

OFFICERS' CODE OF CONDUCT

APPENDIX 11 – OFFICERS’ CODE OF CONDUCT INDEX

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1.0 Introduction

1.1 This Code describes the standards of conduct and behaviour expected from our staff and any staff seconded or engaged from other organisations to undertake the work of the county council. It also highlights some types of behaviour or conduct which might be considered incompatible with being a county council employee. It is intended to help you by describing the standards expected of you and has been approved by the council following consultation with the appropriate Trade Unions. Please take time to read it and ensure your conduct meets these requirements. If you are at all uncertain about what is expected please seek further clarification from your line manager so that you do not unwittingly contravene this Code or otherwise act against the county council's interests.

1.2 Contravening or failing to act within the spirit of the Code, or behaving in a manner which could bring the good name of the county council in to disrepute, whether or not within the workplace or working time, might be seen as a breach of discipline and could lead to action being taken against you under the appropriate procedure.

1.3 While workers who are not employees of the county council are expected to comply with the spirit of the Code, any action that may be taken in response to a breach will depend on the precise nature of their working relationship with the county council.

2.0 Guiding principles

2.1 The county council has an excellent record of integrity and the public are entitled to and do count on the highest standard of behaviour from anyone who works for the organisation. This is reflected in our People Strategy which requires adherence to the county council's values and ethos.

2.2 To the public you represent the county council. You are expected to maintain the highest standards of professional competence, knowledge, integrity, confidentiality, financial propriety and personal conduct. Service delivery should be courteous, efficient and impartial to all groups and individuals. You must adhere to county council policies and procedures and be familiar with the performance standards for customer care and the procedures for handling complaints.

2.3 It is not appropriate for you when working within your role as an employee to oppose the stated aims and policies of the county council or to undermine the performance of its duties and responsibilities. It is important for all employees to present a unified corporate image to the public.

2.4 It is not acceptable for you publicly to criticise or blame colleagues, council departments or county councillors through any medium including internet 'blogs' or web sites and you must be aware that the laws governing defamation, breach of copyright etc. apply equally to 'blogging' as to other forms of communications. Offensive, defamatory, discriminatory or otherwise inappropriate comments will not be tolerated and may constitute a disciplinary and/or criminal offence, as could the disclosure/publication of any confidential or personal information about the business of the county council, its staff, county councillors, clients or suppliers.

2.5 Where practical a link has been included to some of the policies and procedures referred to within this document. Others are available on the Staff Intranet, S.I.D., and

you must familiarise yourself with them. Staff who do not have access to the staff intranet should request copies of appropriate policies etc through their line manager or administrative office.

2.6 It is also incumbent upon you to ensure that you are aware of and comply with any relevant rules and instructions which pertain to your particular job. These may include local orders, legislation, individual terms and conditions of service, professional standards/codes, financial regulations and accounting instructions - this list is not intended to be exhaustive. Similarly the Code cannot cover every situation but will be subject to reasonable interpretation in situations not specifically included.

2.7 Any disagreement involving the interpretation or application of the Code as it applies to you should be discussed with your line manager in the first instance. However, if you feel the Code is being applied unreasonably you may be able to seek redress through the county council's Grievance Procedure.

3.0 Personal interests (see also note 1 and 2 below)

3.1 The interests of the county council must not be undermined by personal interests. The way you do your job must not be influenced by personal interests or those of relatives, friends or membership of external organisations or societies. There should be no grounds for suspicion that you are using your position with or knowledge of the county council for personal gain or that you could be influenced by improper motives. If you belong to outside organisations, including voluntary organisations, there must be no conflict with your job or other county council interests.

3.2 All orders, contracts and grants must be awarded on merit following fair competition. No favour should be shown because of personal interests and no part of the community should be discriminated against.

3.3 You must advise your line manager in writing about anything which could give the impression that you may be acting for personal gain, financial or otherwise, or in the interests of another person or organisation; or you are involved as an officer in matters which might reasonably be regarded as affecting the well-being or financial position of yourself, your spouse, partner, relative, a close friend or any person with whom you have a close association eg. if any of those persons

- hold an office or employment with
- have any connection or influence with
- have any financial interest in

any company or organisation doing or seeking to do business with, or requesting grants or other funding from the county council.

3.4 You should avoid being involved as an officer in matters which might reasonably be regarded as affecting the well-being or financial position of yourself (or the persons, companies or organisations referred to above) so significant that it is likely to prejudice your judgment of the public or council's interest.

(nb. holding shares in a company with which you know the county council is likely to be dealing, or acting as an agent for them, could be regarded as a financial interest).

3.5 You must advise the Assistant Director for Legal and Governance in writing of any direct or indirect pecuniary interest in a contract or proposed contract with the county council as soon as practicable after becoming aware of it so that it can be recorded in the "Register of Officers' Interests". Failure to do so may be a criminal offence as well as a disciplinary matter.

3.6 You must advise your line manager of any personal dealings of a business or private nature with existing or potential suppliers, consultants or contractors who you know (or could reasonably be expected to know) to have dealings with the county council.

3.7 If you engage or supervise contractors or consultants on behalf of the county council or have any other official relationship with them you must advise your line manager, prior to any contractual relationship beginning or work being undertaken, if you have or intend to have any private or domestic relationship with them or any of their employees.

4.0 Private work

4.1 Council premises, equipment, working time or other resources must not be used to undertake private work.

4.2 The county council needs to be aware if its employees undertake private work or voluntary activities in their own time to ensure that there is no conflict of interests with council business and to meet its obligations under Health & Safety legislation. Therefore, to protect yourself and the council from potential criticism you should not put yourself in a position where there is an actual or perceived conflict of interests. You should be aware that outside work or activity, whether or not you receive payment, could reduce your ability to safely and effectively carry out your employment with the county council eg. through tiredness, and would be considered unacceptable.

4.3 You must advise your line manager before engaging in any other work especially if it could reasonably be seen to conflict with your employment with the county council or lead to misunderstanding or criticism. If you are paid salary spinal column point 29 or above you must also get written consent from or on behalf of your chief officer before undertaking outside work. If permission is refused the reasons will be explained and you will have the opportunity to appeal against the decision.

4.4 You must not undertake private work for any individual, organisation, department or establishment which otherwise would be undertaken as part of your normal duties or by the service area in which you work. Any charge raised as a result of undertaking work within a school or other establishment should be paid to the county council.

4.5 You must not undertake private work when on sick leave without the express knowledge and prior written approval of your line manager and subject to appropriate medical advice.

4.6 You must not undertake private work for any county council department or establishment during a period of paid leave or suspension.

5.0 Expressing concern about irregularities and tackling malpractice

5.1 If you feel there is something seriously wrong at work please tell an appropriate person (see paragraph 5.3) as a "voice of concern". It might be the conduct of another employee, the way a contractor is behaving, a work practice, something that might affect the environment, misuse of plant, machinery or a building. You might be the first to notice it and your intervention could stop things getting worse.

5.2 Fraud happens when someone gets a benefit (usually money or property) through deceit. If you suspect fraudulent activity inform Internal Audit who will discuss and investigate any concerns raised in the strictest confidence.

5.3 No matter how reticent you may feel, you should raise any serious concern - eg. a suspicion of fraud or corruption or reasonable belief that other's health, safety or well-being are in danger - with your line manager, the next senior manager, your Director or Human Resources Manager, so that potentially serious problems or malpractice can be addressed without undue delay. If you do raise a genuine concern in good faith all reasonable steps will be taken to respect your confidence and protect you from possible reprisals (see Confidential Reporting Whistleblowing Policy).

5.4 The county council is committed to high standards and integrity. If you have genuine and serious concerns that some malpractice is being condoned within your Directorate and have exhausted or cannot rely on local channels you should raise your concerns with the Chief Executive or, if your complaint concerns the Chief Executive personally or illegal activity, the Assistant Director for Legal and Governance in his/her role as Monitoring Officer.

5.5 The county council takes this issue very seriously and will investigate and address any problems genuinely raised. However, any frivolous, malicious or mischievous use of the Confidential Reporting Whistleblowing Policy will be treated as a serious disciplinary matter.

6.0 Copyright

6.1 You should be aware that "intellectual property" such as software, ideas, documents etc. created during your employment belong to the county council. All files, materials, the media upon which they are located and all software programmes or packages which are utilised or developed solely for or in connection with your job remain county council property.

7.0 Confidentiality

7.1 The county council is committed to open government and, in law, certain information must be made available to councillors, government departments, service users and the public. However, you must make sure you know whether information is 'public' or confidential and treat it accordingly.

7.2 You may sometimes acquire information at work which has not been made public or is confidential. Examples include 'business sensitive' information, information about an

employee, client or service user, information on tenders or costs, the proceedings of a meeting from which the press or public have been excluded; even processes and systems you have developed during the course of your work which are the intellectual property of the county council.

7.3 You must ensure that sensitive and/or confidential information is properly secured and safeguarded at all times especially if being transported in paper or electronic formats. Particular care must be taken with information stored on portable electronic media such as laptops and memory devices which are often targeted for theft due to their high intrinsic value.

7.4 Confidential Information which comes into your possession must not be used for personal benefit or divulged to other parties except in the proper course of duty. Similarly, you must not disclose information about organisational policy and operations unless authorised to do so in the course of your duties. If you have any doubt whether or not disclosure is appropriate, even in response to an apparently legitimate inquiry such as a police investigation or request for information under the Freedom of Information Act, you must check with your line manager before releasing confidential information.

7.5 Some information can be extremely valuable in business and commerce and its publication, loss or misuse could seriously disadvantage the county council and its employees. Therefore, it is important that you do not, deliberately or inadvertently, pass on information, including software, during or after your employment with the county council, to anyone who has no right to receive it. You must not discuss, disclose, publicise or use such information for your own or anyone else's personal interest or advantage.

7.6 You must decline any approaches or offers made asking for information which could be detrimental to, or help others to gain a contract, grant or any other advantage from the county council and/or its employees eg. a potential contractor could offer a financial reward for information leading to the award of a major contract. Approaches or offers of this kind must be declared to your head of service or director without delay.

8.0 Contact with the media

8.1 The Communications Unit works to promote the policies and reputation of the council and has specific skills and expertise in relations with the media. Unless you are properly authorised to speak with, write or give interviews to the media you should refer enquiries from the media on work related matters to the Communications Unit.

9.0 Information Technology and Data Protection

9.1 Everyone using computing equipment has a duty of care to use it according to prescribed arrangements eg. to avoid introducing computer viruses, to comply with the Data Protection Act, and to safeguard and ensure the security of information.

9.2 You must familiarise yourself with the ICT Security documents particularly Information Security, Internet and e-mail Policy, Network and Workstation Security and Virus Protection Policy. You must also comply with any general management and security guidelines for computers within your section.

9.3 You must also ensure you comply with the county council's Information Classification Policy.

9.4 If in any doubt ask the person responsible for Information Technology and Data Protection within your directorate.

10.0 Gifts, inducements, hospitality and sponsorship (see also note 1 and 2 below)

10.1 You must not accept any commission, discount, allowance, direct or indirect profit, inducement, payment, perk or benefit in connection with any professional work undertaken, other than any fee recoverable on behalf of the county council (see also paragraph 11.0 below - Gifts and bequests).

10.2 Minor gifts and hospitality are sometimes part of the normal courtesies of life: a client, supplier or contractor may offer a modest gift, especially at Christmas or as a token of appreciation, and in an office situation simple items such as diaries and calendars are often distributed as advertising matter. As a guideline, any gift or hospitality with a value of £25.00 or more is highly unlikely to be viewed as a 'token'. With the exception of these "tokens" and any special schemes (e.g. travel or discount schemes) arranged by the county council, all gifts, vouchers, fees, special discounts, rewards or preferential treatment must be refused. Collection of reward card points, such as Nectar and Clubcard, on a personal account in respect of County Council purchases, will be viewed as a serious disciplinary matter as it is a benefit in kind which should be reported to HMRC and subject to deduction of Income Tax.' In situations where refusal is difficult or might offend you must inform your line manager who will decide on the appropriate action. You must consider whether it is appropriate to accept even token gifts eg. when you are dealing with regulatory or procurement matters it would usually be inappropriate to receive any gift from involved parties. In case of doubt, consult your line manager.

10.3 Offers of hospitality, even if of a seemingly minor nature, must be treated with particular caution as they can leave both individuals and the county council open to all manner of allegations or impropriety. The timing of offers of hospitality eg. in relation to purchasing, the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest eg. when there is a genuine need to represent the authority. You must inform your line manager of an invitation or offer of hospitality before it is accepted.

10.4 Where an outside organisation wishes to sponsor any activity or the county council wishes to sponsor an event or service, the basic principles relating to personal interests and the acceptance of gifts or hospitality apply.

11.0 Gifts and bequests

11.1 Working closely with and/or caring for vulnerable people as a part of your duties can lead to offers of financial or other gifts or even a bequest in a will. This could be construed as taking advantage of your professional position and can be very difficult to deal with. It may also lead to suspicion and dissatisfaction by relatives who may

challenge the reason for the gift and even its legality. Where it is known that a bequest may be made or there is an offer of a monetary gift you should invariably endeavour to decline explaining that the county council does not allow you to accept such gifts in connection with your work. You should also advise your line manager immediately if such an offer is made or in the event that a bequest is made without your knowledge. Because there is such a range of circumstances under which such gifts and bequests can be made the county council will not take the view that accepting them will necessarily be a disciplinary offence. However, should there be any allegation of impropriety or action which results in the good name of the county council being brought in to disrepute because one of its employees has accepted such a gift, it will be investigated and dealt with under the appropriate policy.

12.0 Personal purchases

12.1 You should be aware of possible conflicts of interest when you buy goods or use the services of firms which have dealings with the county council and follow any departmental procedures relating to the disclosure of any such transactions. You should neither seek, because of your position, nor accept, because of an organisation's dealings with the county council, preferential rates, reductions or any other favourable treatment in the purchase of goods and services. This does not apply to generally available schemes or discount schemes arranged by the county council for all staff.

13.0 Procurement of goods and services and disposal of county council property (see also note 2 below)

13.1 Procurement procedures must be strictly adhered to and you must not accept any inducement or preferential treatment if you are responsible for procuring goods or services for the county council or disposing of surplus property.

13.2 In addition, officers should always be in a position to demonstrate that Best Value has been sought and achieved. Detailed guidance on procurement and tendering is set out in the council's Financial Regulations and Procurement Code.

14.0 Use of council resources and equipment

14.1 Facilities, equipment, vehicles, materials and other resources provided by the county council for use in your work must not be used for any other purpose without permission or appropriate payment eg. photocopying, private telephone calls. Mobile telephones are provided exclusively for business use and must not be used to make private calls. In this context a call 'home' to advise that you have been unavoidably delayed because of work would not be considered a private call.

15.0 Overseas travel on official business

15.1 Any proposal to travel overseas on official business must be approved by the Chief Executive before the travel takes place.

16.0 Political neutrality

16.1 You must serve the county council as a whole unless you are a political assistant appointed in accordance with the Local Government and Housing Act.

16.2 You must follow council policy and operational regulations and must not allow your own personal or political opinions to influence your work.

16.3 Your post may be or become 'politically restricted' if it is considered politically sensitive in accordance with statutory provisions eg. officers who regularly advise any member panel or committee or speak publicly on behalf of the county council, for instance to the media. If your job is politically restricted your political activities, eg. becoming an elected member, normally will be restricted unless it can be shown that such restriction would be unreasonable.

16.4 You must be aware that political restriction will apply to a formerly unrestricted post if a change in responsibilities makes the post politically sensitive. In these circumstances you must seek appropriate advice from your line manager before continuing or becoming involved in any political activity.

17.0 Equality issues

17.1 All members of the community, customers and other employees have a right to be treated fairly and with dignity. You must make yourself aware of and comply with the county council's Equality and Diversity Policies and procedures.

18.0 Standards of appearance

18.1 The county council does not impose particular dress standards but staff are expected to present a reasonable appearance and dress appropriately to the circumstances within their working environment, the nature of work they are undertaking and the levels and types of both internal and external contacts encountered in the normal course of their duties. Where uniform or protective clothing is issued it must be worn as required when at work or representing the county council. When wearing uniform or other items which identify you as an employee of the county council you must maintain appropriate standards of conduct whether or not on duty eg. when travelling to and from work.

19.0 Relatives and close personal relationships within the workplace

19.1 In order to avoid any possible accusation of bias you should endeavour not be directly involved in the appointment, promotion, discipline or other employment decision relating to another employee to whom you are related or with whom you have a close personal relationship. If a situation arises in which you feel you may be in such a position, please seek the advice of your Human Resources Manager.

19.2 If you work in close proximity with service users or other employees to whom you are related or have a close personal connection you must maintain a strictly professional relationship at work. You should also be aware that if any relationship leads to disruption

in the workplace, unacceptable conduct or performance or situations involving undue favouritism or detriment, action will be taken under the appropriate procedure which could lead to you being redeployed or your contract terminated.

20.0 Smoke free environment

20.1 All county council buildings, workplaces and vehicles are smoke free areas. Any breach of the Smokefree Workplaces is a disciplinary, and potentially criminal, offence.

21.0 Drugs and Alcohol

21.1 You must familiarise yourself with the county council's policy on Alcohol, Other Drug and Substance Use particularly in relation to driving, the operation of machinery and the requirement that your ability to undertake your duties is not impaired by the misuse of any substance.

22.0 Health and Safety

22.1 Unsafe working can endanger you, your colleagues and members of the public. You must familiarise yourself with the council's Health and Safety Policy and guidelines for your particular work. You must follow the rules, codes and safe practices they describe including reporting any accidents, incidents or near misses you have at work.

23.0 Criminal charges, cautions and convictions

23.1 You must advise your line manager immediately if you are charged with or cautioned or convicted of any criminal offence whilst you are an employee of the county council. While such proceedings will not necessarily affect your employment, the council needs to be sure there are no implications for its clients, reputation, service delivery or in relation to the role you undertake.

23.2 You must also advise your line manager immediately if you have been arrested or appeared in court and released on bail in circumstances where bail conditions have been applied which could have consequences for your work eg. a carer who is constrained from having contact with the types of client they are employed to look after; a driver who is not permitted to visit a particular location which is on his/her regular route. If you are in any doubt about whether you should report bail conditions, especially where safeguarding could be an issue, you must discuss it with your line manager or HR adviser so that any concerns can be addressed from the outset. Failure to report such conditions would be considered as serious misconduct and could potentially lead to a breach of bail.

24.0 Conduct and performance

24.1 Unacceptable behaviour and/or failure to maintain satisfactory standards of conduct or performance will lead to action being taken against you under the appropriate county

council procedure. This includes specifically the failure to behave at all times in accordance with the county council's stated values.

24.2 You must ensure you understand the requirements of this Code of Conduct and any terms and conditions, rules, standards and requirements that apply to you and your job (see also note 2 below). Any of the examples of unacceptable behaviour listed below may be considered as misconduct or gross misconduct depending on the relevance to your role, your seniority, the seriousness of the act and particular circumstances. Those underlined normally will be considered as gross misconduct. The list is not exhaustive and other unacceptable behaviour not specifically listed nevertheless may be considered as misconduct or gross misconduct:

a) any form of unjustifiable discrimination, harassment, threatening or bullying behaviour eg. on the grounds of race, sex/gender, sexual orientation, marital status, disability, age, religion or belief; whether or not the subject of current legislation;

b) any physical, emotional or sexual abuse of a child or other vulnerable person;

c) possession, displaying, viewing or downloading of offensive materials, playing or downloading games, accessing 'unacceptable' web sites eg. gambling, betting or gaming, in the workplace or via any portable device eg. laptop, mass storage, which is the property of the county council and has been provided in connection with the postholder's work;

d) undertaking private activities during working hours;

e) unpunctuality, misuse of time and time recording, unauthorised absence from work;

f) refusing to comply with reasonable orders and instructions;

g) deliberately causing damage to council property;

h) harming or endangering other persons or property eg. by contravening safety rules;

i) neglect of duty/lack of due care or diligence, disruptive behaviour, poor attitude;

j) fighting, threatening or actual violence towards, physical assault or abuse of another person whilst at work (NOTE: this does not include reasonable physical restraint necessarily carried out in the course of duty);

k) theft, unauthorised removal, misappropriation, improper or unauthorised use of council or other property, systems (including telephones, IT, e-mail and Internet), vehicles, equipment, name or other resources. This may include loss by failing to properly secure or safeguard;

l) failure to report criminal convictions, particularly those which may be relevant to the type of work undertaken eg. driving convictions where the work necessitates driving on county council business, indecent assault where working with vulnerable adults or children;

m) fraudulent or misleading practices and/or omissions in connection with official duties eg. deliberately falsifying council documents, reports etc.;

n) fraudulent or false claims for payment of salary, expenses and/or allowances etc. or seeking financial gain by deception;

o) acts involving bribery or corruption;

p) any action for which it would be appropriate for the council as an employer to take legal proceedings (irrespective of whether such proceedings are taken);

q) sexual misconduct at work;

r) wilfully breaching any county council policy or procedure;

s) drunkenness, being unable to carry out duties through the influence of any substances including drugs, whether or not prescribed, and alcohol, or for any other avoidable reason (nb. it is equally inappropriate for those hosting visitors or working in close proximity to service users such as children and vulnerable adults to have alcohol on their breath even though this may not amount to drunkenness);

t) possession, buying or selling of weapons, illegal substances or materials at work;

u) any breach of trust or security in respect of information or procedures;

v) obtaining or attempting to obtain access to any information (including information held or stored by electronic means) to which the employee is not entitled;

w) any action which may bring the good name of the county council into disrepute;

x) as an employee, public opposition to the stated aims and policies of the county council, criticism or blame of colleagues, council departments or county councillors through any medium including internet 'blogs' or web sites

y) any action unconnected with work which brings in to question your suitability as an employee of the county council; and

z) failing to report serious misconduct, aiding or inciting another employee to undertake any of the above actions or other act of wrongdoing.

Note 1:

Personal interests as set out in Paragraph 3 (eg. in contracts/procurement), other potential conflicts of interest and any offer of gifts and/or hospitality as set out in Paragraph 10, other than of a minor 'token' nature, are to be notified in writing to the Assistant Director for Legal and Governance who will include them in the Register of Officers' Interests and ensure that your head of service/line manager are advised of the entry.

Note 2:

Under the Bribery Act 2010 it is a criminal offence if a person fails to prevent bribery, bribes another person with the intention of obtaining or retaining a business or a business advantage, or receives a bribe, whether or not unwittingly.