CODE OF CONDUCT

FOR EMPLOYEES

Version:	**Version 1 – February 2006 (revised June 2012)**
Policy Ratified by:	**Human Resources**
Date:	**July 2004** **Revised February 2006** **Revised June 2012**
Area Applicable:	**All Caerphilly employees except School based unless the School Governing Body has adopted the Scheme**
Review Year	**As appropriate**

A greener place to work
Man gwyrddach i gweithio

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CAERPHILLY COUNTY BOROUGH COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

1. INTRODUCTION

1.1 This Code of Conduct has been devised by the Council in order to give employees guidance on a range of issues which will help them to maintain and improve the high standards of conduct within local government and to protect them from misunderstandings and confusion.

1.2 This Code, incorporates the statutory Code of Conduct set out in regulations made by the National Assembly for Wales and sets out the minimum standards that should apply. It covers all employees of the Council other than teachers. In the Assembly regulations they are referred to as "qualifying employees" and the Council is referred to as "relevant authority". These phrases appear throughout the document, when extracts from the statutory Code of Conduct are set out.

1.3 This policy must be cross-referenced with the following core policies of the Council:-

- Recruitment and Selection Policy
- Disciplinary Procedure
- the I.T. Security Policy
- the Microsoft Exchange Code of Practice
- Internet Usage Standards and Code of Practice
- Grievance Procedure
- Statements of Particulars of Employment
- Codes of Conduct in relation to Social Care

1.4 **Social Care staff need to be aware that code of conduct in social care is also subject to codes of practice issued by CSIW and these codes should be read in conjunction with this document.**

2. SCOPE OF POLICY

2.1 This policy has been agreed with the Trade Unions and will apply to all employees except those whose terms and conditions are governed by School Governing Bodies who have not accepted the procedure. Where the School Governing Body has accepted the procedure, the provisions shall apply to those employees.

2.2 The effective date of the policy is 1 July 2004 (revised June 2012).

3. STANDARDS

3.1 The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. 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.

Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that 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.
(This is a Statutory Code requirement)

3.2 The Council's conditions of service provide that employees must not behave in such a way as to bring the Authority, or the service, into disrepute.

3.3 Local government employees are expected to give the highest possible standards of service to the public and it is part of their duties to provide appropriate advice to Councillors and fellow employees with impartiality; employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the level of service. Employees must report to the appropriate Head of Service/Establishment or Senior Officer any impropriety or breach of procedure. This is detailed in the paragraph below relating to Whistleblowing. Where appropriate, an employee may also raise any issue with their trade union representative. The employee will have the right to be represented by a work colleague, local or full-time trade union representative, spouse, partner, friend or legal representative.

3.4 Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.
(This is a Statutory Code requirement)

4. DISCLOSURE OF INFORMATION

4.1 Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for 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. (This is a Statutory Code requirement)

4.2 It is generally accepted 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. However due regard has to be made to the following legislative requirements and advice.

4.3 No Officer shall communicate to the public (or the press) the proceedings of any Committee meeting etc. when the public is excluded, nor the content of any document (or exempt report) relating to the Authority unless required by law or expressly authorised to do so.

4.4 Section 100 of the Local Government Act 1972 deals with the admission of the press and public to local government Committee meetings.

4.5 The Local Government Planning and Land Act 1980 at Section 2 requires local authorities to publish certain categories of information in accordance with codes of recommended practice and any statutory regulations made by the Secretary of State

4.6 The Local Government Act 1972 requires the Council to maintain a list, open to public inspection, specifying those powers of the Council which are exercisable from time to time by officers of the Authority in pursuance of its duties under statutory powers. Any person having custody of documents to which right of access applies would commit an offence by obstructing that right.

4.7 The Freedom of Information Act 2000 imposes wide legal obligations on authorities to disclose information that they hold.

4.8 Information relating to the above Acts and what constitutes exempt information is available from the Monitoring Officer.

4.9 Information relating to the Data Protection Act is available from the Head of Information Technology Services. Generally under the terms of this Act any computer or manual system holding personal data requires registration with the Data Protection Registrar. There are strict statutory rules about the use and disclosure of personal data. No disclosure of information under the Act should be actioned without the approval of the Head of Information Technology Services.

4.10 Employees should not use any information obtained in the course of their employment, for personal gain or benefit, nor should they pass it on to others who may use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by law.

5. POLITICAL NEUTRALITY

5.1 Qualifying employees of relevant authorities, whether or not politically restricted, 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 qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.
(This is a Statutory Code requirement)

5.2 Employees are employed to serve the Council as a whole. It follows that they must serve all Elected Members and not just those of the controlling group. They must ensure that the individual rights of all Councillors are respected. Regard must be had to Councillors' rights set out in the Council's Constitution; the Monitoring Officer can give advice on these.

5.3 As part of their employment, employees may be required to advise political groups. In doing so they must ensure that they do not compromise their political neutrality.

Officers holding politically restricted posts who are invited to attend political meetings, other than meetings of the Council and its Committees, in their role as officers of the Council, must obtain the approval of their Manager/Nominated Officer prior to attending such meetings.

It should be noted that unless there are exceptional circumstances which make it essential for the officer to attend, then permission will not be granted.

5.4 All employees, (whether or not the posts they hold are designated as being politically restricted), must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions or preferences to interfere with their work.

5.5 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 (as amended) are exempt from the standards detailed above.

5.6 The Local Government and Housing Act 1989 contains provisions to stop "twin tracking", i.e. where a senior local authority employee is also an elected member of another local authority and to restrict the political activity of senior employees. Local authority employees holding politically restricted posts are disqualified from membership of any local authority other than a Parish or Community Council, from being a Member of Parliament or Member of the European Parliament and are subject to prescribed restrictions on their political activity. The political restrictions are incorporated into the contract of employment of every local government employee who holds a politically restricted post. Regulations, which include the Local Government Officers (Political Restrictions) Regulations 1990 and the Local Government (Politically Restricted Posts) (No. 2) Regulations 1990 cover the posts which are politically restricted.

5.7 Local government employees, must not, in the course of their employment, discriminate against any section or sections of the local community.

6. RELATIONSHIPS

6.1 External Bodies/Organisations/Agencies etc.

6.1.1 All employees should be particularly vigilant in their dealings and conduct with external bodies, organisations, agencies etc, as they are justifiably seen, by the public and such bodies etc, to be acting as a representative of the Council. If any employee is placed in a position in which they are unsure of how to act, they must without delay, contact their Manager/Nominated Officer.

6.2 Councillors

6.2.1 Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.
(This is a Statutory Code requirement)

6.2.2 Employees are responsible to the 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 relationships for example, business, family etc. exist between Councillors and employees which might bring about a conflict of interest, employees must enter details in the Register of Employees Interests (copy attached at Appendix 1).

6.2.3 Employees must have regard to the requirements of the Member/Officer Protocol contained in the Council's Constitution (available on the Council's Intranet, from any Head of Service, or from the Monitoring Officer).

6.3 The Local Community and Service Users

6.3.1 Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.
(This is a Statutory Code requirement)

6.4 Contractors

6.4.1 All relationships of a business or private nature with external contractors or potential contractors, where there is a potential conflict of interest, must be declared in the Register of Employee Interests (copy attached at Appendix 1). Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses which are run, owned or employ a spouse, partners or relatives or close acquaintances.

6.4.2 Employees who engage or supervise contractors or have any other official relationships with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship in the Register of Employees Interests (copy attached at Appendix 1). The entry must record what steps are intended to protect the Council's interests in these circumstances and must be signed by the employee and the appropriate senior officer.

7. APPOINTMENT AND OTHER EMPLOYMENT MATTERS.

7.1 Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions 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.
(This is a Statutory Code requirement)

7.2 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employer to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post as reflected in the Council's recruitment and selection policy. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside of work with an applicant. Employees must record this interest in the Register of Interests (copy attached at Appendix 1).

7.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a spouse, partner, relative or close acquaintance.

7.4 Every candidate for any appointment under the employing authority must, when making an application, disclose in writing to the Chief Executive of the Authority whether to his knowledge he is related to any member of the Authority or to a holder of any senior office under the Authority.

Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he should be liable to dismissal. Every member and senior officer of the Authority shall similarly disclose to the Authority any relationship known to him to exist between himself and a candidate for an appointment of which he is aware. It shall be the duty of the Chief Executive to the Authority to report to the Authority or appropriate Committee any such disclosure made to him.

7.5 Where an employee states that he or she has gained academic and/or professional qualifications, evidence of such qualifications may be requested at any time.

7.6 The Local Authorities (Standing Orders) Regulations 1993 describe the procedure to be followed in respect of the appointment of Chief Officers and their dismissal in the event of misconduct.

7.7 Where relationships for example, business, family etc. exist between employees, employees must enter details in the Register of Employees Interests (copy attached at Appendix 1).

8. OUTSIDE COMMITMENTS

8.1 Employees must exercise great care and diligence in undertaking duties outside of their employment with the Council. Where the slightest doubt exists, and where there is a potential conflict of interest, employees are advised to either decline acceptance of secondary appointment/commissions or seek the advice of their Manager/Nominated Officer

8.2 (a) Employees who are Grade 9 and above (or equivalent if covered by other negotiating groups) must not undertake outside work if their official duties overlap in some way with their proposed work or if their proposed outside work causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position. It is irrelevant whether or not the work is paid.

(b) Any employee Grade 9 and above (or equivalent if covered by other negotiating groups) who wishes to engage in any outside business or appointment must obtain the consent of their Manager/Nominated Officer detailing the nature of the business or appointment. The Manager/Nominated Officer will inform the Corporate Management Team of the request and will consider any observations made before reaching a final decision.

(c) Any other employee will inform their Manager/Nominated Officer of the business or appointment so that the Council can ensure that it does not breach statutory or other requirements. The Council acknowledges the individual's right to privacy; this provision is purely to ensure that there is no breach of the law or conflict with the Council's interests.

(d) The employee will be informed in writing of the Council's views and where it is decided that there is a conflict of interest with the Authority's interests or there would be a breach of statutory requirements, the employee must refuse the appointment and/or refrain from being involved with/participating in the business.

(e) Details of such business or appointment should be entered in the Register of Employees' Interests (copy attached at Appendix 1).

8.3 No Council resources must be used for outside work except where authorised in advance by the Council. All work must be done outside of Council time and away from Council premises.

8.4 **The requirements of the Council as an employer must take precedence over any outside appointments undertaken by an employee of the Council**.

8.5 Employees must be aware of the rules on the ownership of intellectual property or copyright created during their employment where specifically included in conditions of service. "Intellectual property" is a wide term which includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, as a general rule they belong to the employer. However, various Acts of Parliament cover different types of intellectual property. Details are available from the Head of Legal Services and Governance.

9. PERSONAL INTERESTS

9.1 Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

(1) any rules of their relevant authority on the registration and declaration by employees of financial and non - financial interests,

(2) any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

(This is a Statutory Code requirement)

9.2 The Council adds the following rules as referred to above:-

Employees must declare to their Manager/Nominated Officer any non-financial interests that they consider could bring about conflict with the Council's interests for example, acting as a school governor within a school maintained by the Council, involvement with an organisation receiving grant aid from the Council, involvement with organisations or groups seeking to influence the Council's policies, etc. Details of such interests must be entered in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.

9.3 Employees must declare to their Manager/Nominated Officer any financial interests which conflict with the Council's interests. Details of these interests must be entered in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.

9.4 Employees must declare to their Manager/Nominated Officer membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct. Details of membership should be declared in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.

9.5 A declaration by a Head of Service is signed by the appropriate Director, a declaration by a Director is signed by the Chief Executive and a declaration by the Chief Executive is signed by the Monitoring Officer.

10. EQUALITY ISSUES

10.1 Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.
(This is a Statutory Code requirement)

11. SEPARATION OF ROLES DURING THE TENDERING PROCESS

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

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

11.3 Employees who are privy to confidential information in relation to costs or tenders for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

11.4 Employees contemplating a management buy out must, as soon as they have formed a definite intent, inform the Council and withdraw from the contract awarding process.

11.5 Employees must ensure that no special favour is shown to current or recent 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.

12. BRIBERY

12.1 Under the Bribery Act 2010 a person is guilty of an offence where they offer, promise or give a financial advantage to another person in the circumstances set out in the Act.

12.2 Under the Bribery Act 2012 the potential recipient of the bribe will be guilty of an offence in the circumstances set out in the Act.

12.3 Section 117 of the Local Government Act 1972 states that if an officer knows that a contract in which he has a direct or indirect pecuniary interest is before the local authority, he must give notice of his interest to the Authority. Section 117 (2) of the Act forbids an officer "under colour of his office or employment" to accept "any fee or reward" whatsoever other than proper remuneration. Contravention of this rule is a criminal offence. The employee must give notice to the Authority by entering details of the interest in the Register of Employees Interests (copy at Appendix 1).

12.4 It is a serious criminal offence for employees to receive or give any gift, fee, reward or advantage for doing or not doing anything showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

12.5 If an employee or their spouse, partner or immediate relatives receive gifts and such gifts are less than £25 in value*, the goods may be kept and used by the employee **BUT ANY GIFT WHICH COULD BE SEEN BY A THIRD PARTY AS PLACING THE EMPLOYEE UNDER AN IMPROPER OBLIGATION SUCH AS MORE THAN ONE GIFT FROM THE SAME PARTY MUST BE REFUSED, IRRESPECTIVE OF ITS VALUE.**

12.6 If an employee or their spouse, partner or immediate relatives receive any gift other than those identified in the previous paragraph, they must refuse acceptance of the gift, explaining their position, the standards of conduct and integrity expected of local government employees, and, the requirement of being seen to be fair to all agencies/bodies/organisations and individuals. If it is not possible to refuse, for example, if it was received through the post or refusal would cause offence, the employee must, without delay, report the occurrence to their Manager/Nominated Officer who will pass the gift to the Mayor's charity and write to the donor to explain what has been done. The Officer and the Manager/Nominated Officer must keep a record of any such occurrences in the Register of Employees Interests (copy at Appendix 1).

12.7 The rules above are by their very nature general, but the underlying principles should always be upheld and if any employee is in the slightest doubt as to how to conduct themselves in such a situation, they are advised to refuse a gift or hospitality or refer to their Manager/Nominated Officer for guidance.

* This is the same figure as elected members are required to declare, and will be reviewed by the Council from time to time, in respect of both this Code and the Code for elected members.