

Employees Code of Conduct

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Torbay Council

Code of Conduct for Employees

1. Introduction and interpretation

- 1.1 The public is entitled to expect high standards of conduct from all employees of Torbay Council. This Code provides guidance as to the standard of conduct which the Council expects of its employees to assist them in their day to day work. Any breach of the Code may be investigated under the Council's disciplinary procedure and action taken where appropriate.
- 1.2 The provisions of this Code of Conduct for Employees are intended to be read consistently with the Principals of Public Life governing the Code of Conduct for Members. Not all of these principals are relevant to officers. Those which are relevant are set out below:

Selflessness

Officers must serve only the public interest and must never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

Officers must not place themselves in situations where their honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour. Officers must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. Officers must not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends and they must declare any such interests.

Objectivity

Officers must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Officers are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Respect for Others

Officers must promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They must respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

Officers must uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Officers must use the authority's resources prudently and in accordance with the law.

Leadership

Officers must exhibit all the above principles in their own behaviour and actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

1.3 The Council expects high standards from employees because:

- Council services can affect the health, wealth and well-being of local people.
- The Council is subject to democratic control and is accountable to the electorate.
- Local people fund Council spending and take an interest in the way money is spent.

2. Status of the Code

2.1 This Code sets out the minimum standards that apply and lays down guidelines that will help improve standards and protect employees from misunderstandings or criticism. It supplements more detailed provisions in defined areas including terms and conditions of employment, Council policies and the Council's procedure rules.

3. Who the Code is aimed at?

3.1 Inevitably some of the issues covered by the Code will affect senior managerial and professional employees more than it will others.

3.2 The Code is intended to cover all employees under any contract of employment within the Council including office holders such as Registrars.

3.3 Any employee serving as a representative of the Council:

- As a Director of a Company; or
- As a Trustee; or
- On the Management Company of a voluntary organisation,

will be expected to abide by the provisions of this Code when acting in such a capacity unless to do so would cause a conflict of interest with their role as a director, trustee or management committee member.

Any employee who believes that such a conflict exists or may arise in the future must contact the Head of Human Resources.

4. Service Standards

- 4.1 Council employees must give the highest possible standard of service to the public and, where it is part of their duties, provide appropriate advice to elected Members and fellow employees with impartiality.
- 4.2 Employees will be expected through agreed procedures and without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 4.3 Employees who have serious and genuine concerns relating to impropriety, breach of procedure, unlawfulness or maladministration must be able to come forward and register their concerns without fear of harassment or victimisation.
- 4.4 Employees must show commitment to demonstrating Torbay Council's agreed Core Values - forward thinking, people orientated and adaptable always with integrity and ensure that these values are an integral part of carrying out their job role. The Core Values are available on the intranet or by contacting Human Resources.
- 4.5 Employees' conduct is expected to reflect the standards set out in this Code at all times, irrespective of whether this is within working hours or not. Where an employee engages in inappropriate conduct and risks their integrity and/or the reputation of the Council depending upon the nature and severity of the issue, this could result in disciplinary action and/or criminal proceedings being brought against them.
- 4.6 This is the reason why the Council maintains a range of policies and procedures to help ensure the highest standards of conduct are practised by its employees by encouraging and enabling staff to pursue concerns within the Council rather than disregarding them or airing them publicly.

The most critical of these policy and procedure documents are:

- Financial Regulations and Contracts Procedures.
- Local Protocol on Member and Officer Relations.
- Local Protocol on gifts and hospitality.
- Whistleblowing policy.
- Acceptable Behaviour Policy.
- Information Security Policies.
- Prevention of fraud and corruption policy and guidance.
- Disciplinary Policy.

5. Disclosure and use of information

- 5.1 The Council embraces the principal of open government and seeks to involve the public in the decision making process. Indeed the law requires that certain types of information must be available to members, auditors, government departments, service users and the public.
- 5.2 In certain circumstances employees may have a legal or professional duty to disclose information to a third party (for example in the course of legal proceedings).
- 5.3 However, some information is by necessity confidential and must not be disclosed e.g. commercially confidential information relating to tendering processes (Contract Procedures Section 40 sets out further requirements) and information which the Council, the Cabinet or any committee has determined as “exempt” information must not be disclosed to the public without the prior permission of the Monitoring Officer.
- 5.4 Employees must not prevent another person from gaining access to information which that person is entitled to by law. If in doubt as to whether or not specific information is disclosable, advice must be sought from the Council's **Information Compliance Team or the Council's Data Protection Officer**. Any employee having custody of documents to which right of access applies commits an offence by obstructing that right.
- 5.5 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor must they pass it on to others who may use it in such a way.
- 5.6 Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

6 Criminal Convictions

- 6.1 It is a condition of employment that employees must disclose any pending criminal proceedings for which they have been formally charged, any criminal conviction, caution, reprimand, bind-over or final warning received during the course of their employment. Failure to do so may result in disciplinary action being taken, as may the nature of the offence (depending upon its impact on your work) and this may result in your dismissal from Torbay Council's employment.

7 Political Neutrality

- 7.1 Employees must not do anything which compromises or is likely to compromise their own political impartiality or that of others who work for or on behalf of the Council. In particular, employees must:-
- Provide appropriate advice to all Councillors with impartiality.
 - Serve the Council as a whole i.e. all Councillors and not just those of, for example, a particular political group.
 - Observe the individual rights of all Councillors (e.g. to have access to relevant information).
- 7.2 Employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 7.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal and political opinions to interfere with their work.
- 7.4 Employees must not infringe the requirements of legislation not to publish any material which in whole or in part, appears to be designed to affect public support for a political party.
- 7.5 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in Paragraphs 7.1 to 7.4 above.

8. Relationships**COUNCILLORS:**

- 8.1 Employees are responsible to the Council through their senior managers.
- 8.2 Some employees are required to give advice to Councillors and senior managers. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual

Councillors can damage the relationship and prove embarrassing to other employees and Councillors and must be avoided.

THE LOCAL COMMUNITY AND SERVICE USERS:

- 8.3 Employees must always remember their responsibilities to the community they serve and ensure courteous, respectful, efficient and impartial service delivery to all groups and individuals within that community as defined by the corporate aims and policies of the Council.

CONTRACTORS:

- 8.4 Employees must make known to their line manager all relationships they have of a business or private nature with external contractors or potential contractors. Orders and contracts must be awarded on merit by fair competition against other tenders and no special favours must be shown to potential contractors (particularly those run by, for example, friends, personal or business associates, spouses or relatives) in the tendering process. No part of the community should be discriminated against.
- 8.5 Pursuant to section 117 of the Local Government Act 1972, if it comes to the knowledge of an employee that a contract in which he/she has a **financial** interest, whether direct or indirect, has been or is proposed to be entered into, the employee must, as soon as practicable, give notice in writing of that interest to:-
- (1) their line manager; and
 - (2) the Council's Chief Executive, in writing.

Failure to declare such an interest could constitute a criminal offence as well as a breach of this Code resulting in disciplinary action.

Employees are also required to follow the declaration of interest process for procurements as required under the Public Contracts Regulations 2015 and as set out in Contracts Procedures.

- 8.6 Employees must not seek or receive any gift or personal inducement in connection with the procurement of works, goods or services.

RELATIVES AND PARTNERS:

- 8.7 Employees must not be involved in decisions relating to partners, relatives or close friends. If it comes to an employee's attention that they are involved in any decision which could result in a particular advantage or disadvantage to a partner, relative or close friend, the employee must as soon as practicable, inform his or her line manager.

8.8 In the above paragraph 8.7:-

- (a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, niece, nephew or the spouse or partner of any of the preceding persons; and
- (b) “partner” above means a member of a couple who live together in an enduring family relationship; and
- (c) “close friend” is to be given its normal every day meaning.

9. Appointments and Other Employment Matters

- 9.1 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. The Council’s recruitment procedures are detailed in the Recruitment Toolkit and must be referred to. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her.
- 9.2 Employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

10. Applications

- 10.1 Employees making applications to the Council (e.g. for planning permission or purchase of land) on their own behalf must notify their Director, Divisional Director or Head of Service. However, employees may not make any applications on behalf of a member of the public.
- 10.2 Employees may not gain financial benefit by way of fees or gratuities or receive any other consideration for advice given to others who submit applications to the Council.

11. Outside Commitments

- 11.1 Employees must be clear about their contractual obligations and must not take outside employment which conflicts with the Council’s interests or which may weaken public confidence in the conduct of the Council’s business.
- 11.2 Employees must therefore make a request for additional employment, whether this is paid or unpaid, to their Manager, using the Additional Employment Declaration, available from MyView, under My Forms. They will also be prompted to read and complete a Working Time Regulations declaration as part of this.

- 11.3 No outside work of any sort must be undertaken in the office and use of facilities, e.g. telephones or access to typing facilities for outside work is forbidden.

12. Equality Issues

- 12.1 All members of the local community, customers and other employees have the right to be treated with fairness and equity.
- 12.2 Employees must ensure that the Council's policies (e.g. Equal Opportunities in Employment Policy) concerning equality issues are complied with in addition to any requirements of the law.

13. Fairness in Tendering

- 13.1 The tendering process must be undertaken in an open, fair and transparent manner. Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Council.
- 13.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, potential suppliers, other contractors and sub-contractors.
- 13.3 Employees who are privy to confidential information on tenders or costs relating to either internal or external contractors must not disclose that information to any unauthorised party or organisation. Before disclosing any such information advice must be sought from the Procurement Service.
- 13.4 At all times employees dealing with tenders and contracts must ensure that they comply with the Council's Financial Regulations and Contract Procedures.

14. Corruption

- 14.1 Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any payment, gift (other than a gift of nominal value), loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.
- 14.2 Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and a criminal prosecution undertaken. Where an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 14.3 The Council's Whistle-blowing policy may be used by members if they become aware of an illegal or dangerous activity by officers.

15. Use of Financial Resources

- 15.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner.
- 15.2 They must strive to ensure value for money to the local community and to avoid legal challenge to the Council.

16. Gifts and Hospitality

- 16.1 Gifts and hospitality can take many forms, and may include the following:- money, gift vouchers, lottery tickets, discounts for goods/services, tickets to entertainment or sporting events, branded gifts from providers, such as clothing or stationary items, food or drink, including invitations to lunches, dinners or breakfasts.

- 16.2 Employees in the course of their employment shall never seek or accept:

- (a) any gift (or loan) of money; or any gift of gift vouchers, lottery tickets, scratch cards, raffle tickets, or anything else offering the chance of winning a prize; or
- (b) any discounted or favourable terms of purchase (or hire or loan) of goods or services beyond terms available to the general public or to all Council Employees.

These restrictions shall apply to the seeking of any gift or benefit to any relative or friend of the employee and to any acceptance by the employee of any gift or benefit on behalf of any relative or friend.

- 16.3 Any **offer** of any gift or benefit that would contravene paragraph 16.2 shall be declared to the employee's line manager and recorded on MyView, using the Declaration of Gifts and Hospitality form.
- 16.4 A description of the gift or hospitality will need to be provided, including an estimated cost. This estimate must be based on the brand, size, usual retail cost of the item.
- 16.5 Where an employee is in any doubt about accepting a gift or hospitality they must discuss this with their manager or a member of Human Resources **prior to acceptance**.

Gifts or hospitality under the value of £25

- 16.6 Employees in the course of their employment shall never seek and shall not accept any other gift or benefit unless:

- (a) it is a gift of less than £25 in value; and
- (b) to refuse would cause offence; and
- (c) the giver is clearly only wishing to express thanks for help given in the past and is not seeking to obtain benefit in the future; and
- (d) the receipt of the gift or hospitality is declared to the employee's line manager using the Declaration of Gifts and Hospitality form on MyView.

- 16.7 Paragraphs 16.1 to 16.6 shall not prevent employees accepting (but not seeking) modest amounts of promotional materials at conferences, trade fairs and similar events and such items need not be registered under this Code of Conduct.
- 16.8 Where modest promotional materials or items are accepted by an employee from a service provider or customer these must be shared amongst other colleagues wherever possible.
- 16.9 Employees may accept reasonable and appropriate hospitality in the course of their employment where to refuse would appear unusual, or impolite, or be likely to cause offence. This may include the acceptance of a lift in a private or company car or refreshments offered at off-site meetings, conferences etc in the normal course of their duties.

Gifts or hospitality of £25 and above

- 16.10 Employees must obtain approval from a Senior Manager **before** accepting any gift or hospitality which is to the value of £25 and above.
- 16.11 An employee must, **within 28 days of being offered** any gift or hospitality at the value of £25 or above, declare this and have it authorised by a Senior Manager using the Authorisation of Gifts and Hospitality form which can be completed on MyView. This must be approved by either the Divisional Director, Director (in the case of Divisional Directors) or Chief Executive (in the case of Directors) **before it is accepted**. Receipt of hospitality at the value of £25 or above by any relative or friend of an employee shall be notified in a similar manner if the employee is aware of the receipt of that hospitality.
- 16.12 Where a gift or hospitality is unauthorized and it has to be refused, the employee must contact the relevant supplier and arrange return of the item. Details of the return must be recorded by the employee and their manager and evidence retained of this, e.g. proof of postage, email to supplier etc.

If an item cannot be returned, i.e. is perishable or the identity of the supplier is not known, it must be offered to a Council's nominated charity and recorded by the employee and manager in the same way.

16.13 Some gifts or hospitality, where authorised, may be classed as a taxable benefit. Payroll will advise employees of this and the process to be followed.

16.14 Acceptance of a gift or hospitality in breach of any of the Council's codes and protocols, or failure to declare receipt of such a gift or hospitality, will lead to disciplinary action and in certain circumstances may lead to a criminal conviction under the Bribery Act 2010 or Local Government Act 1972.

17. Personal interests of employees holding (1) politically restricted posts and (2) posts involving the negotiation and/or letting of Council contracts

17.1 In aspiring to best practice in the area of propriety and in the interests of maintaining consistency in relation to the requirements on both members and employees, the Council requires that any employee of Torbay Council holding either:-

(1) a politically restricted post; or

(2) a post involving the negotiation and/or letting of a Council contract,

to declare that interest by completing a Declaration of Interests Form available from MyView, under My Forms.

17.2 For the purposes of paragraph 17.1, an employee has a personal interest in any business of the Council where either:

(a) it relates to or is likely to affect –

(i) any body of which the employee is a member or in a position of general control or management and to which he is appointed or nominated by the Council;

(ii) any body –

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which the employee is a member or in a position of general control or management;

- (iii) any employment or business carried on by the employee;
 - (iv) any person or body who employs or has appointed the employee
 - (v) any person or body who has a place of business or land in the Council's area, and in whom the employee has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vi) any contract for goods, services or works made between the Council and the employee or a firm in which he is a partner, a company of which he is a remunerated director, or a person or body of the description specified in paragraph (v);
 - (vii) the interests of any person from whom the employee has received a gift or hospitality with an estimated value of at least £25;
 - (viii) any land in the Council's area in which the employee has a beneficial interest;
 - (ix) any land where the landlord is the Council and the employee is or a firm in which he is a partner, a company of which he/she is a remunerated director, or a person or body of the description specified in paragraph (v) is, the tenant;
 - (x) any land in the Council's area for which the employee has a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

In sub-paragraph (1)(b), a relevant person is –

- i. a member of the employee's family or any person with whom he/she has a close association; or
- ii. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

iii. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

iv. any body of a type described in sub-paragraph a)(i) or (ii).

17.3 In addition to the requirements under paragraph 17.1, such employees must also declare their membership and association with clubs, societies and other organisations not open to the public (e.g. Free Masons, Round Table etc). This can be done using the Declaration of Interests Form available from MyView, under My Forms.

17.4 Without prejudice to the specific requirements of 17.1 to 17.3, in the conduct of their responsibilities, **all employees must**

- immediately declare any relevant interest to their line manager when ever not to do so would undermine public confidence in their activities, so that their line manager may make alternative arrangements to deal with the matter; and
- Declare any personal interest in a matter being discussed at any meeting of;
 - The Council
 - The Cabinet
 - Any of the Council's Committees, Sub Committees, Joint Committees, Joint Sub Committees or Area Committees and Working Parties

where the matter to be discussed affects their interests.

18. Contact with the Media

18.1 Any contact made by the media to employees must be referred to the Communications Team in the first instance.

18.2 Employees on the authorised list are only permitted to release **factual** information in reply to questions from journalists. All comments of a political nature are reserved to Councillors.

18.3 Employees must not use the media as a vehicle to promote personal grievances; the Council's formal processes must be used in this regard (e.g. Grievance Procedure, Acceptable Behaviour process etc).

19. Appearance

- 19.1 First impressions count and if a member of staff is inappropriately dressed then at best it presents an obstacle to be overcome in the minds of members of the public. At worst it can create the view that the Council is inefficient. Although many styles of dress are acceptable, employees must dress appropriately for their job and give a positive image of the service they provide.
- 19.2 Any special clothing, uniform, personal protective equipment or identification provided by the Council must be worn where required.

20. Working Safely

- 20.1 The Council is committed to promoting good health and safe working among its employees. Each employee has a legal obligation to take reasonable care for their own health and safety and for the safety of others who may be affected by his/her acts or omissions. Employees must ensure that they:-
- Follow the Council's safety procedures, instructions, guidance etc.
 - Comply with hygiene requirements.
 - Wear any personal protective equipment supplied by the Council.
 - Report any accidents or near misses at work.
 - Never risk injury or danger to themselves or others.

21. Data Protection, Data Security and Information Technology

- 21.1 All employees must comply with Data Protection Law when processing and handling any personal data. Employees must not access information on Council systems and databases where they have no business purpose for accessing that information and must not disclose personal information unless there is a lawful basis to do so. If in any doubt, employees must seek advice must be sought from the Council's Data Protection Officer or the Information Compliance Team.
- 21.2 All employees must notify the Council's Data Protection Officer or Information Compliance Team if they believe there has been a security breach which may lead to or has resulted in the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
- 21.3 Employees must ensure that they follow the Council's Information Security Policies in relation to the use of computers, mobile devices and the proper use of management and data. Employees must not use personal email accounts or personal devices to conduct any Council business.
- 21.4 All employees must ensure they comply with the requirements under Data Protection Law to consult the Council's Data Protection Officer about matters

relating to the processing of personal data and the requirement to conduct Data Protection Impact Assessments for any new processing activities or if they are procuring any new technologies to support the processing of personal data.

22. Cyber Bullying

- 22.1 Employees must be aware that there are boundaries and consequences of bullying/harassment through social media and therefore cyber bullying is strictly forbidden.
- 22.2 There is the expectation that Council employees will maintain a high level of professionalism at all times when using social networking sites such as Facebook, Twitter, etc or any on-line sites where information can potentially be posted and made available publicly.
- 22.3 Employees must not assume that their entries on any website will remain private and they must never send or post abusive or defamatory messages.
- 22.4 Employees must be careful that comments cannot be perceived as damaging the Council's reputation or that personal comments posted about individuals/work colleagues cannot be interpreted as possible harassment, as they may be legally liable for any damage to reputation.
- 22.5 Derogatory comments about the Council, Members or other employees can lead to disciplinary action, even if this occurs outside of working hours.
- 22.6 Further information is available in the Disciplinary Policy and Acceptable Behaviour Policy both of which can be downloaded from MyView, under My Documents or by contacting Human Resources.

23. Misuse of Drugs and Alcohol

- 23.1 The Council forbids the possession, use or distribution of non-prescribed illegal drugs on any of its sites, vehicles or plant. If anyone on Council business is found to be involved in any of these activities this will be treated as gross misconduct. The police will also be informed.
- 23.2 Anyone who drives, operates machinery or is directly responsible for the care and safety of clients as part of their job is expected to refrain from drinking during working hours or from being under the influence of alcohol or drugs while carrying out their normal duties. All other employees are expected to maintain professional standards in their dealings with the general public and colleagues and to ensure their performance and conduct in the workplace is not adversely affected through consumption of alcohol. When an employee is taking prescribed drugs which may affect their ability to perform their normal duties e.g. driving or operating machinery, the employee must inform their manager.
- 23.3 The misuse of alcohol, drugs and other substances can have a serious

consequence in the workplace, especially when this misuse impairs the professional ability of employees. The Council will appropriately manage employees who are experiencing problems with drug, alcohol or substance misuse in a fair manner and will encourage them to seek support from trained counsellors. However, it is a disciplinary offence for any employee to be unfit for work due to the influence of alcohol, drugs or substances. The Drug and Alcohol Misuse Policy can be downloaded from MyView, under My Documents or by contacting Human Resources.