

<b>Code of Conduct for Staff Section 13.5 of the Council's Constitution</b>	Reference: Constitution Version No: 1.3 Issue Date: September 2017
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## Document Control

<b>Document Ref:</b>	Constitution part 13	<b>Date Created:</b>	
<b>Version:</b>	1.3	<b>Date Modified:</b>	November 2017
<b>Revision due</b>			
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<b>Equality Impact Assessment: (EIA)</b>	Date undertaken:	n/a	
	Issues (if any):		

## Change History

Version	Date	Description	Change ID
0.1	July 2014	To reflect changes to the Constitution dated	
0.2	May 2016	To remove outdated reference to Member Code of Conduct following changes to the	
1.3	November 2017	Revised to include a section on social media	

## Related Documents

Referenc	Title	Tier
	<a href="#">Council Constitution</a>	

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## **1 Introduction**

- 1.1 This Code of Conduct for West Berkshire Council employees sets out the expected standards of behaviour for employees of the Council, other than those based in schools.
- 1.2 The public is entitled to expect the highest standards of integrity from local government employees and to know that decisions and actions taken are fair and impartial. Public confidence is shaken if there is the least suspicion, however ill-founded, that there has been improper conduct or that decisions and/or actions have been influenced by improper motives or pressures. Councils are expected to provide clear guidance to their employees on what is acceptable conduct and what is not.
- 1.3 The Council also has a right to expect high standards of conduct and loyalty from its employees. In delivering Council services, employees should maintain the high standards of behaviour that the public is entitled to expect. Employees should also behave in a fair, courteous and supportive manner to colleagues within the Council, and operate within the Council's employment policies.
- 1.4 Breaches of the Code of Conduct will normally result in disciplinary action being taken. Serious breaches may result in dismissal from the Council's employment.

## **2 Applicability**

This code of conduct applies to all employees directly employed by the Council. School employees will be covered by the code of conduct approved by the governing body of the school.

## **3 Gifts and hospitality - general**

The acceptance of gifts and hospitality is a sensitive area where actions can easily be misconstrued. Much of what is acceptable practice in the private sector is not acceptable in local government employment, where actions of employees are open to public scrutiny. In deciding whether to accept gifts or hospitality, employees should consider how their actions might be considered by a member of the public; they should not be embarrassed to explain them. These guidelines will help to judge what sort of gift, and what level of hospitality, is acceptable.

## **4 Rules and Procedure for Gifts and Hospitality**

Acceptance of gifts or hospitality should be the exception. If in any doubt, they should be refused.

- (a) Employees may accept small "thank you" gifts of token value, such as a diary, a coffee mug or bunch of flowers, if they have not asked for any such gift and if their manager agrees (in advance as far as possible). The manager must note all such gifts in the hospitality register (see (e) below). Gifts that the manager refuses permission to accept must be returned.
- (b) Employees should always say no if it is believed that the giver has an ulterior motive. They should be sensitive to the possibility that the giver may think that even small gifts or simple hospitality will elicit a more prompt service or preferential treatment.
- (c) Employees should not accept gifts or hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council,

seeking planning consent, seeking employment with the Council, or in dispute with the Council, even if the employee is not directly involved in that service area.

- (d) If an employee is in doubt about the acceptability of any gift or offer of hospitality he or she must consult the Head of Service or Corporate Director.
- (e) Employees must report immediately (in writing if requested to do so) any offer of hospitality made to them. The manager will make sure it is entered in the hospitality register. Each Head of Service will keep a hospitality register to record any offer of a gift or hospitality, whether accepted or not.

## **5 Hospitality**

- 5.1 A gauge of what is acceptable hospitality is whether the Council would offer a similar level of hospitality in similar circumstances.
- 5.2 Occasional working lunches with customers, providers or partners are generally acceptable as a way of doing business provided that the frequency and cost are reasonable.
- 5.3 Invitations to corporate hospitality events must each be judged on their merit. Provided the general rules above have been taken into account, it may be acceptable to join other company/organisation guests at:
  - sponsored cultural and sporting events, or other public performances, as a representative of the Council;
  - special events such as significant anniversary or jubilee celebrations.
- 5.4 In all such cases, Corporate Directors or Heads of Service must be consulted. When deciding acceptability, employees and managers should take account of:
  - the number of events attended;
  - the possible public perception of the attendance of employees at such events;
  - the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee.
- 5.5 Acceptance of paid holidays, concessionary travel rates, offers of hotel accommodation or the use of company flats is not permitted.
- 5.6 If an employee is visiting a company to view equipment that the Council is considering buying, expenses for the trip should be paid by the Council. Acceptance of refreshments and/or a working lunch may be acceptable, but care must be taken to ensure that the Council's purchasing/tendering procedures are not compromised.
- 5.7 Acceptance of sponsored hospitality that is built into the official programme of conferences and seminars related to an employee's work is acceptable.
- 5.8 Offers to speak at corporate dinners and social gatherings or events organised by, for example, a professional body, where there is a genuine need to impart information or represent the Council, may be accepted if agreed in advance with the Head of Service. In such cases, where a spouse or partner is included in the invitation, it is acceptable for them to attend as well, provided that expenses incurred are met by the employee.
- 5.9 Any invitation accepted should be made to the employee in their professional/working capacity as a representative of the Council.

## **6 Rules Governing Interests**

- 6.1 Local government employees must, at all times, be seen to be acting fairly and impartially and must consider how their actions appear to members of the public. Everything they do is open to public scrutiny. The public must never have reason to suspect that an employee's personal needs or interests or those of their family or friends influence actions or decisions.
- 6.2 The following rules set out what constitutes an interest that may conflict with the interests of the Council and the actions that employees must take should such an interest exist:
- Financial interests can be either direct (eg an employee or family member making application for planning consent or a grant from the Council) or indirect (eg an employee or family member being a committee member of a club that is making such an application);
  - A personal interest exists when an employee or their family or close friends or any organisation they belong to could gain or lose (other than financially) from an act or decision of the Council;
  - Employees must disclose to the Head of Service if they have a friend, associate or relative who is involved in providing goods or services to the Council, or who is receiving grants or benefits from the Council of a kind that they deal with directly or monitor in any way in the course of their work. ;
  - If circumstances arise during employment in which the employee could exploit Council information or procedures, he/she should inform the Head of Service. The manager should be informed if the employee, their partner or a close relative:
    - is applying for a service or benefit that in the job the employee supplies, administers or influences; or
    - is or could be affected by a change to service delivery, enforcement or control procedures which in the job the employee carries out, administers or influences;
  - An employee should register with the Council their membership with any organisation not open to the public that has secrecy about rules, membership and/or conduct, for example Freemasons.
- 6.3 Disclosures must be made in writing to the Head of Service, with a copy to the Head of Human Resources. He or she will enter brief details of the disclosure in a register that is open for inspection by elected Members of the Council, but not the general public. Disclosures will also be circulated to other Heads of Service for the attention of any officers who might need to know.
- 6.4 The Head of Human Resources will liaise as appropriate with the Head of Finance and the Audit Manager, who will also have access to any disclosures.

## **7 Other Employment and Activities**

- 7.1 Employees must not engage in any additional employment, unpaid appointments or other outside activity which conflicts with the Council's interests or which could damage public confidence. In some circumstances permission must be sought before taking on additional employment, as follows:

(a) **Senior Employees**

Senior employees (on or above scp 33) must not engage in any other business or take up any additional appointment or employment without the written consent of their Head of Service.

(b) **All Other Employees**

There is no requirement employees on scp 32 or under to obtain the consent of their Head of Service before taking up additional employment. However, all employees must inform their manager if they do so because the Working Time Directive requires employers to know the total number of hours worked by their employees.

- 7.2 The Council owns any inventions, writings and drawings created in the course of employment (intellectual ownership). Employees must obtain their Head of Service's written permission to publish or use this material for any other purpose.
- 7.3 Employees should consider with caution any requests to do private work, using their professional/technical skills, and must always be aware of the potential for conflict of interest and damage to public confidence in those circumstances.

## **8 Confidentiality**

- 8.1 Some Council documents are public documents, eg the Constitution and Complaints Procedures. Other information is strictly exempt/confidential, eg personal information about staff and clients and tendering information. Such information must not be made public or disclosed without authorisation.
- 8.2 Employees must not disclose any information that is exempt and/or confidential or that, if it were made public, might lead to a breakdown in the trust and confidence that the Council is required to provide to the public and therefore to expect of its employees. It may be necessary to discuss confidential information with colleagues, but sensitive information should not be discussed in public, where it may be overheard. Employees should not disclose exempt/confidential information gained through employment in a social or public setting.
- 8.3 Employees must not pass any information, or make comment, to the press or other media unless they are expressly authorised to do so. Media enquiries in particular should be handled with care and employees should notify the appropriate Head of Service and the Public Relations Team if they have been approached by the media.

## **9 Recruitment and Appointment**

- 9.1 If an employee is involved in recruitment or making an appointment, they must apply the Council's Recruitment and Selection processes, and ensure that fairness and equity is applied at all stages.
- 9.2 Employees involved in recruitment or making an appointment, must inform their manager if they are closely associated with any of the candidates (eg he/she is a relative or close friend).

Employees making a work-related application to the Council (eg for a different job, secondment or development opportunity) must disclose to the decision-maker any information that could affect the outcome or cause public concern (eg the relationship to an important contractor or client of the service or a conviction relevant to the work). They must not seek the help or influence of Members of the

Council or senior employees.

## **10 General Conduct**

- 10.1 All employees are expected to apply the Council's values to all aspects of their behaviour and conduct at work. The Council has an Equality Policy that must be applied in all dealings, with work colleagues as well as with those individuals and organisations that employees have contact with in their work.
- 10.2 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed. Any failure by officers to comply with the provisions of the Council's Constitution may result in disciplinary action being taken.
- 10.3 The Council has agreed Disciplinary Rules which contain examples of conduct which is unacceptable. Employees must make themselves aware of the content of these rules.
- 10.4 The Council expects the conduct of its employees to be such that no justifiable complaint can be made by members of the public, other bodies and agencies, other employees, managers or Council Members. Any complaints about inappropriate conduct will be dealt with using the Council's Disciplinary Procedure.
- 10.5 All employees are expected to comply with the law relating to their work and general conduct. If they break the law outside of working time and the offence is one that could damage public confidence or have a direct effect on their work, they may be subject to disciplinary procedures.
- 10.6 All employees are expected to treat the equipment and facilities that they use at work with care. Abuse of Council property and facilities will be considered as a serious matter and dealt with under the Disciplinary Procedure.

## **11 Dress and Presentation**

- 11.1 The Council expects its employees to dress in a manner that gives a good impression to the public, and is suitable for the type of work being carried out. Clothes should provide sufficient cover at all times of the year. Managers will advise employees of the type of clothes that are appropriate for the type of work they are employed to do.
- 11.2 Employees who are required to wear a uniform must conform to those requirements. If they have personal, cultural or religious objections to these requirements, they must raise them with their Head of Service, who will consider each case on its merits and take appropriate action, including using the Council's agreed procedures where appropriate, seeking advice from Human Resources where necessary.
- 11.3 Clothes should be clean and tidy unless soiled by work duties on that day.

## **12 Service Delivery**

- 12.1 Good customer care is essential. The first impression created with service users, either in personal contact or on the telephone, will often determine how the interaction will proceed and how the Council will be perceived.
- 12.2 Employees must treat all service users with courtesy and respect. If a service user is aggressive or offensive, an employee may firmly and politely end their interaction with him or her or summon assistance, but they should not be aggressive or rude

in response. They should inform their manager in writing immediately of details of any aggressive or offensive customer or colleague they have dealt with. Details of the protocol that operates in each service area for dealing with aggressive or offensive customers should be provided by the Head of Service.

- 12.3 Training programmes are provided for staff to help develop ways of dealing with difficult customers appropriately. Managers should provide details if an employee believes it may help them in their job.
- 12.4 It may be necessary for security staff to use reasonable force to remove a person who has acted violently and refused to leave the premises. Employees who are directly assaulted may be entitled as a last resort to take reasonable action to defend themselves, but over-reaction can constitute a criminal offence. The Council will support, and take appropriate action on behalf of, employees who are assaulted in the course of their duties.
- 12.5 Employees should try at all times to make service users feel that they are receiving the best attention. Every effort should be made to satisfy the service user or enquirer at his/her first point of contact. If an employee needs to refer the enquiry or matter to another member of staff or another agency, they must explain the reason why.

### **13 Social media**

- 13.1 The way in which Council employees present and conduct themselves on social media can have an impact on public perception of the Council. Employees should consider carefully before they identify themselves as an employee of the Council on their personal social media accounts as this will increase the likelihood that comments may have an impact on the Council.
- 13.2 For these purposes, social media has a broad meaning. By way of example, this will include but will not be limited to the following types of social media sites: Facebook, Instagram, Twitter, Snapchat, You Tube and local internet based discussion forums.
- 13.3 Anything posted, shared or 'liked' on social media could potentially end up in the public domain, regardless of the privacy settings selected by the employee. Employees should be mindful of this when using social media both for and outside of work.
- 13.4 Employees must ensure that their use of social media does not adversely affect the Council, its business, reputation or credibility. They must ensure that their work and personal use of social media does not:
- breach any Council policy or procedure;
  - subject the Council to legal challenge or potential legal challenge;
  - compromise the privacy or dignity of service users or colleagues;
  - disclose confidential information gained through their employment by the Council;
  - amount to cyber-bullying of colleagues, service users, elected Members or others associated with the Council and its business; for example by posting, commenting or liking information or images about/of them that is intimidating, hostile, abusive, degrading, humiliating or offensive;
  - criticise Council employees, service users or individual elected Members.



Where an employee is concerned that the Council, its employees or elected Members are acting improperly or unlawfully they should use the Whistle Blowing Procedure to report these concerns; see section 20 below;

- show a lack of respect for the opinions and beliefs of others;
- imply that the personal views of the employee are an expression of the views of the Council.

Failure to adhere to these requirements may result in action being taken under the Council's disciplinary procedure and where appropriate this may result in dismissal.

- 13.5 If an employee wishes to publically comment upon policies or proposals of the Council they should take care to ensure that their comments are not personal or offensive. Employees in politically restricted posts should also take care that their comments do not breach the restrictions placed upon them by legislation. Further information can be found in the Council's Politically Restricted Posts Policy and Procedure.
- 13.6 Employees in the public sector need to maintain high standards of conduct and impartiality. Employees should not connect with service users where this could give rise to a conflict of interest. Particular care must be taken with respect to vulnerable service users. Where an employee considers that it may be appropriate to accept or send a connection request (eg a Facebook friendship request) with a vulnerable service user they must obtain prior written approval from their manager before accepting or seeking the friendship request.
- 13.7 Where employees are unsure whether or not it is acceptable to post, comment or 'like' something on social media they should check with their line manager before doing so.
- 13.8 Personal social media sites must not be used by employees during their working hours except for authorised work related purposes.

## **14 Working with Managers**

- 14.1 Managers should deal with staff courteously, reasonably and fairly at all times.
- 14.2 Managers will use the Council's Employee Performance Management scheme to appraise performance and provide feedback. They will define expectations, advise on how to improve and deal with any concerns about an employee's work.
- 14.3 Managers should provide advice relating to the Council's human resources policies and provide access to appropriate training and career development within the context of budget and service delivery needs.
- 14.4 Managers will support staff in the proper performance of their duties, including assistance, where necessary, in dealing with other employees or members of the public.
- 14.5 Employees should treat managers with respect and courtesy and carry out any reasonable and lawful instructions their manager gives them to the best of their ability.
- 14.6 Employees should complete any document, form or record in an honest way and never damage, alter or falsify them.
- 14.7 Employees have a responsibility to report any breaches of disciplinary or other Council rules.

## **15 Working with elected Members**

- 15.1 Employees are expected to be polite and efficient when dealing with enquiries from elected Members, working within whatever procedures apply in each Service. Elected Members are also expected to deal with employees courteously and reasonably (as, in any event, is required by their Code of Conduct).
- 15.2 Employees should not discuss any personal matters to do with the job with Members directly, but should go through agreed Council procedures, such as grievance and appeals procedures or consultative panels. Allegations or claims about other employees should be taken up with an appropriate manager, not with Members.
- 15.3 Employees should not use Members to bypass formal Council procedures in any way, for example to influence the outcome of any disciplinary matter. This does not affect the rights of trade unions to take up matters on behalf of their members through the recognised channels, or for Members to be formally involved in Council procedures when appropriate - for example as a witness.
- 15.4 Employees should not try to influence Members prior to any appointment. This does not preclude them from approaching their local Ward Member in his/her role as their elected representative.

## **16 Working with other Employees**

- 16.1 Employees should show respect for their colleagues and should not disrupt or hinder their work in any way.
- 16.2 All forms of bullying, including violence or verbal aggression towards colleagues is unacceptable and will be dealt with under the Disciplinary Procedure. It is not acceptable for employees to abuse their position with the Council to take advantage of other employees. If there are important issues that they cannot resolve amicably with another employee, they must make the situation known to their manager.
- 16.3 All forms of harassment, including on the grounds of sex, race, religion or belief, sexual orientation, age, gender identity or reassignment, disability, pregnancy or maternity, marriage or civil partnership, political affiliation, or membership of a trade union, are unacceptable. The Council's approach is set out in the Responding to Bullying and Harassment Policy. Allegations will be investigated and dealt with under the terms of the Disciplinary Procedure where necessary.
- 16.4 Personal relationships with colleagues who would have a line or other management relationship must be declared on appointment. If close personal relationships develop between colleagues who have a management relationship, the employees concerned must inform the Head of Service. The information will be treated with confidentiality.

## **17 Smoking, Alcohol and Prescription Drugs at Work**

- 17.1 The Council operates a no smoking policy. This applies to all Council buildings, and those where Council services are provided. It also applies when transporting customers in Council or private vehicles.
- 17.2 Employees should not consume alcohol when they are on duty unless agreed beforehand by their manager for specific occasions.
- 17.3 Employees should ensure that any alcohol which is consumed whilst off duty but

during the normal working day will not damage the reputation of the Council. For certain types of work, for example those which involve operating heavy machinery, driving Council vehicles and working in Social Services, it is not acceptable to consume any alcohol during the working day. Managers must provide employees with details of local arrangements.

- 17.4 Prescribed drugs may be taken on the condition that they do not interfere with service delivery. If an employee is taking prescribed drugs that may affect their behaviour and/or their performance they should inform their line manager, who will take a view on their attendance at work.

## **18 Working with Money and making Financial Claims**

- 18.1 Employees receiving or responsible for public money need to take particular care. Monies collected on behalf of the Council must be banked by them or otherwise passed to responsible officers without undue delay.
- 18.2 All processes and procedures laid down for the management of the Council's financial affairs must be followed, including Financial Regulations, Standing Orders and the Council's Anti-Fraud and Anti-Corruption Policy.
- 18.3 Claims submitted to the Council for reimbursement of expenditure or for legitimate allowances, the correct procedures must be followed and details of the claim are within set limits, are correct and can be substantiated.

## **19 Working Safely**

- 19.1 The Council and its employees have statutory responsibilities for ensuring that a healthy and safe working environment is maintained. These are set out in the Council's Health and Safety Policies.
- 19.2 Actions or omissions of any individual that place others in danger may lead to disciplinary action.
- 19.3 Employees are expected to:
- adhere to the Council's Health and Safety Policy and the safety rules relating to their particular service;
  - make known to their manager any unsafe situations or practices that they become aware of;
  - take appropriate steps to ensure the health and safety of other employees and any other users of the Council's premises;
  - wear any safety clothing and use any safety equipment provided for work;
  - report promptly any injuries, accidents or near misses suffered at work;
  - report incidents of abusive/aggressive or bullying/threatening behaviour experienced by the employee or others whom they come into contact with during their work;
  - tell their manager if they are taking any medications that could affect their ability to work safely;
  - comply with hygiene requirements.

## **20 Protecting the Council and its Standards**

- 20.1 The Council needs its employees help to ensure that West Berkshire can continue

to be a fair and equitable provider of services, a safe and rewarding place to work and a local authority with the highest standards and reputation. It recognises that employees are often the first to know when things are going wrong in the Council's operations.

- 20.2 However, there may be reasons why employees are reluctant to draw attention to their concerns eg they feel that reporting on colleagues, managers or elected Members is disloyal, they are worried that they may not be believed, or they are afraid of possible victimisation or future disadvantage.
- 20.3 The Council values employees and others who are prepared to acknowledge when things are not right and to bring such matters to the attention of others that can deal with them. Only by encouraging those people to report inappropriate or unlawful conduct can the Council protect its reputation and maintain its high standards.
- 20.4 Improper or unlawful conduct can cover a wide range including financial irregularity; abuse of clients; abuse of power or position; neglect of duty; sexual or racial discrimination; bullying or harassment.
- 20.5 If an employee detects or has reason to suspect that colleagues, managers or elected Members are acting improperly, the Council has a reporting process that can be followed without fear of victimisation, discrimination or disadvantage. The process is set out in the Council's Whistleblowing Policy.