



Nottingham

City Council

Constitution

Article Sixteen: Code of Conduct for Employees

Draft

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16.1 Introduction

The purpose of this Code of Conduct is to give all employees guidance on how the City Council and the public in general expect them to behave. This Code is designed for the protection of staff and if the Code is followed then staff should not find themselves in a situation where their conduct could create an impression of a conflict of interest, or corruption in the minds of the public. It cannot cover every eventuality and further guidance should be sought from an employee's, Manager, Head of Service, or, in the case of Directors, the Chief Executive, if unsure of the standards expected of them.

16.2 The Code of Conduct meets the recommendations of the Nolan Committee's Report on standards in public life, that those working in public service are expected to show Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

16.3 Standards

All employees of the City Council 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. Employees are expected without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service, impropriety or breach of procedure.

16.4 It is the Council's duty to protect employees against unjustified allegations of wrong doing and adherence to this Code is essential for this purpose, however, it should be noted by all employees that failure to comply with the standards detailed in the Code may result in disciplinary action.

16.5 All employees should observe the following standards, which have been agreed by Nottingham City Council and the trade unions. All employees will:

- have the right to be treated with respect
- have a duty to treat other people with respect
- be sensitive to other people's different needs, attitudes, and lifestyles
- oppose all forms of discrimination
- help put an end to bullying
- be prepared to be challenged over their own behaviour.

16.6 Everyone working for the Council is expected to follow 'Our Behaviours Framework'. The Behaviours are consistent with the broader Council values to:

- focus on citizens and customers
- be trusted and treat others with respect
- solve problems and get things done
- bring forward suggestions for service improvement.

16.7 Employees can find the Council's values on the Leading Nottingham intranet pages.

- 16.8 As part of inductions, managers should provide employees with a copy of the Code of Conduct in an accessible format and ensure that employees understand it.
- 16.9 Employees are required to follow the Code in all areas of their work.
- 16.10 If there is anything that is not clear, or where further information is required, employees should speak to their manager.
- 16.11 Further information on the responsibilities of individual employees and managers can be found in 'Our Behaviours Framework'.
- 16.12 The Council's employees should maintain the Council's standards as set out in this document. All employees should participate in an annual performance appraisal process. Managers are expected to raise any concerns and support employees to make improvements, where necessary. Employees are expected to take responsibility for their performance and to engage with their managers both in relation to their appraisal and to making improvements that are identified.
- 16.13 **Conduct**
During working hours, or on any occasion outside of normal working hours when they could be seen to be associated with the Council (for example, whilst wearing Council clothing/ID or at an out of hours' function linked to work), employees must ensure that their conduct is consistent with 'Our Behaviours Framework' and Code of Conduct.
- 16.14 Employees should consider at all times how other people might perceive any comments, actions or gestures that they might make and ensure that they are careful with regards to views expressed and images portrayed, for example, via social media (written and text), where these could bring the Council into disrepute, damage its reputation or be at odds with the Council's core values. See IT Acceptable Use Policy.
- 16.15 **Disclosure of Information**
The City Council believes that open government is best. The law requires that certain types of information must be available to Members, auditors, Government departments, service users and the public. The Council believes that all information should be disclosed unless there is a good reason for not doing so, i.e. in the public interest or in the particular interest of clients where the information has been obtained on the basis of confidentiality.
- 16.16 Many employees obtain information in their official position which has not been made public and/or is confidential. Refer to the Data Protection Policy and the GDPR Privacy Notice. Employees may also have access to personal information about other employees or clients. This information must only be

disclosed, during or after employment, to a third party where there is a legal responsibility to provide it, or where the employee or client or customers of the Council provides a written authority for the information to be provided.

- 16.17 The restrictions in paragraph 16.16 apply equally to information which employees may obtain from their employment about a contractor, debtor or creditor of the Council. Employees must adhere to the Council's guidelines relating to confidential information as covered by the Data Protection Act 1998. This Act requires that personal data must be: processed fairly and lawfully, only used for the purpose for which it was gathered, must be kept up to date and accurate and made available to individuals to let them know what is held about them. The personal data held must also not be excessive, or kept for longer than is necessary. It must be kept secure and additional security considerations must be taken if it is being transferred outside the EEA. Employees must also have regard to the Council's IT Acceptable Use Policy in regard to the storage and use of information held on computer. Information must not be disclosed to unauthorised people or organisations.
- 16.18 Employees who discover information about employees, customers or members of the public in the course of their duties which gives cause for concern (e.g. evidence of criminal activity, whistleblowing or safeguarding (refer to section 16.113 Safeguarding) should report it to their line manager.
- 16.19 Employees should not deliberately access or use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 16.20 Where employees have access to and are entrusted with confidential information concerning the business or finances of the Council, or its suppliers, agents, contractors, customers, residents or employees, they shall not, during the period of employment, divulge such information except in the proper course of their duties or in any circumstances after the period of employment without the written consent of the Council.
- 16.21 Employees must not, during employment or for a period of six months after ceasing to be employed:
- seek to procure orders from, and do business with, any person, firm or company who has done similar business with the Council
 - directly or indirectly, carry on or engage in any activity or business which shall be in direct competition with the Council
 - endeavour to entice away any employee of the Council.
- 16.22 **Raising Concerns**
If you wish to raise a concern, you should do so using the Resolution and Grievance Procedure which can be found here in the People Management Handbook.

16.23 Reporting Concerns

Where an employee identifies something seriously wrong within the Council, they should, in the first instance, raise it with their manager so that improvements can be made wherever possible and seek advice on how to proceed from the Monitoring Officer or Internal Audit (Audit Manager). This includes concerns about malpractice, safeguarding, health and safety, harassment, discrimination, victimisation or bullying. Alternatively employees may raise concerns with HR, an alternative manager or directly with the Council's Monitoring Officer or Internal Audit (Audit Manager) as part of the Council's Confidential Reporting Code (Whistleblowing Procedure).

16.24 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, employees should appreciate that the investigation process may reveal the source of information and a statement from them may be required as part of the evidence.

16.25 By following this code, employees will help to promote the Council's values and principles and also avoid both allegations of wrongdoing and formal action being taken against them.

16.26 Political Neutrality

Employees serve the Council as a whole. It follows that they must serve all Councillors, and not just those of the controlling group, ensuring that the individual rights of all Councillors are respected.

16.27 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality.

16.28 Employees will be advised if they are in a 'politically restricted' post, due to the job that they do, in which case they must comply with any political restrictions that apply (these will be explained to them by their manager). Employees and find further information on the Council's intranet.

16.29 Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council whilst at work and must not allow their own personal or political opinions to interfere with their work.

16.30 Political assistants appointed in accordance with the Local Government and Housing Acts 1989 are exempt from the standards set in paragraphs 16.26 to 16.29.

16.31 Public trust

The public and the Council expect high standards of conduct from our employees who are expected to behave with honesty and integrity, to comply with policies, procedures and rules and ensure that they behave within the law.

16.32 **Attendance & Timekeeping**

Employees are expected to be available for work during scheduled hours ready to start work punctually, unless not fit to do so or because of unforeseen circumstances. Employees must comply with sickness reporting procedures (some services will require different arrangements (e.g. those working at night), where this is the case managers will make these specific arrangements clear), supply medical certificates as required and co-operate with managers to address any ill health and attendance issues. Employees may be asked to attend Employee Wellbeing appointments.

16.33 The Council has an Attendance Management Policy and accompanying Guidance which provide further information on how ill health will be supported and managed. Abuses of the sickness scheme and failure to comply with reporting procedures may be regarded as disciplinary issues and dealt with through the Council's disciplinary procedure.

16.34 Employees are expected comply with procedures for recording time at work and for taking breaks. Managers' will advise what these are for work areas. Falsifying time sheets is viewed as fraud and will be subject to the disciplinary procedure.

16.35 **Wellbeing**

Employees are expected to inform their manager if they do not feel capable of carrying out their duties safely and correctly. They must also provide updates on any medical conditions that they suffer from where these could have an impact on their work. The Council will always try to support employees with health problems.

16.36 The Council is keen to promote the health and wellbeing of its employees. The Employee Wellbeing service can provide support and useful contacts for employees requiring help to address personal concerns and provides access to the Employee Assistance Programme. Employees can find further information on the Council's intranet.

16.37 **Smoking**

The Council has a Smoke Free Workplace Policy and is responsible for enforcing the Smokefree Regulations. Smoking is defined as anything that is smoked including manufactured and hand-rolled cigarettes, cigars, pipes, herbal cigarettes, shisha pipes, e-cigarettes and other vaping producing products. Support to stop smoking and to optimize health and wellbeing is set out in the Smoke Free Workplace Policy.

16.38 No one undertaking work for the Council is permitted to smoke during working hours on any Council premises, including depots, yards, carparks or in Council owned, leased or hired vehicles or whilst representing the council at work meetings via video conferencing software.

16.39 Alcohol, drugs and other substance misuse

The City Council supports and encourages employees with alcohol, drugs and substance misuse problems to seek appropriate help and will assist in accessing alcohol treatment and advice services.

16.40 Employees who have taken drugs (prescribed or otherwise) or alcohol which may affect their ability to do any of their duties correctly, safely and legally, should notify their manager before doing any work. Managers may prevent employees from carrying out duties if they consider that they could endanger themselves or others.

16.41 Misuse of alcohol, prescription drugs, non-prescription drugs and other substances harmful to health is a matter that should be dealt with sensitively and promptly as the need demands.

16.42 Working whilst under the influence of alcohol, drugs or other substances, or taking these whilst at work is a disciplinary offence. If an employee is unable to carry out their work safely and correctly as a result of alcohol, drugs or other substance misuse, they may be subject to the Council's Alcohol, Drugs and Substance Misuse Policy as well as Disciplinary or Capability procedure and may even face criminal prosecution. Similar may apply if employees encourage or pressurise others to consume alcohol, drugs or other substances, impacting on their ability to undertake their duties.

16.43 Further guidance is available in the Alcohol, Drugs and Substance Misuse Policy or by contacting the Employee Wellbeing Team.

16.44 Dress and appearance

Whilst it is acknowledged that the council does not have a general dress code and that appearance is a matter of personal preference; employees should be mindful that they are undertaking work on behalf of the Council and should be sensitive and respectful towards citizens and employees.

16.45 For employees working in certain services, there may be a requirement to wear specific work wear/uniforms; where this is determined as necessary for the role, employees must comply.

16.46 Work wear should always be compliant with health and safety requirements and should not negatively impact on your work or service delivery.

16.47 In the interests of security and employee safety, Council ID badges should be visible at all times whilst on Council premises. Whilst undertaking Council business off site, employees must carry their Council ID with them at all times and, in the interests of safeguarding citizens, be prepared to show it if requested to do so.

16.48 **Relationships**

Councillors

Employees are responsible to the City Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good Local Government. Where close personal relationships between employees and individual Councillors exist, there is a need for care to be taken to avoid inappropriate standards of conduct.

16.49 The Local Community and Service Users

Employees should remember their responsibilities to the community they service and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community. Where employees are linked to groups or individuals within the community (e.g. community associations, religious groups, or community leaders, Elected Members, etc.) they should recognise the potential for allegations of bias and/or for them to be exposed to inappropriate pressure. Employees should discuss such links (or any pressure put upon them) with their line manager or Head of Service.

16.50 It is important that employees maintain professional boundaries with service users, past or present, to avoid being open to allegations of favouritism or, in some cases, allegations of abuse. Employees must always inform their line manager of a present or previous personal relationship with a client, or prospective client, of their service. Managers' should review the circumstances and, where necessary, ensure that employees do not have a professional involvement with the client. Further information on relationships with service users can be found in 4.6 of Safer Recruitment Practices Framework.

16.51 Employees must not benefit financially, either directly or indirectly, from service users or their families and must never accept cash or gift vouchers of any value as a gift. Only in exceptional circumstances should employees accept small gifts of items, but only where a refusal could cause offence (See Gifts and Hospitality Policy). Employees must not solicit gifts from a client. Further clarity on financial relationships with clients can be found in 4.23 and 4.24 of the Safer Recruitment Working Practices Framework, including matters relating to a service user's will.

16.52 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's Head of Service. In accordance with the relevant financial procedures and regulations, the Council must ensure all orders and contracts are awarded on merit, with fair competition in accordance with the relevant financial procedures and regulations and that no part of the local community is discriminated against and no special favour is shown to businesses run by, for example, friends, partners or relatives.

- 16.53 Employees who engage or supervise contractors or who have any other official relationship with contractors and have previously had or currently have a relationship in a professional, private or domestic capacity with contractors, should declare their relationship directly to their Head of Service, or in the case of Directors to the Chief Executive, who should decide what action is necessary and convey that decision to the employee in writing. If there is any doubt a declaration should be made to your immediate line manager.
- 16.54 No employee shall purchase for private purposes goods or services from a firm which has dealings with the City Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the City Council. This equally applies to ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the Council's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. This also applies to the use of services of a contractor with whom employees have official contacts as part of their employment with the City Council. It also precludes employees from using, for private purposes, any special trading cards which the City Council may hold for Council business.
- 16.55 It does not, however, preclude employees from benefiting from general discounts available to all Council employees, e.g. Works Perks Lifestyle Benefits, Local Government Travel Club or discounts available through membership of a trade union.
- 16.56 Further detail can be found in the sections on Corruption (Section 16.88) and Conflict of Interest (Section 16.71).
- 16.57 **Personal relationships with colleagues**
Employees should let their manager know, in confidence, if they have a close relationship with any Council employee, including family members, where this may present a conflict during the course of their work. There are occasions where it may be necessary to consider alternative working and/or management arrangements. Employees must ensure that any interactions during work time are always appropriate and professional. Further details are available in the Relationship at Work Policy.
- 16.58 **Appointment and Other Employment Matters**
Employees involved in appointment decisions should ensure that these are made in accordance with the procedures laid down in the City Council's Safer Recruitment Practices Framework.
- 16.59 All employment decisions should be on the basis of merit. To avoid any possible accusation of bias, employees must not be involved in decisions relating to appointment, promotion, pay, where the person is a relative, partner, personal friend or anyone else with whom a relationship exists that could compromise or be perceived to compromise their professional judgement. Should such a situation arise, an employee must advise their manager as soon

as they become aware of it. This does not necessarily prevent involvement in the process but ensures that employees are not leaving themselves open to any allegations that would cause a reasonable suspicion that the appointment was biased either in favour or against candidates.

16.60 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. Employees must not act with unfair bias either in favour or against candidates in making appointments.

16.61 Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or partner.

16.62 In the first instance, employees should follow agreed internal processes and procedures with regards to raising concerns in connection with any staffing matter (i.e. grievances, disciplinarys and whistleblowing), prior to these being escalated to Councillors.

16.63 **Outside Commitments**

It is a condition of service that employees on Grade G and above shall devote their whole time service to the work of the City Council and shall not engage in any other business (including self-employment) or take up any additional appointment without the express written prior consent of their Head of Service or, in the case of Directors, the Chief Executive. The Head of Service or the Chief Executive reserves the right to withdraw such consent at any time in the future.

16.64 The Council will not unreasonably preclude any of its employees from undertaking additional employment, but 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, for example, it would be deemed inappropriate for any work to be carried out for private gain that has been procured through the employee's normal duties.

16.65 When considering accepting secondary employment, either within or external to the City Council, employees must consider the implications of the working time directive which stipulates the maximum hours they should work in a week and required rest breaks. Specifically, if an employee will be working over 48 hours per week in their combined roles, they must inform your manager, as this contravenes the Working Time Regulations, and they may be required to sign an opt out agreement.

16.66 Council equipment, accommodation or resources must not be used by employees for personal business activity outside work or during their normal working hours for the City Council. The Council also recognises that, from time to time, some personal use of the IT facilities that it provides may be required,

including internet browsing and emails; please refer to the IT Acceptable Use Policy for further details about laptop/computer usage.

- 16.67 It is not the intention of the Council to unnecessarily curb employees' rights to a private life and it is accepted that an employee's off duty hours or other employments are their personal concern. However, all employees should particularly avoid situations whereby their out of work activities, personal interests or other employments conflict or appear to conflict with their work role and the Council's core values, statutory responsibilities or duties. Depending on the circumstances, such conflicts may be considered under the Council's disciplinary procedure.
- 16.68 Where a request is received by the Council for an officer to make a presentation, speak at a seminar, lecture or course and an individual employee is required to do this within their normal field of work and during working hours, the work will be undertaken on behalf of the City Council and any fee will be treated as income to the Council.
- 16.69 Where an approach is made directly to an individual implicitly or explicitly because of that individual's reputation and personal skills/knowledge/experience and a fee is payable, there is potential for the fee to be treated as income for the individual. Heads of Service and, in the case of a Director, the Chief Executive, have discretion to grant employees paid leave to give lectures concerned with their professional discipline and to retain the whole of the fees received on the understanding that such occasions are likely to be relatively infrequent.
- 16.70 **Intellectual Property**
"Intellectual Property" is a generic term that includes inventions, creative writings and drawing. If these items are created as part of an employee's normal course of employment, then, as a general rule, they belong to the City Council. However, various Acts of Parliament apply to "Intellectual Property" and the Legal Section should be contacted for advice if any doubt exists.
- 16.71 **Personal Interests (Financial and Non-Financial)**
Personal interests, financial or otherwise, which could potentially conflict with any work undertaken by an employee during the course of their duties should be declared to a relevant Manager at the point where it becomes known/relevant. Any queries about potential conflicts within roles, or doubts as to whether any interests which should be declared, should be directed to a relevant manager or to the Council's Monitoring Officer for clarity and advice.
- 16.72 Some examples of what a conflict of interest may look like are set out below:
→ whilst in the Council's employment, seeking to procure orders from, and do business with, any person, firm or company who has done similar business with the Council

- links or affiliation to groups or individuals within the community (e.g. community associations, religious groups, or community leaders, elected Members, secret societies etc.) where there is the potential for allegations of bias and/or for you to be exposed to inappropriate pressure
- employees must always inform their line manager of a present or previous personal relationship with a client, or prospective client, of their service
- benefit financially, either directly or indirectly, from service users or their families
- relationships of a business or private nature with external contractors, or potential contractors, engaged in, or seeking to do business with the Council
- close relationship with any Council employee, including family members, where this may present a conflict during the course of their work
- participation in decisions relating to appointment, promotion, pay, where the person is a relative, partner, personal friend or anyone else with whom a relationship exists
- involvement in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or partner
- additional employment that you have, aside from your work for the Council, which conflicts with or reacts detrimentally to the Authority's interests or in any way weakens public confidence in the conduct of the Authority's business
- personal interests, financial or otherwise, which could reasonably be deemed to potentially conflict with any work undertaken by you in the course of your duties e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Authority, involvement with an organisation or pressure group which may seek to influence the Authority's policies
- provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work acquired as a result of your position and knowledge of the Council
- receiving, or giving, any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour to any person while acting in your official capacity.

This is intended to be a guide for employees only and is not an exhaustive list.

16.73 Each Chief Officer will be responsible for ensuring that all employees in their Departments are aware of the need to register personal interests in accordance with this section.

16.74 Section 117 of the Local Government Act 1972 requires employees to give written notice of any contract or proposed contract in which the Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest may result in prosecution. This requirement applies to all employees, irrespective of their grade. Heads of Service should bring the Act's current requirements to the attention of relevant employees within their Department who may be affected.

- 16.75 Details of interests (financial and non-financial) must be made in writing using the declare form and be submitted to your immediate line manager or Head of Service, who will ensure this is escalated for noting in the departmental register(s) kept for that purpose. The following information will be recorded in the departmental register(s):
- the name of the member of staff
 - the company or organisation the member of staff has an interest in
 - what that interest is.
- 16.76 The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services. The departmental registers are open for inspection by the Chief Executive and the Corporate Director of Finance & Resources.
- 16.77 To avoid suggestions of any impropriety, employees with a financial or non-financial interest in a matter should not only declare that interest but also seek to distance themselves from involvement in that item. This may mean passing an issue to another employee to deal with. Where this is not possible, employees must be open about the interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Committee meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.
- 16.78 All employees involved in the award or management of contracts shall declare to their Head of Service (or in the case of Directors the Chief Executive) any association or friendship with any contractor on any part of the Council's select list of contractors and should take no part in the tender process without their written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to their Head of Service (or in the case of Directors the Chief Executive) any association with any person or body who is an applicant in the field of work in which that employee is engaged.
- 16.79 A Head of Service to whom any such interest, association or friendship is declared, shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.
- 16.80 **Equality & Diversity**
All members of the community, customers and employees have a right to be treated fairly, with dignity and respect. All employees should comply with Council policies relating to equality issues, in addition to the requirements of the law.

16.81 All employees are appointed and expected to comply with the Equality Act 2010 and should not discriminate against others with a protected characteristic. You will also be expected to carry out any mandatory training on equality and diversity matters as may be instructed by your manager from time to time and once completed, will be expected to comply with all the Council's EDI principles. Further information, with regards to Equality, Diversity and Inclusion, can be accessed either via the intranet or obtained through your manager.

16.82 **Separation of Roles during Tendering**

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

16.83 Employees in contractor or client units must exercise fairness and impartiality in dealing with all customers, suppliers, other contractors and sub-contractors.

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

16.85 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

16.86 Employees must not use their position and knowledge of the Council to gain access to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work.

16.87 Employees involved in the purchase of work, goods, materials and services must comply with the relevant standing orders and financial regulations approved by the Council.

16.88 **Corruption**

Employees must be aware that it is a serious criminal offence of corruption 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 while the employee is acting in his or her official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

16.89 The absence of actual corruption is not, in itself, sufficient. Avoidance of any grounds for suspicion of corruption is also important at all times and particularly where contracts are being negotiated. You must not represent the Council in any business involving an individual, group or organisation with whom you have

a close personal relationship or where there may be a potential conflict of interest. If you have any doubt about the status of your relationship, you should declare this to an appropriate manager prior to accepting a role with the council or prior to work being assigned to you. Failure to do so could ultimately lead to disciplinary action or even criminal prosecution.

16.90 Where any one to one negotiations are involved, including telephone negotiations, the employee must ensure that all steps in the negotiations are recorded in writing, and that their Head of Service, or where the negotiations involve the Director, the Chief Executive, has been made aware of and has approved, in writing, those steps. Standing orders, financial regulations and the policies of the Council must always be followed on all occasions.

16.91 Employees must ensure that they follow the Council's policies regarding declaring of interests contained within this document and the Gifts and Hospitality Policy.

16.92 **Fraud**

The deliberate falsification of any documents, either for financial or non-financial benefit, is not acceptable under any circumstance and could be regarded as a criminal offence requiring police investigation as well as being a serious disciplinary matter. Fraud also covers the deliberate or conscious retention of money that is not due to you, or that may be the result of errors or omission on the part of any party, including overpayment of wages. Employees are expected to act honestly and raise any concerns of this nature with their manager immediately.

16.93 **Theft**

Theft of the Council's funds or property, or that of any service user or an employee, is considered to be gross misconduct under the Council's disciplinary procedure and action will be taken which could lead to dismissal. Using Council money, funds or resources, even with the intention of returning them within a very short period of time, is also considered to be theft.

16.94 **Personal Purchases**

Council financial processes such as purchase orders and payment cards must not be used for personal advantage or purchases, and no member of staff should receive any personal discount or advantage as a result of their employment with the Council (other than via Corporately agreed discount schemes or voluntary benefits which have been agreed for all employees). This includes using personal loyalty cards (e.g. Nectar or Boots Advantage) when making Council purchases.

16.95 **Use of Council Resources**

All equipment, buildings, grounds and vehicles are provided for use during agreed working time and should only to be used in connection with the work that employees are paid to carry out for the Council.

- 16.96 Council resources should not be used in connection with outside activities, or other paid or unpaid work, that employees may have outside of their role with the Council.
- 16.97 Council premises should not be used for any purposes other than work activities, including outside of hours' meetings, and any not work meetings should not take place without the written permission of a senior manager.
- 16.98 Employees must ensure and demonstrate that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community. They must comply at all times with the Council's standing orders and financial regulations.
- 16.99 **Use of Electronic Equipment and Systems (including IT and phones)**
Electronic equipment and systems must be used in a responsible and legal manner. Misuse, including offensive and illegal use, is a serious matter and is likely to result in disciplinary and, where appropriate, legal action. User logins will be allocated to you in order for you to access information necessary for your work. You must keep these safely and not share them.
- 16.100 The IT Acceptable Use Policy can be found in the People Management Handbook. This clarifies individual's responsibilities when using a variety of the Council's electronic equipment and systems including computers, emails, internet and intranet and phones. Where permitted to use equipment for personal use, this must be done in an employee's own time, before or after work or during unpaid breaks and at nil cost to the council. Employees are expected to familiarise themselves with the elements of the Policy that applies to their area of work. Further guidance can be found in the IT Policy Library on the intranet. If you are in any doubt, employees should always seek manager approval before use.
- 16.101 The use of IT systems and a record of all sites that you access is automatically stored and may be examined later if misuse is suspected. If you think that an employee may be abusing equipment and systems, you should raise this with an appropriate manager.
- 16.102 Personal use of IT facilities should be made with the knowledge and permission of the user's manager.
- 16.103 Where there is permitted personal use of IT facilities, users should have in mind that they are using Council facilities and should not use these in such a way that would cause reputational damage to the Council.

- 16.104 Employees should be careful when using social media (for example, WhatsApp, Facebook, Twitter, blogs and emails), both at work and outside of work, to ensure that they do not discuss or publish anything in a personal capacity which is related to their work, the Council, employees, Councillors, services or service users, and which identifies, or could identify, a link to any of these. Employees should be careful when 'friending', via social media, any service user who is known to them in a professional capacity and should notify their manager if this situation unintentionally arises. Further guidance can be found in the Personal Use of Social Media – Guidance for Colleagues and the IT Acceptable Use Policy.
- 16.105 Actions that are not permitted by the user's manager or supervisor are not acceptable use of Council IT facilities. Managers and supervisors should take action to ensure that improper use ends where they believe that IT facilities are being used improperly, referring to the IT Acceptable Use Policy, sections 4 and 5 and IT Acceptable Use Guidance. Such action may include initiating an investigation under the Council's Disciplinary Procedure.
- 16.106 **Information security**
Employees must treat all information that they come across during their work as confidential and ensure that they comply with the Data Protection Act and the General Data Protection Regulations, other relevant legislation and Council policies relating to the gathering, processing, sharing, disclosure, retention and storage of information. Information should be used for official purposes only, in relation to their work.
- 16.107 Employees are responsible for the correct handling and sharing of information relevant to the work that they do. If in any doubt, seek further clarification and do not release any information to anybody if unsure. Further information on data protection can also be obtained from Managers and the Information Governance team and via the e-learning Information Matters intranet site.
- 16.108 If, after raising issues with an appropriate manager, an employee still believes that disclosure is in the public interest, they must follow the Whistleblowing Procedure and ensure that the Council has been given the opportunity to address any concerns internally in the first instance.
- 16.109 **Media Communication**
Employees must not make any statements about Council business or services to the media without the prior agreement of a senior manager.
- 16.110 The council recognises that, from time to time, trade union stewards, acting in their official capacity, will share messages as part of negotiations and collective consultation and other trade union activities. In such cases, it is expected that regardless of differences in opinions and perspectives, communication is clearly worded, appropriate, respectful and professional.

16.111 Ownership of Information

The Council owns the intellectual property rights for the work that employees produce in their normal course of employment. This includes inventions, patents, creative writings and drawings. Similarly, all records, committee papers and other documents which relate to the Council's business are the property of the Council. Employees must not share information outside of the organisation without written permission, nor are they entitled to take any such property with them when they cease to work for the Council.

16.112 Safeguarding

Safeguarding is action taken to promote the welfare of children, young people and vulnerable adults to protect them from harm, abuse and maltreatment.

16.113 Everyone working for the Council has a responsibility for safeguarding and are expected to be vigilant to the best of their ability. If you become aware or suspect inappropriate or abusive behaviour or that someone is in danger, you must report your concerns immediately to a suitable person. A suitable person may be your manager, however, it may be more appropriate to contact the Council's emergency duty or safeguarding teams.

16.114 If you believe the situation is serious or potentially life-threatening, you should ring 999 immediately and contact the police.

16.115 Your manager should discuss with you any specific safeguarding responsibilities which apply to your job, identify safeguarding training appropriate to your role and level of responsibility and ensure that you are familiar with relevant policies, practices and legislation.

16.116 All employees working with members of the public, including children under the age of 18 or vulnerable adults, should report anything of concern regarding their welfare and wellbeing as defined in Section 16.112 to a relevant manager as soon as practically possible to allow the Council to assess the potential risks to those individuals.

16.117 This also applies to other groups of employees who have been Disclosure and Barring Service (DBS) checked in order to carry out their role. There is no need to declare any conviction or caution that would be omitted from a DBS certificate (Standard or Enhanced) in compliance with the DBS 'filtering' guidance; the latest version of which should be accessed via the DBS website. Employees working with vulnerable groups may be suspended if DBS clearance status changes or is due to change.

16.118 The Council's DBS policy provides more detail on the Council's position and approach to safeguarding vulnerable groups.

16.119 Professional Registration and Licenses

If your job requires you to have professional registration with a regulatory body or a mandatory licence in order to carry out your duties, you are expected to maintain this and to notify the Council immediately of any changes to your status. You must ensure that you comply with any professional standards, codes of practice and continuing professional development requirements expected by the regulatory body or licence. Examples of this include registration with Social Work England, which is a legal requirement in order to practice as a Social Worker, Educational Psychologist or Occupational Therapist, or a full driving/HGV licence.

16.120 The Council will consider a failure to maintain these requirements very seriously as you may no longer be able to fulfil your job role which could lead to disciplinary action and could result in dismissal or other appropriate sanction.

16.121 Any subscription or renewal fees for professional registration, membership or a licence, are your responsibility.

16.122 **Employment Checks**

You will have undergone pre-employment checks appropriate to your job before starting work for the Council. This could include, for example, Right to Work, Disclosure and Barring Service (DBS), medical fitness and Non-Police Personnel Vetting (NPPV).

16.123 Further health checks may be necessary during the course of your employment due to statutory requirements or changes to your work or health (see Health Surveillance). You are expected to comply with all reasonable requirements but may reserve the right not to disclose the content of medical reports. In such circumstances, where you exercise the right not to disclose or share medical reports, Managers may take a decision based on the available information and this could result in you being unable to undertake your duties.

16.124 **Gifts and Hospitality**

Many Council employees have dealings with people outside the Council, particularly members of the public, suppliers, contractors and other private organisations. The general principle is that no offer of a gift or inducement, whether made at specific occasions (e.g. at Christmas) or casually, should be accepted when the gift is made by, or indirectly by, a person, firm or organisation which, to the knowledge of the employee, has or seeks to do business with the Council or to have an interest in its decisions.

16.125 If an employee is ever in any doubt about what is permissible, they should refer to the Gifts and Hospitality Policy and must speak to their manager or seek advice from the Council's Monitoring Officer prior to accepting anything, in order to avoid any misunderstanding.

16.126 Details of every offer of a gift or hospitality (other than those which this code exemplifies as being acceptable) either offered to and refused or offered to and accepted by employees will be maintained in the departmental register(s) kept

for that purpose. The departmental registers are open for inspection by the Chief Executive and the Chief Finance Officer.

16.127 External Lectures, Presentations and Advice

Employees are sometimes invited to give lectures, presentations or advice to other organisations using their professional skills and expertise. You should always discuss any invitations with a senior manager who will determine whether or not this is appropriate and how any fees arising should be treated. Further information can be found Sections 16.68 and 16.69.

16.128 Sponsorship

Employees should speak to a senior manager for advice on any potential sponsorship arrangements between the Council and an outside organisation or individual.

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

16.130 Where the Council wishes to sponsor an event or service, neither an employee, or any partner or relative, must benefit from such sponsorship without there being full disclosures of any such interest in accordance with Section 16.71 of this Code. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved. Where they are seeking to sponsor a Council activity, the policy on Gifts and Hospitality must be particularly borne in mind; if you are involved in the Council's wish to sponsor an event, employees must consider declaring an interest.

16.131 Membership of a Secret Society

All employees must declare any membership of any organisation classed as a secret society, for example the Freemasons. Such a declaration must be made in writing and sent to the Head of Service who will record it in a departmental register(s) kept for that purpose. The following information will be recorded in the departmental register(s):

- the name of the member of staff
- the secret society of which that member of staff belongs.

The departmental registers are open for inspection by the Chief Executive and the Corporate Director of Finance & Resources.

16.132 The Council's definition of what constitutes a secret society is in line with the Yearbook: "Any lodge, chapter, society, trust or regular gathering or meeting, which:

- is not open to members of the public who are not members of that lodge, chapter, society or trust

- includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gather or meeting; and
- includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion."

16.133 **Allegations, Criminal Charges and Changes to Status**

The City Council expects employees to disclose, without delay, to an appropriate line manager if they:

- have been arrested or are facing any allegations, criminal charges, caution, reprimand, Anti-Social Behaviour Order (ASBO, or any other police intervention that may have a bearing on their role or the Council's reputation
- are being interviewed by the police in connection with a potential criminal matter
- have experienced changes in their professional registration status which may have a bearing on the undertaking of their role or professional status
- are engaged in a conduct process relating to safeguarding matters in another employment.

16.134 You should also inform your manager of any close associations that you have with any person who is facing serious allegations or criminal charges which could have a bearing on your role or the Council's reputation. This includes a relative, partner, personal friend or anyone else with whom a relationship exists that could compromise or have a bearing on your professional judgement or practice in your work role.

16.135 Further information can be found in in the Council's Disciplinary Procedure Guidance and Guidance (section 12.2) in the People Management Handbook. If you require anymore clarification, you should speak to your manager or Departmental HR Team.

16.136 **Health and Safety**

The Health and Safety at Work Act 1974 places a duty on workers, whilst they are at work, to take reasonable care for the health and safety of themselves and others. Therefore, it is a legal requirement that you comply with all safety rules, procedures and instructions whilst working for the Council, including using the correct Personal Protective Equipment (PPE) and clothing.

16.137 You will be expected to participate in appropriate training and use equipment in accordance with safety instructions in order to carry out your duties. If you feel that this is not the case, or have health and safety concern about any work practices, you should report this to an appropriate manager immediately.

16.138 Senior managers (Corporate Director and above) should be aware that the Corporate Manslaughter and Corporate Homicide Act 2007, creates responsibilities for them to ensure that working practices and work premises are safe. Further information can be obtained from the Corporate Safety Advisors.

16.139 **Declarations**

All employees of the City Council are required to adhere to the Code of Conduct as set out above. It is likely that during the course of your employment, you might come across a conflict of interest and for that reason it is important that you are able to identify what a conflict, or a potential conflict, is and notify your Manager at the point that this becomes relevant. Your Manager will then take action to assess, remove or mitigate any conflict including reallocation of the work to another employee or team.

16.140 The types of conflicts which employees are required to declare are set out in the following Sections of this policy:

- Section 16.15 – Disclosure of Information
- Section 16.48 – Relationships
- Section 16.58 – Appointment and Other Employment Matters
- Section 16.63 – Outside Commitments
- Section 16.71 – Personal Interests
- Section 16.82 – Separation of Roles During Tendering
- Section 16.88 – Corruption
- Section 16.131 – Membership of A Secret Society
- Section 16.133 – Allegations, Criminal Charges and Changes to Status.

This is not an exhaustive list and is intended to be a guide for employees only.

16.141 If you remain uncertain about potential conflicts of interest within your role, or if you have any doubts as to whether you may have any interest which should be declared, please speak to your Manager or the Council's Monitoring Officer.

16.142 Senior Officers (Corporate Directors and Directors), in addition to the above, are required to submit an annual declaration of interest.