

EMPLOYEE CODE OF CONDUCT

Members of the public are entitled to expect the highest standards of conduct from everyone who works for the council. The Employee Code of Conduct (the “code”) sets out some examples of the standards of behaviour the council expects of its employees. It applies to all employees of the council, irrespective of grade or role.

If you supervise/line manage other employees you should make sure they know about and understand the code. If you supervise people who are not employees of the council (for example volunteers, contractors, consultants, or temporary agency workers) you should make them aware of the code, and make it clear that they are under a duty to follow the code when working for the council.

If the people you supervise behave in ways that are inconsistent with the code, you should take action. You may want to ask your supervisor for guidance, or consider using another policy (for example the managing performance policy and procedures) to guide your response.

If you are unsure about any part of code you should get clarification from your line manager or from the human resources service.

Part One – standards of conduct

In performing their duties, council employees should act with integrity, honesty, impartiality and objectivity, and uphold the values that underpin the council’s work:

People: treating people fairly, with compassion, respect and dignity

Excellence: striving for excellence, and the appropriate quality of service, care and life in Herefordshire

Openness: being open, transparent and accountable

Partnership: working in partnership, and with all our diverse communities

Listening: actively listening to, understanding and taking into account people’s views and needs

Environment: protecting and promoting our outstanding natural environment and heritage for the benefit of all..

1. Selflessness

a) You should take reasonable action to keep yourself and others safe.

- i. You should adhere to the council’s health, safety, wellbeing and equality policies. If you are not sure what those policies are, you should speak to your line manager.

b) You owe a duty of loyalty to the council.

- i. If you do something which a reasonable person would consider to be disloyal to the council, it may amount to a breach of the code, even if that action isn’t specifically referenced in the code.
- ii. You may have legitimate roles to carry out, such as being a trade union representative. If you are engaged in such a role you should make it clear when you are acting in this capacity rather than as an employee of the council. In this

capacity you should exercise great care to avoid personal opinions or make derogatory or slanderous remarks, which may be damaging to the council.

c) You should not behave in a way which is incompatible with your role.

- i. It is not appropriate for you to use your official position, or information you gain from work which is not available to other members of the public to the detriment of the council, or its policies.
- ii. You should not behave, either in work or outside of work, in a way which is incompatible with your role at the council.
- iii. You should advise your line manager of anything, or any change of circumstances which prevents you from legally carrying out some or all of the duties of your post (for example, if you are banned from driving and this is part of your role, or if you cease to be a member of a professional body, where membership of that body is required in order for you to carry out your role).

d) You should report wrong-doing and any genuine and reasonable suspicion of wrong-doing as set out in the code.

- i. The code sets out the requirements to report suspicions or knowledge of wrong-doing, and explains how to report such suspicions or knowledge of wrong-doing.
- ii. Further guidance is available in the council's [Confidential Reporting Code](#) (whistleblowing policy) and [Anti-Fraud, Bribery and Corruption Policy](#).

e) You should use council resources wisely ensuring that value for money is demonstrated.

- i. Securing value for money is a corporate priority for the council, and it is expected that employees will meet this priority while carrying out their duties. Before spending the council's money or deploying resources in the council's control, you should ask yourself:
 - Would I spend this money if it were my own?
 - Is what is proposed affordable?
 - Would this be spending money wisely?
 - Am I authorised to spend this money?
- ii. If you are involved in contracts or purchasing or have any budget management responsibility, you should ensure that you are familiar with, and comply with, the relevant rules. These may include:
 - [Financial Procedure Rules](#)
 - [Contracts Procedure Rules](#)

2. Integrity

a) You should not use council facilities or resources to access or distribute inappropriate or offensive material

- i. This includes using council computers to access pornography, or other offensive websites or political material. Material relating to private or personal interests should not be accessed during work time and in any event must be in accordance with the council's [Handling Information Personal Responsibilities](#) policy and email usage policy.

b) You should, in carrying out your duties, ensure you comply with any legal requirements.

This requirement is relatively self-explanatory and, given the wide range of duties which council staff carry out, it isn't possible to set out here what legal requirements you might face.

- i. Generally if a piece of legislation is particularly relevant to your area of work that will be reflected in policies and procedures, or your manager will make a point of explaining the requirements to you.

- ii. You will not be disciplined for refusing to do something which is a criminal offence.
- c) You should ensure that public funds and assets, including information entrusted to you, are only used in a responsible and lawful manner.**
- i. You should not use property, vehicles or other facilities of the council for personal use unless properly authorised to do so by your line manager or other appropriately authorised person.
 - ii. You should ensure that you use public resources (including, but not limited to, funds, data and equipment) entrusted to you in a responsible and lawful manner in line with information governance policies.
- d) You should not use property, vehicles or other facilities of the council for personal use unless properly authorised to do so by your line manager or other appropriately authorised person.**
- i. You should not make personal use of the council's facilities, unless you do so as a member of the public, or if there is a scheme or policy in place which permits personal use. Personal use includes using the facilities on behalf of any person, business or organisation other than the council, except as a legitimate part of your role with the council. For example:
 - If you work in a building where the public can use the photocopier for a charge and you pay the same fees as other members of the public, you can use the photocopier for personal use.
 - If there is a scheme in place which allows you to pay for reasonable personal phone calls on a device provided by the council, then you can make reasonable personal phone calls (as long as you comply with the payment scheme).
 - ii. A permit or policy that allows you to use council facilities when carrying out your duties, such as a car park pass, should not be used for personal use.
- e) Professional relationships with children, young people or vulnerable adults who are service users should not develop into personal friendships and/or inappropriate relationships.**
- i. If you work in a post which has close contact with children and young people or vulnerable adults (or access to key information about them) you should declare any personal relationships with those who access services provided by the council.
 - ii. Posts with close contact with children, young people or vulnerable adults, or which involve regulated activities as defined in the Protection of Freedoms Act 2012, need an enhanced check under the Disclosure and Barring Scheme. If you work in such a job you should not form relationships with service users which involve:
 - financial affairs (this includes, but is not limited to, borrowing or lending money, or acting as an executor);
 - unprofessional emotional or physical interaction; and/or
 - any element of sexual interaction.
- f) You should not use materials in breach of copyright.**
- i. Anything you create at work, or as part of your job, belongs to the council. This includes, but is not limited to, intellectual property, documents, photos, reports, and computer programs.
 - ii. You should not do anything that infringes the council's copyright. In particular, the council holds copyright on its logo and other elements of the corporate identity. You should take care not to infringe copyright by using the crest, logo and/or corporate identity for unauthorised purposes.
 - iii. You should not contravene any other persons or organisations intellectual property including their trademarks, copyrights, design rights or patents.

3. Objectivity

a) You should follow the policies, procedures and rules of the council.

- i. Policy in this sense is a statement of what the council believes in, or has resolved to do.
- ii. Policy is made at different levels in the council and is explained more in the [guide to how the council works](#)
- iii. Policies are “expressed” when there is a formal resolution (decision) supporting them, or when they are published, for example in the council corporate plan.

b) You should not give political advice unless your job is as a political assistant.

- i. You should not be asked by any political group to provide political advice either in regard to the work of the group or of the council.
- ii. You should seek permission from your director before attending any political group meeting, or any meeting which is explicitly for members of one or more political parties, as an employee of the council. Even if you get permission to attend, you cannot give political advice.
- iii. This rule does not apply to officers appointed to posts which specifically provide political advice.

c) You should not allow your own personal and/or political opinions and/or interests to interfere with your work.

- i. You should follow reasonable instructions from your managers. If you are being asked to do something which does not breach any council policy and which is not illegal, then you should carry out those instructions, even if you do not personally agree with them.
- ii. You should serve the council as a whole without political bias. Your duty is to serve the council as a whole. You should serve all of the council’s councillors, not just those of the controlling group. You should ensure that the individual rights of all councillors are respected. You should act at all times in accordance with the [member and officer relations code](#) in the council’s constitution.

4. Accountability

a) You are accountable to the council for your actions and decisions.

- i. Working for a council is a form of public service, and you may be asked to explain your behaviour at work, and any decisions or recommendations you make as part of your duties.

b) You should discharge your public functions reasonably.

- i. If you do something on behalf of the council, or make decisions on behalf of the council you should act reasonably in all the circumstances. Your decisions should be within the range of decisions that a reasonable person in your position would make and should comply with the [principles of good decision making](#) and the council’s [code of corporate governance](#).
- ii. One of the main themes in this code is the need to avoid the perception that employees are making decisions for the wrong reasons.

c) You should cooperate fully with any council investigations.

- i. You have a duty to assist the council in implementing its policies, including its policies for managing people. You should cooperate with reasonable instructions (including requests for information) issued as part of formal investigations.
- ii. Formal investigations include (but are not limited to):
 - investigations conducted under the council’s Human Resources policies;
 - investigations conducted under the council’s [Anti-Fraud, Bribery and Corruption](#) policy, or [Whistleblowing](#) policy;

- investigations undertaken by the council's statutory officers, internal or external auditors, ombudsmen or other inspection agency.
 - iii. Nothing in this section should be taken as overriding the rules in those policies about rights or representation. This section does not grant additional powers to people conducting investigations under other policies.
- d) You should follow the guidance for contact with the media when speaking in the capacity of a trade union representative, in a personal capacity and/or in your capacity for other organisations.**
- i. If there is an industrial dispute involving a trade union, an elected representative of that trade union may be called upon by the press or media to comment on the dispute.
 - ii. Where a decision is taken by that trade union organisation to respond, the employee who does so should exercise great care in presenting the facts of the case in order to avoid personal opinions which may be unreasonably critical of the council, other employees or members.
 - iii. If you find yourself speaking to the media under these circumstances you should make clear that you are speaking for the trade union and not as a representative of the council.
 - iv. If you are unsure about your position as a trade union representative who has been nominated to speak to the media you should consult with full-time officials from your union.
 - v. You may well have legitimate roles to carry out outside of your work or official trade union work, for example as a representative of a community action group or a tenant committee. These roles may involve you in taking part in public meetings, making statements to the press etc. acting on behalf of your particular group.
 - vi. You should make clear the capacity in which you are speaking in public, or dealing with the media. You should explicitly say which group you are speaking for or that you are speaking in a "personal capacity", which means that you are not representing a group, the council or a trade union.
 - vii. You should exercise great care in presenting the facts of any case in order to avoid personal opinions which may be damaging to the council or derogatory or defamatory remarks about other employees or members. Your duty of loyalty to the council still applies, even in these circumstances.
 - viii. To avoid any misunderstanding you should not speak to the media in a personal capacity whilst wearing council uniform or a council ID badge.

5. Openness

- a) You should use and share information appropriately, having regard to your data protection obligations, the council's values, and the council's code of corporate governance.**
- i. The law requires that certain types of information should be made available to councillors, auditors, government departments, service users and the public. The council itself may decide to be open about other types of information.
 - ii. However, certain information should not be widely shared. You should be aware of which information you are authorised to release and to whom. If you have any doubts as to whether or not an item of information should be released, you should politely refuse to offer the information and refer the matter to your manager.
 - iii. Nothing in this code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

- iv. You should follow the council's [Access to Information Rules](#) and Information Governance policies and procedures.
- v. You should complete any relevant mandatory training.

b) You should treat information with the appropriate level of confidentiality.

- i. Of particular note is information from councillors: If a councillor gives you information, or tells you something, which is not in the documents that the public would have access to, then you should not share that any further unless the councillor gives permission, or the law requires or allows you to share the information.

c) You should not engage in, or otherwise be involved in any insider dealing.

- i. You should not use any information obtained in the course of your employment (which has not been released to the public) for personal gain or benefit. You should also not pass on such information to other people for their personal gain.
- ii. If you are in any doubt about who can be told information you should ask a senior employee in your department or Internal Audit.
- iii. Details of how to contact Internal Audit are set out in part 2 of this code. If you ask Internal Audit for advice, then the information should not be disclosed unless they have agreed that it is safe to do so.

6. Honesty

a) You should not misuse your official position or information acquired in the course of your employment to further your private interest or the interests of others.

- i. It is not appropriate for you to use your official position, or information you gain from work which is not available to other members of the public for personal gain or to further your personal interests of those of others.

b) You should not engage in, or otherwise be involved in any bribery or corrupt activities or practices.

- i. Under the Bribery Act 2010, it is a criminal offence to:
 - offer a bribe to someone in the course of your duties
 - solicit a bribe from someone (indicating that you are open to being bribed)
 - accept a bribe from someone

If you commit any of these offences during the course of your employment it may amount to gross misconduct which may result in your dismissal without notice or pay in lieu of notice.

- ii. For the purposes of deciding whether something is a bribe, it does not matter whether any abuse of power actually takes place. Bribery can apply even where the person with entrusted power works for another organisation (whether or not it is a council).
- iii. There is more detail in the council's [Anti-fraud, Bribery and Corruption Policy](#). You should ensure that you have read and understood this.

c) You should avoid any reasonable suspicion of bribery and/or corruption and/or any reasonable perception of bribery and/or corruption

- i. In order to maintain public confidence, you should avoid situations where a reasonable person, who in receipt of the relevant facts, would reasonably think your personal interests are so significant that they are likely to prejudice your public interest /judgment.
- ii. A conflict of interests arises where doing what is best for the council in your role, is not the same as doing what is best for you, or for some person or organisation you are associated with.

- iii. You should comply with the council's requirements, set out in [appendix 1](#) relating to:
 - Employee gifts and hospitality
 - Employee outside interests
- iv. Employees may be required to make an annual return in regard to their interests, in addition to the need to declare any gifts and hospitality or interests as they arise.
- v. You should not make decisions, or give recommendations to decision makers where you have a conflict of interests. "Decisions" includes, but are not limited to, delegated decisions, employment decisions, and decisions about awarding contracts, allocating services, spending or receiving money.
- vi. You would be acting corruptly if you were to abuse your entrusted power for private gain:
 - "Abuse" is when you use your entrusted power wrongly. You would be using your entrusted power wrongly if you act in the best interests of someone (or something) other than the council.
 - "Entrusted power" is the power or authority you have as an employee.
 - "Private gain" can mean not only financial gain, such as money, but also nonfinancial advantages, such as favours, gifts, or permission to do something someone would not otherwise be allowed to do. Something can be "private gain" whether you gain directly, or some other person or organisation gains.
- vii. Remember that if you suspect that other people are acting corruptly you have a duty to report it. There is more on this duty in the section on "breaches of this code".

d) You should not create a false impression that you are authorised to speak for the council if you do not have the authorisation to do so.

- i. You should not conduct yourself in a way that would give the impression that you are speaking for the council or in the role of a council employee unless you have been authorised to do so.
- ii. You should not instruct contractors or suppliers, or enter into commitments on behalf of the council unless you are authorised to do so and have the appropriate governance in place to support your actions.

e) You should declare any relevant outside interests and comply with any requirements necessary to resolve any conflict of interests in a way that protects the public interest

- i. You should follow the rules set out in appendix 1 regarding:
 - Employee gifts and hospitality – you should obtain the permission of your director before accepting an offer of hospitality or a gift.
 - Employee other interests – you should declare: your membership of organisations the council needs to know about; associations with other businesses; beneficial interests in land and property; certain personal relationships; and financial interests in council contracts and sponsorship.
 - Politically restricted posts – you should not stand for office or hold certain political positions if you are in a politically restricted post.

7. Leadership

a) You should deal with the public, councillors and other employees fairly with compassion, respect and dignity.

- i. 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 and as defined by the policies of the council.

- ii. The overall control of the council lies with councillors. Your role is to carry out the work of the council, but you receive your day-to-day instruction from other employees of the council, not from councillors.
- iii. Even so, it is essential to the way local government works that employees and councillors respect each other. You should make sure you are aware of any guidance or protocols in the constitution about relationships with councillors, and that you follow those rules.
- iv. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and to other councillors; such familiarity should therefore be avoided.
- v. You should not form close friendships and personal relationships with councillors. If you have a pre-existing relationship with someone who becomes a councillor, or if you develop a relationship with someone who you later discover to be a councillor, then you should report this, as set out in the council's procedure on employee interests.
- vi. If you are in a politically restricted post you should comply with the council's policy on politically restricted posts.
- vii. If you comply with the other requirements in this code you will behave appropriately towards colleagues.
- viii. The council is an equal opportunities employer. The council is committed to:
 - eliminating unlawful discrimination, harassment and victimisation;
 - advancing equality of opportunity; and
 - fostering good relations within and between our communities with a view to building good community relations
- ix. You should not unlawfully discriminate on the basis of race, disability, sex, sexual orientation, age, religion or belief, pregnancy, maternity and gender reassignment.
- x. You should ensure that your behaviour and language does not harass or create an unpleasant environment for people on the basis of race, disability, sex, sexual orientation, age, religion or belief, a pregnancy-related reason, and/or gender reassignment.
- xi. You should not victimise staff for any reason connected with race, disability, gender, sex, sexual orientation, age, religion or belief, a pregnancy-related reason, and/or gender reassignment.
- xii. All members of the local community, customers, councillors and other employees have a right to be treated with fairness and equity.
- xiii. You should comply with any current equality policies and undertake any mandatory training the council may require.

b) You should maintain standards of dress and appearance which are appropriate to your role.

- i. You should ensure that your standards of dress and your appearance are appropriate to the work that you do. An inappropriate appearance could give the impression of inefficiency, create offence or be seen as disrespectful.
- ii. Herefordshire Council values the diversity of its employees and nothing in this section should be read as limiting the diversity of influences which affect your choices about how you present yourself.
- iii. You are expected to wear (as instructed) any safety equipment (personal protective equipment) or uniform that is issued to you.
- iv. If you have any concerns about this, you should discuss them in the first instance with your line manager. The Human Resources service may also issue guidance from a health and safety perspective on uniform and personal protective equipment.

c) You should behave appropriately when involved in tendering contracts and dealing with contractors.

- i. If you are involved in the tendering process, or dealing with contractors, you should be clear on the separation of client and contractor roles within the council. You should ensure that their actions are in accordance with the requirements contained in properly authorised contracts.
- ii. If you have both a client responsibility and a contractor responsibility, you should be particularly aware of the need for accountability and openness.
- iii. Remember that you have to declare interests in contracts and personal relationships with contractors as set out in the council's procedures on employees outside interests.
- iv. If you are aware of confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any third party or organisation. If you are involved in awarding contracts, you should ensure that no special favour is shown in awarding contracts to businesses run by current (or former) employees (or by people they have close personal relationships with). You should also ensure no special favour is shown to current (or former) employees (or by people they have close personal relationships with) by employing them.

d) You should only deal with the media if you are authorised to do so.

- i. Unless specifically nominated and authorised by the director concerned, you are not permitted to give reports or speak to the press and media on matters relating to employment with the council, council business or decisions of the council. This restriction applies under any circumstances where people could possibly think you are speaking as an employee of the council.
- ii. "Dealing" with the media includes giving reports, answering questions or simply speaking to members of the media. "The media" means any organisation or person who is concerned with reporting news, current affairs etc. regardless of whether that is through newspapers, television, radio, the internet or any other means. "Dealing with the media" also includes making speeches, or speaking at public meetings which may be reported by the media.
- iii. People who regularly deal with the media should be in politically restricted posts. Other employees may, in exceptional circumstances, be authorised by their director to speak to the media on a specific occasion.
- iv. The following people are deemed – if in politically restricted posts – to be authorised to deal with the media:
 - The Chief Executive
 - People who report directly to the Chief Executive
 - People who report directly to the people who report directly to the Chief Executive
 - People whose posts are within the corporate communications team
- v. People in other posts should be explicitly authorised by their director before speaking to the media. Details of which posts are politically restricted are set out in the council's policy on politically restricted posts.

e) You should ensure any dealings with the media in an official capacity are appropriate and comply with the [corporate communications protocols](#).

- i. If you are permitted to deal with the media you should make sure that you do not express any opinions, or take any position which is not consistent with the council's position, or which people might think is critical of the council's position. It is important to remember your duty of loyalty to the council.
- ii. You are a representative of the council, and your behaviour and comments may reflect on and impact the council. It is important that you do not undermine the position of the council.

A note about the internet, social networking sites etc.

Whenever there are restrictions on what you can communicate to people, or how you should communicate with them, it does not matter whether you are communicating face to face, by telephone, email, through social networking sites, or any of the other means. The rules apply to all ways of communicating. Inappropriate comments made on social networking sites (whether you have enabled privacy settings or otherwise) about your employment with the council, the council at large or any employees or former employees of the council could amount to a breach of this code. As a result of this, you may face disciplinary action, which could ultimately result in your dismissal with or without notice or payment in lieu of notice.

If you do not follow this code

If you fail to follow the code you may be referred into formal policies and procedures, including the [Procedure Where Performance, Conduct or Behaviour Falls Below Expected Standards](#) and the [Disciplinary Procedure](#). Depending on the circumstances, including the seriousness of any breach of the code, a potential outcome of disciplinary action could result in your dismissal with or without notice.

You should treat this code seriously, and make sure you understand it. If you do not understand any aspect of the code or the council's requirements with regards to the conduct of employees then you should speak to your line manager.

Part Two – Reporting wrong-doing

You have a duty to report suspicions or knowledge of wrong-doing you become aware of, for example:

- activities which you believe to be illegal, improper, unethical or otherwise inconsistent with the code.
- anything which involves – or you think involves – irregularities concerning cash, stores, IT use, or other property of the council.
- any suspected irregularity in the exercise of the functions of the council, including unofficial funds.
- council employees or any other individuals being involved in potentially fraudulent or corrupt activities, or theft.

You should normally report matters to your manager, giving them enough detail to understand your concerns and to follow them up. You should not report suspicions of misconduct to anyone who you believe is (or is likely to be) involved in the alleged misconduct.

If you want or need to report something, but have a good reason not to report the matter to your line manager, you should tell one of the following people:

- A director (either your own director, or the one for the area where the breach may have occurred).
- The monitoring officer or the section 151 officer
- The Head of Internal Audit. ([contact details to be inserted](#))

The council's [Whistle-Blowing Policy and Procedure](#) contains more information on the protections offered to staff reporting legitimate concerns under the Public Interest Disclosure Act 1988.

If, following an investigation no wrong-doing is found to have occurred, any innocently motivated “whistleblower” will not be subject to any disciplinary action.

However, you should also note that if a report of alleged wrong-doing is found, during the course of investigation, to have been vexatious or improperly motivated, then disciplinary action may be taken against the “whistleblower” which may result in dismissal, with or without notice.

Updating this policy

The Human Resources service will monitor this policy and update it as required. The trade unions will raise any pertinent issues through established meetings with the HR service if they feel that a review is due or required.

The Head of Human Resources and Organisational Development may amend any contact details, team names and job titles, policy links or technical changes required by law as are necessary without further consultation. If amendments are made, the trade unions will be advised via the Joint Consultative Committee at the earliest opportunity and an updated version of the policy will be made available through the intranet and on the council website.