

Code of Conduct for Employees

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code of Conduct outlines existing laws, regulations and conditions of service to assist employees in their day-to-day work. The Code has been produced in light of the challenges that employees face in a new and more commercially orientated environment.
- 1.2 The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism.
- 1.3 Employees must not, either in an official capacity or in any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing the Council into disrepute.
- 1.4 Employees who fail to meet the highest standard of conduct will be managed in accordance with the Council's Disciplinary Policy and Procedure.

2. Scope

- 2.1 The Code applies to all local government employees in Wolverhampton. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within the Council, including office holders such as registrars.

3. Principles

- 3.1 The Council has five core behaviours that are at the heart of every employee's contract of employment and all work should be undertaken in accordance with these.

4. Standards

- 4.1 Local government employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees in an impartial manner. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report any impropriety or breach of procedure to the attention of a Senior Manager.

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- 4.2 In carrying out their duties, employees will act with professionalism and will follow the Council's Every Contact Counts customer service standards at all times.
- 4.3 The Council must maintain the image of a professional public service organisation, providing high quality services. Therefore, all employees must ensure they present a tidy and professional image of the council and present a positive first impression. All employees must ensure that they are appropriately dressed for their duties.
- 4.4 The City of Wolverhampton Council respects the right for employees to adhere to religious and cultural observances, however, employees who wish to make modifications to their uniforms to reflect their beliefs must discuss and agree them with their line manager.
- 4.5 The council will allow some modification to the uniform for employees with specific medical conditions, however employees who wish to make such modifications to their uniforms or work attire must agree them with their line manager in conjunction with Corporate Communications.
- 4.6 Employees who are provided with an access pass or identification card must wear them on a corporate branded lanyard at all times. All employees who have daily, face-to-face contact with our customers must wear a name badge at all times.
- 4.7 Employees must not wear their uniform, access pass or identification cards when not at work, and are required to return all items on termination of their contract of employment on their last day of work. This is to maintain the integrity of the council's corporate image by minimising the risk of the council being misrepresented. Corporate uniforms, access passes and identification cards must **not** be made available to non-council employees.

5. Disclosure of Information

- 5.1 It is accepted that open government is best. The law requires that certain types of information must be made available to Councillors, auditors, government departments, service users and the public. The law also recognises that this information is confidential. Employees should ensure that confidentiality of information is maintained as required by the law and by the Council.
- 5.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass information on to others who might use it in such a way. This is also expected and should be applied when employment with the Council has terminated and the person is no longer an employee. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that

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Councillor, except where such disclosure is required or sanctioned by the law.

- 5.3 Employees must ensure that they adhere to the Council's Information Governance Framework and associated policies and procedures at all times.

6. Political Neutrality

- 6.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group and must also ensure that the individual rights of all Councillors are respected.
- 6.2 It is recognised in some circumstances that political parties will wish to formulate their policies in private yet require employee input. Confidentiality should be maintained in these circumstances.
- 6.3 Employees (whether or not politically restricted under the provisions of the Local Government and Housing Act 1989) must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 6.4 Political assistants appointed in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 6.1 and 6.3.

7. Relationships

7.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

7.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure that a courteous, efficient and impartial service is delivered to all groups and individuals within that community as defined by the policies of the Council.

Employees should avoid unnecessary personal familiarity with service users and customers that they come into contact with in the course of their work. They should not use their position to either take unfair advantage of members of the public who use Council services or allow

themselves to be unduly influenced by them. Employees must ensure their professional integrity is maintained at all times.

7.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to a senior manager. Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Senior Manager.

7.4 Spouses, partners and close personal friends

Employees who have a close personal relationship with any other employee of the Council should take special care to ensure that the relationship does not interfere with normal working relationships and does not cause others to doubt that they will be treated fairly. If it does, appropriate action will be taken in such circumstances.

People who already have a close personal relationship should not seek employment in the same work group. Senior managers have a particular responsibility to ensure that there can be no question of favouritism or bias in the appointment or treatment of any person with whom they have a close personal relationship outside of their particular work group.

Where employees are involved in a close personal relationship with a work colleague that has broken down, they must ensure that they do not involve others in their private affairs within the workplace. Relations and/or their breakdown must not interfere with working arrangements.

Employees who are in, or embark on, a close personal relationship within the same service or department must declare the relationship to their manager and may voluntarily sign the protocol at Appendix 1 to help ensure probity and appropriate behaviours. Dependent on the working arrangements, the nature of the post(s) held and an assessment of the potential risk to the organisation, the relevant Director may **require** employees to sign the relationship protocol. Signed relationship protocols will be maintained confidentially by the Head of Human Resources and a copy placed on each individual's personal file. Protocol is available on a voluntary basis in cases where

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staff are engaged in a close personal relationship that is further removed from working in the same department.

8. Appointment and Other Employment Matters

- 8.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is improper for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her.
- 8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion, or pay adjustments for any other employee who is a relative, partner, etc.

9. Outside Commitments

- 9.1 All employees should be clear about their contractual obligations with the Council and should not take outside employment which conflicts with the Council's interests. Employees should declare to their senior manager any outside commitments that could be considered as having some similarity with their Council duties or might cause conflict.
- 9.2 The Council retains ownership of intellectual property or copyright created during a person's employment.

10. Personal Interests

- 10.1 The Director of Governance will maintain a register of employees' interests outside their contract of employment. All employees should, without delay, notify the Director of Governance and their Senior Manager of outside interests which cover: -
- a. Any non-financial interests that they consider could bring about conflict with the Council's interests;
 - b. Any financial interests which could conflict with the Council's interests;
 - c. Membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 10.2 The register of employees' interests will be kept on a confidential basis.

11. Equality Issues

- 11.1 All local government employees should ensure that policies relating to equality issues as set down by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

12. Separation of Roles during Tendering

- 12.1 Employees involved in the tendering process and or dealing with contractors should be clear on the separation of client and contract roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub-contractors.
- 12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 12.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding processes.
- 12.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13. Corruption

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

14. Use of Financial Resources

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

15. Hospitality

- 15.1 Employees should accept offers of hospitality only if there is a genuine need to impart or receive information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded.
- 15.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 15.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although employees can keep insignificant items of token value such as pens, diaries, etc.
- 15.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 15.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

16. Sponsorship – Giving and Receiving

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

17. Use of Council Assets

- 17.1 Council assets comprise of not only physical and financial resources but also computer data and information.

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17.2 Employees must ensure they have the necessary authorisations and permissions before using council property.

17.3 Employees must ensure they comply with the Council's policy on the Personal Use of ICT and Social Media and the Council's Information Governance Framework.

18. Whistleblowing

18.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees are encouraged to come forward and voice any serious concerns they may have over any aspect of the Council's work.

18.2 If employees become aware of any activities that are non-compliant with this Code of Conduct, they must report the matter through the Council's Whistleblowing Policy.

18.3 Any employees who raise concerns do so without the fear of victimisation, subsequent discrimination or disadvantage.

19 Liability of Employees -

19.1 This section sets out the support which the Council gives to employees if claims are made against them by third parties arising out of alleged acts or defaults whilst they are carrying out their duties and responsibilities as employees of the Council. NB: for the purposes of this policy, any Returning Officer appointed by the Council is covered by the term 'employee' as used hereafter.

19.2 Providing an employee is not acting in a fraudulent or dishonest manner, and is not reckless or grossly negligent, or acting outside the scope or spirit of his or her normal duties, the Council will provide liability cover for any action taken against the employee by third parties arising out of the normal course of carrying out Council business, including the management of elections or referenda. This cover does not prevent disciplinary action being taken where appropriate and cover cannot be provided for criminal, wilful or reckless acts.

19.3 Claims may arise in a number of ways:

- a. As the result of a direct action by a third party against the employee;
- b. As a result of the employee being joined in an action by a third party against the Council;
- c. As a result of a direct action by a third party against the Council.

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- 19.4 The general rule of law is that an employer is liable for the acts or defaults of an employee provided that individual was acting within the scope of his/her employment. This can also extend to the situation where a third party reasonably believes the employee had proper authority to do what he or she has done, even if this is not actually the case.
- 19.5 It is normal practice in the public and private sectors for employing bodies to indemnify their employees. Employees of City of Wolverhampton Council are covered by a resolution of the Finance and General Purposes Committee dated 13 April 1987:
That the Council shall indemnify in perpetuity all employees and former employees of the Council against all liability, professional or otherwise, for negligence or negligent omission or breach of contractual or statutory duty arising out of the employee's employment with the Council and that such indemnity shall extend to any such liability arising out of the employee's engagement of duties undertaken by the Council on behalf of any other authority or body.
Provided that such indemnity shall not extend to any liability arising as a result of fraud, dishonesty or other criminal activity or of wilful misconduct, gross negligence or gross dereliction of duty on the part of the employee.
- 19.6 The indemnity will not apply if any employee, without the authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this policy.
- 19.7 Insurance cover relevant to employees is as follows:
- Public and employers' liability
 - Officials indemnity (financial loss to third parties)
 - Libel and slander
 - Cash in transit
 - Personal accident (assault)
 - Travel cover (on request) for official journeys outside the UK
 - No claims bonus and excess protection cover (on request and contributory premiums)
- 19.8 Where an employee is involved with an external body or company, the situation is more complex and depends on the nature of the role undertaken, whether as an observer, adviser or part of the management of the organisation. This is covered in more detail in the Code of Practice for Service on Outside Bodies, approved by the Audit Committee on 27 February 2006.
- 19.9 As part of its risk management, the Council sometimes agrees deductibles (an excess) for an insurance policy at a higher level than may be required by the market. The cost of any deductible is met out of the Council's Insurance Fund. In the event that a claim is made against an employee in respect of duties carried out in the course of his or her employment, the Council will indemnify the employee against the cost

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of any deductible that may fall due, subject to the provisions outlined above.

20. Supporting Regulations, Codes and Procedures

20.1 Supporting this general Code of Conduct are specified detailed regulations and procedure codes:

- Contracts Procedure Rule
- Financial Procedure Rules
- Anti-Fraud and Corruption Policy
- Anti-Money Laundering Policy
- Whistle Blowing Policy
- Hospitality Code
- Human Resources policies and procedures
- National Scheme of Conditions of Service
- Equal Opportunities Policy
- Computer Security Policy
- Service Group Instructions and Codes
- Information Governance Framework, policies and procedures
- Personal Use of ICT and Social Media Policy