

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**7 July 2015**

**Report of the Strategic Director of Corporate Resources**

**REVISED CODE OF CONDUCT (Council Services)**

**1. Purpose of the Report**

To seek Cabinet approval of the revised Code of Conduct for Employees (attached at Appendix A).

**2. Information and Analysis**

The existing Code of Conduct was revised in 2009 with minor updates in January 2012 to take into account updated terminology; changes to maintenance of standards reporting lines; personal telephone calls; etc.

A revised Code of Conduct has now been drafted produce a document that is easier to read and provides clarity for employees as to their responsibilities and commitment to the Council. There is also more emphasis placed on employees' obligations to the people using Council services and the positive behaviours we expect from our employees.

Links to associated policies have been included within the Code of Conduct, signposting employees to the relevant information and advice on Dnet or the Council's website. This avoids duplicating information within the Code and also avoids the need to update the Code of Conduct to reflect any changes in the relevant policies. Advice on how to access paper copies of all documentation is included.

The revised Code of Conduct is intended to demonstrate an expected standard of conduct as well as defining expected behaviours in how our employees conduct themselves at work in relation to their role and to other employees. In addition to reminding employees what is expected of them, it also affirms that their actions and conduct can affect the public's view of the Council as a whole.

Additional guidance has been included where there are no separate specific policies available. This is specifically with regard to:

- a. Politically restricted posts;
- b. Gifts and hospitality;
- c. Secondary employment.

These are attached as part of the revised Code.

In addition, there will be a need, working with Communications, to publicise the revised Code to ensure that employees are aware of its requirements. Consultation has taken place the recognised trade unions.

### **3. Other Considerations**

In preparing this report the relevance of the following factors has been considered:- financial, legal and human rights, human resources, equality and diversity, health, environmental, transport, property and the prevention of crime and disorder considerations.

### **4. Key Decision**

No

### **5. Is it necessary to waive the call-in period?**

No

### **6. Background Papers**

### **7. Officers' Recommendations**

That Cabinet approves the revised Code of Conduct for employees (attached at Appendix A).

# **CODE OF CONDUCT FOR EMPLOYEES**

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**Corporate Resources Department**  
**July 2015**

Version history			
Version	Date	Detail	Author
1.00	30/04/2015	Revised Code of conduct – Scheduled review date	Tracey Wall
1.01	08/06/2015	Amendment of GSCC to HCPC	Tracey Wall

Links and Dependencies
<a href="#">Customer Care Charter: Your council - Derbyshire County Council</a>
<a href="#">Confidential reporting code: Your council - Derbyshire County Council</a>
<a href="#">Anti fraud anti corruption strategy: Your council - Derbyshire County Council</a>
<a href="#">Dnet - Access to information</a>
<a href="#">Ditch the data demon: Working for us - Derbyshire County Council</a>
<a href="#">Financial Regulations: Your council - Derbyshire County Council</a>
<a href="#">Equalities: Your council - Derbyshire County Council</a>
<a href="#">Internet and email: Working for us - Derbyshire County Council</a>
<a href="#">Dnet - Keeping information safe</a>
<a href="#">Dnet - Secure information</a>
<a href="#">Dnet - Money laundering</a>
<a href="#">Dnet - Media</a>
Human Resources Policies and Procedures of the Council. <a href="#">Employment policies: Working for us - Derbyshire County Council</a>
Terms and Conditions of Employment. <a href="#">Single Status: Working for us - Derbyshire County Council</a>
Guidance on the Disciplinary Procedure. <a href="http://www.derbyshire.gov.uk/images/Disciplinary%20Procedure%20July%202013_tcm44-24978.doc">http://www.derbyshire.gov.uk/images/Disciplinary%20Procedure%20July%202013_tcm44-24978.doc</a>
Minimum Practice Standards Established by Service Regulators (e.g. Care Quality Commission)
Minimum Practice Standards Established by Service Regulators (e.g. Care Quality Commission)
Codes of Practice Established by Professional Bodies (e.g. General Social Care Council)
<a href="#">Dnet - Health &amp; safety</a>

## Introduction

Everyone who uses Council services is entitled to expect the highest standards of conduct from Council employees and we are all responsible for improving life for local people by delivering high quality services.

To achieve this you must, whilst at work:

- Act fairly, honestly, objectively and to the best of your ability;
- Not allow personal or private interests to influence your work;
- Not do anything as an employee that may discredit the Council;

If you don't act in accordance with this Code of Conduct, whether intentionally or not, you may be in breach of your terms of employment and your actions may be investigated which could result in disciplinary action being taken.

## Scope

The code applies to all employees of the Council and is recommended to those schools where the governing body performs the function of the employer. The code also applies to contractors, agency staff, volunteers and those on student / work experience placements working on behalf of the Council.

## Personal Behaviours

The Council expects certain standards of behaviour from its employees. You should ensure that:

- You treat colleagues, service users and members of the public with dignity and respect
- You are committed to delivering quality services at all times working within the Council's Policies and Procedures
- You communicate openly and honestly with colleagues
- You carry out your duties in the best interests of our customers
- Your conduct is not discriminatory to others
- You do not use offensive or abusive language or behaviour
- You arrive for work punctually, appropriately dressed and fit to carry out your duties (this includes wearing your County Council ID badge and items of personal protective clothing that are supplied to you)
- You take reasonable care of your own health and safety and others that may be affected by your work activities.



## **Accountability**

As an employee you are required to serve the whole of the Council and Elected Members equally. You are accountable for your actions and owe a duty to the Council and are expected, where it is part of your duties, to provide appropriate advice to Elected Members and employees with impartiality.

You must act in accordance with the principles set out in this Code and recognise the duty of all public sector employees to discharge public functions reasonably and according to the law.

## **Maintenance of standards**

The Council's Customer Service Charter tells the public what they should expect from us and explains what the Council expects from you in helping to deliver the Council's objectives.

If you are concerned about any practices you see at work and feel they may conflict with this code, you should discuss it with your manager, or a senior staff member. You can also use the Council's Confidential Reporting Code, which enables such matters to be investigated whilst protecting your identity and confidentiality. Please see the links below.

[Customer Care Charter: Your council - Derbyshire County Council](#)

[Confidential reporting code: Your council - Derbyshire County Council](#)

## **Disclosure of information**

You may have access to restricted, controlled or confidential information in the course of your work. You must protect that information in accordance with the Council's policies and procedures and you must not disclose that information or use that information for your own purposes, benefit or gain, or to discredit the Council, or pass information to others who may use it in such a way.

Please see the links below:

[Dnet - Access to information](#)

[Ditch the data demon: Working for us - Derbyshire County Council](#)

## **Political Neutrality**

Some Council posts are designated 'politically restricted'. If you hold such a post you will have been notified of this in your contract of employment. It means that you are required by law to observe certain restrictions regarding your out of work activities in relation to political activity.

Whether politically restricted or not, you must follow Council policies, and not allow your own personal or political opinions to affect your work. No Council employee may stand for office as a County Councillor for this authority.

See Appendix A for more information.

## **Relationships**

### ***Personal Relationships***

You must discuss with your manager any personal relationship with another employee if it is likely to cause a conflict of interest. You must not be involved in making decisions that directly affect your family, friends or anyone with whom you have a close personal relationship; for example, recruitment and selection processes, disciplinary processes, decisions relating to pay, or tender procedures.

Mutual respect between employees and Elected Members is essential to the effective operation of good local government and working relationships should be kept on a professional basis. Any close personal relationship with an Elected Member should be declared to your Director / Strategic Director.

If you have an official relationship with a contractor with whom you have previously had or currently have a close personal relationship, you should declare that relationship to your Director / Strategic Director.

All orders and contracts must be awarded on merit.

[Financial Regulations: Your council - Derbyshire County Council](#)

### ***Personal Interests***

You must declare in writing to your Director / Strategic Director any:

- Financial or non-financial interest which could conflict with the Council's interests.



- Interest in an existing or proposed contract with the council.
- Membership of any organisation that could conflict with the Council's interests.

## **Equalities**

The Council is committed to preventing unlawful discrimination and advancing equality of opportunity and providing fair access and treatment in employment and when delivering services.

You are expected to comply with and support the Council's Equality and Diversity Policy and promote its objectives and you must familiarise yourself with this document, and understand your responsibility in implementing it.

[Equalities: Your council - Derbyshire County Council](#)

## **Additional Employment**

The Council accepts that all employees have a right to a private life and recognises that employees may take secondary employment, either within or outside of the Council. You should ensure that any secondary employment you undertake does not conflict with your role within the Council.

If considering taking secondary employment you should read the specific guidance given at Appendix B. to ensure you understand the implications of this.

## **Use of Council Property**

You must not use Council facilities, equipment, or vehicles for your own personal use unless you have been given advance approval.

Council telephones and mobile phones should not be used for personal calls and use of personal mobile phones should be in your own time. If you cannot avoid making or receiving a personal call whilst at work you should keep it as short as possible.

Internet & Email & Social media should only be used in accordance with the agreed policies.

[Internet and email: Working for us - Derbyshire County Council](#)



## ***Safekeeping of Equipment and Information***

You are responsible for the safekeeping and proper use of any equipment issued to you and must take reasonable steps to protect it from theft or damage e.g. do not leave equipment visible in an unattended car.

You are also responsible for ensuring that you process all information in accordance with the Council's policies and that all confidential information is kept secure.

[Dnet - Keeping information safe](#)

[Dnet - Secure information](#)

## ***Intellectual Property***

Intellectual Property, for example, computer programmes or written documents, is property which enjoys legal protection and therefore belongs to the Council not to you personally, even if you have created it at work

You must not make use of the Council's intellectual property to conduct private work.

Any copies of material taken for use within the Council must only be for use in connection with your role in the council.

## **Corruption**

It is a serious criminal offence for you to offer, provide or receive something of value – such as cash, gifts, loans, as an inducement or reward for doing or not doing something, or for showing favour or disfavour as part of your job.

[Anti fraud anti corruption strategy: Your council - Derbyshire County Council](#)

[Dnet - Money laundering](#)

## **Gifts & Hospitality**

You should not accept gifts or hospitality from customers, contractors or service users, if this could place you under an obligation.

Token items up to a value of £50 may be accepted but should be reported to your manager. Typically this might include chocolates /

calendars / pens. Items over £50 should be refused. You must not accept cash, or gift vouchers in any circumstances.

You should only accept hospitality (meals / refreshments) if you are representing the Council.

See appendix C for more detail

### **Sponsorship**

Before agreeing any sponsorship deal you will need the approval of your Director / Strategic Director. You should also talk to them if you think you may have a conflict of interest with a potential sponsor. If an outside organisation is seeking to sponsor the council, you must bear in mind the code's provisions in relation to gifts and hospitality.

If you are in a position to influence the provision of grant aid to an organisation, you must not be involved in the decision making process if you have a close association with the organisation concerned or anyone involved in the organisation.

### **Contact with the media**

Any enquiries from the media should be referred to Communications. You should not speak to the media on the Council's behalf unless you have prior approval. You should also familiarise yourself with the Council's Media contact policy.

### **Dnet - Media**

If you wish to publish books, articles or letters you have written in connection with your duties, you must first consult your Director / Strategic Director. Only with their consent may items be published.

A number of additional sources of guidance are listed here. However, this list is not exhaustive and you should ensure that you familiarise yourself with any professional standards and relevant guidance which may be provided in respect of your particular area of work. Any queries in this respect should be addressed to your manager or HR Team.

- Human Resources Policies and Procedures of the Council. [Employment policies: Working for us - Derbyshire County Council](#)
- Terms and Conditions of Employment. [Single Status: Working for us - Derbyshire County Council](#)
- Guidance on the Disciplinary Procedure. [http://www.derbyshire.gov.uk/images/Disciplinary%20Procedure%20July%202013\\_tcm44-24978.doc](http://www.derbyshire.gov.uk/images/Disciplinary%20Procedure%20July%202013_tcm44-24978.doc)

- Minimum Practice Standards Established by Service Regulators (e.g. Care Quality Commission)
- Codes of Practice Established by Professional Bodies (e.g. Health & Care Professions Council)
- [Dnet - Health & safety](#)

For any employee who cannot access Dnet – hard copies of all related documents are available from your HR section.





## Appendix A

### **Political Restriction on Council Employees**

#### **Standing for office as an Elected Member**

No employee of Derbyshire County Council may stand for office as a County Councillor for this authority. This is a restriction under the Local Government Act 1972.

You may stand for office in other elections, providing any conflict of interest is declared.

#### **Politically restricted posts**

Certain posts within the Council are designated 'politically restricted'.

If you hold such a post you will have been notified of this in your contract of employment. It means that you are required by law to observe certain restrictions regarding your out of work activities. For example, you may not:

- Stand for election to local authorities (except Town or Parish councils);
- Stand for election to the House of Commons or the European Parliament;
- Hold office in a political party;
- Canvass at elections;
- Speak or write publicly on matters on party political lines.

If your role is politically restricted because it is a 'specified' post – i.e. a particular named post then there is no right of appeal against political restriction.

If your role is politically restricted because it is a 'sensitive' post – i.e. giving advice to or speaking on behalf of the authority, there is a right of appeal.

For more advice speak to your departmental HR team.

#### **All employees**

All employees, regardless of political restriction, if required to advise political groups, must do without compromising their political neutrality, i.e. you must not allow your own personal or political opinions to interfere with your work.



## Appendix B

### Employees Taking Secondary Employment

The Council recognises that employees may undertake secondary employment (either within or outside of the council).

A second job for the purpose of this advice is any job, paid or unpaid, with any employer and or any type of self-employment. The carrying out of public duties does not count as a second job.

Any secondary employment you undertake must not, nor have the potential to:

- Create a conflict of interest, for example, working for a company that either supplies or buys from the Council, or is in competition with the Council;
- Overlap with official duties;
- Make use of Council resources (including knowledge, property or equipment);
- Weaken public confidence in the Council;
- Bring the council into disrepute, for example by undertaking an activity that could be deemed to be incompatible with your role;
- Affect your performance or duties whilst at work.

Any secondary employment you undertake must:

- Be undertaken outside of your working hours with the Council;
- Be undertaken away from your place of work.

If undertaking secondary employment outside the Council, you must declare this to your Director / Strategic Director and agree that it be recorded on any register of secondary employment maintained by your Department.

You will be expected to inform your manager of:

- The name of your second employer;
- The type of business in which the second employer is involved;
- The type of work involved;
- The proposed hours of work.

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

If any conflict between your roles is identified, you must resolve the conflict in favour of your role and duties with the Council.





## **Gifts and Hospitality**

### **Gifts**

You may accept 'token' gifts from customers, contractors or service users up to the value of £50. Acceptable examples are calendars, diaries, pens or chocolates. All gifts should be reported to your manager.

You must not accept gifts worth more than £50 and you must report such offers to your Strategic Director.

You must refuse any offer of a gift where you suspect that an improper motive may exist – i.e. the giver is seeking to influence your decisions or actions and you must report such offers to your Strategic Director. This is the case regardless of the monetary value of the offer.

In no circumstances should you accept a monetary gift, (including gift vouchers) and again, you must report such offers to your Strategic Director.

### **Hospitality**

You should only accept hospitality (meals / refreshments) if there is a genuine need to impart information or to represent the Council. You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the Council.

You should report the offer of hospitality, whether accepted or not, to your line manager, and should ensure that all such offers are recorded in the appropriate hospitality register.

