
Code of conduct

Tewkesbury Borough Council



Code of Conduct

Introduction

This Code of Conduct is designed to provide guidance about what is expected by Tewkesbury Borough Council (the council) from you in your daily work and in your dealings with elected members, colleagues and the public. It sets out the rules relating to conduct which, whilst not exhaustive, are expected to be observed

The code applies to all employees and anyone acting as an employee of Tewkesbury Borough Council, to clarify, the use of the word 'employee' within this code includes permanent and temporary employees, casual workers and agency staff. Inevitably some of the issues covered will affect some employees more than others.

Although the code does not directly apply to contractors, consultants or volunteers, the council's continued association with these individuals and/or their organisation requires them to observe and comply with the code. However, in some instances, compliance may be a condition of the contract between a third party and the council, in which case their compliance with the code would be binding.

1.0 Roles and responsibilities

- 1.1 If you have management responsibilities, you need to ensure that employees reporting to you have access to the code and are given opportunities for training where appropriate.
- 1.2 Breaches of the code and standards set by the council may result in disciplinary action which could result in dismissal. If you are unsure about any aspect of the code, please raise it with your manager or supervisor at the earliest opportunity.

2.0 Workplace behaviour and personal conduct

- 2.1 You should treat colleagues, elected members and members of the public with dignity and respect. You should:
 - 2.1.1 Ensure that your conduct is not inappropriately discriminatory or harassing to others.
 - 2.1.2 Ensure your behaviour and performance meets work place standards at any time that you are representing the council or are likely to be identified or associated with your role as a public official (whether or not you are 'on duty' at the time).
 - 2.1.3 Make sure you are familiar with and follow the council's policies on equality and the prevention of discrimination and harassment.
 - 2.1.4 Make reasonable efforts to develop and maintain appropriate skills in valuing diversity.

3.0 Health, safety and well-being

3.1 All employees have a personal and legal responsibility under the Health and Safety at Work Act 1974 for themselves, colleagues and visitors to the council's buildings and premises.

3.2 You must:

- Look after the health and safety of yourself and others who may be affected by your actions or failure to carry out certain actions at work.
- Co-operate with your manager, attend training sessions, and carry out reasonable instructions.

4.0 Other employment

4.1 The council will not normally preclude employees from undertaking additional employment, but any such employment must not, in the view of the council conflict with or react detrimentally to the council interests. You must not, therefore, engage in any other business or take up any other additional appointment without the express consent of your Head of Service.

4.2 Employees who are grade H, SCP 39 and above are required to devote their whole-time service to the work of the council and must not engage in any other business or take up any other additional appointment, business, consultancies, advisory roles, whether paid or unpaid, without the written consent of the director: one legal.

4.3 In the first instance, applications for consent should be made through the Human Resources team using the consent form available on the intranet. The decision will be confirmed in writing and a copy will be kept on the employee's personal file.

4.4 You may not set up a business or accept a job with a business which is in direct competition with the council.

4.5 If you work for another organisation you may not act as a messenger between that organisation and the council. Formal channels of communication must be maintained.

4.6 Any secondary employment must not be carried out during your contracted council working hours, nor whilst on standby or official call out purposes, unless such employment can be undertaken from your home.

4.7 It is your responsibility to monitor the number of hours you work to ensure that you are rested and refreshed and able to carry out your role. On average you should not work more than 48 hours in total each week unless you have opted out of the working time regulations.

Please contact the Human Resources team if you require any further information about the working time regulations including details of consecutive rest periods.

5.0 Use of authority

5.1 You should not use your official position, status, powers or authority to seek to improperly influence a decision or action.

You are expected to provide honest, impartial and comprehensive advice, regardless of your personal views on a matter. If your personal views conflict with the performance of your official duties or if you believe that you cannot act impartially, you should contact your line manager and attempt to resolve the conflict.

5.2 When requested, you are expected to provide members, the chief executive, line managers and co-workers with advice which is frank, independent, based on an accurate representation of the facts and as comprehensive as possible. When exercising a discretionary power, you should ensure that the power is being used properly, impartially, equitably and is consistent with relevant legislation, delegations, procedures or guidelines.

5.3 In exercising any power associated with your employment, you must ensure that you are either statutorily authorised to do so or that you have been delegated the power by a person with the necessary authority to issue the delegation.

6.0 Political neutrality

6.1 As an employee of the council you must serve the council as a whole. You must serve and give information to all councillors and not just those of any political group. You must ensure that the individual rights of all councillors are respected.

6.2 Your job description and contract of employment will state whether your post is politically restricted and such a restriction becomes a condition of employment. Employees who hold Politically Restricted posts are required to abide by the political restrictions placed on them by the Local Government and Housing Act 1989 and ensuing regulations. These regulations mean that such employees cannot stand for election or engage in other political activities. This includes prohibiting the practice of twin tracking – where a local government employee is also an elected member of another local authority. This disqualification is also extended to the European Parliament.

6.3 When engaged in council business you must not wear or display items (badges, banners etc) which indicate your support or opposition to any political party.

7.0 Conduct outside working time

7.1 Generally, what you do outside work is your own concern, but you should avoid doing anything that might adversely affect the reputation of the council or bring the council into disrepute. In your official capacity (as a council employee) or personal capacity, you must not allow your personal interests to conflict with the council's requirements or use your position to improperly confer an advantage or disadvantage on any person. If you are not sure whether or how this may affect you in your council role, speak to your manager. If you act contrary to a caution provided by your manager, you may find yourself subject to disciplinary action.

7.2 The public is entitled to demand of a Local Government employee conduct of the highest standard and public confidence in his/her integrity would be shaken were the least suspicion, however ill founded, to arise that he/she could in any way be influenced by improper motives

8.0 Criminal charges and convictions

8.1 The council requires all applicants for jobs to disclose all contraventions of, or failures to comply with, any provisions of law, whether committed in the UK or elsewhere, unless the Rehabilitation of Offenders Act applies and the rehabilitation period has expired. In some circumstances, DBS checks are conducted on successful applicants for certain positions in the council.

8.2 You shall not commit an act outside work, (including criminal acts), which are liable to adversely affect the performance of the contract of employment and/or the relationship between the employer and the employee. If you act to the contrary you may find yourself subject to disciplinary action.

8.3 Once you are an employee, you must notify the council in writing if you are charged with any offence or if you are convicted of any offence. If you are charged with an offence, the notice must be given immediately after you are charged (i.e. next working day). If you are convicted of any offence, the notification must be given immediately after you are convicted (i.e. next working day).

8.4 Accepting a caution is an admission of guilt and so you are required to disclose this to the council immediately after the caution is given (i.e. next working day)

8.5 It should be noted that the term 'conviction' includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify the council in either case will constitute grounds for disciplinary action.

9.0 Use of council property, facilities and equipment

- 9.1 Council facilities are to be used for the council's business and for no other purpose unless you have your Head of Service manager (or their nominees) permission beforehand.
- 9.2 Reasonable personal use of telephones, photocopiers, computers and faxes is allowed provided you have been authorised to do so by your manager. However, no private work may be carried out in during working time, or on the council's premises or with the use of the council's equipment. The council allows reasonable, non-official use of internet and email, as long as individual or service performance is not compromised or adversely affected as a result.
- 9.3 Computers and software may only be used in line with the council's ICT Policy. Your line manager can provide you with clarification as to what constitutes reasonable, non-official use. However, as a general rule, such use should be restricted to outside of working hours, during lunch breaks etc.

10.0 Dealing with the council's money

- 10.1 All 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.

Should you have responsibility for budgets and/or purchasing, you must ensure that you understand and comply with the council's financial regulations. When committing council money, you must ensure that there is an approved budget for such expenditure and that the expenditure is within the limits that you are personally authorised to incur. Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the council. You must declare any financial interest to your Head of Service, whether direct or indirect, that you or your partner may have in any contract or proposed contract with the council.

- 10.2 You should also consider declaring non-financial interests, for example, where you do voluntary work for an organisation in receipt of a grant from the council. If you are in any doubt then you should make a declaration.

11.0 Non financial interests

- 11.1 You are required to declare financial and any other interests that they consider could bring about conflict with the council's interests e.g. acting as a school governor, involvement with an organisation receiving grant aid, or involvement with an organisation or pressure group which may have a view on council policies.

- 11.2 You should, in writing to your Head of Service, register membership of any organisation not open to the public without formal membership and commitment of allegiance, and/or which has secrecy about rules, membership and conduct.

12.0 Conflict of Interest

- 12.1 An employee must not in his or her personal capacity allow his or her personal interest to conflict with the council's business and/or use his or her position improperly to confer an advantage or disadvantage on themselves or any person.

Conflicts of interest may occur if a decision of the council could affect you, or close friends and relatives, either positively or negatively. An employee must not be involved in any matter where they have a personal interest (or where their partner, spouse or close relative has a personal interest) which is so significant that it may influence their judgement or give the appearance that their judgement is likely to be influenced.

If a conflict occurs between your private interests and public duties you must resolve the conflict in favour of your public duties. You must advise your manager in writing of any personal or immediate family private interests that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting, tendering or regulatory functions.

If you are in any doubt you should refer to your Head of Service who will seek advice from the director: one legal. You should comply with any reasonable request from the director: one legal to provide information relating to your personal interests or the interests of a dependent or spouse.

- 12.2 Examples of conflicts (or perceived conflicts) between personal interests and public duties that should be declared and in some cases avoided include:

12.2.1 Employees in positions that could influence or be perceived to influence, funding allocations, accepting appointments to executive or management positions in organisations that receive or seek to receive funding from the council.

12.2.2 Staff who have access to computer databases of customers updating their own personal records or those of the partner, relative or personal friend

12.2.3 Liaising with a supplier who employs your partner or relative or personal friend

12.2.4 Employees being contracted to provide services to the council outside of their paid employment.

12.2.5 Generating work which involves travel to provide an opportunity to visit friends.

12.2.6 A supervisor who is in a position to approve higher duties or provide other benefits to a subordinate where a close personal relationship exists

12.2.7 Involvement with an interview panel when a relationship exists with one of the applicants.

13.0 Appointments

13.1 Employees must be appointed on the basis of merit. Merit is determined on the basis of matching the chosen candidate with the job requirements and ignoring all other extraneous considerations e.g. close personal relationship with members or other employees. Employees should not be involved in the appointment, pay adjustment, promotion or discipline of partners, relatives or close friends.

14.0 Gifts and hospitality

14.1 Employees should only accept offers of hospitality, including invitations to functions, meals and site visits, if there is a genuine need to impart information or represent the local authority 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. It should be properly authorised by your Head of Service (in the case of the Head of Service, the consent of the chief executive is required) and recorded on your personal file. When hospitality offered by contractors has to be declined they should be courteously but firmly informed of the procedures and standards operating in this council.

14.2 You may accept small items (e.g. inexpensive pens, diaries) but all gifts and hospitality must be registered in writing on the 'Intention to receive hospitality and/or gifts' form available on the intranet and properly authorised by your Head of Service.

14.3 Gifts, benefits and hospitality offered to members of your family as a consequence of your employment must be declared in writing to your Head of Service whether accepted or not.

15.0 Sponsorship

15.1 Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors. While such sponsorship may be proper, actively seeking it is unwise. Sponsorship should be publicly reported.

15.2 Where the council wishes to sponsor an event or service neither you as a council employee nor any partner or relative must benefit from such sponsorship in a direct way without there being full disclosure of any such interest. Similarly, where the council through sponsorship, grant aid, land or other financial means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

15.3 Acceptance by you of commercial sponsorship for attendance at relevant conferences and courses is acceptable, but only where the council gives consent in advance and where the council is satisfied that purchasing decisions are not compromised. Where visits to inspect equipment etc., are required, the authority will meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. Normal refreshments on such visits may be accepted.

16.0 Information disclosure and confidentiality

16.1 As a council employee, you may obtain information that has not been made public and is still confidential. You must never disclose information given in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it or unless you are required to by law.

16.2 You must not prevent another person from gaining access to information to which that person is entitled by law. You must not disclose confidential information for your own personal use or for use by anyone else known to you, or to the disadvantage or the discredit of the council or anyone else. You must always observe the provisions of the Data Protection Act 1998, the Freedom of Information Act 2000 and the council's procedures for the release of personal information held about other employees or members of the public. When you leave your employment with the council, you must still respect the confidentiality of official information that may have been available to you in the course of your duties and not use this information for private, commercial or political gain.

17.0 Intellectual property

17.1 Intellectual property is a legal term that refers to the rights and obligations received and granted, including copyright. Ownership of intellectual property is determined by considering the circumstances in which it was conceived and developed. The council owns the copyright in material made by, or under its direction. Whether you are an employee or a contractor, copyright in material you produce in the course of your work belongs to the council, unless otherwise explicitly provided for in your contract of employment.

17.2 If you want to publish any material which you have written in connection with your duties or in which you describe yourself as holding a position within the council you must first gain the consent of your Head of Service.

18.0 Security

18.0 You must visibly display your identification badge at all times while you are on any council premises. All employees are required to challenge anyone in an employee and/or secure area of the council's premises without either an Employee ID or visitor's badge. You must not allow any

individual not displaying an ID badge to follow ('tailgate') you into any secure area of the council's premises. If you come to work without your badge, you must report this to the Asset Management team. If you lose your ID badge, you must report it immediately to your manager and the Asset Management team. If you have a visitor coming to see you at the council's premises, you must ensure that they abide by the visitor security arrangements.

19.0 Public comment on council policy and administration

- 19.1 'Public comment' in this section includes public speaking engagements, comments on radio and television, letters to newspapers, and expressing views in books, journals, on-line or notices if it is expected that the comments will spread to the community at large.
- 19.2 All media requests for information and enquiries that relate to policy and procedures or operational activities must be referred to the council's communications officer. The council procedure must be followed in these instances.
- 19.3 When making authorised public comment in an official capacity, you must:
- 19.3.1 Ensure it is part of your official role.
 - 19.3.2 Not misrepresent the facts concerning government or council policy or administration.
 - 19.3.3 Comply with the confidential information provisions of the Data Protection Act.
 - 19.3.4 Respect the confidentiality of information that has not been approved for release through official council channels.
- 19.4 In your capacity as a private citizen, you have the same rights as any other member of the public to openly discuss or comment on community and social issues. However, there are some circumstances where you may still need to take care in making such comments. For example, a situation could arise when public comment, although made in a private capacity, may appear to be an official comment on behalf of the council. In such circumstances you should indicate clearly that your comment is made in a private capacity and does not represent the official view of the council. It is your responsibility to take all reasonable steps to ensure that any comment will be understood as representing your personal views as a private citizen.
- If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the council. If you are in any doubt, contact the communications officer.

20.0 Internal audit and risk management

20.1 An effective internal audit function and risk management framework are important mechanisms for the council to ensure effective internal control, good financial systems and management of risk. All employees have a responsibility to contribute to this work and, where an agreed action plan makes you personally responsible for progressing a particular action, it is your responsibility to ensure that it is undertaken within the agreed timescale.

21.0 Working with councillors

21.1 Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and elected members can damage the relationship and cause embarrassment to other employees. Such familiarity should be avoided. Councillors have their own Code of Conduct that they are also required to comply with.

22.0 Communication with senior officers and members

22.1 When required, you are expected to provide members, the chief executive or officers with advice that is frank, independent, based on accurate and comprehensive representation of the facts. This includes setting out the advantages, disadvantages, costs and consequences of the available options and where appropriate, recommending a course of action. When communicating directly with members on issues affecting you as a private citizen, you should ensure your actions comply with the obligations relating to public comment.

23.0 Working with local community and service users

23.1 Employees should always remember their responsibilities to the community they serve and should provide courteous, efficient and impartial service delivery to all groups and individuals within the community.

24.0 Working with contractors

24.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known in writing to the director: one legal. Orders and contracts must be awarded in accordance with the council's procurement process. No special favour in the tendering process must be shown to businesses run by, for example, friends, partners, or relatives. No part of the local community must be discriminated against.

25.0 Working safely

25.1 Any activity that presents a significant risk to the health, safety or well-being of an employee or other person must have been subject to a written risk assessment. This is a tool, which managers must use to determine the safest and best way of carrying out the work, including appropriate training, personal protective equipment etc. Appropriate safety controls should all be summarised on the risk assessment or safe system of work procedure and provided to the relevant employees.

26.0 Standard of appearance, uniform and PPE

- 26.1 There is a general expectation that standard of appearance will be appropriate to the standards set by the managers of the individual service areas.
- 26.2 Your dress style must reflect appropriate workplace health, safety and security considerations applicable to your job and environment.
- 26.3 Uniforms are provided for some employees and these should be worn unless otherwise agreed by the Head of Service.
- 26.4 Suitable personal protective equipment will be issued and must be worn where a risk assessment indicates it is appropriate.

Associated policies and procedures

For further information please refer to the following policies and procedures:

Disciplinary Procedure

Grievance Procedure

Anti Bullying and Harassment Policy

Whistleblowing Policy

Corporate Health Safety and Welfare Policy

ICT Policy

Equality Schemes and Policies

Frequently asked questions

Q1 What should I do if I know that someone is breaching this code of conduct?

Often it is those closest to an organisation who realise that there is something wrong. Sometimes people are reluctant to act upon their concerns because they think that they are being disloyal, or because they are afraid that they might be victimised if they speak up.

The council has in place a whistle blowing policy to enable employees to raise concerns in an appropriate manner and to ensure that they do not suffer any detriment as a result of doing so.

Q2 Can my partner's business tender for a contract?

The code of conduct does not preclude anyone from having the opportunity to tender for business. However the process must be, and be seen to be, fair open and transparent. To this end you would need to make your manager aware of your interest, take no part in the tendering process and ensure that you do not pass on any information which would give that business any advantage in the process.

Q3 Can my relative apply for a job in the council?

Yes. They can apply and would be considered on the basis of their suitability for the role. They should declare their relationship to you on the appropriate section of the application form.

If you are involved in recruiting for the role you should not be involved in any stage of the appointment and should disclose the relationship as soon as you are aware they are applying for the role so that someone else can be assigned to the appointments process.

Q4 Can I take an evening job?

The council will not normally preclude employees from undertaking additional employment, but any such employment must not, in the view of the council conflict with or react detrimentally to the council interests. You must not, therefore, engage in any other business or take up any other additional appointment without the express consent of your Head of Service.

In all circumstances employees must remember:

- They should not do work which is in direct competition with the council.
- The work they are doing should not bring the council into disrepute.
- They may not act as a 'go-between' between the council and the other business.
- They must not undertake other work when they are on duty for the council, including during standby or call out duties unless the work can be undertaken from home.
- That they are responsible for ensuring they get enough rest and do not exceed working time regulations.

Q5 One of my clients bought me a box of chocolates – should I accept them?

Generally gifts which are of low value e.g. pens or calendars can be accepted. Regardless of whether the gift is accepted or not it must be properly registered in writing on the 'Intention to receive hospitality and/or gifts' form available on the intranet. Your Head of Service must authorise whether or not you can accept the gift and/or hospitality. The completed form must be returned to the Human Resources team who maintain a central record of gifts and/or hospitality. The form will be kept on your personal file.

You should be guided by the procedures within your own team, the council's policy on the acceptance of hospitality and/or gifts and by common sense.

Q6 Can I accept discounts because I work for the council?

Discounts which have been formally agreed and accepted by the council on behalf of their employees can be found on the social noticeboard pages of the intranet.

Any other discount offered should be treated in the same way as gifts and hospitality and generally should not be accepted.

Q7 Can I campaign for a political party outside of work?

If you hold a politically restricted post you may not:

- Be a candidate for membership of the European Parliament, the House of Commons, or a county or district council.
- Hold office in a political party.
- Canvass at elections.
- Speak or write in public on party political matters.

You may be a member of a political party but not actively campaign.

If your post is not politically restricted you may campaign on behalf of a political party however when engaged on council business you must remain politically neutral and not allow your personal or political views to interfere with your duties.

Q8 What types of interests should be declared?

An interest is anything which could cause a reasonable member of the public, knowing all facts, to think the officer might be influenced when making a decision in the course of their work.

Interests could include:

- Land or property ownership.
- Relationships with people involved.
- Acting as a school governor.
- Involvement with an organisation or pressure group which may oppose a council policy.

Individuals are free to take part in activities organised and authorised by the Trade Unions without declaring an interest.

Q9 Can I use the photocopier at work to make personal copies?

You should get authorisation from your manager before using any work facilities for personal use.

Q10 The code of conduct doesn't cover my specific situation, what should I do?

In the first instance seek advice from your manager. They may refer you to other policies and procedures or refer your query to a Head of Service or the Human Resources team.