the following circumstances:-
 - i where equipment is hired along with the use of Council accommodation (such as the Council chamber or committee rooms),
 - ii where plant is loaned to the council's sub-contractors for use on Council business,
 - iii in the case of schemes such as the salary sacrifice cycle scheme,
 - iv or exceptionally where equipment is loaned. Such a loan must be subject to prior approval from their Director and the voluntary organisation's insurance cover being deemed adequate by the Council
 - v the short term hire on terms identical to those applicable to members of the public of educational, sporting or recreational equipment through the Council's schools, libraries or leisure facilities

5.3.40 PERSONAL INTERESTS

- 5.3.41 Employees must declare to their Director any financial or non-financial interest that could bring them into conflict with the Council's interest. This could include involvement with an Organisation receiving Grant Aid from the Council,

Membership of an NHS Trust Board, involvement with an Organisation or Pressure Group which may seek to influence their Authority's policies. Membership of a Trade Union is exempted from this requirement. A separate Code on the Disclosure of Financial Interest is attached as Annex 1.

- 5.3.42 An employee must declare to their Director membership of any organisation which is not open to the public without formal membership with a commitment of allegiance and with secrecy about rules or membership conduct.
- 5.3.43 Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their Line Manager or Head of Service.
- 5.3.44 EQUALITY**
- 5.3.45 Employees must ensure that they comply with the Council's equality policies and procedures 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.
- 5.3.46 If there is any doubt as to what is required the relevant Director must be consulted.
- 5.3.47 PROCUREMENT**
- 5.3.48 Every employee involved in procurement and dealing with contractors must be clear on the separation of client and contractor roles within the council. Senior employees who have both a client and a contractor responsibility must be aware of the need for accountability and openness.
- 5.3.49 Employees in contractor or client units must demonstrate fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 5.3.50 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information for any unauthorised purpose.
- 5.3.51 Employees must 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 managerial capacity.
- 5.3.52 An employee contemplating a management buy-out of an organisation in a procurement relationship with the Council must, as soon as they have formed a definite intent, inform the Monitoring Officer and withdraw from the procurement process.

5.3.53 CORRUPTION

5.3.54 It is a serious criminal offence for an employee to corruptly give or receive any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or detriment to any person in their official capacity. If such an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

5.3.55 USE OF PUBLIC FUNDS

5.3.56 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the council.

5.3.57 If an employee is concerned about whether particular funds are being properly applied, he or she must raise the matter with their Director in the first instance.

5.3.58 HOSPITALITY

5.3.59 Employees must treat with extreme caution any offer, gift, favour or hospitality made to them. If there is a genuine need as a legitimate part of an employee's job to accept offers of hospitality this may be allowed. The decision whether to accept is one of common sense, however, any employee who is in doubt about the legitimacy of any offer of hospitality must ask his/her Director for advice.

5.3.60 When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding and must never accept hospitality from a contractor during, or just prior to, a tendering period.

5.3.61 Acceptance by employees of hospitality at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.

5.3.62 Employees must make a declaration of a gift if they are made a beneficiary of a will as a result of their employment.

5.3.63 Any offer, gift, favour or hospitality as described in the above paragraphs should only be accepted where the employee is satisfied that any purchasing, planning or other Council decisions are not compromised. Employees should not place themselves in a position where their own integrity and the integrity of the Council may be called into question.

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

5.3.65 Employees must not accept significant personal gifts from contractors and outside suppliers. Insignificant tokens such as pens or diaries may be accepted.

5.3.66 When an employee accepts any gift, favour or hospitality made to them personally or on behalf of the Council they should complete the relevant form. Once signed by the Director it should be sent to the Monitoring Officer who maintains a register that is open to inspection by the Council's Internal Audit who

may present such information to the appropriate Committees of the Council. If an employee believes that an improper motive exists concerning a gift or hospitality, the employee should report this immediately to the Director, who will in conjunction with the Chief Executive, decide an appropriate action e.g. withdrawal of business and/or referral to the police. The Director of Resources and Monitoring Officer must be informed.

5.3.67 An employee may only make offers of hospitality where the arrangements can be justified as being in the interests of the Council. Consideration must be given to the nature and scale of the hospitality and the circumstances in which it is being offered. All offers of hospitality must be agreed in advance by the relevant Director and recorded on the declaration of gifts and hospitality form. Any decision to offer hospitality must have regard to the council's financial position and appropriate use of public funds.

5.3.68 SPONSORSHIP

5.3.69 Where an outside organisation wishes to sponsor a council activity whether by invitation, tender, negotiation or voluntarily, the standards concerning acceptance of gifts and hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

5.3.70 If the council wishes to sponsor an event or service neither the employee concerned, nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the relevant Director or Chief Executive of any such interest. Similarly where the council through sponsorship, grant aid, financial or other measures gives support in the community, the employee must ensure that impartial advice is given and there is no conflict of interest.

5.3.71 TRAVEL AND SUBSISTENCE

5.3.72 Employees must put in claims for travelling and subsistence only incurred in carrying out their duties on behalf of the Council.

5.3.73 The Council will not pay any claim for alcohol on any occasion.

5.3.74 Further information is contained in the 'Travelling and Subsistence Policy and Procedure'.

5.3.75 WELLBEING AND SAFETY

5.3.76 Every employee is responsible for taking reasonable care for their own health and safety, that of their colleagues, service users and any other third parties. They must also conduct themselves in a manner which maintains public confidence in their integrity and the services provided by the council.

5.3.77 An employee must not be under the influence of alcohol at any time while at work, on-call or standby, and whilst being paid to do so. Employees are not allowed to drink alcohol during working hours, including meal breaks and whilst on standby other than at special events authorised in advance by the appropriate

Director or Chief Executive. Permission must be sought from the appropriate Director by an employee who is representing the Council, while entertaining clients with social drinking, whether this is during or outside of normal working hours.

5.3.78 NOTES

5.3.79 This Code of Conduct supersedes neither the Council's disciplinary and grievance procedures, nor the provisions of the Local Government Conditions of Service, as supplemented and amended by decisions of Herefordshire Council.

5.3.80 Copies of the policies and procedures referred to in this document are available from the intranet, your manager, or the human resources (HR) team.

5.3.81 If you need further assistance with this document please refer to your manager or Human Resources Officer.

5.3.82 COMPLIANCE

5.3.83 Failure to follow this procedure may impact on good employee relations and the reputation of the council as a good employer. In addition, it may result in the council breaching employment legislation and incurring financial penalties.

5.3.84 Managers who fail to manage in accordance with this policy will be investigated and this may lead to formal action under the Managing Performance or Disciplinary Policy and Procedure.

5.3.85 IMPACT ON THE COUNCIL'S KEY PRIORITIES

5.3.86 The policy provides clear statements about manager and employee responsibilities to ensure that the conduct of all Council employees is of a high standard. This underpins service provision and enables the Council to effectively meet its key priorities.

5.3.87 TRAINING AND AWARENESS REQUIREMENTS

5.3.88 Managers and employees will be informed about this policy and procedure via communication channels such as team talk and first press.

5.3.89 HR Officers will liaise with directorate management teams to establish and agree support arrangements to assist managers to carry out their responsibilities in paragraph 5.12.4.1.

5.3.90 MONITORING

5.3.91 The Joint Management Team is responsible for ensuring the implementation and review of this policy and procedure.

5.3.92 The Head of Workforce and Organisational Development will be notified of any cases where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policies,

procedure, training, support or any other aspect of the council's approach to dignity at work matters.

- 5.3.93 HR will monitor the effectiveness of the policy through information received via feedback from managers and employees through, for example, management team meetings and the Employee Opinion Survey and exit interviews, as well as the numbers of employees using this procedure.

ANNEX 1 - DISCLOSURE OF FINANCIAL INTEREST

1. The Employee Code of Conduct requires employees to declare all private and business relationships with contractors to their Director as well as financial or non-financial interests that they consider could bring about conflict with the Council's interests.
2. Section 117 of the Local Government Act 1972 also requires employees to notify the Council in writing if they have a direct or indirect financial interest in any contract with the Council or under consideration by the Council. As with Councillors, the financial interests of a person with whom an employee is living will also count for these purposes.
3. This document gives additional guidance about the declaration of pecuniary interests. The interest relates to any contract that has been or is proposed to be entered into by the Council or any Committee.
4. All employees must notify their Director and the Monitoring Officer in writing that they have a pecuniary interest in such a contract, and abstain from any consideration or discussion of the contract. The Monitoring Officer is required to keep a register of these matters which is available for inspection by any member of the Council.
5. This interest can either be direct (i.e. he/she is a party to the contract) or indirect. The latter is defined as including being a partner of or employed by a person with whom the contract made or is proposed to be made or has a pecuniary interest. In the case of persons living together the interest of one shall be deemed to be also an interest of the other.
6. The failure to disclose a pecuniary interest and, where necessary, to abstain from taking part in the Council's consideration of a matter in which an employee has such an interest is likely to constitute maladministration as well as being a criminal offence.

An interest will not cease to be pecuniary because the Council's decision is not to the financial advantage of the employee. "Pecuniary" can mean loss as well as gain. If the Council's decision can have any financial effect at all upon the employee then the interest should be declared, unless it arises simply in the employee's capacity as a council tax payer or as a general consumer of the Council's services.