

Report to

Standards Committee	27 November 2008
Scrutiny Co-ordination Committee	17 December 2008
Cabinet	13 January 2009
Council	13 January 2009

Report of

Director of Finance and Legal Services and
Director of Customer and Workforce Services

Title

Model Code of Conduct for Employees

1 Purpose of the Report

This report asks the City Council to submit a response to the Department for Communities and Local Government in relation to its consultation paper that proposes to introduce a Model Code of Conduct for local authority employees. The report seeks the views of both the Standards Committee and Cabinet, so that they can make appropriate recommendations to full Council.

2 Recommendations

For Standards Committee:-

- 2.1 To recommend the Standards Committee to consider the draft response attached at Appendix 2.
- 2.2 To make such recommendations as the Standards Committee consider appropriate to Cabinet and the full Council to assist them in their consideration of the issues.

For Cabinet:-

- 2.3 To recommend the Cabinet to consider the draft response attached as Appendix 2 to this report, together with any comments received from the Standards Committee.
- 2.4 To make such recommendations as Cabinet consider appropriate to full Council at its meeting on 13 January 2009.

For Council:-

- 2.5 To agree the response to the consultation document issued by the Department for Communities and Local Government taking into account all comments received, and to delegate authority to the Head of Legal Services to finalise that response in the light of the Council's views.

3 Information/Background

- 3.1 The Department for Communities and Local Government (“the Department”) have produced a consultation paper entitled “Communities in control: Real people, real power. Codes of conduct for local authority members and employees”. This report only addresses the proposal to introduce a Model Code of Conduct for local authority employees. There is a separate report relating to proposed changes to the Member Code of Conduct.
- 3.2 In August 2004 the Government consulted on a model code of conduct for local government employees. Responses indicated that the model code of conduct consulted on was inadequate. In addition, it was felt that a code of conduct to all staff would be needlessly bureaucratic as all employees would be subject to the same code regardless of their position. There was some support for following the model of the Welsh code of conduct, which only applies to a certain category of defined senior officer. Alternatively, the code could be restricted to those who exercise executive, regulatory or overview and scrutiny powers under the authority’s scheme of delegation to officers.
- 3.3 Another view in response to the earlier consultation was that certain aspects of the code (eg registration of interests) could be limited to senior officers while other more universal aspects should be applicable to all – for instance, it is beyond question that all employees should behave with honesty and integrity.
- 3.4 The current consultation paper acknowledges that many local authorities already have a code of conduct for employees in addition to, or part of, their standard terms of conditions of employment. The Department acknowledges that these codes range from simple statements agreeing to act with propriety to comprehensive documents covering everything from political neutrality to intellectual property matters. These codes of conduct are also integrated into the authority’s discipline procedures.
- 3.5 Within the City Council there is a comprehensive code of conduct in existence and does form part of employee terms and conditions of employment. A copy of this code is attached at **Appendix 1**.
- 3.6 The Department has stated that it is not intended that the employees’ code of conduct be a burden on authorities or employees and that the proposed model code should not constrain an authority’s ability to develop its own code reflecting local needs and conditions. In addition, the Department felt that authorities should be able to adopt supplementary provisions beyond the employees’ code in order to provide staff with an effective ethical framework within which to work.
- 3.7 In view of the Member code of conduct being in place and members having to abide by that code, the Department believes that there is a reasonable expectation that officers undertaking functions delegated to them by members would have to abide by the same conduct regime as members when performing those functions.

4 Proposal and Other Option(s) to be Considered

- 4.1 The Department proposes to introduce a code of conduct for local government employees in relevant authorities and would include district, metropolitan and parish council employees. The proposed responses to the Department's questions at **Appendix 2** are those recommended by the West Midlands Local Government Association and it is being recommended to the City Council to adopt those same responses.
- 4.2 It is not proposed to extend the code of conduct to certain employees where there is already in place a professional code of conduct and would include teachers and solicitors.
- 4.3 The Department proposes a two-tier model for the code of conduct. The first tier (drawing on the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001)) would apply to all employees and would contain the core values that it is reasonably expected every employee should abide by. The second tier, which would draw on the Member code of conduct, will apply to 'qualifying employees'. These employees would be defined either as senior officials or, alternatively, those officials carrying out delegated functions. The proposed core values for all employees are set out in **Appendix 3**.
- 4.4 In addition to the core values there are two alternatives for selecting 'qualifying employees' who would need to adhere to additional requirements which emanate from the restrictions and expectations of the Members code of conduct.
- 4.5 The first option for 'qualifying employee' is for those employees who are in politically restricted posts (under section 3 of the Local Government and Housing Act 1989) and assumes that certain posts are senior or influential to warrant controls placed on the activities of postholders. Certain posts would be designated as qualifying employees. Employees included in politically restricted posts include the chief executive, directors, heads of services, monitoring officer, political advisers, officers above a specified salary who regularly give advice to the authority (committee/sub-committee or joint committee which the authority is represented) and those who regularly speak on behalf of the City Council to journalists or broadcasters.
- 4.6 The second option for 'qualifying employee' is the delegation model. This would see qualifying employees selected on the basis that they perform functions delegated to them by elected members (under section 101 of the Local Government Act 1972). The proposed values for qualifying employees are set out in **Appendix 4**.
- 4.7 The proposed code would also include a requirement where qualifying employees have a prejudicial interest. A prejudicial interest is considered to be a matter which affects the qualifying employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.
- 4.8 A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.
- 4.9 Qualifying employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.
- 4.10 **Contractors, partners and part time staff** : The Department acknowledges that local authorities have an increasingly complex relationship with the private sector in its work with

contractors, partners and part time staff. The Department considers that, rather than attempt to determine centrally when and when not to apply the employees' code not just to local government employee but those working on behalf of local government, it will be for local authorities themselves to decide in agreeing contracts, partnership agreements or terms and conditions of employment, if and how the employees' code, in whole or in part, should apply.

- 4.11 **Parish councils** : The Members' code of conduct applies to parish councillors as well as members of larger authorities, and therefore the Department felt it reasonable for the ethical framework of the employees' code to apply to parish council employees. The Department recognise that the environment that parish councillors operate within is different to that of larger authorities and are conscious that what is considered to be a reasonable expectation in the employees' code for larger councils, may prove to be difficult for parish councils.
- 4.12 The Department would welcome responses from parish councils on any particular aspect of the employees' code that might present difficulties and how those difficulties could be overcome.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value		
Children and Young People		
Climate Change & Sustainable Development		
Comparable Benchmark Data		
Corporate Parenting		
Coventry Community Plan		
Crime and Disorder		
Equal Opportunities		
Finance		
Health and Safety		
Human Resources	☒	
Human Rights Act		
Impact on Partner Organisations		
Information and Communications Technology		
Legal Implications	☒	
Neighbourhood Management		
Property Implications		
Race Equality Scheme		

	Implications (See below)	No Implications
Risk Management		
Trade Union Consultation		
Voluntary Sector – The Coventry Compact		

6 Timescale and expected outcomes

- 6.1 The deadline for responses to the consultation is 24 December 2008. The Department has been contacted for an extension of time to submit the Council's response. The Department has stated that it will be considering responses during January 2009 due to the high volume of responses expected.

7 Human resources

- 7.1 This is a national consultation exercise in which trade unions are being consulted

8 Legal implications

- 8.1 Section 82(7) of the Local Government Act 2000 provides that the provisions of a code of made under section 82(1) of the Act will be deemed to be incorporated in employees' terms and conditions of employment.

	Yes	No
Key Decision		√
Scrutiny Consideration (if yes, which Scrutiny meeting and date)	Scrutiny Co-ordination Committee 17 December 2008	
Council Consideration (if yes, date of Council meeting)	13 January 2009	

List of background papers

Proper officer: *Director of Finance and Legal Services and
Director of Customer and Workforce Services*

Author: Christine Forde Telephone 02476 83 1587
Head of Legal Services
(Any enquiries should be directed to the above)

Other contributors:
Sue Iannantuoni, Acting Head of Human Resources – ext 3020
Gill Carter, Senior Solicitor – ext 3116

Papers open to Public Inspection

Description of paper

Location CH59

Communities in control: Real people, real power. Codes of conduct for local authority members

and employees. A Consultation

5.2 **Code of Conduct for Employees**

5.2.1 **Introduction and Scope**

5.2.1.1 This Code of Conduct is based on the key principles arising from the work of the Nolan Committee on the Standards in Public Life. The Code outlines the minimum standards that you as a Council employee, must adhere to. This Code does not apply to school based teaching staff who have their own Code.

5.2.1.2 You must comply with this Code as it forms part of your terms and conditions of employment. The Council believes that employees are responsible for their actions. It is the responsibility of all employees to read the Code. If any of the provisions contained within this Code of Conduct, related Codes of Practice or Policies are not fully understood, then you must, in your own interests, seek clarification from manager or Human Resources Team.

5.2.1.3 All employees are expected to perform their duties with honesty, integrity, impartiality and objectivity and in particular to:-

- I Give the highest possible standards of service
- II Do nothing inside or outside working hours which could damage the City Council's reputation
- III Behave honestly
- IV Follow the City Council's policies and procedures

5.2.1.4 The people who live in, work in or visit Coventry, are entitled to high-quality services and a high standard of behaviour from all of the City Council's employees. Public confidence in employees' integrity would be shaken by the least suspicion that they could be influenced by improper motives. You must not put yourself in a position where your honesty or integrity could be called into question. The Council reserves the right to monitor its employees including surveillance, (in accordance with any relevant legislation and City Council policies) to ensure that the provisions of this Code of Conduct are being adhered to.

5.2.1.5 If your actions or behaviour fall below the standards set out in this Code then the City Council may take formal disciplinary action against you including the possibility of summary dismissal without notice. Serious misconduct, criminal offences or other acts committed outside working hours which bring the City Council into disrepute may also result in formal disciplinary action being taken against you, in accordance with the City Council's procedures.

5.2.1.6 You must comply with the rules and procedures set by the City Council in relation to actions and behaviours. These include:-

- Equal Opportunities Policies
- Race and Disability Equality Policies
- Flexitime Scheme
- Internet Policy and e-mail and internet guidelines
- Customer Care Standards
- Policy and Strategy on Theft Fraud and Corruption
- No Smoking Policy
- Alcohol Awareness Policy
- Corporate Health and Safety Policy
- Corporate Sickness Absence Procedure

- IT Security Policy
- Recruitment and Selection Policy

5.2.2 Working with the Community

- 5.2.2.1 You must always remember your responsibilities to the people of Coventry and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.
- 5.2.2.2 The City Council values its partnership with other public, private and voluntary organisations and all employees should create successful working relationships with these organisations.
- 5.2.2.3 You have a duty at all times to uphold the law and relevant guidance bearing in mind the public's trust placed in Council employees.
- 5.2.2.4 The City Council will not tolerate an employee's physical, emotional or verbal abuse, harassment, discrimination, victimisation or bullying of service users, members of the public or other employees. Such actions may be deemed to be misconduct or gross misconduct and may result in disciplinary action including dismissal.
- 5.2.2.5 Employees working with young people or vulnerable adults are in a particular position of great trust. A breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard vulnerable service users and other recipients of Council services, will be regarded as potential gross misconduct. This may lead to disciplinary action including the possibility of summary dismissal without notice. Directorates will have appropriate guidance on good practice and working arrangements for dealing with vulnerable people which aims to ensure an appropriate professional environment and the application of necessary safeguards through risk assessment to address any potentially vulnerable situations.
- 5.2.2.6 The City Council believes that all its employees are entitled to be treated with respect, free from any threat or violence from members of the public, service users or others. If a member of the public is abusive or unreasonable, and you cannot ease the situation, you should try to end the conversation politely and then tell your Manager. Do not be rude or offensive in return. You should inform your Manager in writing immediately of any aggressive or offensive customer you have dealt with. Your Manager will be able to give you details of the policies that operate within your service area for dealing with aggressive or offensive customers.
- 5.2.2.7 If you are assaulted, you can take reasonable action to defend yourself, but you risk breaking the law if you overreact. In certain circumstances, it may be necessary for security staff to use reasonable force to remove a person who has acted violently and refused to leave the premises. Employees can call the Police if they need their help. The City Council will support and take appropriate action on behalf of all staff who are assaulted or abused in the course of their duties.
- 5.2.2.8 You should never mislead people who use the City Council's services or lie about the Council's business.

5.2.3 Working with other Employees

- 5.2.3.1 All employees have a right to be treated with dignity at work. You should always respect your colleagues and other employees and treat them how they wish to be

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treated. You should always help other colleagues if they need information, advice or services.

- 5.2.3.2 All forms of bullying, including violence, threats or verbal aggression towards colleagues is unacceptable and will be dealt with seriously by the City Council. It is not acceptable for an employee to abuse their position with the City Council to take advantage of other employees. If there are important issues that cannot be resolved amicably with another colleague, then you must make the situation known to their Manager. It is not acceptable to fight with, or assault, any employee or stop them from working.
- 5.2.3.3 All employees are required to follow the Council's policies on equalities and diversity. All forms of harassment, including racial and sexual harassment, and harassment on the grounds of disability, religion, class, sexuality, age, political affiliation or membership of a Trade Union are unacceptable. If you do not understand any part of the Council's policies on equalities, and diversity then you should raise the matter with your Manager.
- 5.2.3.4 If you leave your job, you should make sure that you leave your files and records in good order for the person taking over from them. You should put a note on each file, unless your Manager tells you otherwise, giving a brief history of the case, any action that needs to be taken and when it should be done. Any important dates and deadlines should be highlighted.
- 5.2.3.5 Personal relationships with colleagues who have a line management relationship with the post you hold must be declared upon appointment. If, subsequent to appointment, you develop a close personal relationship with a colleague who has a line management relationship, then you must inform your Head of Service immediately who will consider the appropriateness of such a relationship in conjunction with the duties of the post. If you are unsure about the need to inform your Head of Service about a close personal relationship with a colleague, then you should seek advice from your Manager, or from the Human Resources Team.
- 5.2.3.6 The Council operates a "No Smoking" Policy. This applies to all Council buildings and those where Council services are provided. It also applies when transporting service users in Council or private vehicles. The policy also applies to visits to service users in their own homes or other establishments.
- 5.2.3.7 You should not consume alcohol when you are on duty, unless agreed beforehand by your Manager for specific occasions. You should make sure that if you drink any alcohol when you are off duty, but during the working day, it will not affect your ability to carry out your work or damage the reputation of the City Council. For example, this could include if you have alcohol on your breath when you need to interview the public. If you use heavy machinery or drive Council vehicles, you should never drink alcohol during the working day. Some posts carry a specific restriction concerning drinking at any time and you will be told by your Manager or the Human Resources Team if this restriction applies to your job.
- 5.2.3.8 You should not take any non-medical substance, such as drugs that may affect your ability to work. Prescribed drugs may be taken on condition that they do not interfere with service delivery. If a Doctor gives you any medication that may have a negative effect on your performance, you should tell your Manager in confidence. The use of illegal substances will not be tolerated by the Council and may result, not only in

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formal action being taken against you, including the possibility of summary dismissal, but also with the matter being reported to the Police.

5.2.4 Working with Managers

- 5.2.4.1 It is important that employees have an effective working relationship with their Manager. You must always be honest with your Manager. The Manager will tell you what is expected from you, respond to any concerns you may have about your work, assess your performance and give you feedback, in seeking advice on how you can improve.
- 5.2.4.2 Your Manager and the Human Resources Team should tell you about the City Council's personnel policies and arrange for any appropriate training and development. You should help your Manager identify what training and development you need and how this can be provided.
- 5.2.4.3 You can expect your Manager to be polite, reasonable and fair to you all the time. Managers are there to support employees in their job and help them, if they need it, to deal with other employees or members of the public or other service users.
- 5.2.4.4 You must follow any instructions that your Manager gives you to the best of your ability. You must not be negligent in your duties as this may seriously affect the City Council or the people who use its services. If there is anything about your job you are unclear about, you should ask your Manager.
- 5.2.4.5 You must participate in any initiatives designed to improve the efficiency and effectiveness of service delivery.
- 5.2.4.6 You should always follow City Council policies, procedures, rules, codes of practice, and any other standards that may be set by your Manager. You should fill in any document, form or record in an honest way and never damage, alter or falsify them. You should never conceal any matter that you know you should report.
- 5.2.4.7 You must always tell your Manager, or Human Resources Team, if you change your home address, telephone number and next of kin so that the City Council can contact you.
- 5.2.4.8 If an employee has a complaint about another employee, they should tell their Manager. The City Council has a grievance procedure to deal with complaints.

5.2.5 Working with Councillors and Political Neutrality

- 5.2.5.1 Members of the Council, including co-opted Members, and employees have distinct but complementary roles. It is important for the effective operation of the Council that these respective roles are well understood and relationships between Members and employees are constructive. Mutual trust and respect between employees and Members are essential to good Local Government.
- 5.2.5.2 In carrying out your duties you must ensure that the individual rights of all Councillors are respected. You are expected to be polite and efficient when dealing with Members and you should ensure that you follow any Directorate process for dealing with Members, for example, when answering Councillors enquiries.

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- 5.2.5.3 You should never discuss any personal matters relating to your job with Members but should use the relevant Council procedures relating to grievances, appeals or consultation. Employees must not use Members to bypass formal Council procedures in any way.
- 5.2.5.4 You should never interrupt any formal Council business, such as a Council meeting.
- 5.2.5.5 Close personal familiarity between employees and individual Councillors should be avoided whenever possible, as this can damage the relationship, can be embarrassing to other employees and Councillors and can damage the City Council's reputation and probity. If you are in or develop a close personal relationship with a Councillor you should notify your Head of Service or your Directorate's Human Resources Team who will consider the appropriateness of such a relationship in conjunction with the duties of the post.
- 5.2.5.6 You should never directly or indirectly seek the support of any Councillor when you are making an application for further employment within the Authority.
- 5.2.5.7 Employees serve the Council as a whole. This includes all Councillors and not just those of a particular group. You must ensure that the individual rights of all Councillors are respected.
- 5.2.5.8 You must not allow your personal or political opinions to interfere with your work. Certain posts are "politically restricted" and subject to statutory requirements. If your post is politically restricted, you will be told of the restrictions that apply. If you require any further information, then ask your Manager or Human Resources Team.
- 5.2.5.9 Subject to the Council's conventions, you may be required to advise political groups and must do so in ways that do not compromise your political neutrality. When you attend a political group meeting, you should only do so by invitation and are there solely to advise and to answer questions. You should leave such meetings before any decisions are taken, unless specifically requested not to do so. All employees will observe confidentiality with regard to the issues raised whilst they are present at any group meeting, except to the extent necessary to undertake any further work requested by that group.
- 5.2.6 **Working Safely**
- 5.2.6.1 The City Council has a duty to provide a safe and healthy working environment. The City Council will also try and protect the health and safety of the people who use our services.
- 5.2.6.2 You also have a responsibility for health and safety and are expected to:-
- I Make sure your working environment is safe for yourself, your colleagues and the people who use City Council services and that you do not put employees or service users in danger
 - II Use any safety clothing and equipment that is needed for your work and make sure that that equipment is not misused, neglected or damaged
 - III Report any accident or "near misses" you have at work as soon as you can and accurately fill in an accident report form
 - IV Attend the Occupational Health Service if a Manager asks you to, and to have any medical examination that Occupational Health recommend
 - V Follow any particular hygiene requirements that are relevant to your job

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- VI Tell your Manager if you are taking any medication that may affect your job
- VII Never use any machinery or drive a vehicle if you have taken any medication or drug including alcohol that will affect your ability to operate
- VIII Co-operate with all health and safety activities, including training which is organised to promote health and safety
- IX Follow requirements under the Working Time Directive and Council's procedures to record your time.

5.2.7 Working Hours and Attendance

- 5.2.7.1 You should always be reliable and on time when you come to work and attend appointments.
- 5.2.7.2 If you need to ask for leave under any of the City Council's leave schemes, for example, maternity, sickness, flexible working hours or special leave, you must follow the conditions of the scheme.
- 5.2.7.3 You should fill in any relevant paperwork such as a request for annual leave or flexi leave within the time set by your Manager. The Council operates a collective agreement relating to the Working Time Regulations and this requires employees to undertake appropriate time recording and notify your Manager of any dual employment within the Council.
- 5.2.7.4 If you are sick, you should always follow the sickness reporting procedure.

5.2.8 Working with Integrity and Personal Interests

- 5.2.8.1 If you accept any bribe, money, favours or gifts from an individual or an organisation that provides Coventry City Council with goods or services or wants to do so, you may be guilty of corruption.
- 5.2.8.2 You should never put yourselves in debt to someone if it may influence your work in any way.
- 5.2.8.3 You must tell your Manager if anyone tries to bribe you or another employee or if there is any evidence of corruption or improper behaviour by others. If your Manager is involved, you should report it to the Chief Internal Auditor or to the Head of Legal Services.
- 5.2.8.4 There may be occasions where you have a financial or other interest in something being done by the City Council.
 - (i) You will have a financial interest where either you, or any member of your family has something to gain or lose financially. Such interest can be direct, such as applying for planning permission or services or grant from the Council, or indirect, such as being a member of an organisation which has made an application to the Council for a grant.
 - (ii) A personal interest is where you, or any member of your family, friends or organisation to which you belong could gain or lose (other than financially) from an act or decision of the Council.
- 5.2.8.5 All City Council employees have a statutory duty to declare any financial interest that they, or a member of their family has in any contract or potential contract with

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Coventry City Council. If you have such a financial interest, you must not take part in any negotiations or preparations for the contract. If you have an interest in a contract, and have to monitor it as part of your duties, then you must advise your Head of Service, who will decide whether or not that role can still be undertaken. This also applies in any case where the City Council pays or proposes to pay, money, for example a grant, to another organisation, whether or not there is a formal contract with that organisation.

- 5.2.8.6 You are required to declare to the Head of Legal Services, any financial interest which could conflict with the City Council's interests, including any directorships or equivalent position which you may hold.
- 5.2.8.7 You must declare to your Head of Service, any other non-financial or personal interests which could conflict with the City Council's interests. Details of these interests will be kept in a register which will be open for public inspection.
- 5.2.8.8 Employees involved in any tendering process and dealing with contractors are expected to understand and be aware of the need for accountability and openness.
- 5.2.8.9 You must be fair when dealing with customers, suppliers and other contractors or sub-contractors.
- 5.2.8.10 You must make sure you do not give any special favours to current or former employees or your friends, partners, relatives or associates when awarding contracts to businesses run by them or employing them in a senior role.
- 5.2.8.11 You may have access to confidential information, tenders or costs, and must not disclose that information to any unauthorised party or organisation. If you are not sure whether information is confidential or not, you should seek guidance from your Manager.
- 5.2.8.12 The Council will not tolerate any of its employees engaging in fraud against the City Council. If you think that a colleague may be committing fraud, you must tell your Manager, who will then tell the Chief Internal Auditor and the Head of Legal Services. If you cannot discuss the matter with your Manager, then you should raise the matter either with your Head of Service or with the Head of Legal Services. If you report anything to your Manager, but they do nothing about it, you may contact the Chief Internal Auditor.
- 5.2.8.13 Defrauding, stealing or attempting to do so, from the City Council, will not be tolerated. This includes deliberately giving false information on claims, such as timesheets, mileage and travel/subsistence allowances, petty cash forms, self-certification forms or attendance records. You should always complete any document, form or record honestly.
- 5.2.8.14 The Council requires its employees to report genuine concerns relating to potential fraud, theft or unethical behaviour to their Managers/Supervisors. In addition, you can contact any person or organisation named in the Whistleblowing procedure. See Section 18 entitled "Whistleblowing" at page 14.
- 5.2.9 **Working with Money and Property**
 - 5.2.9.1 The City Council's property such as stationery, photocopiers, word processors, tools, materials, offices, car parks and facilities may only be used for Council business.

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Other facilities such as telephones, mobile phones, internet, e-mail can only be used in accordance with the relevant Council policies and procedures. If you wish to use any of these facilities for private use, then you must first obtain the written consent of your Head of Service.

- 5.2.9.2 You must not steal, borrow without authorisation, damage on purpose, or seriously neglect anything that belongs to the City Council. You should not steal or damage on purpose anything belonging to the Council's customers, service users, employees, Councillors, partners or anyone else who you come into contact with in your work.
- 5.2.9.3 You must return any property or equipment which you have been allowed to borrow by your Manager as soon as you leave your job or when your Manager tells you to do so. The City Council will regard any theft or improper private use involving its money, property, equipment or investments as a serious matter and it is the policy of the City Council always to prosecute in such cases.
- 5.2.9.4 Telephone calls and e-mails/internet logging systems are in operation in the City Council and may be used to identify usage for private purposes. Any communications using City Council systems, including the use of mobile telephones may be monitored by the City Council in accordance with the law and relevant policies.
- 5.2.9.5 You must ensure you use public funds entrusted to them in a responsible and lawful manner in accordance with the rules prescribed by the City Council to ensure value for money and to avoid legal challenge. All employees are required to comply with the City Council's Standing Orders, regulations and administrative procedures relating to financial management.
- 5.2.10 **Working and the Law**
- 5.2.10.1 You are expected to keep within the law during your employment at all times. The City Council cannot act, or require, any employee to act outside or in breach of the law.
- 5.2.10.2 You must tell your Manager if you are charged with any offence, including driving offences. The Manager will decide if the City Council's reputation may be damaged as a result, taking account of the job and whether or not the charge might make you unfit to do your job.
- 5.2.10.3 You must tell your Manager, in writing, if you receive any criminal conviction, binding over or caution, unless it is excluded by the provisions of legislation relating to the Rehabilitation of Offenders.
- 5.2.11 **Working and Contact with the Media**
- 5.2.11.1 It is City Council policy that all media liaison relating to Council activities is headed by the Corporate Communications section, (or Directorate team where relevant) in conjunction with Heads of Service and Management Board members. You should therefore not speak, write, give interviews or take telephone calls for "information" relating to Council business unless you have the prior permission of your Manager, your Directorate Communications Team and/or the Head of Corporate Communications.

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- 5.2.11.2 You should pass on all enquiries from the press, radio, television or other media to the press office and your Manager, unless dealing with such enquiries is a normal part of your job.
- 5.2.11.3 You may write or give an interview about things that are not connected with Coventry City Council, as long as you are not identified as being a City Council employee or as representing the Council's views. Where you are writing material for publication which does not refer specifically to the City Council, but does relate to your profession/occupation, then you must notify your Head of Services prior to publication.
- 5.2.11.4 You must never publicise material which is confidential or against the City Council or any employee's interest.
- 5.2.11.5 If you are a corporate accredited trade union official recognised by the Council then you may have contact with the media in relation to the activities of your Trade Union without seeking any prior approval of your manager or Corporate Communications.
- 5.2.12 **Gifts and Hospitality**
- 5.2.12.1 The City Council expects the conduct of all of its employees to be of the highest standard. Employees' actions must not be influenced by offers of gifts or hospitality and their actions must not give the impression that they are influenced in this way. Acceptance of any gift should be the exception. The City Council recognises that there are some items, of token value, which may be accepted.
- 5.2.12.2 You must not accept personal gifts of any kind, unless they are modest and are of token value (less than £25). Items such as coffee mugs, diaries, calendars or other promotional materials can be retained if your Manager agrees. However, these gifts must be recorded in the relevant hospitality register unless your Manager tells you otherwise. If your Manager does not allow you to accept any small gifts, you must return them politely, but firmly, telling the person who gave it why and recording it in the Hospitality Register.
- 5.2.12.3 Without causing offence, you should discourage service users or other organisations from offering gifts. However, where small gifts, such as chocolates, are given as thanks for a service provided, then these can be accepted if they are shared within the Team or raffled for charity. No gift of alcohol or tobacco should ever be accepted.
- 5.2.12.4 If gifts have a higher value than £25, then you should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, then the Head of Service, or his nominee, should dispose of them to charity and record this fact in the Hospitality Register.
- 5.2.12.5 Under no circumstances, should gifts of cash, or tokens or vouchers of a monetary value, be accepted.
- 5.2.12.6 In relation to the acceptance or hospitality, special care should be taken so as to ensure there can be no suggestion that an employee was influenced by such hospitality.
- 5.2.12.7 You should never accept a gift of hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking employment

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with the Council, seeking any form of consent of grant, or is in dispute with the Council. You should always decline any gift or hospitality if you think the giver has an ulterior motive. You should always be sensitive to the possibility that the giver may think even small gifts or simple hospitality may elicit a better service or preferential treatment in their dealings with the Council.

- 5.2.12.8 The definition of "hospitality" includes drinks, meals, entertainment, sporting events, overnight accommodation, travel and holidays.
- 5.2.12.9 The following standards apply to hospitality:-
- I. If you are offered hospitality, you should tell your Manager immediately and record the offer in the Directorate Hospitality Register, whether it is accepted or not. If you refuse the hospitality, it must be recorded in the Register
 - II. You should never accept hospitality unless you genuinely need to give or receive information or to represent the City Council in your work
 - III. Your Manager must agree, beforehand, wherever possible
 - IV. You should never accept any hospitality if it is meant to corrupt or influence, or could be seen to corrupt or influence or as being against the City Council's interests
 - V. The timing of hospitality is an important factor. For example, hospitality should never be accepted from a contractor who is about to put in a tender for City Council work
- 5.2.12.10 You may accept incidental hospitality, such as light refreshments, working lunch or other meals which is part of a visit, conference, meeting or promotional exercise.
- 5.2.12.11 Invitations to social events offered as part of normal working life, such as opening celebrations, annual dinners, may be accepted if authorised in advance by the appropriate Head of Service.
- 5.2.12.12 Invitations to other types of hospitality which are not directly linked to the City Council's functions, such as attendance at sporting events, theatrical or musical performances, "corporate days", paid holidays or concessionary travel rates, should not be accepted.
- 5.2.12.13 Where visits are required to inspect equipment, sites etc, you must ensure that the City Council meets all the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decision. Where anything other than incidental hospitality is offered by an existing contractor, or by an organisation likely to be involved in a contract, the hospitality should be refused. You should avoid socialising with organisations and should pay your own bills for meals, travel etc, (claiming any expenditure back under the Council's procedures for reimbursement as appropriate).
- 5.2.12.14 Similar rules apply to those instances where employees are offering hospitality on behalf of the City Council. The following guidelines must be observed on all occasions. For the purpose of these guidelines "hospitality" excludes the normal tea, coffee and other refreshments provided at meetings:-
- (i) any hospitality must be provided on a modest scale.
 - (ii) so far as is practicable, hospitality must be provided in the workplace.
 - (iii) soft drinks only must be provided in the workplace, alcoholic drinks must not be available.

- (iv) if it is necessary to provide hospitality outside the workplace, this must be on a model scale appropriate to the occasion. The cost must not be excessive.
- (v) the number of employees involved on any occasion when hospitality is provided must be restricted, and in any event, must not extend beyond those directly involved with the matter in hand.
- (vi) the provision of all hospitality must be personally approved by your Manager, a Head of Service or Director.
- (vii) bills for hospitality provided must be certified for payment by your Manager, Head of Service or Director.
- (viii) each service will maintain in their hospitality register, a record of all occasions on which hospitality has been provided, the number of persons involved, and the costs incurred.

Sponsorship

- 5.2.12.15 Where an outside organisation wishes to sponsor or is seeking to sponsor a City Council activity, whether by invitation, tender, negotiation or voluntarily, the Code concerning acceptance of gifts or hospitality applies.
- 5.2.12.16 Where the City Council wishes to sponsor an event or service, neither an employee or any partner, relative or friend is expected to benefit from such sponsorship in a direct way without there being full disclosure to, and prior approval by, their Head of Service of any such interest. Such disclosure and approval shall be recorded in the Hospitality Register.
- 5.2.12.17 Any register of gifts or hospitality maintained under this Code of Conduct shall be open to public inspection.

5.2.13 Recruitment and Selection and other Employment Matters

- 5.2.13.1 If you are involved in recruitment and selection you are expected to ensure that all appointments are made strictly on the basis of merit in accordance with the City Council's recruitment and selection processes.
- 5.2.13.2 If you are related to an applicant for a position or have a personal or business relationship with an applicant, you should not be involved in the recruitment process.
- 5.2.13.3 You should not be involved in decisions relating to the discipline, promotion or pay adjustments of any other employee who is a relative, partner or close personal friend of yours.
- 5.2.13.4 Any reference that you give in relation to another employee on behalf of the City Council whether it is written or verbal, should be factual and/or give an honest representation of the experience, skills, abilities and/or other qualities of that employee.

5.2.14 Outside Commitments and Private Work

- 5.2.14.1 The City Council prefers its employees not to have any other outside employment. You must obtain prior consent of your Head of Service before taking upon any outside employment. Consent will not be given if the outside employment could conflict with, or be detrimental to, the City Council's interests or weaken public confidence in the conduct of the City Council's business. You are particularly

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discouraged from using the professional skills for which you are employed by the City Council within the geographical area of the City Council.

- 5.2.14.2 Any secondary or other employment carried out by you must be done in your own time, including time when you are on annual leave. The work must not be done during the time the City Council employs you and that includes periods of sickness absence.
- 5.2.14.3 In undertaking any extra employment, unless it is on the Council's behalf, City Council facilities, such as telephones, photocopiers, word processors, e-mail, internet, vehicles or any other equipment must not be used for that purpose.
- 5.2.14.4 Employees can give unpaid service to voluntary or other organisations and the City Council welcomes this involvement in community affairs. However, it is important that unpaid service does not affect your job or the City Council's reputation. You should tell your Manager if you give any unpaid service including:-
- I. Acting as a School Governor within schools maintained by the City Council
 - II. Giving service to any organisation that receives grant aid from the City Council
 - III. Giving service to any organisation or pressure group which may try to influence the City Council's policies
- 5.2.14.5 You must give to the City Council any money you receive for work which you do such as lectures, broadcasts or magazine articles as part of your job. However, you can keep money for any work which is not paid for by the City Council and which is done in your own time, or when on holiday or flexi-leave.
- 5.2.15 **Disclosure of Information and Confidentiality**
- 5.2.15.1 You should be fair and open when dealing with others and ensure that elected Members and members of the public have access to the information they need and have a legal right to unless you have a good reason not to permit this.
- 5.2.15.2 Information held by the Council, especially in relation to individuals, may be subject to the provision of the Data Protection Act or the legislation. You should never put yourself in the position where the disclosure of such information puts you and/or the Council at the risk of breaking the law. If you are in any doubt you should ask your Manager or consult the Council's Data Protection Officer.
- 5.2.15.3 A lot of the information held by the City Council is confidential, for example, individual case files, employee records or tendering documents. You should not pass these documents to any outside person or organisation unless you have your Manager's permission.
- 5.2.15.4 You must not use any information that you get in your job for personal gain or financial benefit or pass it to anyone else. You must not give information to anyone outside the Council about tenders or individual clients either when you are working for the City Council or after you have left.
- 5.2.15.5 You must ensure that you follow the City Council's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and logging on and off. You must never share a password or similar

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security device which may lead to unauthorised access to Council's systems or property.

- 5.2.15.6 The City Council has the right to go into all its property and look at personal information, including e-mails and computerised data if needed. You are not permitted to take copies of any software for your own use or to use your own software, including computer games, on the City Council's equipment.

5.2.16 **Dress and Personal Appearance**

- 5.2.16.1 Council employees act as ambassadors for services and must maintain a standard of dress and appearance as appropriate or required for the workplace and to the work being undertaken. Clothes should provide sufficient cover not to be offensive and should not present a risk to health and safety. Within these general guidelines, clothes worn for cultural, religious or traditional reasons, whether on a day to day basis or to mark particular occasions will normally be acceptable.

- 5.2.16.2 Whilst at work, employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes, it must be worn. Name badges and identity passes must be worn whilst on City Council premises and must be available at all times when you are on City Council business

5.2.17 **Being a Member of an Organisation**

- 5.2.17.1 You should ensure that your membership or involvement with any external organisation does not lead to an actual or perceived conflict of interest with your position as an employee of the City Council. Paragraph 5.2.8 of this Code of Conduct already requires you to declare any financial, non-financial or personal interest which may conflict with the City Council's interests. It is important to avoid any perception that advice, guidance, or decisions for which you are responsible could be influenced by your membership of a particular organisation.

- 5.2.17.2 You must therefore declare your membership of any organisation whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation. Such organisations may or may not be charitable concerns and they may also have a local, regional, national or international aspect.

- 5.2.17.3 You should make sure that any such membership does not make you liable to act in a way that would conflict with the City Council's policies or objectives or damage the City Council's reputation or seriously affect your ability to carry out your job with the City Council.

5.2.18 **Whistleblowing**

- 5.2.18.1 The City Council has adopted a whistleblowing policy and procedure. If you believe that there has been any fraud, irregularity, corruption or the law has been broken, you should report such incidents under this policy.

- 5.2.18.2 The whistleblowing policy is intended to encourage and enable employees to raise concerns safely and without fear of retribution within the Council rather than

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overlooking a problem. If you are not aware of the contents of the policy, they should contact their Manager or Human Resources Team for further details.

- 5.2.18.3 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Council will not tolerate harassment or victimisation and will take action to protect any employee when they have raised a concern in good faith. Similarly no employee must treat another employee less favourably on the grounds that that employee has, intends, or suspected of doing anything under the Council's whistleblowing procedures.

NOTE: A copy of the City Council's Whistleblowing Policy is included at page 221a.

5.2.19 Implementation Date

- 5.2.19.1 This corporate Code of Conduct applies to all employees, except school based teaching staff, of Coventry City Council with effect from 1st June 2003. The Code will be kept under review in the light of recommendations and guidance issued nationally in relation to standards of conduct in public life and revised as necessary.

Response by West Midlands region on Chapter 3 Model Code of Conduct for local authority employees

Question 13 **Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?**

There are two sides to this. If codes of conduct are set out in terms and conditions it is clear what basic standards are expected as an employee of local government. It also aims to show that local government work with integrity and responsibility. The code should be able to be adapted to take into account existing values of individual local authorities so that they can reinforce them. However, if they are to be built into terms and conditions, Local Authorities will need to ensure that its employees understand and comply with the code and enforcement will be conducted locally. Therefore relevant training to ensure understanding will be required.

Conversely if it is too prescriptive there is the concern that if an employee does not act in an appropriate manner but the actual issue/behaviour is not stipulated in the code as not acceptable, unions will argue that the employee has not flouted the code of conduct.

In addition, some authorities already have codes of conduct so this could be seen as another bureaucratic addition.

Question 14 **Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?**

As they already have their own code of conduct, it will be unnecessarily burdensome to have an additional code

Question 15 **Are there any other categories of employee in respect of whom it is not necessary to apply the code?**

Nothing else comes immediately to mind

Question 16 **Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?**

Within the general principles it should also state to treat others with dignity and respect.

A section on being obliged to participate in relevant learning and development to develop of skills and knowledge to perform the job and enhance delivery of service.

A section on other employment

A section on disclosure of Criminal charges and convictions.

Question 17 **Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?**

The values written for qualifying employees could be seen to apply to all senior staff rather than those that perform functions that have been delegated to them by elected members, therefore the current system of political restriction style model would be sufficient.

Question 18 **Should the code contain a requirement for qualifying employees to publicly register any interests?**

To align to the values of honesty and transparency, interests should be publicly registered.

Question 19 **Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?**

No omissions or additions appear obvious.

Question 20 **Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?**

Inclusion of wellbeing or financial position that is affected by something under consideration by the Council.

The interest of the employee's family or people with whom he/she has a close association.

Question 21 **Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?**

Shareholding of a business – unless that business is applying for work with the authority.

Question 22 **Should the employees' code extend to employees of parish councils?**

As citizens see employment by an authority or parish council as the same, it would be sensible to have the same code applied to all.

APPENDIX 3

The model employees' code: core values for all employees

General principles

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

Employees are accountable, and owe a duty to, their employing authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Relations with members, the public and other employees

Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias.

Equality

Employees must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

Stewardship

Employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person or body seeking to do business with

the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by their authority.

Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the model code of conduct for employees, the employee should report the matter, acting in accordance with the employees rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

Treatment of Information

Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. 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.

Appointment of staff

Employees of the authority, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Investigations by monitoring officers

Where a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

The model employees' code: values for qualifying employees

Compromising the impartiality of officers of the authority

A qualifying employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

Using your position improperly

A qualifying employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

Considering advice provided to you and giving reasons

If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the qualifying employee must have regard to this advice.

Personal interest

Qualifying employees must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the authority's monitoring officer or, in the case of a parish council, through the parish clerk.

The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

These are:

- Your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company you have an interest in, as above.

- Any land or property in the authority's area in which you have a beneficial interest.

A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with their monitoring officer.