

**HUMAN RESOURCES**

**CODE OF CONDUCT**

Code of Conduct

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# Code of Conduct Policy

The Code of Conduct applies to all employees of Mole Valley Council, agency workers, contractors and their staff whilst working for, or on behalf of, the Authority. The purpose of the Code is to help employees ensure that the Council continues to provide high quality services fairly and efficiently. Members have their own Code of Conduct and Standards and there is a Member Officer protocol which can be accessed on the intranet[[1]](#footnote-1).

This policy should be used where there are concerns over an employee’s general conduct. There are other policies that it complements. Firstly, there is a [Respect at Work policy](http://molly/media/word/t/i/Respect_at_Work_post_consultation_20130711.doc) which specifically tackles bullying, harassment and other negative behaviours and lays down a minimum standard of behaviour expected by all. There are also service level standards (Customer Care Standards[[2]](#footnote-2)) which set down what our customers can expect from us in terms of email or letter turnaround, answering our telephones and responding to voicemails. This underpins our [Customer Charter](http://molly/media/pdf/o/b/Customer_Charter.pdf), outlining standard of behaviour the Council can expect from its customers as well as those the customers can expect from us. The [Whistleblowing policy](http://molly/index.cfm?articleid=10781) is appropriate for more serious potentially illegal or dangerous acts or omissions.

Any breach of the Code of Conduct will be regarded as a disciplinary offence and may be taken into account in performance appraisal or decisions regarding internal appointments or promotions.

# Key facts

* The Council expects all employees to promote and maintain high standards of personal conduct when acting in an official capacity or otherwise to sustain the good reputation of the Council and its services.
* Employees should not use any information gained in the course of their employment for personal gain, or pass it on to others who might use it in such a way.
* Information concerning an employee's or Member's personal affairs should not be divulged without prior approval, except where that disclosure is required or sanctioned by law.
* Internal and external working relationships should be conducted in a professional, friendly and respectful manner.
* Employees should not make personal use of any Council property, facilities, materials, or resources unless properly authorised to do so.
* Council employees should exercise caution concerning the acceptance of gifts or hospitality from external suppliers and contractors; and any involvement in sponsorship events, or endorsement of a product or service, where there may be a conflict of interest.
* In no circumstances should a statement ever be made in return for personal gift, or money.
* Any orders and contracts must be awarded by fair and open competition against other tenders. No special favour should be shown to businesses with particular connections to employees.
* Outside employment which conflicts with the authority's interests should not be taken.
* Employees should not be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions of another employee, or prospective employee to whom they are related or have a close personal relationship.

# 1 Personal Conduct

The Council expects all employees to promote and maintain high standards of personal conduct whether acting in an official capacity or otherwise to sustain the good reputation of the Council and its services.

1. Employees must perform their duties to the highest possible standards, with honesty, integrity and impartiality, and be accountable for their own actions.
2. Employees have a mutual relationship of trust and confidence with the Council as their employer, and to the local community and service users, and must not therefore act in a way that destroys or damages this relationship.
3. Employees are expected to treat others with respect, fairness and dignity at all times, and in accordance with our policy on [Respect at Work](http://molly/media/word/t/i/Respect_at_Work_post_consultation_20130711.doc) .
4. Employees are expected to raise any concerns that they have on any aspect of the Council’s business. Such concerns should be raised initially with their line manager. If this appears inappropriate, you can also consider your manager’s manager, your SLT lead, the s151 Officer, the Monitoring Officer, the Chief Executive or Internal Audit, depending on how serious or urgent you regard the issue to be.
5. Concerns can be expressed in the knowledge that they will be treated in confidence, properly investigated and dealt with fairly.

# 2 Disclosing Information

It is generally accepted that open government is best. All employees should be aware as to what information is available to Members, auditors, government departments, service users and the public, and which information should remain confidential. Any information available should be provided in a clear and concise way.

Employees should not use any information gained in the course of their employment for personal gain, or pass it on to others who might use it in such a way. Information concerning an employee’s or Member’s personal affairs should not be divulged without prior approval, except where that disclosure is required or sanctioned by law.

Confidentiality must be maintained on personal data held by the Council. Employees must not disclose or use, or allow to be disclosed or used, any confidential information relating to the affairs of the Council without prior permission. Employees are expected to ensure confidentiality of information and to guard against the possibility of a third party intentionally, or inadvertently, misusing data.

# 3 Political neutrality

1. Employees serve the authority as a whole. It follows that they serve all councillors, not just those of the controlling group, and respect their individual rights.
2. Employees should ensure that their own personal or political opinions do not interfere with any policy of the authority. Where employees advise political groups, political neutrality must be retained.
3. Certain post holders are politically restricted in accordance with the terms of the Local Government & Housing Act 1989. Employees affected will have an endorsement in their letter of appointment and/or in their statement of contract.

# 4 Relationships

Internal and external relationships are formed on a daily basis with colleagues, service users and contractors. These should be conducted in a professional, friendly and respectful manner and always in accordance with our Respect at Work policy.

## 4.1 Councillors

Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and should therefore be avoided.

## 4.2 The Local Community & Service Users

Employees should ensure courteous, efficient and impartial service delivery to all in accordance with our customer care charter and standards, and any specific team or job related standards.

## 4.3 Contractors

Contractors may include individuals who are temporarily working alongside Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the Council. All Contractors should be treated with courtesy and respect.

Employees should declare any relationship with a particular contractor, or any potential contractors, to the appropriate manager.

## 4.4 Personal relationships

Where relationships of a personal or domestic nature evolve between members of staff during their employment where a possible conflict of interest could arise, the appropriate manager (and if appropriate SLT lead) should be informed.

# 5 Appointment and other employment matters

Employees involved in appointments should ensure that these are made on the basis of merit. Appointments should be based on the ability of the candidate to undertake the duties of the post.

Employees should not be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions of another employee, or prospective employee to whom they are related or have a close personal relationship. Employees must comply with all the Council's employment policies.

# 6 Declaration of Personal Interests and Outside Commitments

All employees must declare:

1. Any non-financial or financial interest which might conflict with the authority
2. Any personal interest in planning applications that are submitted to the authority
3. Membership of any organisation that is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership, or conduct.
4. Membership of other groups, clubs and societies, that an employee believes could be relevant to declare in particular circumstances.

Declarations must extend to acknowledging the involvement of a relative or partner of an employee in an organisation in which the Council does or seeks to do business, particularly if they are directors, partners or hold senior managerial positions in those organisations.

*Declarations at the point any potential conflict arises must be made both to the appropriate manager (and/or SLT lead) and to the Finance Manager.  Any declarations will be recorded and reported in an annual return made to the Auditors. Additionally an employment declaration is completed by all new established staff and retained in the employee's HR file.*

Where employees are in any doubt about whether any personal relationships, interests, or outside commitments should be declared in particular circumstances, they should either declare the information in any case, or else seek further advice from their manager.

Employees should be aware of any contractual restrictions on taking outside employment. In any case, outside employment should not be taken which conflicts with the authority's interests.

Any employee who takes up any other employment or enters into business on his/her own account must ensure that their manager is made aware that he/she has additional work or employment and what the nature of that work or employment is. Express consent will be required but grounds for any refusal will be given and any consent will not be unreasonably withheld. Typically consent will be refused where there are genuine concerns about conflict and/or capacity. Decisions should therefore be based on a thorough understanding of the following (non-exhaustive) factors:

* Impact on total working time (assessing in particular whether this will remain within the EEC Directive on total working time or whether the individual chooses to opt out)
* Effective management of workload
* Wellbeing
* Conflict of interest
* Compatibility with Council aims

As a general rule of thumb the more senior the role, the greater the expectation that the individual will devote the whole of his/her working time to the Council.

For further advice please contact HR.

Employees should follow the Council rules on the ownership of intellectual property or copyright created during their employment.

# 7 Declarations in Respect of Related Party Transactions.

The Council is obliged to fulfil a disclosure requirement in respect of related party transactions. This reporting requirement aims to provide assurance to readers of financial statements that any material transactions entered into between the organisation and those in a position of power to influence its decisions are disclosed and above board.

All employees must declare:

1. Positions of influence they hold within partnerships, companies, trusts or any entities providing services to the Council.
2. Positions of influence they hold (in a personal capacity) within organizations receiving grant funding from the Council.

Declarations must extend to a relative or partner of the employee if they have an interest in any such organisation. BMT managers and those above are required to complete an annual return. Any other employee declaring a conflict will also be required to be included.

# 8 Equality Issues

1. Employees must comply with the Council’s [Equalities Statement](http://molly/index.cfm?articleid=10649) and other employment policies in relation to equality issues.
2. Employees should not be involved in harassment or bullying against colleagues, other employees, workers or job applicants. All members of the local community have a right to be treated with fairness and equality.

# 9 Separation of Roles During Competitive Tendering

1. Employees should be clear on the separation of client and contractor roles. Senior employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.
2. Employees privy to confidential information on tenders of costs relating to contractors should not disclose the information to any unauthorised party or organisation.
3. Any orders and contracts must be awarded by fair and open competition against other tenders. No special favour should be shown to businesses with particular connections to employees.
4. Employees contemplating a management buy out should as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
5. Employees should ensure no special favour is shown to current or recent former employees, or associates, in awarding contracts.

# 10 Gifts and Hospitality

Council employees should exercise caution concerning the acceptance of gifts or hospitality from external suppliers and contractors; and any involvement in sponsorship events, or endorsement of a product or service, where there may be a conflict of interest.

1. Employees must be aware that it is a criminal offence for them corruptly to receive 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. The acceptance of gifts and hospitality (including sponsorship of a local government activity) must be treated with extreme caution.
2. The receipt of minor articles, for example, diaries and calendars will not be regarded as the acceptance of a gift, although employees should not accept significant personal gifts from contractors and outside suppliers. Offers of hospitality and invitations should be accepted only if there is a genuine need to impart information or represent the local authority, recognising there are times where to attend a social or sporting event where the Council should be seen to be represented as part of the life of the community. Care must be exercised regarding the timing of such acceptance and any key decisions the Council may be in the process of making.
3. All gifts and hospitality should be discussed with and declared to your SLT lead. He/she should record this in a register recording the date and name of the organisation/individual offering the hospitality, the nature of the offer made and the name of the employee to whom the offer has been made, as well as the authority of the appropriate SLT lead to accept it.

# 11 Sponsorship – giving and receiving

1. Where the authority wishes to sponsor an event, no employee must benefit in a direct way without there being full disclosure to an appropriate manager of any such interest. Where the authority gives support in the community through whatever means, employees must ensure that there is no conflict of interest.
2. Employees must exercise caution before providing any statement endorsing the quality or operation of any product or service that may be used for publicity purposes. Such endorsement may put the Council at risk of misrepresentation or legal challenge. Employees are therefore advised to seek further advice from their manager where such circumstances arise.
3. In no circumstances should a statement ever be made in return for personal gift, or money.

# 12 Use of the Council’s Materials, Equipment or Resources

1. Employees should not make personal use of any Council property, facilities, materials, or resources unless properly authorised to do so.
2. Council property and resources should be used solely in respect of its work. No improper use should be made of any facility such as vehicles, equipment, stationary or secretarial services which the Council provides for its own business.

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| **Version** | **Version Status**  | **Date** | **Version Comment**  | **Version Author** |
| V1.0 | Final | 1 March 2018 |  |  |
| V2.0 | Review | Due November 2023 | Policies to be reviewed at least every 3 years or in the event interim changes are needed (e.g. changes in legislation, work practices). | CS |

1. The Member Officer protocol is being refined by Democratic Services so the link will follow once this work has been done. [↑](#footnote-ref-1)
2. The link to the Customer Care standards will follow [↑](#footnote-ref-2)