

## **Audit Committee – 15 April 2013**

### **Codes of Conduct**

#### **Summary of report:**

To provide the Audit Committee with an update in relation to the Council Codes of Conduct.

#### **Background papers:**

1. Employee Code of Conduct
2. Elected Member Code of Conduct

#### **Recommendation:**

To note the content of the report.

### **Background**

#### **1.0 Elected Member Code of Conduct**

- 1.1 The Localism Act 2011 was enacted on 15 November 2011 and amongst its provisions was the repeal of the existing standards regime as set out in the Local Government Act 2000. This included the abolition of the Standards Boards for England and the repeal of the ten General Principles governing standards in public life, the national Code of Conduct, the existing requirements for local investigation and determination of complaints, the requirement for Independent Members on Standards Committee, and the abolition of personal and prejudicial interests.
- 1.2. The Localism Act 2011 continues to place a duty upon the authority to promote and maintain high standards of conduct by members and co-opted members of the authority. To discharge this duty the authority must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. There is an element of discretion as to what is included in the Code, and in the arrangements for investigating complaints made under the Code.
- 1.3 Any code of conduct adopted must, when viewed as a whole, be consistent with the following principles, which are based upon the “Nolan” principles of standards in public life:
  - selflessness;
  - integrity;
  - objectivity;

- accountability;
- openness;
- honesty;
- leadership.

- 1.4 The Localism Act 2011 abolishes the concepts of personal and prejudicial interests, replacing them with “Disclosable Pecuniary Interests” (DPI’s). These have been defined under regulation as of 8 June 2012, and are contained in the Council’s current Code of Conduct. The Monitoring Officer is required to maintain a register of interests, which must be published and available for inspection on the Council’s website. The provisions of the Act in respect of the Code of Conduct require an authorities code to contain appropriate requirements for the registration (and disclosure) of disclosable pecuniary interests.
- 1.5 Council approved the” local” Code of Conduct on the June 2012. This followed a series of consultations with an all party elected member working group. In addition training has been offered to all elected members regarding the changes to the Standards Regime and Code of Conduct prior and subsequent to the approval of the new code of conduct.
- 1.6 The operation and review of the Code of Conduct and complaints investigation regime will be conducted by the Standards Committee of the Council. Any proposed alterations or amendments to the Code will be considered by the Standards Committee and party leaders prior to approval of the same.
- 1.7 There has been some uncertainty over the operation of the Code of Conduct brought about through interpretation of the legislation. The Monitoring Officer will continue to review the Guidance issued by central government and report any changes to the Standards Committee, and then to elected members.

## **2.0 Officer Code of Conduct**

- 2.1 The Officer Code of Conduct provides a clear framework for Officers to enable them to deliver the best services they can to all our service users in a fair, open and transparent manner. As an employer it is important that the council have clear, concise standards against which employees can be held accountable.
- 2.2 It is not acceptable for employees behaviour to fall below the standard set out in the Officer Code of Conduct. If an employee’s behaviour falls below that expected by the Code of Conduct, this can lead to disciplinary action, which could culminate in a sanction up to and including dismissal.
- 2.3 It is important that the Code of Conduct is reviewed and updated on a regular basis to ensure that it is fit for purpose, particularly as a breach of the Code can lead to serious sanction that may result in legal proceedings.

2.4 The current Code of Conduct was last approved by Council on the 24<sup>th</sup> April 2006. This appears to have been updated in 2008. It is important that the Code of Conduct is reviewed again in the next 12 months, and is approved by the appropriate council body. This review will involve consultation with recognised trade unions and employee representatives. The review will be carried out by Human Resources and Development, with the assistance of other relevant professionals.

### **3.0 Resource and legal considerations:**

None directly related to this report.

### **4.0 Performance and risk management issues:**

Performance and risk management is a feature of all council functions. It is important that council policies and procedures are reviewed and updated on a regular basis. If the council fails to do this there is an increased risk that the council will be subject to legal challenge or litigation.

In terms of performance it is important that both Elected Members and Officers have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the council delivers services.

Both codes form part of the Council's constitution and are publicly available documents.

### **5.0 Equality Implications:**

5.1 In maintaining up to date policies and procedures the council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities.

### **6.0 Consultation:**

Consultation with relevant parties will be carried out when the codes are reviewed.

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## **1 - Members Code of Conduct**

### **Walsall Metropolitan Borough Councils Code of Conduct for Elected Members**

Walsall Council has adopted this Code of Conduct in accordance with s27(2) Localism Act 2011. This Code of Conduct is consistent with standards expected in public life, which elected members are required to adhere to when acting in their capacity as an elected member:

- Selflessness - to serve only the public interest and never improperly confer advantage or disadvantage on any person.
- Integrity - not to place themselves in situations where their integrity may be questioned, should not behave improperly and should avoid the appearance of such behaviour.
- Objectivity - Members should make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.
- Accountability - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
- Openness - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- Honesty - Members should not place themselves in situations where the honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership - Members should promote and support these principles by leadership, and by example, and should act in a way that she was or preserves public confidence.

#### **Part One – Introduction and Interpretation**

##### **1. –**

- (1) This code applies to you as a member or co-opted member of the authority, whenever you are acting in that capacity.
- (2) It is your personal responsibility to comply with the provisions of this Code.

(3) It is a **criminal offence** to fail to notify the authority's Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or vote at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also a criminal offence to knowingly or recklessly provide false information in respect of disclosable pecuniary interests to the authority.

(4) The Code applies where you act as a representative of your authority;

(a) on another relevant authority, you must, when acting for that other authority, comply that other authority's Code of conduct;  
or

(b) on any other body, you must, when acting, for that other body, comply with your authority's Code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(5) Any written allegation received by the authority that you have failed to comply with this code will be dealt with by the authority under the arrangements it has adopted for such purposes. If it is proven that you have failed to comply with the code, the authority has the right to have regard to this failure in deciding, whether to take action in relation to you and what action to take.

(6) In this Code -

"authority" means Walsall Metropolitan Borough Council

"Code" means this Code of Conduct

"co-opted member" means a person who is not a member of the authority but who-

(a) Is a member of any committee or sub-committee of the authority, or

(b) Is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

"meeting" means any meeting of –

(a) the authority;

(b) the executive of the authority;

- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
- (d) Informal meetings with other members and/or officers relating to the discharge of the authority's functions.

"Member" includes a co-opted member.

"Register of members' interests" means the authority's register of members pecuniary and other interests established and maintained by the authority's Monitoring Officer under section 29 of the Localism Act 2011.

## **General Obligations**

### **2.**

(1) You must treat others with respect.

(2) You must not –

- (a) do anything which may cause your authority to breach any of its equality duties (as set out in the Equality Act 2010);
- (b) bully any person;
- (c) Intimidate or attempt to intimidate any person who is or is likely to be:-
  - (i) a complainant;
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the authority's code of conduct; or
  - (iv) do anything which compromises or is likely to compromise impartiality of those who work for, or on behalf of, your authority.
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (e) Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of the person authorised to give it;
  - (ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(f) prevent another person from gaining access to information to which that person is entitled.

(3) You:

(a) must not use or attempt to use your position as a member improperly to confer on or secure yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority:

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(iii) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## **Part 2 Members Interests**

### **Disclosable Pecuniary Interests**

#### **4.**

(1) You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 4(2) below and it is either:-

(a) your interest as a Member; or

(b) an interest of your spouse;

(c) an interest of your civil partner;

(d) an interest of the person you're living with as a spouse or civil partner

and in the case of 4(1) (b) to (d) you are aware that that other person has such an interest.

(2) "Disclosable Pecuniary Interests" are defined under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, as follows:-

- I. any employment, office, trade, profession or vocation carried on for profit or gain.
- II. Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards the election expenses of you as a member.
- III. Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
  - (a) under which goods or services are to be provided all works are to be executed; and
  - (b) which has not been fully discharged
- IV. Any beneficial interest in land which is within the area of the relevant authority.
- V. Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
- VI. Any tenancy where (to your knowledge as a Member) –
  - (a) the landlord is the relevant authority; and
  - (b) the tenant is a body in which the relevant person has a beneficial interest.
- VII. Any beneficial interest in securities of a body where-
  - (a) that body (to your knowledge as an Member) has a place of business or land in the area of the relevant authority; and
  - (b) either-
    - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of the body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



## **Non-Pecuniary Interests**

### **5.-**

(1) You have a non-pecuniary interest in any business of your authority where it relates to or is likely to affect:-

(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) Any body –

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) One of whose principal purposes includes influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) the interest of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(3) in sub-paragraph (2), a relevant person is-

(a) a member of your family or a close friend; or

(b) 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;

(c) 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

(d) any body of the type described in subparagraph (1) (a) (i) or (ii).

## **Disclosure of Non-Pecuniary Interests (see also Part 3)**

### **6. –**

- (1) subject to sub-paragraphs (2) to (6), where you have a non-pecuniary interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that non-pecuniary interest at the commencement of that consideration, or when the non-pecuniary interest becomes apparent.
- (2) if the non-pecuniary interest is entered on the authority's register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.
- (3) Sub-paragraph (1) only applies where you are aware all ought reasonably to be aware of the existence of the non-pecuniary interest.
- (4) Where you have a non-pecuniary interest but, by virtue of paragraph 11, sensitive information relating to it means that it is not registered in your authority's register of members interests, you must indicate to the meeting that you have a non-pecuniary interest but you do not need to disclose the sensitive information to the meeting.
- (5) Where you have a non-pecuniary interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (6) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Disclosable Pecuniary Interests generally**

7. You do not have a disclosable pecuniary interest in any business of the authority where that business-
  - (a) does not affect your financial position or the financial position of a person or body described in paragraph 4.
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any personal body described in paragraph 4; or
  - (c) relates to the functions of your authority in respect of-

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of the school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting Council tax or a precept under the Local Government Finance Act 1992 as amended.

### **Interests arising in relation to Overview and Scrutiny Committees**

#### **8.**

You also have a non-pecuniary interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where -

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of disclosable pecuniary interests on participation**

#### **9. –**

- (1) Subject to sub-paragraphs (2) and (3), where you have a disclosable pecuniary interest in any matter in relation to the business of your authority
  - (a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held-

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) In any other case, whenever it becomes apparent that the matter is being considered at that meeting;

Unless you have obtained a dispensation from your authority's Monitoring Officer or the standards committee;

(b) you must not exercise executive functions in relation to that matter; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a non-pecuniary interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 4(2), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have an non-pecuniary interest which is not a disclosable pecuniary interest as described in paragraph 4 (2), arising solely from membership of any body described in 5.1(i) or 5.1(ii) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

### **Part 3 - Registration of Interests**

#### **Registration of Members' Interests**

##### **10. –**

(1) Subject to paragraph 11, you must, within 28 days of –

(a) this Code being adopted by the authority; or

(b) your election, or appointment to office (where that is later), register in the register of members interests details of -

- (i) your disclosable pecuniary interests where they fall within the category mentioned in paragraph 4 (2), and
- (ii) your other interests where they fall within the category mentioned in paragraph 5 (1)

by providing written notification to your authority's Monitoring Officer.

- (2) Subject to paragraph 11, you must, within 28 days of becoming aware of any new disclosable pecuniary interest, or non-pecuniary interest under paragraph 5(1) or any change to any disclosable pecuniary interest or non-pecuniary interest under paragraph 5(1), register details of that new interest or change by providing written notification to your authority's Monitoring Officer.

### **Sensitive information**

#### **11. –**

- (1) Where you consider that the information relating to any of your disclosable or non-disclosable pecuniary interests is sensitive information, and your authority's Monitoring Officer agrees, the Monitoring Officer shall not include details of the interest on any copies of the register of members interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that information be included in the register of members' interests.
- (3) In this Code, "sensitive information" means information, the details of which if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

# Code of Conduct for Employees



**Walsall** Council

# **CODE OF CONDUCT FOR EMPLOYEES**

## **FOREWORD**

Working in public service places great responsibility on us. High standards are required and public expectation of people working in local government continues to grow. We are expected to maintain excellent levels of conduct at all times.

This Code of Conduct shows how we need to behave to demonstrate honesty and integrity. It also outlines the things we need to do to demonstrate transparency and accountability and that our actions are impartial and objective.

Our Code of Conduct places a responsibility on every member of staff to act in the best possible interests of the public, to never bring themselves or the council into disrepute and provide excellent services to the people of Walsall. It also makes clear how we should work with each other and our partners on a day to day basis.

Your first responsibility as a member of staff is to read this document and discuss with your manager any points that require further clarification. If you manage or supervise staff, you are also responsible for ensuring that the staff who report to you understand the requirements of this Code and operate within it.

Walsall Council aims to be an excellent council, highly regarded by the people we serve. We also aim to be an excellent place to work. People will make these judgements on the basis of their experiences. It is our collective and individual responsibility to ensure that our conduct is the best it can be at all times.

.....  
**Paul Sheehan**  
**Chief Executive**

# Code of Conduct for Council Employees

## Contents

1.	Introduction	4
2.	Why do we need the Code?	4
3.	What happens if employees don't adhere to the Code?	4
4.	Key features of the Code	4
5.	General duty/accountability	5
6.	Serving the public	5
7.	Dress	5
8.	Handling complaints	5
9.	Political impartiality	6
10.	Trade, skill and professional standards	6
11.	Confidentiality and openness	6
12.	Disclosure of relationships	7
13.	Disclosure of wrongdoings – whistle blowing	7
14.	Contractors and negotiations	8
15.	Press and other media	8
16.	Equal opportunities	9
17.	Conflicts of interest	9
	17.1. Dual employment	9
	17.2 Gifts and hospitality	9
	17.3 Financial and non-financial interests	11
	17.4 Membership of closed societies	11
	17.5 Relationships at work	12
18.	Health and safety	12
19.	Alcohol	12
20.	Equipment and materials/use of council vehicles	13
21.	Advice on the Code	14
	APPENDIX 1 YOU AND THE LAW	15
	APPENDIX 2 LIST OF "ANNEXES" TO THE CODE	16



## **1. Introduction**

This council, like most other organisations, has a Code of Conduct which all employees are expected to follow throughout every aspect of their work. The council places a tremendous degree of trust in its staff and acknowledges that staff want to do their best and operate in a professional and appropriate manner.

We also recognise that the council is subject to external critical scrutiny from the public, service users, partners, government departments, the media and other stakeholders, and we have a duty to ensure that we operate legally, professionally and soundly and are seen very clearly to do so. It is very important that members of staff never do anything that could bring the council into disrepute or cause the council and the people who work for the council to be viewed in less than a positive light.

The Code is intended to provide a clear framework within which we will all work to deliver the best we can for the council and its service users.

This code covers a wide range of areas, so inevitably some parts will not be relevant to all employees. As it cannot cover every responsibility, the onus is on individuals to familiarise themselves with and adhere to any other work procedures that relate to their duties.

## **2. Why do we need the Code?**

We have a responsibility to our stakeholders to ensure that all our employees carry out their duties to the highest possible standards and conduct. Conduct is important the people who use our services and these include members of the public, businesses and voluntary organisations.

## **3. What happens if employees don't adhere to the Code?**

Any behaviour that falls below the standards defined in this code is not acceptable by the council and breaches are likely to lead to disciplinary action. A serious individual breach and/or several breaches can lead to dismissal.

## **4. Key features of the Code**

The council expects employees to:

- Do their jobs to the best of their ability, and in accordance with the provisions outlined in the council's Individual Performance Management process, realise the importance of being skilled and experienced to achieve this
- Carry out their work with integrity, honesty, impartiality and objectivity
- Be accountable for their actions
- Comply with the law and all council policies and procedures
- Not allow personal or political opinions to interfere with their work and to adhere to any statutory political restrictions

- Respect our service users, elected members and fellow employees and to use the highest level of integrity when dealing with them
- Put the council's policies on equalities into action
- Use any financial resources given to them in a lawful manner, and not to use any council facilities for their own purposes, unless they have obtained prior permission
- Ensure that any outside interests don't conflict with those associated with work related duties and/or activities
- Take care to tell their manager of details of any membership to any closed organisation that they might join
- Be aware of and be willing to act in accordance with the council's guidelines on declaring and registering financial and non-financial interests which includes making us aware of any gifts, hospitality and benefits from third parties that are offered or received.

## **5. General Duty/Accountability**

Our reputation as a council depends largely on our employees having the highest standards of conduct and behaviour. This should be reflected in our efforts to deliver the best possible standards of service. Part of this process requires employees to carry out their duties reasonably and lawfully.

## **6. Dealing with other people**

Employees should always be courteous, professional and helpful when dealing with other people whether fellow employees, members of the public, stakeholders, councillors and contacts at other organisations. Advice and information should be provided about the services and activities of the council. This includes avoiding personal prejudice in giving or refusing any service. Confidential information should not be released to third parties.

## **7. Dress**

The council reserves the right to set minimum standards of dress for their sections. All staff are expected to dress properly and safely for the work they do and to meet the expectations of service users and other stakeholders.

## **8. Handling Complaints**

The council has a complaints procedure which deals with any issues that are not covered by other agreed procedures already in existence. Complaints should be dealt with promptly and in a courteous and sympathetic way. Employees who investigate complaints must make sure that any unexpected delays, difficulties or poor quality of service are explained to our customers as courteously and as sympathetically as possible. Serious complaints must be reported to a supervisor or manager.

Social Care and Inclusion operates a statutory complaints procedure for all complaints relating to service users receiving a service. In the first instance, such complaints should be directed to the Customer Care Team, Social Care and Inclusion, Tameway Tower, 6<sup>th</sup> Floor, East Wing, Bridge Street, Walsall WS1 1JZ (tel 01922 650487).

## **9. Political impartiality and working with members**

Employees should always:

- Behave in a politically impartial way
- Avoid doing anything which might suggest that their actions are prompted by party political allegiance
- Ensure that their actions don't conflict with council decisions or policies
- Treat all councillors equally whatever their political party

Employees involved in political affairs in their private time should not behave in a way that might lead our customers to suspect any conflict between these interests and their impartiality as a council employee.

Anyone paid at spinal column point 44 or above is prevented by law from holding certain political office and from being an officer in a political party as well as taking part in certain political activities such as canvassing, making political speeches or publishing political works. This restriction applies to anyone, whatever their level of pay, who advises councillors regularly or who speaks on behalf of the council to the press or other media; this is the key criteria for political restriction. There may be posts within the authority which are paid above SCP44, but do not include these duties; in this case the post holder can request exemption from political restriction. Advice on this is available from the human resources function.

The council's protocol is for councillors and officers to interact via executive directors and/or general managers. Employees should not contact councillors or provide information to councillors on any matters related to their employment with the council without the express knowledge or permission of their director or general manager.

## **10. Trade, Skill and Professional Standards**

Employees are expected to give advice in accordance with their skills, knowledge and ability. Members of professional or operational institutes must also behave in accordance with the standards and codes of conduct of those associations. Members of such institutes should actively participate in the continuous professional development schemes of their institutes. If an employee finds an instance where services either put people at risk or which fail to meet defined standards they should advise their manager immediately.

## **11. Confidentiality and Openness**

Employees should be open about the council's services and how these are provided. However, in instances where information is confidential or sensitive there is a need for confidentiality particularly when it involves council employees or service users. In their official capacity, councillors have a general right of access to information except when this involves disclosing the personal circumstances of employees or members of the public using the council's services. In such circumstances employees are legally obliged to maintain confidentiality and always consult their manager if they are in any doubt. No

information should be passed to councillors without the knowledge of general managers and/or executive directors.

Employees should not use information obtained during their employment for personal gain or benefit, nor should they pass it to others who might use this in such a way, as this might lead to disciplinary action.

## **12. Disclosure of Relationships – job appointments**

It is a legal requirement that people appointed to jobs in the Council are selected on the basis of merit and in accordance with recruitment and selection procedures. In order to avoid any possible accusation of bias, employees must disclose relationships they have with job applicants to the council. This applies to employees that are:

- Executive Directors, service directors, heads of service or a general or service manager
- Have direct or indirect responsibility for the post to which the appointment is to be made
- Would normally be involved in any way with recruitment and selection to the post.

Anyone in the above categories must disclose the relationship in writing to the Chief Executive (and their relevant director where this applies) and they should not take any further part in the recruitment and selection to the post.

The relationships that must be disclosed are husband, wife, son, daughter, daughter-in-law, son-in-law, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, cousin, grandchild, grandparent, partner, co-habitee and 'step' relationships. You must not take part in any aspect of the recruitment process where friends or associates are applicants for a post.

These relationships must also be declared when participating in activities relating to discipline, promotion or pay and conditions of service.

## **13. Disclosure of wrongdoings – whistle blowing**

Employees must advise their manager of any possible irregularity in procedures or their operation. In circumstances where employees are aware of or suspect that actions are being taken without proper or sufficient authority, there is a duty for them to report this to their manager or the manager of the employee taking the unauthorised action.

If the lack of authority is not remedied promptly this must be reported in writing to the Chief Executive or the appropriate executive director who will ensure that the necessary action is taken.

Employees are protected in the disclosure of wrongdoings by an Act of Parliament called the *Public Interest Disclosure Act 1988*. This Act makes provision for the disclosures that may be protected, the circumstances in which such disclosures are protected. This matter is fully covered by the council's Whistle blowing Policy.

## **14. Contractors and Negotiations**

In accordance with the law on declaring financial interests, employees must inform the Monitoring Officer (normally vested in the post of Head of Legal Services) and their appropriate executive director in writing about any relationship they have with contractors or potential contractors which could be seen as giving them financial gain or advantage. It is a criminal offence to fail to do so under Section 117 of the Local Government Act 1992.

Contracts have to be awarded in accordance with the council's contract rules, on merit, and following fair competition, except where those rules specify otherwise. No favouritism must be shown to businesses run by friends, partners or relatives. No discrimination can take place against particular individuals, groups or sections of the community.

In either informal discussion or more formal negotiation with other parties to a contract affecting the council's resources employees must be aware of council policies which may affect the negotiations and any implications arising from the negotiations.

## **15. Press and other media**

Only certain employees are authorised to interact with and give information to the press and other media. Always contact the press office to deal with such issues. If you are approached by the press or media, refer the enquiry to the press office immediately. Employees authorised to give information to the press and other media must give only the facts of a situation, for example, an explanation of council policies, proposals or actions. They must not express an opinion in relation to these facts as this can only be sanctioned by elected members.

Employees not authorised to give information must observe the following points:

- If contacted by the press or other media it is important to be polite and courteous at all times but say clearly that it is not appropriate to give any information or comment whatsoever
- Be as helpful as possible in finding out the nature of the enquiry and suggest who the press or media should contact for information

No employee may make any comment about council policies without the prior explicit agreement of the Chief Executive or the appropriate Executive Director who will, if necessary, discuss the matter with relevant elected members. It is essential that any quote given to the press or media on behalf of elected members, the Chief Executive or an Executive Director is agreed in detail with the person(s) concerned before it is issued.

The council's Head of Communications will give advice and guidance if required. There is a detailed protocol for contacting the press and media and it is your responsibility to read it and adhere to it.

Officers must not contact the press or other media unless specifically authorised to do so. Contacting the media without such permission may lead to disciplinary action, not excluding dismissal.

It is accepted that union representatives will comment to the press on trade union business and on areas where the trade union will represent the interests of employees – but the code that applies to all council employees, regarding commenting to the press on the

council's position or on issues that are commercially sensitive to the council, will also apply to trade union representatives.

## **16. Equal Opportunities**

Walsall Council wishes to be recognised as an equal opportunities organisation both as a service provider and as an employer. It intends to achieve this through the actions of its employees and the council. This means:

- Members of the public and employees must be given fair and equal consideration in any service or work they perform irrespective of the hours they work or their sex, race, colour, national or ethnic origin, marital status, parental status, caring responsibilities, disability, sexual orientation, nationality, age, trade union activity, expired offences (where legally admissible), political or religious belief.
- Judgement or actions should not be influenced by any form of personal prejudice
- Conditions or requirements that are not justifiable in relation to service provision or employment opportunities should be avoided, for example, specifying unnecessary qualifications for jobs.

## **17. Conflict of interests**

### **17.1: Dual employment**

Employees should not do paid or voluntary work outside the council which could conflict with the duties they perform with this council. This applies to all employees including those on secondment, temporary assignment and working with voluntary organisations or trusts, or board members of arms-length voluntary organisations or trusts.

Employees above the top spinal point on Scale 6 (or equivalent) must devote their whole-time service to the council. They must not engage in any other business or take up any additional appointment, including work with another council department, without the written prior consent of their manager. This includes voluntary work.

### **17.2: Gifts and Hospitality**

Employees must be very careful about accepting any gifts, favours or hospitality from any person or any organisation that has an interest in obtaining or providing services to the council.

Offers to attend purely social or sporting functions must be accepted only when they form part of the life of the community or where the council should be seen to be represented. Attendance at such functions must be approved by a general manager or director.

All accepted offers of hospitality or gifts must be properly authorised and recorded in a register maintained for this purpose by general or service managers.

When an employee has to decline a gift or hospitality this must be done courteously but firmly and by notifying the third party of the procedure and standards operating in local government. You should tell your manager that you have done this, and you must record this in the gifts and hospitality register.

Employees receiving a gift or hospitality must be sensitive to the timing of decisions for letting contracts and to any contractual disputes.

Acceptance of commercial sponsorship for attendance at relevant conferences and courses is acceptable, but only if authorisation is obtained in advance from a general manager or a director and if purchasing decisions are not compromised.

Where visits to inspect equipment, etc, are required, the Council will meet the cost of such visits where necessary. This is to avoid jeopardising the integrity of purchasing decisions. Normal refreshments on such visits may be accepted.

Employees must not accept personal gifts from contractors or service providers such as food, drink, cars, clothes and jewellery etc. However, inexpensive calendars, diaries, blotting pads, pens, etc (perhaps marked with the donor's name), are acceptable.

There are special problems encountered by employees who have a caring role or provide a direct personal service. It is not unusual for residents of residential care homes or for people receiving support at home from paid staff or their relatives to wish to express their thanks and gratitude to care staff by offering gifts, money or even by making an employee a beneficiary in a will. It is most important in such situations to protect the employee from any suggestion of improper motives or conduct. This is obviously an area however, which needs to be handled with great tact and sensitivity to avoid needless offence to an individual. The general principle must be that gifts or money should be politely and tactfully refused with a proper explanation given as to the reason why. Where it has not been possible to return a gift to someone, this fact must be reported immediately to your manager who will give you further guidance.

On being made aware that he or she has been made a beneficiary in an individual's will, the employee should immediately report the matter to his or her manager in writing. A manager will then visit the client to ensure that the bequest represents the genuine wishes of the individual and has not been improperly influenced by the employee. Following his or her visit, the manager will notify the Executive Director, who will determine the course of action to take. In some cases, an employee may not know that he or she is a beneficiary until after the death of the client concerned. As soon as the employee is made aware of such a bequest, he or she should notify their executive director in writing who will advise him or her on whether or not the bequest should be accepted.

Employees that are in any doubt about whether or not to accept a gift should refuse it. Unsolicited gifts should be returned with a covering letter on council headed paper, and employees should report this course of action to their manager. This is safer than having the matter raised by someone else at a later date.

If an employee is offered something considered to be beyond a goodwill gesture (that is, a bribe) they should immediately tell their manager, who has a duty to report the matter to the Monitoring Officer or an appropriate Executive Director.

### **17.3: Financial and non- financial interests**

In general employees should not do anything that could not be justified if it were made public. Whenever an employee has any financial, private and personal interests with outside organisations or groups which may conflict with their duties, they must declare such involvement and they must not allow it to influence in any way how they carry out their work.

Examples of interest include kinship, friendship, membership of an association, organisation or society whether or not receiving grant aid from the council, school governorship, involvement with an organisation or pressure group which may oppose council policies, and any other kind of relationship that could influence their judgement and give the impression that they might be acting from personal motives.

If an employee or a member of their family or other person with whom they have a close personal relationship, has a financial interest in a contract which the council has made or is going to make, it must be declared immediately in writing in writing to the Monitoring Officer (usually vested in the post of Head of Legal Services).

If an employee has a financial or non-financial interest relating to work that they are undertaking at the time, they must not deal with that work any more and they should ask their manager to give the work to someone else.

If an employee attends a cabinet meeting of the council when a contract in which they have an interest is to be considered they must report this to the Monitoring Officer (usually vested in the post of Head of Legal Services) or the most senior officer present. It is a legal requirement for employees not to speak on an item for which they have an interest either at the meeting, in prior briefings to members or at any other time.

Employees are required to consult their general or service manager before accepting any company directorship or positions akin to directorships in any limited liability company, including membership of the board of a community association that is incorporated as a limited liability company.

If an employee is overpaid with respect to their salary, wages, allowances, etc, the employee is obliged to advise their manager and/or the payroll service. In addition, the council has an obligation to recoup any overpayment, following consultation with the employee concerned. The council has an agreed procedure for the recovery of overpayments/debts and employees will not be deducted a substantial overpayment in one pay period.

### **17.4: Membership of closed societies**

Employees should declare their membership of any organisation closed to the public (e.g. freemasons) that requires formal membership and a commitment of allegiance and which has secrecy about rules, membership and conduct. Similarly, they may choose for their own protection to register interests, such as ownership of land and shares in a company. Employees are required to record these interests with the Monitoring Officer (usually vested in the post of Head of Legal Services).



## 17.5: Relationships at work

Employees may in the course of their duties enter into a personal relationship with a colleague. In the event of this happening, they should ensure that such a relationship does not conflict with their work activities. In order to avoid accusations of a possible conflict, employees in this situation are strongly advised to disclose this relationship in confidence to the relevant manager(s) concerned. If an employee feels uncomfortable in broaching this issue with their manager then they should seek confidential and impartial advice from their trade union representative or a personnel officer. Employees should be aware that in order to demonstrate transparency and integrity, one or both parties may need to be transferred to do other work if there is any possibility of the council not being seen to demonstrate absolute professionalism and objectivity.

Striking up a relationship with a service user is strongly discouraged. However, if this does occur, it is strongly advisable to immediately declare this to your manager in confidence (or a Personnel Officer where this is not possible) to ensure that no conflict of interest exists.

## 18. Health and Safety

Employees must by law take reasonable care for the health and safety of themselves and other people, including their colleagues, who might be affected by anything they do at work.

Employees should not do anything intentionally or recklessly which might interfere with what is provided in the interests of health, safety and welfare.

Employees should not do any job or take any action whilst at work in a way that might endanger themselves, their colleagues, service users, or any members of the public.

Employees should make sure that they are familiar with their service's health and safety policy and act in accordance with it.

## 19. Alcohol and drugs

Consumption of alcohol is discouraged and must not at any time impair the level of quality of an employee's work or cause a hazard to the health and safety of themselves, members of the public or colleagues.

Employees must not consume alcohol during working hours except with the permission of their manager that may only be given for special occasions, for example, when colleagues leave or you attend a special council function.

**At all times** employees are personally responsible for making sure that their consumption of alcohol does not in any way conflict with their responsibilities at work or conditions of employment.

When an employee is required to drive a vehicle in order to undertake their official duties, be it a private car or a council vehicle, they are strongly advised not to consume any alcohol either during working hours and/or at any time that could impact on working hours. However, employees should only consume a small amount of alcohol as defined by the safe legal limit. **Under no circumstances** should they consume a sufficient amount of

alcohol that would render them unsafe to drive and then proceed to use any vehicle on council business.

Use of recreational drugs is absolutely discouraged. Employees are required to have regard to the law in this matter. Use of recreational drugs must not at any time impair the level or quality of an employees work or cause a hazard to their health and the safety of themselves, service users, members of the public or colleagues.

Employees must not consume recreational drugs during working hours and/or at any time that could impact on working hours.

Inappropriate or excessive consumption of alcohol and or use and/or abuse of recreational drugs at work may lead to disciplinary action, not excluding dismissal. However, discretion will be given to employees that have a genuine drink related problem and are receiving counselling for this.

Some prescription drugs may impair your performance at work due to their side effects. If you are taking prescription drugs, you must seek the advice of your doctor or other medical practitioner to determine whether it is safe and appropriate for you to come to work or undertake your normal duties. Employees should not drive or operate machinery etc if there is any risk that the prescription drugs may impair your ability to do so safely and effectively.

## **20. Equipment and materials/use of council vehicles**

Council facilities, equipment and materials such as photocopying, telephone and petrol must not be used for private purposes.

However, the council recognises that from time to time employees may need (for example) to make a few personal photocopies or make use of a council computer to undertake something for their own private use. This is allowed only if:

- It does not reduce the quality of the council's services;
- It is done in the employee's own time (e.g. during a lunch break)
- A manager allows it explicitly
- For photocopying, fax and petrol etc – an employee pays for its use.

The council also recognises that employees may make or receive private telephone calls during working hours to meet essential or urgent domestic and family needs, and has published guidance notes on this matter. Some staff are also issued with council owned mobile phones and these may also be used in exceptional circumstances for private telephone calls subject to the council being reimbursed. Similarly, employees using their own mobile phones for emergency use is permitted, although these should be switched off during office hours. However, employees may be allowed to leave their mobile phones switched on when they have exceptional personal circumstances that require a need for this provided that this has been agreed in advance with their manager.

The council has no objections to employees using the internet for personal use, provided that the employee is undertaking this in their own time (e.g.: lunch breaks, after normal working hours have ended or has clocked out from normal duties) and the employee observes the *Code of Practice on Internet Use*, which prohibits the viewing of sites deemed to be inappropriate.

Council vehicles should be used for authorised purposes only. In particular, employees should only carry passengers for the purpose of discharging their duties.

As unauthorised use of council vehicles is not covered by insurance employees would be personally liable to pay damages in the event of an accident causing injury or damage or both.

## **21. Advice on the code**

If an employee is unsure about whether a part of the Code applies to them, or if they are unsure of the meaning of a part that does apply to them, it is essential they speak to their manager. The safest assumption is that all parts of the code apply to every employee unless overtly advised otherwise.

If, after speaking to their manager, an employee remains unsure about how the Code applies to them then they must ask for further clarification from their personnel officer.

# Code of Conduct – Appendix 1

## You and the law

As council employees, the law underpins most of the work we undertake. Some of this is directly relevant to the nature of your work, for example, housing law or planning law, but there are also laws that are relevant to all the council's activities. The council uses these laws as a base from which it can develop appropriate policies and procedures. Some of the most important legislation is given below:

### **Sex Discrimination Act**

### **Race Relations Act**

### **Disability Discrimination Act**

These acts make discrimination on the grounds of gender, race and disability unlawful. The council's Equal Opportunities Policy refers to these Acts which underpin the policy, as well as the council's strategies in relation to the Commission or Racial Equality's requirements with respect to good practice.

**Human Rights Act:** the council needs to make sure that the way it goes about its business conforms to the articles laid down in the Act and that individual rights are not infringed. Manager's guidelines and an employee fact sheet contain comprehensive guidance for managers and employees on how the Act affects council policies and procedures.

**Data Protection Act:** provides for the compulsory registration of users of personal data and for individual access to personal data concerning the individual. The Act has eight principles that must be observed, and any data should only be obtained for one or more specified lawful purposes, and should not be used for any other purpose. In effect, this protects the individual from the misuse of information held against him/her, so it is essential that you, as an employee of the Council, take care that the information you gather is relevant for the purpose. If you are in any doubt, you should discuss this with your manager or the Data Protection Officer, Corporate Performance Management (tel 01922 653219).

## Code of Conduct - Appendix 2

The following documents, policies and procedures are an integral part of the employee code of conduct. The list is intended to give you a good idea of the scope of the Code of Conduct and your obligations in adhering to council procedures at all times. It is your responsibility to seek out, read and understand any such policies, procedures or guidelines, and seek advice or clarification from your manager or professional officer if you need it.

The list is not fully comprehensive and is only an indication of the scope of the policies that apply to council employees.

- ❖ Financial and contract rules (also known as Standing Orders and Financial Regulations).
- ❖ Budget management and control manual
- ❖ Budget guidelines
- ❖ Final accounts guidelines
- ❖ E mail and internet policy
- ❖ Data protection act
- ❖ Communication protocol
- ❖ Telephone usage
- ❖ Time recording
- ❖ Sickness and absence regulations
- ❖ Technical and professional guidelines
- ❖ Legislation
- ❖ Personnel procedures.

The latest versions of the policies are available from the council's intranet, your manager or the authoring department.