

Wokingham Without Parish Council



Code of Conduct For Local Government Employees

Version 1.1

Introduction

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist local authorities and their employees in their day-to-day work.

This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) and the five further principles of conduct that have been adopted by the Northern Ireland Assembly, both emphasise that those in public life should practice:

Public Duty	uphold the law and to act on all occasions in accordance with the public trust placed in them and act in the interests of the community as a whole
Selflessness	act in the public interest at all times and take decisions based solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends
Integrity	not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties
Objectivity	in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
Accountability	are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
Openness	be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
Honestly	act honestly. Have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest
Leadership	promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
Equality	promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants
Promoting Good Relations	act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms
Respect	Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Councillors and councils, they should therefore show respect and considerations for others at all times.
Good Working Relationships	Councillors and Employees are servants of the public and are interdependent upon one another. But their responsibilities are distinct. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

Status of the Code

The Code is voluntary for local authorities to adopt but sets out the minimum standards that should apply. 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.

The Code has been approved by the local authority associations in England and Wales and the Local Government Management Board (LGMB) in consultation with other bodies.

Who the Code is aimed at

The Code applies to all local government employees in England and Wales.

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 local government, including office holders such as registrars. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

1. Standards

- 1.1 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 with impartiality. 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 to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of information

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.
- 2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3. Political neutrality

- 3.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. Relationships

4.1 Councillors:

Employees are responsible to the authority 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 authority'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.

4.2 The Local Community and Service Users:

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

4.3 Contractors:

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, 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.

- 4.4 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 the appropriate manager.

5. Appointment and other employment matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful 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.

- 5.2 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.

6. Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 6.2 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Personal interests

- 7.1 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the authority's interests.
- 7.2 Employees must declare to an appropriate manager any financial interests which could conflict with the authority's interests.
- 7.3 Employees should declare to an appropriate manager 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.

8. Equality issues

- 8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority 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.

9. Separation of Roles During Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

- 9.3 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.
- 9.4 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.

10. Corruption

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.

11. Use of Financial Resources

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 authority.

12. Hospitality

- 12.1 Employees should only accept offers of hospitality 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 authority should be seen to be represented.
- 12.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 12.4 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 authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised.

13. Sponsorship - Giving and Receiving

- 13.1 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 or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

- 13.2 Where the authority 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 an appropriate manager of any such interest. Similarly, where the authority 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.

Wokingham Without Parish Council's code of conduct for personal behaviour

1. Personal behaviour - This code is fundamental to the conduct of employees in the course of their duties. It is the Council's policy that any employee who fails to observe the expected standards of behaviour and who impedes the service to our customers or brings the Council into disrepute may be liable to disciplinary action.
2. The Disciplinary procedure will be initiated where any employee is found to be in breach of this Policy. If an employee is found guilty of gross misconduct he or she may face dismissal. The List at Appendix 1 shows examples of misconduct and gross misconduct. The list is not intended to be exhaustive.
3. Wokingham Without Parish Council believes in treating all employees with respect and trust and expects the same approach from employees. The Council expects employees to respect the Council's property, other employees and their property, customers, suppliers and the public at all times. Failure to observe the standards of behaviour expected breaks the bond of trust that is fundamental to the employer/employee relationship and may lead to disciplinary action.
4. Absence from work - All leave should be approved prior to it being taken. This includes annual leave, flexi-leave, parental leave, special leave, etc. Failure to notify absence is unauthorised absence.
5. Timekeeping – Whilst employees are required to be at their place of work for the hours and times outlined in their contracts of employment, the council recognises that occasions arise that require flexibility. Requests for occasional flexibility to meet personal or business needs will be considered and should be agreed in advance with the Clerk.
6. Employees must inform their managers/colleagues of their whereabouts and expected time of return when they are out of the office e.g. off-site meetings/visits etc.
7. Employees must use reasonable care in their work. All employees are responsible for any property belonging to the Council that is under his/her control or in his/her possession and must take proper care of any such items.
8. Any deliberate or negligent failure to take proper care of the Council's property will be viewed as misconduct and may lead to disciplinary action up to and including dismissal.
9. Refusal to obey a reasonable instruction - It is the responsibility of all employees to carry out reasonable instructions. In those circumstances where an employee refuses to obey a

reasonable instruction, it will be necessary to investigate the situation and depending on the outcome of an investigation it may result in disciplinary action.

10. Social behaviour - Employees should be aware of the expected standards of behaviour when attending work related/Council sponsored events in and outside of work time where attendance could be seen as representing the Council
11. Employees using private vehicles for Council business must ensure the vehicle is road worthy and complies with Road traffic/Transport regulations, that the vehicle is insured for "business use", that they are licensed to drive the vehicle, they do not drive under the influence of drink/drugs or where there is ill health that may impair their ability to drive the vehicle safely, and that they abide by the current Road Traffic/Transport Regulations.

Checks of the above may be carried out for employees.

12. Alcohol/drugs - Employees must ensure that they are not unfit for duty as a result of the effects of alcohol or drugs. Staff should be aware of the lasting effects of alcohol and drugs both prescription and illegal, and ensure that any consumption of these substances does not impair their ability to discharge their duties.
13. Health & Safety - employees should be aware of the Health and Safety Policy.
14. Private use of official facilities - Employees are not to use official stationery for private purposes and must not carry out private correspondence during working time. Employees are allowed to make private essential telephone calls that cannot be made outside working hours but this privilege must not be abused and the duration of all calls must be kept to a minimum.
15. All files, notes, records, electronic records, memoranda, plans, design specifications, keys, programs, software, financial information, lists of customers or clients, technical literature, contact lists and other documents used or prepared by the employee, during their employment, are the property of the Council and must, on termination of employment, be left with the Council, together with any other property belonging to the Council.
16. Deduction of Salary - The Council may make deductions from an employee's salary, and/or require them to make a payment to the Council in any of the following circumstances:
 - Where the employee's salary or expenses have been over paid (for any reason)
 - Where on termination of the employee's contract (for any reason) they have taken annual leave in excess of their accrued entitlement;
 - Where the employee has failed to return any property belonging to the Council e.g. laptop, mobile phone etc. a sum to the value of the property will be retained until the property has been returned.
17. False Statements - Employees must not make any false statement or claim e.g. on time sheets, subsistence/mileage claims, overtime claims, etc. Where there is evidence of an employee submitting such claims, he or she will be liable to disciplinary action and/or prosecution under the Theft Act 1968.
18. Discrimination - It is the Council's policy that all current and prospective employees will have equal opportunity for employment, promotion and training on the basis of relevant ability, qualifications and merit. Employees must ensure that they do not unfairly discriminate on

the grounds of gender, race, colour, marital status, national or ethnic origin, nationality, disability, sexuality, age or religion.

19. Derogatory Statements - Staff must be aware that when using social media websites, such as Face book and Twitter, they should observe this Policy for Conduct and Personal Behaviour.
20. The use of private mobile phones during working hours should be restricted to Council business and urgent calls. To ensure colleagues are not inconvenienced all mobile phones should be set to silent/meeting or vibrate in the office and during meetings

Appendix 1 – Examples of Misconduct and Gross misconduct

Misconduct:

- Unauthorised absence
- Negligence
- Inadequate standards of work caused by carelessness
- Careless damage to or wastage of Council property and/or equipment
- Failure to carry out reasonable instructions
- Improper behaviour or conduct towards a member of the public
- Disregard of safety instructions
- Aggressive behaviour towards colleagues/members of the public
- Harm to client/user/employee or member of the public
- Timekeeping offences
- Improper disclosure of confidential information
- Failure to declare an interest or relationship with another organisation
- Failure to report evidence of abuse or fraudulent activity
- Knowingly aiding an offence against discipline
- Harassment and/or bullying
- Abuse of the e-mail/internet
- Breach of the Council's security

Gross Misconduct

- Theft of Council, staff or public property
- Fraud and deliberate falsification of records
- Offering or receiving bribes
- Deliberate damage to or neglect of Council property and/or equipment
- Serious insubordination
- Breach of the Council's approach to equality
- Serious harm to client/user/employee or member of the public
- Physical violence
- Bringing the Council into serious disrepute
- Failure to declare a financial/other benefit interest in another organisation/contractor associated with the Council.
- Serious incapability whilst on duty brought about by alcohol or illegal drugs
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious infringement of health and safety rules
- Serious breach of confidence.
- Serious breach of Council security.

I have read and have understood the Code of conduct for Officers policy and the code of conduct for personal behaviour.

Signed

Date