

PART 5

Code of Conduct for Employees

1. Introduction

- 1.1 This Code is designed to ensure that the integrity of the Council and its employees is maintained and that employees have clear guidance on the conduct required of them while employed by the Council.
- 1.2 The Code describes the conduct required in a range of circumstances which you may come across as part of your duties. These are detailed below, but they are neither exhaustive nor exclusive and other circumstances will arise where you will have to consider what conduct the Council would expect. The Code provides sufficient information for all employees to be aware what is required of them.
- 1.3 In such circumstances, you should realise that the Council's (and your) principal aim is to serve the public, who expect a high standard of integrity and service from the Council. You should, therefore, avoid doing anything that could reflect adversely on the Council. If any doubt exists as to the proper course of action, seek advice from your manager or Head of Service.
- 1.4 This Code sets out the minimum standards of conduct that employees are expected to observe when carrying out their duties. You should take time to read this and make sure you understand it. If you require clarification you should speak to your manager.

2. Status of the Code

- 2.1 The Code applies to all employees and casual workers of the Council. Agency workers and consultants should also ensure that they observe the principles described. Failure to adhere to the Code may make an employee liable to disciplinary action and in some cases a breach of the Code could result in criminal prosecution.
- 2.2 This Code of Conduct sits aside other policies and procedures which you should read and understand including;
 - Anti-Fraud and Corruption Strategy
 - The Whistleblowing Policy

- The IT Security Policies
- The Social Media Guidelines
- Equality Policy
- Safeguarding Policy

2.3 The Code supplements any specific provisions regarding work conduct or rules in:

- Your terms and conditions of employment.
- Council's Constitution.
- The national conditions of service applicable to your post.

3. **Actions Required**

3.1 Some of the provisions in this Code require employees to disclose information to the appropriate manager. Where this is required employees should inform their line manager or Head of Service and make an entry in the Disclosure Book held by the Head of Democratic Services or complete a Close Personal Relationships Declaration Form.

3.2 The appropriate managers for Heads of Services to disclose information to are the Directors and for the Directors the appropriate manager is the Chief Executive, for the Chief Executive it is the Leader of the Council.

4. **Standards**

4.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.

4.2 You 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 provision of service.

4.3 You must report to the appropriate manager any impropriety or breach of procedure. In particular you are required to work within the framework of the National Law, the Council's Constitution and the National Conditions of Service for your particular employment group, as adopted by the Council.

4.4 If you do not feel able for any reason to notify your manager or an appropriate manager within the Council you must express your concerns about any breach of procedure or impropriety to any one of the designated posts or bodies listed in **Whistleblowing Policy** without fear of recrimination.

- 4.5 You must also have regard to the Council's Values and Behaviours and any Council policies which may have a bearing on how Council employees should conduct themselves e.g. Equality Policy, Dignity at Work Policy.

5. Disclosure of Information

- 5.1 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.
- 5.2 The authority itself may decide to be open about other types of information.
- 5.3 You must be aware of which information this authority is and is not open about, and act accordingly.

6. Confidential Information

- 6.1 All information or knowledge obtained during the course of your employment must be treated as confidential, unless and until it is formally made public.
- 6.2 It should not be disclosed to any person except to another appropriate employee or otherwise in the course of your employment for legitimate purposes.
- 6.3 Above all, it must not be disclosed for your own advantage or that of anyone known to or connected to you.

7. Computers and Information

- 7.1 The Council has established policies and procedures concerning Data Protection and IT security which you are required to follow, these policies and procedures can be found on Infolink.
- 7.2 For all new employees, within the first six months of employment your manager will draw your attention to other policies and procedures which should be read in conjunction with this code as part of your induction.
- 7.3 Before any new employee, consultant, agency worker or casual worker can access any of the Council's IT systems they will have to have undergone several pre - employment/work checks including HR obtaining two employment references and ensuring that there are no unexplained breaks in employment for the last 3 years.
- 7.4 You must read the LDC IT Security policies and successfully complete the IT quiz before access to the IT system is given.

- 7.5 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 7.6 Any particular information received from a councillor, which is personal to the councillor and does not belong to the authority should not be divulged without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

8. Personal Interests

- 8.1 Your off-duty hours are your own personal concern; however you must not put yourself in a position where your job and personal interests conflict or you could bring the Council into disrepute through your actions. This could lead to disciplinary action being taken against you.

9. Personal Information

- 9.1 Most employees have access to and are able to access and/or alter sensitive personal data.
- 9.2 You must not, in any circumstances, make any alteration, including insertion, deletion or amendment to any financial or non-financial record in which you have an interest, however tenuous.
- 9.3 A list of such interests, though not exhaustive, will include:
- Property, owned, leased, rented or licensed either by you or with others (including subdivided properties)
 - Neighbours, including the street in which you live, or people living near by
 - Close personal relationships as defined in policy Close Personal Relationships at Work
 - Organisations such as sports clubs and other similar bodies in which you have an ongoing interest, have membership of, or have been in any way involved with in the recent past.
- 9.4 All Members and staff involved in benefit administration and investigation must register with the Head of Democratic Services any interest that they have in property within the Lewes District Council area that they rent to tenants (even when those tenants are not claiming benefit).
- 9.5 If you work in benefit administration or investigation you will be asked to declare any such interest when you first join the Council and are required to register an interest should the position change during the course of your employment.

9.6 No written rules can hope to cover all possibilities or situations and you must, if any doubt exists, contact your line manager for advice on how to proceed. In his/her absence the query should be referred upwards.

10. Political Neutrality

10.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

10.2 Subject to the authority's conventions, employees may also be required to advise political groups in their official capacity within the Council and they must do so in ways which do not compromise their political neutrality.

10.3 Employees, whether or not politically restricted, must follow the authorities' policies and procedures and must not allow their own personal or political opinions to interfere with their work.

10.4 Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity.

10.5 The Local Government Officers (Political Restriction) regulations 1990 and the Local Government (Politically Restricted Posts (No 2) Regulations 1990 covers the posts which are politically restricted.

These are:

- Specified posts, such as the Chief Executive and the Monitoring officer. Chief Officers and their deputies are restricted without exemption or appeal;
- All posts which reach or exceed the grade PO11 or above. These posts are automatically included on a list which employing authorities are under a duty to prepare unless exemption for individuals is granted.
- All posts which meet the duties - related criteria for determining a 'sensitive' post, irrespective of remuneration level unless the post holder appeals successfully against determination. These posts are defined as those which (i) give advice on a regular basis to the employing authority, to any committee or sub-committee or another joint committee on which the authority is represented (but excluding purely factual information) or speak on behalf of the authority on a regular basis to journalists and broadcasters.

10.6 The political restrictions are deemed to be incorporated in the contract of employment of every local authority employee who holds a politically restricted post.

Politically restricted post holders are advised of the fact on appointment.

11. Relationships with Councillors

- 11.1 Employees are responsible to the authority 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 authority's work.
- 11.2 Mutual respect between employees and councillors is essential to good local government.
- 11.3 Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should, therefore, be avoided.

12. Relationships with the Local Community and Service Users

- 12.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

13. Relationships with Contractors

- 13.1 All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager using the Close Personal Relationships at Work Policy and disclosure form.
- 13.2 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.
- 13.3 No part of the local community should be discriminated against.
- 13.4 If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you must declare that relationship to the Head of Service and take no part in the contract or in the awarding of that contract.

14. Safeguarding

- 14.1 The Children's Act 2004 includes a specify duty on District Councils to have regard to the need to safeguard and promote the welfare of children and to co-operate with other agencies to improve the well-being of children and young people, therefore all employees are expected to work to promote safeguarding within the Council and with members of the public.
- 14.2 You should ensure that all policies relating to Safeguarding of Children and Vulnerable Adults as agreed by the authority are complied with in addition to the requirements of the law.

- 14.3 You have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse, poor practice by staff, councillors and others acting for or on behalf of the council, and allegations brought to our attention by a member of the public in line with the Safeguarding policy.

15. Appointment and other Employment Matters

- 15.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post.

- 15.2 In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.

You should also complete the form to disclose the personal relationship under the Council's Personal Relationships at Work Policy whether the relationship exists at the start or develops during the course of employment.

- 15.3 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc. In particular;

(i) The provisions of the Scheme of Conditions of Service for NJC APT & C Staff, Section 1, Paragraph 6(a) is deemed to apply to all employees of the Council: "Every candidate for any appointment under the employing authority shall, 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".

- 15.4 Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment they shall be liable to dismissal.

- 15.5 It shall be the duty of the Chief Executive to report to the authority or appropriate committee any such disclosure made to them.

- 15.6 The Local Authorities (Standing Orders) (England) Regulations 2001 also prescribe the procedure to be followed in respect of the appointment of Chief Officers and their dismissal in the event of misconduct.

15.7 You must complete the Close Personal Relationships at Work Declaration form if you have a connection in a private, social or domestic capacity with someone who also works for the Council.

16. Outside Commitments

16.1 Staff employed by the Council have conditions of service which require them to obtain written consent to take any outside employment.

16.2 Staff should be clear about their individual contractual obligations and should not take outside employment which conflicts with the authority's interests.

16.3 Any member of staff who wishes to take up other paid employment should first get the consent of their manager, Head of Service or Directors, they in turn and the Chief Executive must get the consent of the Council.

16.4 In practice the Council will not normally object, provided that there is not, or will not be in the foreseeable future, any possible conflict of interest between the two appointments and that the principles set out in this Code are adhered to.

17. Inventions and Patents

17.1 Staff must follow the authority's rules on the ownership of intellectual property (*see 18 below) or copyright created during your employment.

17.2 Inventions made before 1 June 1978 are the property of the Council if made in the course of the Council's employment. However the Patents Act 1977 states that after 1 June 1978 inventions are only the property of the employer if:

- They have been made in the course of the employee's normal duties, or
- They have been made in the course of duties specifically assigned to the employees and where invention might be reasonably expected; or
- It was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

18. Intellectual Property

18.1 Under the Intellectual Property Act 2014 it is now a criminal offence for the intentional copying of UK or EU registered design, this does not apply to unregistered designs although a civil case can be brought against someone believed to have deliberately copied unregistered designs. Therefore employees must ensure that they do not intentionally copy someone else's intellectual property.

18.2 The Council will continue to own the rights to any design(s) that employees produce as part of the employment with the Council under the terms and conditions of their employment

18.3 The Intellectual Property Act 2014 applies to all designs created on or after 1st October 2014, unless the design was created under a contract which existed prior to this date and which also specifies who owns the design.

19. Personal Interests – General

19.1 Employees must declare to an appropriate manager any non-financial or financial interests that you consider could bring about conflict with the authority's interests.

20. Personal Interests - At Work

20.1 Employees must refrain from becoming involved in a Council capacity with any matter in which you have a direct or indirect interest. This rule is an absolute one in cases of direct financial interest.

20.2 It also applies in cases of indirect interest, for example, through membership of any organisation in negotiation with the Council, through family or friends or by any other relationship or association where an outsider might suspect that the relationship could influence your or the Council's views.

20.3 The important thing is that it must be crystal clear to an outsider that everything is open and above board; there must be no room for suspicion, however ill-founded that suspicion might be.

20.4 In any case, where you do have an interest, either direct or indirect, you must not take part in any Council capacity in connection with the matter in question without the prior knowledge and consent of your Head of Service which will only be given in suitable and probably rare circumstances.

20.5 Any interest must be notified to your Head of Service formally. This can take the form of a general disclosure - for example, an employee working in the Planning Service Area would inform the Head of Planning Policy generally of that interest, and the fact that planning applications would be made.

20.6 A record of the interest should be made in the Disclosure Book maintained by the Head of Democratic Services.

20.7 Staff must not attempt to seek information or in any way discuss with your colleagues the matter in question.

20.8 Above all, workers must deal with colleagues, Council Members, other organisations and the public in a prompt and courteous manner.

21. Personal Interests - Out of Work

21.1 The general rule is that you're off duty hours are your personal concern and broadly speaking you are entitled to spend your free time as you wish.

21.2 You must never put yourself in a position where there may be, or is suspected to be, a conflict between your official position and your private interest, whether remunerated or not. It is impossible to draw up a comprehensive list, but a few examples will serve to illustrate those occasions when conflict may arise (and therefore the activity should not be embarked upon) and those where conflict is unlikely (and therefore the activity may be in order unless and until a conflict does arise, in which case it must be discontinued forthwith):

- Any employee within any Service Area is precluded from drawing plans for planning permission, building regulation consent, or any other purpose over which this Council exercises statutory control.
- Any Solicitor is precluded from acting in any conveyancing matter where the Council is involved in the same transaction as a mortgagee, vendor or purchaser or in making a grant.
- Any member of Estates is precluded from giving independent valuation advice in respect of properties which are the subject of acquisition, disposal or mortgage by the Council or from acting in connection with any negotiations for such purposes.
- Any member of Finance is precluded from altering computer records relating to any financial dealings that they themselves may have with the Council e.g. Council Tax records.
- All employees are precluded from having any dealings with a Contractor to the Council where they or a close relative have any relationship, however remote, with that contractor.
- All employees are precluded from accepting any gift or legacy made to them as a consequence of their job whether they know about it or not.
- Employees should never knowingly become Power of Attorney, trustees, executors or beneficiaries of customer's wills. Employees should not be involved in witnessing wills or other legal papers or documents for customers.

21.3 The following are generally permissible within the Code of Conduct (but subject of disclosure where necessary):

- Any individual employee acting for themselves or in certain circumstances for their immediate family.
- Any employee preparing plans and drawing for approval by another Local Authority.
- Any employee (subject to general statutory and regulatory provisions) acting for or giving independent service in connection with any matter where the District Council is not - nor likely to be - involved in any capacity, however remote.

22. Equality Issues

- 22.1 All employees are expected to work to eliminate discrimination, promote equality and good relations.
- 22.2 You should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law.
- 22.3 All members of the local community, customers and other employees have a right to be treated with fairness and equity.

23. Separation of Roles during Tendering

- 23.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the authority.
- 23.2 Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 23.3 If you are in a contractor or client service area you must exercise fairness and impartiality when dealing with all customers' suppliers, other contractors and subcontractors.
- 23.4 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 23.5 If you are contemplating a management buyout you should, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 23.6 You should 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.

24. Corruption

- 24.1 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in your official capacity.
- 24.2 If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained:

In particular:-

- 24.3 Under the **Bribery Act 2010**, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:
- Doing, or refraining from doing, anything in their official capacity; or
 - Showing any favour or disfavour to any person in their official capacity.
- 24.4 Under the **Bribery Act 2010**, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary.
- 24.5 Any gifts, hospitality or bequests received or offered, should be recorded in the Council's Hospitality Register kept by the Head of Democratic Services.
- 24.6 If there is any doubt as to whether the gift or hospitality needs to be recorded you should record it.
- 24.7 Records keeping details of any trips abroad on Council business and copies of the necessary form should be kept and are available from the Head of Democratic Services.

25. Use of Resources

- 25.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner.
- 25.2 You should strive to ensure value for money to the local community and to avoid legal challenge to the authority. In particular:

26. Use of Council Facilities

- 26.1 All Council facilities, including telephones, stationery, stamps, photocopying and printing services, depot equipment, vehicles and transport are provided for official use only, they are not intended for personal use *Please see the Contract Hire Car Policy for further details.
- 26.2 At the discretion of the Head of Service, but normally only in exceptional circumstances, you may be permitted to avail yourself of certain of the Council's services and equipment, provided that all appropriate reimbursements are made to the Council.
- 26.3 However, such reimbursement can never properly recompense the Council because of added hidden costs, such as maintenance, loss of employee's time etc. and the use of facilities in this way if permitted at all, will only be permitted sparingly.

26.4 Council facilities must not be used at any time for the employee's private gain.

27. Postage and Stationery Facilities

27.1 You are not permitted to put private mail through the office mail system, which carries the official stamp of the Council, for either franking or use of stamps, at any time.

27.2 Employees are not to use for personal purposes any stationery or equipment which carries the official titles of the Council.

28. Telephones

28.1 The Council's telephone system is provided for the conduct of the Council's business and except in exceptional circumstances, personal incoming calls are to be discouraged, since they occupy switchboard lines that members of the public may wish to use.

28.2 When they do occur, you are asked to keep them as brief as possible.

28.3 If an external personal call has to be made, it should be recorded - either directly on the telephone system itself in the case of the Council's main switchboard or on a telephone record pad available from your service area, and subsequently paid for.

29. Claims for Expenses and Payments

29.1 If you are required to complete timesheets, flexi records, overtime claims and or other similar documentation, which has been signed and thus represents a claim for payment, you should check it thoroughly for accuracy.

29.2 Where inaccuracies in claims are found and appear to have been purposely falsified, these may be regarded as fraud for which you are liable to instant dismissal for gross misconduct.

30. Purchasing

30.1 If you are required to make a purchase of any kind on behalf of the Council you must not use any personal loyalty cards to gain financially from the transaction.

31. Sponsorship - Giving and Receiving

- 31.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local Government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply.
- 31.2 Particular care must be taken when dealing with contractors or potential customers.
- 31.3 Where Lewes District Council wishes to sponsor an event or service neither you, nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate Head of Service of any such interest.
- 31.4 Similarly, where the authority through sponsorship grant aid, financial or other means, given support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

32. Protective Clothing and Safety Equipment

- 32.1 The Council provides all necessary protective clothing and equipment to employees who may be exposed to a risk of injury or undertake work that requires it.
- 32.2 If you are issued with or are required to obtain or use this equipment, you must ensure that they are used at all times, both for your own protection and the protection of others who may be working in close proximity to you.

33. Fire Precautions

- 33.1 You must be particularly careful in avoiding activities which may cause fire and to make sure that cigarette ends, matches and other inflammable materials are properly extinguished.
- 33.2 Smoking including the smoking of E Cigarettes is not allowed inside any of the Council buildings and should only be undertaken in designated areas outside of the building(s). This does not include outside the front area of the building(s) where the general public and service users have access.
- 33.3 The fire precautions are included in the employees' induction programme and notices are posted throughout Council buildings, giving instructions for action to be taken in the case of fire, and the authorised exits in case of emergency.
- 33.4 Fire practices are held from time to time without warning and you should follow the instructions immediately and implicitly.

34. Personal Possessions

- 34.1 The Council accepts no responsibility for the loss or damage to any of your personal possessions and this includes bicycles and vehicles parked in the Council's office's car parks or premises.
- 34.2 You are strongly urged never to leave money or valuables in a place where they may be stolen. Personal lockers should be used where provided.
- 34.3 You should never leave personal belongings untended in areas where the general public have access even for short periods of time.
- 34.4 You are advised to be security conscious of your personal belongings at all times.

35. Press and Media

- 35.1 You must not deal directly with the press or the media in relation to any of the Council's business or affairs unless you are required to do so as part of your duties or you have been expressly authorised by your Head of Service.
- 35.2 If in a personal capacity you attend and or speak at a public meeting or in a personal capacity speak to the press it must be made very clear that you are not representing, speaking or acting on behalf of the Council.

Any breach of this Code of Conduct may lead to the disciplinary policy being invoked and could lead to disciplinary action being taken.