

Council – 4 November 2019

Amendment to the Constitution – Code of Conduct for Employees

1. Summary of report

- 1.1 This report seeks Council's consent to amend Part 5.2 of the Constitution (Code of Conduct for Employees), in accordance with the requirements of Article 13 of the same and the Council's duty to monitor and review the Constitution.

2. Recommendation

- 2.1 That Part 5.2 of the Constitution be replaced with the amended Code of Conduct for Employees.

3. Background information

- 3.1 At its meeting held on 9th September, 2019, the Council's Personnel Committee considered and approved an amended version of the Code of Conduct for Employees. This is attached as an **Appendix** to this report.
- 3.2 Council's consent is required to amend the Constitution to include the revised Code of Conduct for Employees, as approved by the Personnel Committee.

4. Background papers

Report to Personnel Committee – 9 September, 2019

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Head of Legal and Democratic Services

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Code of Conduct for Employees



Walsall Council

Version Control

Document title	Code of Conduct for Employees		
Owner	Human Resources	Status	Draft
Version	5.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	25/07/19	Last updated by	HR Strategy and Planning
Purpose	The purpose of this code is to provide a clear framework within which employees of the Council are expected to conduct themselves.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Counter-fraud and Corruption Policy
- Sickness Absence Policy
- Media Publicity Protocols
- Confidential Reporting (Whistleblowing) Policy
- Disciplinary Policy
- Email and Internet Usage Policy
- Equality and Diversity Protocol
- Flexible-time Scheme
- Gifts and Hospitality Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Social Media Policy
- Health and Safety policies
- Information Governance Policy Framework
- Media Publicity protocols
- Performance and Ill Health Capability Policy
- Recovery of Overpayments of Salary Procedure
- Recruitment and Selection Policy
- Substance Misuse Policy and guidance notes for managers
- Alcohol and Drugs Testing Policy
- Section 5.3 of the Constitution on member / officer protocol

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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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 may 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.

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Dr Helen Paterson
Chief Executive

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1. Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximized and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement, the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The purpose of the Code of Conduct is to provide a clear framework and guidance for all employees of Walsall Council, which outlines acceptable standards of behaviour and aims to support the council's shared vision, purpose, values and behaviour.

2. Scope

- 2.1 The Code of Conduct applies to all council employees.

3. Principles

- 3.1 The Code of Conduct draws together policies and requirements of the council and aims to assist employees in performing their duties to the best of their ability. All council policies and procedures form part of the Code of Conduct and as such any breach of policies or procedures will be considered a breach of the Code

- 3.2 Employees are required to familiarise themselves with the contents of the Code and the documents referred to therein. It cannot cover every eventuality and if in any doubt or any guidance is required, employees should consult their line manager / Human Resources contact.
- 3.3 The Code applies to all employees of the council. A breach of the Code may lead to disciplinary action.

4. Accountabilities

- 4.1 Employees are accountable for the following;
 - 4.1.1 The application of this policy should be conducted in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values;
 - 4.1.2 Support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
 - 4.1.3 Actively engage in employment practices and processes in which they are involved and ensure they understand this policy, seeking further advice and guidance from managers where necessary;
 - 4.1.4 Behave in a politically impartial manner;
 - 4.1.5 4.Avoid doing anything that might suggest that their actions are prompted by party political allegiance;
 - 4.1.6 Treat all councillors professionally and without bias, ensuring a working relationship demonstrating mutual respect. Mutual respect between employees and councillors is essential to good local government. Employees who have or enter into a personal relationship with a councillor must declare this to their line manager;
 - 4.1.7 Treat others with dignity and respect and contribute positively to a working environment that promotes these values and not discriminate unlawfully against any person;
 - 4.1.8 Avoid personal prejudice in giving / refusing any service;
 - 4.1.9 Provide the highest possible standards of service to the public and appropriate advice to councillors and fellow employees. In carrying out their duties and responsibilities, employees' honesty and integrity must be beyond question. Employees must never use their authority or position for personal gain, or to enable colleagues or others to gain personally;
 - 4.1.10 Ensure they do not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without a

lawful basis under the GDPR or the consent of the person authorised to give it, or unless they are required to do so by law;

4.1.11 Ensure they do not prevent another person from gaining access to information to which that person is entitled to by law;

4.1.12 Adhere to the GDPR and the Data Protection Act 2018 and any other relevant legislation relating to the disclosure of information and ensure that confidentiality is not breached;

4.1.13 Use their discretion to determine the appropriateness of where they hold conversations of a confidential nature, particularly given agile working arrangements. Employees, who view, overhear or otherwise come into contact with private information, must ensure confidentiality is maintained at all times;

4.1.14 Employees who access social media platforms must follow the Information Governance Framework and guidance on using social media and adhere to the council's Social Media Policy;

4.1.15 Employees that access social media platforms must follow the Information Governance Framework and guidance on using social media in that members of staff should not:

- Upload images from work
- Bring the council into disrepute
- Ruin the reputation of an individual or the council
- Upload or post defamatory, derogatory or offensive statements about colleagues, patients, their work or the council.

4.1.16 Any requirements to post information to social media in the exercise of your duties should be in accordance with any communications and or print and design specifications and or authorisation only.

5. The Code

5.1 Honesty, integrity, impartiality and objectivity

5.1.1 An employee must perform their duties with honesty, integrity, impartiality and objectivity.

Employees serve the council as a whole and have individual responsibility as part of their jobs for implementing policy, delivery of services and operational management of the council.

It is vital that employees understand that it is not just about reality it is also about perception. The public has a right to expect the highest levels of integrity and responsibility from all employees. This must be capable of demonstration and therefore actions, those which would lead to a loss of confidence through perceptions, are as critical as any others.

5.1.2 Political neutrality

All employees, whether or not politically restricted must ensure they follow all council policies and must not allow their personal or political opinions to interfere with their work.

Those employees, where it is part of their duties, who will work at a senior level with political sensitivity to advise and support councillors, will ensure councillors have appropriate and timely information on key issues and decisions (in line with data protection legislation); and will give councillors independent and professional advice, not influenced by political views or preferences (refer to section 5.3 of the council's constitution on member / officer protocol).

5.1.3 Politically restricted posts

The Local Government & Housing Act 1989 as amended by the Local Democracy, Economic Development and Construction Act 2009 states that posts which are deemed as 'specified posts' or 'sensitive posts' are politically restricted and therefore 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. Employees seeking further information should contact their line manager or Human Resources who hold a list of politically restricted posts.

5.2 Accountability

An employee is accountable to the council for their actions.

5.2.1 Compliance with legislation, Terms and Conditions of Service and other written policies, procedures and guidelines.

During the course of work employees should at all times be aware of and comply with all relevant legislation; for example the Health and Safety at Work Act 1974, the Equality Act 2010, the General Data Protection Regulations (GDPR) 2016 the Data Protection Act 2018, Freedom of Information Act 2000, The Computer Misuse Act 1990 etc and any other relevant legislation, including that relating to individual service areas. However this list is not exhaustive.

Employees should also have read and understood the conditions of service under which they are employed, including all local policies and procedures, which take into account all legislation and the local and national schemes. These policies and procedures are contained on the council's intranet site, or for further information contact Human Resources.

In addition, employees should be conscious of, and ensure that they are complying with, any other specific guidelines issued by their Service/Director Area. If an employee is a member of a professional institute or association they

are also obliged to comply with any professional code of conduct, accountancy professional bodies codes of conduct, social care codes of conduct.

5.2.2 Safeguarding

Employees working with children and/or vulnerable adults have a responsibility to safeguard and promote the welfare of children and/or vulnerable adults during the course of their work.

5.2.3 Dress code

Employees should dress appropriately and safely for the work that they do and to meet the expectations of members of the public, customers and stakeholders. The council reserves the right to set minimum standards of dress for each service area.

5.2.4 Equalities

Council employees have a duty to demonstrate principles of equality and diversity across all interactions ensuring compliance with council policies, procedures and relevant legislation. The council will not accept any form of unlawful or unfair discrimination on the grounds of age, disability, gender, gender identity, marital or civil partnership status, race, ethnic origin, colour, nationality, pregnancy or maternity, religion or belief (or no religion or belief), sexual orientation, class or social background, political belief or Trade Union affiliation. Employees should refer to the Equality and Diversity Protocol for further information.

5.3 Respect for others

5.3.1 Employees should always be courteous, professional and helpful when dealing with other people, whether fellow employees, service users, volunteers, customers, members of the public, councillors, contacts at external organisations or other stakeholders.

5.4 Stewardship

5.4.1 All employees must ensure that they use the public funds entrusted to or handled by themselves in a responsible and lawful manner. Employees must not utilise property, vehicles or other council facilities including equipment and materials for personal use unless expressly authorised to do so by their line manager.

5.4.2 Care and use of council resources

All equipment and vehicles belonging to the council should be utilised with due care and attention. Council resources, whether tangible assets such as materials, equipment and cash, or business information such as trade secrets

or business contacts, may not be used other than for the proper advancement of the business of the council.

Employees issued with council owned mobile phones may in exceptional circumstances use these for their own private telephone calls and/or text messages subject to the council being reimbursed. All personal call and/or text messages made on council telephones or mobiles should be properly logged and charges paid back to the council.

Council vehicles must only be used for authorised purposes and employees should only carry passengers where this is part of their working duties. Unauthorised use of council vehicles will render insurance cover void. In such circumstances, the employee would be personally liable to pay damages in the event of an accident causing injury and/or damage.

5.4.3 Security and use of computer equipment / data

The information technology systems operated by the council and the information stored within is of paramount importance. The GDPR, Data Protection Act 2018 and the Computer Misuse Act 1990 must be complied with. Employees must ensure that no unauthorised person gains access to equipment / data, which is within their responsibilities. User identifications and passwords must not be released to anyone, and passwords must be regularly changed. No data should be released unless it complies with the requirements of the GDPR and the Data Protection Act 2018.

The council has no objection to employees using the internet for personal use as long as this is undertaken in their own time (e.g. during lunch breaks or outside of their clocked in working hours) and in accordance with the council's Email and Internet Usage Policy, the Social Media Policy and the Computer Misuse Act 1990. The council will monitor the use of computers / internet access on a regular basis.

Employees should refer to the Email and Internet Usage Policy, the Social Media Policy and consult Information Governance for further information on the use of computer equipment and data.

5.5 Personal interests

- 5.5.1 Whilst employees' private lives are their own concern, employees must not allow their personal interests to conflict with their public duty or the requirements of the council. Employees must not misuse their official position or information acquired during the course of their employment to further their private interests or to confer an advantage or disadvantage to any person. An employee should not put themselves in a position where their job, or the council's interests and their own personal interests conflict. This includes behaviour (including that in an employee's own time), which because of the nature of employment would undermine the council's confidence or trust in the employee or that would bring the council into disrepute.

In particular, employees must comply with the following council requirements in relation to personal and/or conflicting interests;

5.5.2 Gifts & hospitality

The council's Gifts & Hospitality Policy must be adhered to when employees and/or their families are offered any gifts, hospitality or any other benefits by any third parties. All accepted and refused offers of gifts and hospitality must be properly authorised and recorded in a register maintained for this purpose by their Executive Director. For example gifts with a minimum nominal value may be accepted such as pens, diaries and chocolates, however cash should not be accepted. Unacceptable gifts should be politely but where appropriate firmly refused. Employees should refer to the Gifts & Hospitality Policy and if in any doubt they should contact their line manager for further guidance.

5.5.3 Financial and non-financial interests

Where 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 for formal recording and they must not allow it to influence in any way how they carry out their work.

Examples of interests include 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 has a financial or non-financial interest relating to work that they are undertaking at the time, they should cease to deal with this work immediately and ask their manager to assign the work to someone else.

Employees must inform their Executive Director and the Monitoring Officer 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 procurement and 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, relatives or people with whom you have had a previous close working relationship.

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 that

the council has made or is going to make, it must be declared immediately in writing to their Executive Director and the Monitoring Officer.

Similarly, employees should declare any interests such as ownership of land and shares in any relevant company where a conflict of interest might exist. Employees are required to record these interests with the Monitoring Officer.

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 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 whether at the meeting, in prior briefings to members or at any other time.

Employees are required to consult their Head of Service before accepting any company directorship or positions akin to directorships in any limited liability company, including membership of the board of a community association whether such an association that is incorporated as a limited liability company or a registered charity or not.

Any financial or non-financial interests should be declared using the Code of Conduct declaration of interest form.

5.5.4 Additional employment

The council will not prevent an employee from undertaking additional employment providing it does not conflict with the interests of, or in any way weaken public confidence in the council and does not in any way affect performance of their duties and responsibilities whilst at work, or where their current position could confer advantage to their private interest / personal gain. If there is a conflict the manager can request that the employee discontinue with their conflicting private business interests.

Employees have a duty to take reasonable care of their own health and safety. Employees must inform their manager if they have/take up additional employment, particularly where this means that their total number of hours worked exceed an average of 48 hours per week, or which could have a detrimental effect on their health and safety.

Employees whose salary grade is above G6 are specifically required to obtain written consent from their line manager if they wish to take up any additional employment.

5.5.5 Alcohol / drugs

The council has a Substance Misuse Policy and guidance notes for managers and an Alcohol and Drugs Testing Policy, which is aimed at supporting employees and ensuring that they report fit for work and remain fit to perform their duties. All employees have responsibility to ensure that they report fit for work duties and conduct themselves in a professional manner. Any employee

who is under the influence of drugs or alcohol may present a health and safety risk to themselves or others.

The consumption of alcohol on council premises is not permitted, unless specifically approved by the line manager. Management reserve the right to ask an employee to remove themselves from any work locations / duties and take any subsequent and appropriate management action in any event where management feel an employee is unfit for work due to any substance misuse (including alcohol) or where they may present a risk to themselves or others.

Walsall Council expressly prohibits the use of any illegal drugs or any prescription medicines that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance.

Where it is established that there is an alcohol or drug dependency, the council will consider this as a treatable illness and managers will provide assistance and support where possible, including providing access to appropriate support channels. However any continued unacceptable behaviour or performance will be subject to the relevant council policy or procedure.

5.5.6 Criminal offences

Employees are expected to conduct themselves at all times (inside and outside of work) in a manner which will maintain public confidence in both their integrity and the services provided by Walsall Council.

Employees must inform their manager without delay if they are arrested, convicted, cautioned, subject to criminal investigation or formally warned of a crime including notifying their manager of the development and outcome of any ongoing case as soon as it happens. Employees do not need to disclose fixed penalty notices for minor driving offences except where driving is a key requirement of the employees' role or the conviction results in disqualification.

Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.

5.6 Reporting procedures: confidential reporting (whistleblowing)

5.6.1 In the event any employee becomes aware of any activities that they believe to be illegal, unethical, improper or otherwise inconsistent with;

- this Code of Conduct;
- the council's constitution;
- Counter-fraud Policy;
- or any other council policy or procedure.

they should report the matter to either;

- their line manager in the first instance where applicable or;

- through the Council's Confidential Reporting (Whistleblowing) Policy or;
- through the council's data incident reporting procedure

5.6.2 Confidential reporting is intended to encourage and enable employees to report serious concerns confidentially regarding the deficiency in the provision of any council service without fear of reprisal or recrimination. Under the Public Interest Disclosure Act 1998, employees are legislatively protected in the event they raise any concerns. Employees should refer to the Confidential Reporting (Whistleblowing) policy for further information.

5.7 Reporting procedures: bribery and corruption

5.7.1 The council does not tolerate any form of bribery and corruption. Employees need to be aware that bribing another person or receiving a bribe are serious criminal offences under the Bribery Act 2010 and should refer to the council's Anti Fraud/Anti Corruption Policy for further information.

5.8 Openness

5.8.1 Employees should be open about the council's services and how these are provided, including the dissemination of information and decision making, ensuring a transparent culture across the council. However, where certain information is private, sensitive or not appropriate for a wider audience there will be a need for confidentiality. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone who is not entitled to receive it, or needs to have access to it for the proper discharge of their functions. If in doubt employees should check with their line manager or the Information Governance Team.

In their official capacity, councillors have a general right of access to information held by the council. Where a councillor is seeking to access personal data relating to an individual, employees are legally obliged to ensure that such requests are handled in line with the GDPR and the Data Protection Act 2018 schedule 1, part 2, and the common law duty of confidentiality. Further details of which can be found in the Information Governance Policy Framework.

Employees should not use any information obtained during their employment or because of their position as a council employee for personal gain or benefit, nor should they pass it to others who might use this in such a way.

5.8.2 Media contact

Employees must not make statements to the media, or any other public statement which concerns the business of the council unless they have been authorised by their manager to act generally as a spokesperson or have been expressly authorised to act as a spokesperson in relation to a particular situation, or are acting as an authorised Trade Union spokesperson.

Employees should refer to the council's Media Publicity protocols for further information.

All media enquiries should be referred to the communications office. Employees authorised to maintain a council social media account should seek guidance and support from the council's communication unit.

5.9 Appointment of staff

- 5.9.1 Employees involved in appointments should ensure that those appointments are made only on the basis of merit. An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee including agency workers, who is a relative or friend. The onus is on the employee to declare those people they would define as a 'friend' using their own personal judgement in accordance with the spirit of this Code, in particular honesty, integrity, impartiality and objectivity.
- 5.9.2 In the above, 'relative' means a spouse, civil partner, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin or the spouse or partner of any of the preceding persons; and 'partner' above means a member of a couple who live together.

5.10 Duty of trust

- 5.10.1 An employee must, at all times act in accordance with the trust that the public is entitled to place in them.
- 5.10.2 Employees are reasonably expected to be ready and able at the agreed times of working to carry out their job.
- 5.10.3 Politeness and courtesy should be expressed to the public and to internal and external clients at all times.
- 5.10.4 Customer care and courtesy must be maintained with appropriate professional boundaries and particular attention should be paid when in contact with children and/or vulnerable adults.
- 5.10.5 In carrying out their duties and responsibilities employees' honesty and integrity should be beyond question.