



DERBY CITY COUNCIL

Employee Code of Conduct

Policy Purpose

The Employee Code of Conduct sets out the standards of conduct and behaviour expected of all Council employees.

Document Control

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| Author | Kelly Harrison |
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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. Governing bodies of these schools are strongly urged to adopt this policy for non-teaching staff within their delegated powers.

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

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. This is defining attitude towards work, how we work together and engaging everyone to deliver their best. You are expected to demonstrate behaviours that reflect these values whilst performing your duties.

The values of Derby City Council are:

Can do - Our positive attitude means we find ways of achieving excellent outcomes for our service users, partners, stakeholders and colleagues.

Innovation – We create an environment where we constantly strive for better ways of doing things, through a forward thinking and creative approach.

Customer focus – We put service users, partners, stakeholders and colleagues at the heart of our work and build trusting relationships that make a difference.

Respect and dignity – We treat people fairly, act ethically and embrace diversity. Respect and dignity is about being inclusive, behaving with integrity and valuing individuals.

Honesty – We are open, act with integrity and seek feedback and opportunities to develop. A spirit of reflection and a desire to learn help us to deliver our promises.

Excellence – Our ambition is to offer our customers excellence in all we do and we invest in our employees' development to allow them to achieve the professionalism and expertise to deliver that.

2.2 Acceptance of gifts/hospitality

The Council is committed to conducting its services fairly, honestly, openly and adhering to the Bribery Act 2010. 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.

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. No gift/hospitality should be accepted if it could place you in what looks like a dishonest or corrupt situation.

All offers of gifts/hospitality must be recorded whether they are accepted or not (except for token value promotional items) and you must secure approval from your line manager before accepting any gift or hospitality.

Details of the registration process and further guidance is available from the supporting Derbynet page referenced in section 3.

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 working hours or use the Council's facilities in connection with additional employment.

Details of the declaration process and further guidance is available from the supporting Derbynet page referenced in section 3.

2.4 Consumption of alcohol

Consumption of alcohol during working hours is not permitted.

You may not drink alcohol during the working day at all; including unpaid breaks if you are involved in the following:

- work involving a high level of health and safety risk;
- responsibility for others where there is a high level of health and safety risk;
- close contact with service users
- face to face contact with external or partner agencies where you are representing the Council.

Employees not involved in the above type of work are expected to take a sensible approach to the consumption of alcohol during unpaid breaks. You must therefore be mindful of the effect your behaviour will have on the reputation of the Council and the impact alcohol will have on your ability to perform your duties.

Disciplinary action will be taken against you if your ability is impaired by alcohol whilst on duty. See the disciplinary rules for more information.

2.5 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.

Details of the declaration process and further guidance is available from the supporting Derbynet page referenced in section 3.

2.6 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.

2.7 Disclosure of information

Legislation requires that certain information must be available to councillors, auditors, government departments, service users and the public. The Council publishes its performance results and discloses information in line with the Freedom of Information Act.

You must always treat personal data obtained through your duties as confidential and only disclose personal data in accordance with the Data Protection Act Policy.

Further information about data protection is available from the supporting Derbynet page referenced in section 3.

2.8 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.

2.9 Illegal substances

It is a criminal offence to produce, possess or supply an illegal substance. Where these offences come to light and/or where an employee is under the influence of an illegal substance whilst on duty, disciplinary action will be taken.

2.10 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 and you must not use any Council material for your own gain or a third party.

2.11 Legacies/bequests in a will

Employees must never provide assistance to service users 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 service user 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 your 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) or seek your line manager's permission.

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 local authority. You are also disqualified from standing or holding office with this authority if you hold any paid office or employment with a local or joint authority on which this authority 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 they 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. For more information about politically restricted posts, see the Derbynet guidance page referred to in section 3.

2.15 Professional qualifications

Employees in roles that require specific professional registration to be able to practise 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 course of the performance of your duties.

- Service users

Employees in close contact with vulnerable service users must maintain professional relationships at all times. Appropriate boundaries should be made clear from the onset 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 service users.

- 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.

Where a candidate is appointed that results in being managed by or management of a relative or someone with a close personal relationship, wherever possible, alternative management arrangements will be put in place to ensure compliance with this code.

Close relationships that develop during the course of employment between employees/Councillors must be declared by both parties. Alternative management arrangements will be put in place to ensure compliance with this code. See the Derbynet page referred to in section 3 for how to do this.

2.17 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 2.5 if you may benefit or it could be perceived you may benefit from the arrangement.

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 Confidential Reporting Code from Derbynet or Human Resources.

3. Support and guidance

A full description of the process including guidance, supportive information and documentation is on the intranet under Human Resources:

<http://derbynet/derbynet/hrportal/CodeofConduct.asp>

4. Roles and responsibilities

The roles and responsibilities of key stakeholders are summarised in Appendix 1.

Appendix 1 – Roles and Responsibilities

| Chief Executive & Chief Officers | Managers | Employees | Human Resources Including Employee Service Centre |
|---|---|--|--|
| Every employee must use the procedure and guidance on Derbynet | | | |
| Fairness and equality | | | |
| To ensure this policy is implemented in a fair, consistent and non-discriminatory manner. | | | |
| General operation of the scheme | | | |
| To ensure managers carry out their responsibilities. | To ensure employees carry out their responsibilities. | To adhere to the employee responsibilities. | Provide advice and guidance to managers and employees. |
| Acceptance of hospitality, gifts and sponsorship | | | |
| To maintain a Directorate register of gifts, hospitality and sponsorship. | To approve acceptance of appropriate gifts, hospitality and sponsorship. | To declare and record all offers of gifts, hospitality and sponsorship whether they are accepted or not. | Provide advice and guidance to managers and employees. |
| To approve acceptance of appropriate gifts, hospitality and sponsorship. | To take management action where it appears an offer of gifts/hospitality/sponsorship is disproportionate or illegitimate. | To seek approval to accept appropriate gifts/hospitality. | |
| To take management action where it appears an offer of gifts/hospitality/sponsorship is disproportionate or illegitimate. | | | |
| Additional employment | | | |
| To maintain a Directorate register of additional employment. | To determine if there is a conflict of interest in additional employment. | To declare and seek approval of any additional employment. | Provide advice and guidance to managers and employees. |
| Seek express consent from Full | To take management action | Sign working time regulations opt- | |

| Chief Executive & Chief Officers | Managers | Employees | Human Resources Including Employee Service Centre |
|--|--|---|--|
| Council to undertake additional employment. | where additional employment represents a conflict of interest. | out agreement if working over 48 hours a week or reduce hours to comply. | |
| | To approve appropriate additional employment. | | |
| | To determine if an employee will be working more than a 48 hour week and take action. | | |
| Conflict/disclosure of personal interests | | | |
| To maintain a Directorate register of conflicts/disclosures of personal interests. | To take management action where there appears to be a conflict of interest. | To make a declaration if there is or appears to be a conflict of personal interest. | Provide advice and guidance to managers and employees. |
| To take management action where there appears to be a conflict of interest. | | | |
| Close personal relationships | | | |
| To maintain a Directorate register of close personal relationships. | Take management action where there is a conflict of interest due to a close personal relationship. | To declare any close personal relationships that emerge at work. | Provide advice and guidance to managers and employees. |
| Take management action where there is a conflict of interest due to a close personal relationship. | | | |
| Private telephone calls | | | |
| Authorise appropriate use of Council telephones. | Authorise appropriate use of Council telephones. | Seek permission to use Council telephones for personal emergencies. | |