

Classification: OFFICIAL



Derby City Council

## Employee Code of Conduct

### Purpose

Every employee is expected to behave in a highly professional manner and to offer the highest standards of customer service to the public. The way you carry out your duties must promote and maintain public confidence and trust in the work of the Council. The Employee Code of Conduct provides a framework for your behaviour, decisions and actions as a public official.

Document Control			
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2	<u>1 December 2016</u> <u>2 October 2016</u>	<u>Claire Benjamin</u>	<u>Strengthens governance and data protection</u>
<u>3</u>	<u>1 TBC</u> <u>06/11/2019</u>	<u>Nyree Treece</u>	<u>Inclusion of Ethics Statement and Council's new values</u>



## 1. Policy application

This policy applies to all Council employees except those employed under the delegated powers of Governing bodies of Community, Voluntary Controlled schools and Trust schools.

This code should be read in conjunction with the disciplinary rules contained within the disciplinary and dismissals policy.

This code also incorporates the Council's Ethics Statement, which is attached at Appendix 1. The purpose of the Ethics Statement is to provide guidance for Council employees on the ethical framework within which the Council seeks to conduct its activities.

**Any breach** of this code will be regarded as misconduct, leading to disciplinary action up to and including dismissal. Nothing in this code overrides existing statutory or common law obligations.

## 2. Principles

### 2.1 General standards

The public is entitled to expect the highest standards of conduct from all employees who work in local government. The role of local government employees is to support the Council in achieving its objectives, implementing policies and delivering services to the local community.

This code describes minimum expected standards that protect the integrity of both employees and the Council; however, having a values-led approach is vital to the Council's success. The Values help us to maintain and improve how we work with each other, our partners and customers. You are expected to demonstrate behaviours that reflect these values whilst performing your duties.

The values of Derby City Council are:

**We are Bold** - We have the courage to speak up, challenge current systems and practices, and feel empowered to make appropriate and measured risks.

**We are Strong** – We excel using our strengths and have the confidence to ask for help and support when we need to.

**We Care** – Caring is what motivates us. We care about what we can achieve for Derby.

**We are One Team** – We are great people working as one team: we get the best out of each other and together achieve great things for Derby.

The Council also has guidance on workplace behaviours that underpin the Council's values called [Derby Workstyle](#) which employees are expected to follow.



## 2.2 Acceptance of gifts/hospitality

The Council is committed to conducting its services fairly, honestly, openly and adhering to the [Anti-bribery Policy](#). You must not compromise your position by appearing to accept, or accepting gifts/hospitality which might be considered by others to have influenced you when making decisions on behalf of the Council.

You must secure approval from your line manager before accepting any gift or hospitality. All offers of gifts/hospitality over the value of £25 must be recorded. If you do not know the value or are unsure, record it.

In general, you are expected to refuse gifts and hospitality offered to you or members of your family by any person or body that has, or seeks to have dealings of any kind with the Council. Cash or monetary equivalents offered must always be refused, regardless of the value. There may be occasions where it could cause offence to refuse hospitality/gifts.

However, no gift/hospitality that could look as though you have been dishonest or corrupt should be accepted.

See [Acceptance of gifts, hospitality and sponsorship](#) for information.

## 2.3 Additional employment

Employees may carry out additional work, employment or outside activity if it is not in conflict with the Council's business.

The Chief Executive and Chief Officers must seek express consent from full Council to take up additional employment in line with their terms and conditions.

You must disclose and seek approval from your line manager who will determine if there is likely to be a conflict of interest. Your manager will also assess hours worked in line with the Working Time Regulations 1998 and discuss this with you.

You must not do personal work of any sort during the hours you are carrying out your work for the Council or use the Council's facilities in connection with additional employment.

If you are considering establishing a business, social enterprise or micro provider organisation you should also read, and act upon the framework "[Implications of the Localism Act and social enterprises](#)".

Details of the [declaration process](#) and further guidance are available from your line manager.



## **2.4 Consumption of alcohol**

You must not drink alcohol during the working day at all; including unpaid breaks. You must also make sure that you are fit for duty if on call or about to start work. You must be mindful of the effect your behaviour will have on the reputation of the Council.

Disciplinary action will be taken against you if your ability is impaired by alcohol whilst on duty.

## **2.5 Illegal substances and medication**

It is a criminal offence to produce, possess or supply an illegal substance. You must not use, or be under the influence of an illegal substance during the working day at all; including unpaid breaks.

You have a duty to inform your line manager if you are taking any medication which interferes with the safe performance of your role. You also have a duty to inform your doctor, if you drive or work with dangerous machinery, when they are prescribing medication. You should also refrain from over medicating while at work or if you are about to start work, with either prescribed or over the counter medicines by exceeding the recommended dosage.

You must be mindful of the effect your behaviour will have on the reputation of the Council and the impact illegal substances, or the misuse of legal drugs will have on your ability to perform your duties. Disciplinary action will be taken against you if your ability is impaired by illegal substances or the misuse of legal drugs while on duty.

## **2.6 Conflict/disclosure of personal interests**

Employees must not allow personal interests to conflict with the Council's business. This means you must not use your Council position, facilities or equipment to benefit yourself, family, friends or a private company/interest.

You must register any interest you/your spouse/partner has which may conflict with the Council's interest. This includes any employment by, substantial shareholding in or membership of any external company or body which has, or may enter into a contractual relationship with the Council or which is involved in campaigning or lobbying in respect of any Council activity.

The same principles apply to work carried out through partnership arrangements. So if you are involved in any type of partnership working with other agencies/companies and there appears to be a potential conflict of interest, you must also register this as described above.

Disclosure must be made as soon as it becomes evident there is or may be a conflict of interest. It may come to light in processes such as recruitment, tendering or during committee meetings. It must be declared immediately if you, a relative or friend has, or could be perceived as having, a personal interest in the process. Arrangements should



be made to protect both the Council and the employee's position.

You must also declare membership of any organisation not open to the public, which requires allegiance and which has secrecy about rules, membership or conduct.

If you are considering establishing a business, social enterprise or micro provider organisation you should also read, and act upon the framework "Implications of the Localism Act and Social Enterprises".

Details of the [declaration process and further guidance](#) are available from your line manager.

## 2.7 Sponsorship

When an outside organisation wishes to sponsor a Council activity or an individual employee, the rules as described in section 2.2 about accepting gifts and hospitality apply.

When the Council wishes to sponsor an event/organisation/individual, you must follow the rules for declaring a conflict of interest in section 2.6 if you may benefit, or it could be perceived you may benefit, from the arrangement.

## 2.8 Criminal charges

Any employee facing criminal charges must notify their line manager immediately, who will consider the impact on their contract of employment. Motoring convictions should be declared in line with the Driving at Work Policy.

## 2.9 Disclosure of information

All employees, permanent or temporary, of the Council, and any volunteer working for the Council with access to information, has an absolute duty to respect the confidentiality, integrity and availability of information they have access to in the course of their duties. This duty includes the legal obligations to comply with:

- Data Protection Act 2018
- Freedom of Information Act 2000 & Environmental Impact Regulations 2004
- Common law duty of confidentiality, "**The duty of confidentiality: Not to share information without the permission of the confider unless to prevent serious harm or is strongly in the public interest or unless the law states that you must**".
- Adhering to statutory guidance from the Information Commissioner's Office and the Caldicott Principles.

All employees also have a duty of privacy and trust to all our customers and data subjects.

Completion of the Council's Information Governance training courses is mandatory and failure to complete this as part of employee induction and/or refresher training may mean



that you are unable to access the information required to fulfil your job. The level of training will vary between jobs depending on the access to information the job involves but a minimum level will apply to all employees. If in doubt ask your line manager or contact the Information Governance team.

Failure to comply with information governance rules can result in civil or criminal action against the individual employee and the Council. Such action is more likely if acts were deliberate or negligent in the way information was stored, processed or disclosed.

The sharing of data with other organisations must be compliant with the Data Protection Act, national standards and local data sharing agreements. Before any data is shared we should seek the explicit consent of the data subjects unless to seek their consent could impede the detection or prevention of a crime or lead to increased risk to the safety of the data subject or of other persons. There is also a duty to share data with others where to fail to share the data could increase the risk of harm to the data subject or to other parties. Further advice and guidance on Data Protection and Data Sharing is available from the Information Governance team

Deliberate disclosure of confidential/personal information may be considered as gross Misconduct.

## **2.10 Dress**

The Council does not have a formal dress code. Employees who are required to wear a uniform or protective clothing to perform their duties will be provided with what is required and must wear this as instructed.

Cultural dress is encouraged providing it does not become a health and safety risk within the working environment.

You should be mindful that the way you present yourself may reflect upon the Council's reputation. You must dress in a manner that is appropriate for the situation in which you are working and which does not offend colleagues, customers or service users.

## **2.11 Inventions, patents and copyright**

Any inventions made before the Patents Act 1977 belong to the Council if they were made during the course of your employment. However, after 1 June 1978, inventions will only belong to the Council if:

- they have been made in the course of your normal duties
- you would be expected to be inventive as part of your duties
- they were made in the course of your duties and you had a special obligation to further the Council's interest.

Any material that is related to work belongs to the Council under the Copyright, Designs and Patents Act 1988. This means you cannot claim ownership of any material, written or produced by yourself or others during the course of your employment. You must not use any Council material for your own or a third party's gain.



## **Legacies/bequests in a will**

Employees must never provide assistance to customers when drafting a will or act as a witness. Great care must be taken to ensure you are never placed in a position where it may appear that you are influencing or advising a customer about the content of their will. Any gifts or monies left to you in a will must be declared using the acceptance of hospitality/gifts process described in section 2.2.

### **2.12 Off duty hours**

Employees must not undermine public confidence in the Council in any way. This means your behaviour, both in and out of work, must not jeopardise your employment, undermine the trust placed in you as a Council employee or bring the Council into disrepute. Although you're off duty hours are your personal concern, you must not allow official and private interests to conflict.

### **2.13 Personal use of Council equipment**

The Council provides work equipment for employees to use to carry out their duties. If you wish to use such equipment for personal use, you must adhere to the policies that apply. For example, mobile phones, email and internet use.

### **2.14 Political neutrality**

As a council employee, you service the Council as a whole. You must serve all councillors not just the controlling group and make sure you respect their individual rights. You must not allow your personal or political opinions to interfere with your work or your behaviour as a Council employee.

You will not normally be asked to advise any of the political groups represented on the Council about their, or the Council's work, or be required to attend political group meetings. However, in exceptional cases identified by the Chief Executive, senior officers may be asked to attend and advise political group meetings.

The Council is required by the Local Government and Housing Act 1989 to maintain a list of politically restricted posts. If you are employed in a restricted post, it prevents you from having any active political role either in or outside the workplace. It means you are disqualified from being elected or holding office as a member of this Council. You are also disqualified from standing or holding office with this Council if you hold any paid office or employment with a local or joint authority on which this Council is represented.

In practical terms, this means you cannot stand as a local councillor, an MP or a Euro MP. You are also restricted from:

- canvassing on behalf of a political party or a person who is or seeks to be a candidate.
- speaking to the public at large or publishing any written or artistic work that could give the impression that you are advocating support for a political party.



You will have been informed if your post is politically restricted and whether there is a right of appeal. Further information about [politically restricted posts](#) is available on the intranet or you can speak to your line manager.

## **2.15 Professional qualifications**

Employees in roles that require specific professional registration to be able to practice their profession must maintain this requirement. You must also comply with the professional standards, codes of practice and any continuing professional development requirements.

## **2.16 Relationships at work**

### **Councillors**

Mutual respect between employees and councillors is essential. Close personal relationships between employees and individual councillors can damage this respect. Officers whose duties require them to have contact with Elected Members must familiarise themselves with and follow the Protocol on Member/Officer Relations a copy of which can be found in Part 5 of the Council's Constitution.

### **Employees**

The Council has a statutory obligation to protect employees from harassment on the grounds of gender, race, disability, sexuality, religion or belief and age. You are expected to show courtesy and respect to fellow employees and maintain a professional attitude to others in the performance of your duties.

### **Customers**

Employees in close contact with vulnerable customers must maintain professional relationships at all times. Appropriate boundaries should be made clear from the outset whilst being sensitive to the service user's personal history and how that might affect the relationship. Employees must not have any kind of physical or sexual relationship with customers.

### **Close personal relationships**

During recruitment, candidates are required to declare any personal relationships they have with councillors or employees. Existing employees must not be involved in recruitment or other management processes involving a friend/relative, or someone they have a close personal relationship with. You must inform your line manager immediately if you identify an applicant that you have, or could be seen to have, a close personal relationship with.

Alternative management arrangements will be put in place, where possible, if a candidate is appointed who should be managed by, or will manage, a relative or someone with a close personal relationship.



Close relationships that develop during the course of employment between employees and or Councillors must be declared by both parties. Alternative working arrangements will be put in place to ensure compliance with this code. Further information and [how to register a relationship](#) is available on the intranet.

## **2.17 Social Media**

There is growing popularity and use of social media websites like blogs, Facebook and Twitter. These are useful tools for communicating and engaging with the public, and are already used by some employees for this purpose. Employees must make sure that their use of, and participation in, social media websites does not bring the Council into disrepute, or breach their obligations under relevant legislation or Council policies.

You should ensure that you follow the [Social Media Policy](#), which governs the use of social media websites by Council employees. You should also follow the Council's Network, Email and Internet User policy, which contains detailed provisions on the use of the Council's information systems and IT facilities for both Council related activities and personal use. These policies are intended to set the standards of behaviour expected from employees in relation to their use of social media websites.

## **2.18 Whistleblowing**

If you become aware of activities which you believe are illegal, improper, unethical or otherwise inconsistent with this code, you can obtain a copy of the [Council's Whistleblowing Policy](#), ask your line manager or contact Human Resources.

## **3 Support and guidance**

Further guidance, supportive information and documentation on [employee code of conduct](#) are available on the intranet or can be obtained from your manager.



## Appendix 1

### Derby City Council Ethics Statement

The purpose of this statement is to provide guidance to Council employees on the ethical framework within which the Council seeks to conduct its activities, and on the processes the Council uses to ensure compliance with the highest ethical standards.

The Council works with private, public and non-profit sectors to provide a range of services to the community of Derby. This statement sets out the ethical standards organisations, service providers, small businesses and individuals can expect from employees of the Council, and the standards that are expected of them. Underpinning these expectations are the Council's core values. They drive our behaviour and reflect how we conduct ourselves in business.

Our values ensure that we strive to achieve the best we can for the citizens of Derby. Support one another to strive for excellence in everything we do, whilst achieving great outcomes for customers. We will look for new and innovative ways to improve our services, encouraging accountability, improved efficiency and accessibility.

The public is entitled to expect the highest standards of behaviour, accountability and conduct from Council employees. All activities and practices carried out by the Council and its employees must comply with the Council's ethical standards as set out in this statement.

#### **Why ethical standards are important in the delivery of public services**

High ethical standards are important for society as a whole. Ethics are particularly important where public money is being spent on public services or public functions. High ethical standards are important to users of public services. Commissioning and procurement decisions can have a major impact on users' daily lives and their quality of life. The services provided can be:

- essential services for which the individual has little or no choice in the provider
- services where they need to be tailored to individual needs
- services for users who can be vulnerable and need support and advice to access services.

#### **The Seven Principles of Public Life**

The Seven Principles of Public Life are accepted as the basis of the ethical standards expected of all public office holders. This statement is based on these key principles and the standards of conduct that meet these principles and statutory provisions applicable to all local government activities. The principles apply to anyone who works as a public office-holder, and this includes all those who are elected or appointed to public office. All public office-holders are both servants of the public and stewards of public resources.



## **Integrity**

Integrity is fundamental and underpins everything we do. We must act with honesty and adhere to the highest standards of moral and ethical values and principles through our personal and professional behaviour. We must not place ourselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

## **Selflessness**

We have a duty to make decisions in the public interest and not act in order to gain financial or other benefits for ourselves, our family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker or someone associated with the decision maker.

## **Accountability**

As holders of public office we are accountable to the public for our decisions and actions and must submit ourselves to the scrutiny necessary to ensure this. This means recording reasons for decisions, keeping proper records, establishing audit trails and conducting audits.

## **Objectivity**

We must act and take decisions impartially, fairly and on merit, and in accordance with our statutory obligations when carrying out public business, using the best evidence and without discrimination or bias. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all, impartial assessment, merit on selection in recruitment and in the purchase and sale of Council's resources, considering only relevant matters.

## **Openness**

We must act and take decisions in an open and transparent manner. Information must not be withheld from the public unless there are clear and lawful reasons for so doing. We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions, revealing other avenues available to the client or business, offering all information and communicating clearly.

## **Honesty**

We must always be truthful. We have a duty to act honestly. We must declare any private interests relating to our duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law, following the letter and spirit of policies and procedures, observing the Employee Code of Conduct, fully disclosing actual or potential conflicts of interest in accordance with the Council's disclosure of personal/conflicting interest's guidance on iDerby, and exercising any delegated authority strictly for the purpose for which



the authority was delegated.

## **Leadership**

We must exhibit these principles in our own behaviour. We must actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs. In so doing we will enhance and maintain the public's trust and confidence in the integrity of the Council. This means promoting public duty to others in the Council and outside, by our own ethical behaviour.

## **Respect**

We must treat others with respect at all times. A respectful workplace is one where each employee is treated fairly, regardless of work experience, time with the Council, gender, cultural background or any other distinguishing factor. This type of environment promotes healthy and positive working relationships between all employees, customers and other stakeholders. A major advantage of a respectful workplace is that it allows employees to function at their best, which in turn increases the likelihood of success.

## **Decision making**

In making our decisions we all must strive to obtain the best value for money. Depending on the circumstances, our decision making takes into account many things including upfront costs, ongoing costs, suitability, quality, reliability, availability, experience, reputation, safety, legal compliance and environmental sustainability.

While we strive to obtain the best price for goods and services we do not necessarily buy at the cheapest nor sell at the highest price. The Council is required to balance all relevant factors including initial cost, whole-of-life costs, quality, reliability and timeliness in determining true value for money.

Although Council business dealings must be transparent and open to public scrutiny, there will be times when information on Council's relationships with private sector suppliers of goods and services cannot be made publicly available, however we will always act fairly in our decision making. That means we are objective, reasonable and even-handed. It does not mean that we can satisfy everyone all of the time. We will publicly support our decisions unless we have to maintain confidentiality or protect privacy.

## **Reporting unethical behaviour**

The Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to:

Richard Boneham - Head of Internal Audit (DCC)/Head of the Audit Partnership

[Email: richard.boneham@centralmidlandsaudit.co.uk](mailto:richard.boneham@centralmidlandsaudit.co.uk) Telephone: 01332 643280/640762



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