

## **Part 5 – Codes and Protocols**

### **Chapter 4 – Employees’ Code of Conduct**

#### **1. Introduction**

- 1.1 The public is entitled to expect the highest standards of conduct from all employees of Barking and Dagenham Council.
- 1.2 This Code aims to describe what is and is not acceptable behaviour so that standards are maintained. In particular, all Council employees are required to adhere to the seven ‘principles of public life’ identified by the Nolan Committee and endorsed by the Committee on Standards in Public Life:

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest.

**INTEGRITY:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**OBJECTIVITY:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**ACCOUNTABILITY:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**OPENNESS:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**HONESTY:** Holders of public office should be truthful.

**LEADERSHIP:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 1.3 This Code applies to all employees of Barking and Dagenham Council, as well as those engaged at the Council as part of a strategic partnership agreement, interim and agency arrangement; on a voluntary basis; or via another organisation to provide services on behalf of the Council. It is recommended to schools with delegated authority for staffing matters, as “Best Practice”.
- 1.4 Adherence to the Code and its provisions is a condition of employment and any breach of the Code may result in action being taken under the Council’s Disciplinary Procedure.
- 1.5 This Code is not an exhaustive list as it is impossible to provide a definitive list of what is or is not acceptable behaviour.

## **2. General standards**

- 2.1 Employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.
- 2.2 Employees are also required to act in accordance with the Council's scheme of delegation, legislation, the constitution and all relevant codes, protocols, standing orders, policies and procedures.
- 2.3 Employees are expected to undertake all mandatory and other training provided relevant to their roles and responsibilities.
- 2.4 The following sections of this code describe how the above principles can be demonstrated by Council employees or people working on behalf of the Council during their day-to-day work, and how they can be enforced by management.
- 2.5 If there are any doubts or queries about what is acceptable conduct, or about anything else in this Code, employees should raise them with their manager.

## **3. Protocol for reporting concerns**

- 3.1 Employees are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate manager, any significant shortcomings in the provision of an agreed service, or any impropriety, fraud or breach of procedure.

**NOTES:** i) The "appropriate level of management" may vary depending on the particular situation and could be any of the following: Line Manager; Service Manager; Divisional Director, Chief Officer, Director of Law and Governance (as lead officer for Human Resources issues), Monitoring Officer or Chief Executive.

ii) Where necessary, employees may by-pass their own management structure.

- 3.2 The Council has a Whistleblowing Policy which explains how to report matters of concern, who to and how they will be dealt with. This includes protecting the identity of employees who report concerns. The Council's Whistleblowing Officer is the Monitoring Officer (Director of Law and Governance).
- 3.3 Any employee who, in the public interest, reports an impropriety, breach or suspected breach of the Code, may do so without fear of consequence.
- 3.4 Equally however, employees are reminded that allegations or accusations which are deemed to be malicious may be subject to investigation under the Council's Disciplinary Procedures.

## **4. Attendance and timekeeping**

- 4.1 Employees are expected to adhere to their contractual hours. They are required to know and comply with start and finish times (or adhere to flexible working arrangements, including home working) and operate time recording as required. Absence without leave (AWOL) is a disciplinary offence.

4.2 If employees are unable to attend work for any reason they must adhere to the procedure for reporting absence as detailed in the “Sickness Absence and Reporting Arrangements”. Employees on sickness absence must not undertake any other work, or carry out activities that could hinder their return to work, without prior authorisation from their Head of Service.

4.3 Employees are expected to adhere to the requirements of the Sickness Absence Policy and to attend occupational health appointments as required.

## **5. Appearance and presentation**

5.1 The manner in which employees present themselves at work directly affects the Council’s image, colleagues and the service. Employees’ appearance, including personal hygiene, should reflect this responsibility and emphasise their respect for the people they work with and the service they are providing; Working or attending Council premises whilst under the influence of drugs (unless on prescribed medication) or alcohol is a serious disciplinary offence.

## **6. Integrity**

6.1 Employees are expected to conduct themselves in a manner that reflects well on the Council at all times. Unreasonable language, acts of violence, threatening behaviour or verbal abuse to colleagues, managers, service users, the public or elected Councillors will not be tolerated.

6.2 Employees must not deceive the Council by withholding information, giving false information, or destroying, damaging or altering any records or documents without prior authorisation.

## **7. Disclosure of information**

7.1 The law requires that certain types of information must be available to Councillors, auditors, Government departments, service users and the public: employees must be clear about which information may be disclosed, in which circumstances, and must act accordingly.

7.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor pass this on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by law.

7.3 The Data Protection Act 1984 places a legal requirement on all employees to refrain from disclosing, or making use of for their private advantage, or the advantage of any third party, any information held on a computer and not available to the public which they may acquire during the course of their employment with the Council.

7.4 Employees should check, with their manager, what sort of information can and cannot be given openly and without specific authority.

## **8. Confidentiality**

- 8.1 Employees must treat all information about employees, customers and service users with the utmost confidentiality and in accordance with the Data Protection Act 1998. This information must not be passed to anyone who is not authorised to receive it unless proper authority has been sought and granted.
- 8.2 Employees must take all reasonable steps to protect and safeguard confidential documents, particularly if they need to be taken outside the usual workplace.
- 8.3 Employees must not communicate directly with the media about their work, or matters concerning the Council, unless specifically authorised to do so in line with the Council's "Social Media Policy" and "Rules for staff on the use of social media sites".
- 8.4 Employees must seek the agreement of the appropriate Head of Service before any information concerning tendering/procurement or best value exercises is released.

## **9. Use of Council property and facilities**

- 9.1 Council property should only be used for Council business and according to instructions. It must not be misused in any way that could undermine public confidence.
- 9.2 Employees should only remove Council property from Council premises if they are authorised to do so in accordance with any local procedure in operation, e.g. seeking prior permission, logging items out, signing for them.
- 9.3 Council property must be safeguarded while it is in employees' care, with any theft, loss or damage reported immediately.
- 9.4 Employees must adhere to the Information Governance Policies and Procedures and other policies covering the standards expected of computer users. Some examples of misuse are:
- installing or downloading unauthorised software, including screensavers;
  - attaching any item or equipment without authorisation from ICT;
  - surfing the internet for prolonged periods of time for non-work related items;
  - accessing internet sites which could bring the Council into disrepute – this could lead to both disciplinary and criminal action.
- 9.5 Employees must not make frequent or lengthy private telephone calls using either Council or private telephones. It is recognised that sometimes it is necessary to make occasional private telephone calls at work, but it is expected that this should normally be in exceptional situations.

## **10. Bribery Act 2010**

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

## **11. Criminal convictions, cautions and misconduct outside work**

- 11.1 All (external and internal) applicants for jobs within the Council must declare any criminal convictions and cautions where this is a requirement for the post they are applying for. The Council's Recruitment Policies set out further details.
- 11.2 If an individual is arrested or convicted of a criminal offence or given a caution while employed at the Council this may or may not have a bearing on their employment status, depending on the nature and circumstances of the incident and the type of work they do.
- 11.3 Employees must notify their manager or Human Resources of any legal action being taken against them, regardless of whether the alleged act took place during or outside working hours.

## **12. Recruitment and other employment issues**

- 12.1 All selection, appointments and promotions throughout the Council's service are made purely on clear and justifiable job related criteria. In order to avoid any possible accusation of bias, employees who are related to, or have a close personal relationship outside work with, an applicant, must not take part in the process.
- 12.2 Similarly, employees must not be involved in decisions relating to discipline or pay adjustments for any other employee who is a friend, partner or relative.
- 12.3 Employees must not canvass the support of colleagues for the appointment of a candidate and should resist any attempt by others to canvass themselves.

## **13. Hospitality**

- 13.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council at a particular event.
- 13.2 Offers to attend purely social or sporting functions must be accepted only when they are for the benefit of the Council or in connection with a civic or courtesy visit.
- 13.3 All gifts and hospitality offered, whether accepted or not, with a value of £50 or more must be recorded in a register of gifts and hospitality. For officers at or above the level of team manager, a register is maintained by the monitoring officer. For all other officers a register is kept by the relevant Director.

- 13.4 When hospitality has to be declined, those making the offer must be courteously but firmly informed of the procedures and standards operating within the Council.
- 13.5 Employees must not solicit or accept personal gifts, other than ones of a token value such as pens and diaries. Any firm or individual who wishes to make a gesture of goodwill to the Council or its officers should be redirected to the Mayor's Charity Fund.
- 13.6 When receiving authorised gifts or hospitality employees must be particularly sensitive to timing in relation to any decisions which the Authority may be taking in connection with those providing the gift or hospitality. Hospitality which may compromise an officer's impartiality or have the perception of doing so must be declined.
- 13.7 Acceptance of hospitality at conferences and courses is acceptable where (i) it is clear that the hospitality is corporate rather than personal, (ii) the employee's manager gives consent in advance, and (iii) the employee's manager is satisfied that any purchasing decisions are not compromised.
- 13.8 Where authorised visits are required to inspect equipment, meet with prospective service providers etc, officers must ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

#### **14. Sponsorship**

- 14.1 Where an outside organisation wishes to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.
- 14.3 Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest.

#### **15. Political neutrality**

- 15.1 Employees serve the Council as a whole. It follows that employees must serve all Councillors and not just those of the Majority Group, and must ensure that the individual rights of all Councillors are respected.
- 15.2 Employees may be required to advise Political Groups. They must do so in ways which do not compromise their political neutrality. Information communicated to an employee by a Political Group in confidence should not be communicated to other Political Groups.
- 15.3 Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

- 15.4 Employees must not use their workplace to promote/further personal political issues and must not demonstrate their personal political allegiances in carrying out their duties, nor display any party political literature in or on Council premises or equipment, Council vehicles etc.
- 15.5 Employees must not raise personal matters concerning their employment directly with councillors or make claims or allegations about other employees directly with councillors.
- 15.6 Employees must be aware of the political restrictions imposed by the Local Government and Housing Act 1989 on certain posts, and how the Council's constitution might affect their work.

**NOTE:** The above requirements do not apply to political assistants appointed in accordance with the Local Government and Housing Act 1989.

## **16. Other employment**

- 16.1 Employees are required to obtain written consent from their manager before undertaking additional work with other employers. Employees may not:
- undertake such work if it conflicts with the Council's interests;
  - use Council equipment, property or contacts in any such work;
  - do any private work during your working hours with Barking and Dagenham Council;
  - undertake any private commitments or activities which may bring the Council into disrepute;
  - opt out from the Working Time Regulations 1998, unless this is agreed with an appropriate manager and Human Resources.
- 16.2 Any goods or services of value which are produced as a result of an individual's employment with Barking & Dagenham will remain the property of the Council.

## **17. Conflict of interest**

- 17.1 Employees should not be involved in any matter in which they may be able to influence the outcome or decision and where they, or their family, friends or close associates, could gain financial or other material benefits. To do so would be a conflict of interest and may result in action being taken under the Council's Disciplinary Procedure.
- 17.2 As soon as it becomes apparent that there is, or could potentially be, a conflict of interest, employees must advise their manager in writing and have no further involvement in the matter. In the event that the manager agrees that there is, or could potentially be, a conflict of interest he/she must reallocate the task and notify the Monitoring Officer for record keeping purposes.
- 17.3 In respect of employment matters, the provisions of paragraph 3, Chapter 3, Part 4 of this Constitution should be followed.

17.4 Any employee who is at all uncertain should seek advice from the Monitoring Officer.

## **18. Register of interests**

18.1 JNC Officers (e.g. Divisional Director / Head of Service level and above) are required to provide written notification, via a Register of Interests form, of any personal and financial interests which could bring them into conflict with the Council's interests. This should be submitted to the Council's Monitoring Officer annually or within 28 days of becoming aware of any new personal or financial interest or change to any personal or financial interest. The Monitoring Officer maintains a register for this purpose.

18.2 Other employees may also be required, at the request of their manager, to complete a Register of Interest form in line with the requirements set out above.

## **19. Relationships**

19.1 Mutual respect between colleagues is essential to good local government. Close personal familiarity between colleagues can damage working relationships and prove embarrassing to others.

19.2 In view of this, close personal relationships within the workplace must be declared to an appropriate manager where there may be a potential conflict of interests.

19.3 The Council has a separate protocol for Councillor/employee relations within this Constitution. Employees who have, or expect to have, contact with councillors should read and understand this protocol.

## **20. Procurement**

20.1 Managers/procuring officers must follow the Council's Contract Rules at all times when considering tendering and throughout the procurement process. It is the manager/procuring officer's responsibility to ensure they understand the Council's Contract Rules and take advice if required on the process to follow before commencing procurement.

### **Contractors**

20.2 Orders and contracts must be awarded on merit in accordance with the Council's Financial and Contracts Rules and no special favour must be shown to businesses run by, for example, former colleagues, friends, partners or relatives in the tendering process. No part of the local community must be discriminated against.

20.3 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with the contractors, must declare that relationship at the earliest opportunity to their manager in line with the 'Conflict of Interest' requirements.

### **Separation of roles during tendering**

- 20.4 Employees involved in the tendering process and who deal with contractors must be clear about the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 20.5 Those employed in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 20.6 Employees who are privy to confidential matters on tenders or costs for either internal or external contractors must not disclose those matters to any unauthorised party or organisation.
- 20.7 Employees contemplating a management buyout must, as soon as a definite intent has been formed, inform the appropriate manager and withdraw from the contract awarding processes.

### **21. Equality Issues**

- 21.1 All employees have a duty to ensure that policies relating to equality issues, as agreed by the Council, are complied with in addition to the requirements of the law. All members of the local community, service users and colleagues have a right to be treated with respect, fairness and equality. The Council's Equal Opportunities Policy and Procedure provides further information.
- 21.2 In particular, employees are reminded that discrimination against or harassment of an employee, a prospective employee, a client or member of the public, on any of the grounds set out in the Council's Equal Opportunities in Employment Policy, will incur action under the Council's Disciplinary Procedure.

### **22. Breach of the Code**

- 22.1 Any breach of this Code may be regarded as a disciplinary offence and will be dealt with under the Council's Disciplinary Policy and Procedure.