

EMPLOYEES CODE OF CONDUCT

This document should be read in conjunction with the Constitution and all approved and adopted Human Resources policies.

1. PURPOSE

North Devon Council (the Council) relies upon the goodwill, loyalty, commitment and reliability of its employees. It is important that employees are aware of the standards of conduct expected of them.

This Code sets out those standards. It is a living document and will be reviewed from time to time.

If employees are ever unsure of their position in relation to this Code of Conduct they should seek advice from their manager.

2. SCOPE

The Code applies to all employees who work for the Council.

3. PRINCIPLES OF PUBLIC LIFE

The Council and the public expect conduct of the highest standards from employees. Public confidence would be shaken should the motives of employees be questioned by suspicion or allegations of improper conduct.

Employees dealing with public funds must deal with them responsibly and lawfully.

To this end the following general principles of conduct must be observed:-

(a) Community Leadership

Employees should promote and support these Principles by example, always acting in such a way as to preserve public confidence in the Council.

(b) Duty to Uphold the Law

Employees have a duty to uphold the law, and act on all occasions in accordance with the public trust placed in them.

(c) Constituency

Employees have a duty to assist the Council to act as far as possible in the interests of the whole community that it serves. Where individuals' interests are in conflict with those of others, employees should help to ensure that the Council is aware of that conflict, and that those individuals are able to pursue their concerns.

(d) Selflessness

Employees should act solely in the public interest. They should never use their position as an employee to gain for themselves, their family or their friends any financial benefit, preferential treatment or other advantage, or to confer such benefits, treatment or advantage or disadvantage improperly on others.

(e) Integrity and Propriety

Employees should not put themselves in a position where their integrity is called into question by any financial or other obligation. As well as avoiding actual impropriety, they should avoid any appearance of it.

(f) Hospitality

Employees should record all gifts and hospitality received in connection with their employment by the Council. They should not accept gifts or hospitality that might reasonably be thought to influence, or be intended to influence, their judgement, or where to do so could bring discredit upon the Council.

(g) Decisions

It is every employee's responsibility to take a professional view on any question, which Councillors or they have to decide.

(h) Objectivity in Decision-Taking

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, employees should make decisions on merit.

(i) Accountability

Employees are accountable to the Council for their actions and their part in reaching decisions, and must submit themselves to whatever scrutiny is appropriate to their office.

(j) Openness

Employees should be as open as possible about all of their actions and their part in reaching decisions. They should seek to ensure that reasons are given for decisions of the Council and that disclosure of information is restricted only in accordance with the law and para (k) below.

(k) Confidentiality

Employees should ensure that confidential material, including material about individuals, is handled in accordance with the law and any decisions on such

handling taken by the Council having regard to the public interest; and is not used for private purposes.

(l) Stewardship

Employees have a responsibility to play their part in ensuring that the Council uses its resources prudently and in accordance with the law.

(m) Participation

Where employees take part in the consideration of questions which come before them, they may do so unless they have a private interest of a kind which, in accordance with this Code, precludes them from participation.

(n) Declarations

Employees have a duty to declare any private interests relating to their employment by the Council and to take steps to resolve any conflicts arising, in a way that protects the public interest. Employees should make relevant declarations of interest at meetings of the Council, its committees and working groups, or any outside body to which they are appointed or nominated by the Council, during informal contacts and in all circumstances where they are active in their role as an employee.

(o) Relations with Councillors

Employees should respect the role of Councillors and treat them in a way that engenders mutual respect at all times.

4. CUSTOMER CARE

All employees are expected to give the highest possible standard of service to the public and to adhere to any appropriate professional Code of Conduct that relates to them.

5. ADVICE TO COUNCILLORS/EMPLOYEES

Any employee who is called upon to provide advice to Councillors or fellow employees must do so impartially.

6. CONFIDENTIAL REPORTING PROCEDURE (WHISTLEBLOWING)

The Council is committed to the highest possible standards of openness, probity and accountability, and encourages employees who have serious concerns about any aspect of the Council's work to come forward and voice these concerns. The Whistleblowing Procedure is available for any employee who considers that it is an appropriate route for raising concerns.

Employees must ensure that public interest and assets are protected at all times. Any concerns about dishonesty or impropriety which they suspect has occurred, or is likely to

occur should be reported immediately to their line manager, (or alternative contacts as named in the Whistleblowing Procedure).

Initial enquiries will be made which, if appropriate, will result in an investigation.

Employees who fail to report their concerns may become implicated themselves and consequently the Council may treat failure by an employee to report such issues as a serious matter which could lead to disciplinary action, as could be the case should an employee make an allegation frivolously, maliciously or for personal gain. Additionally, the Council may take action against an employee who goes public when it is unreasonable for the employee to do so.

7. DISCLOSURE OF CONFIDENTIAL INFORMATION

- (a) Many employees, by the nature of the work undertaken, are likely to have access to information that is of a confidential nature: -
 - (a) Heads of Service and Service Managers are responsible for informing employees which information within the department is available to the public and which is not. Employees must not disclose to the public any information that they have been told is not available to them;
 - (b) Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way;
 - (c) If employees receive information from a Councillor, which is personal to that Councillor, and does not belong to the Council, they should not divulge it without the prior approval of that Councillor, except where such disclosure is legally required.
- (b) With the exception of employer confidential references and, where it is necessary, in co-operation with official investigative bodies, personal information concerning another employee should not, without their consent, be supplied to another person inside or outside the service of the Council.
- (c) No proceedings of the Council or any Committee taken in confidence, including the content of any data, document, paper, report nor the contents of any document before any such meeting in confidential session should be disclosed to the public, unless required by law, or expressly authorised by the relevant body in consultation with the Chief Executive or Monitoring Officer

8. POLITICAL NEUTRALITY

In providing a service to the Council, and its elected Councillors, employees may be expected to give advice and information to individual Councillors and their Party Groups. All employees must at all times maintain political neutrality. Certain employees will have been notified that the position they hold has been identified as falling with the definition of "politically restricted" and is therefore politically sensitive. Such employees are prevented from becoming Members of a local authority (other than Parish or Community Councils),

MPs or MEPs. They are also prevented from holding office in a Party Group and from canvassing, speaking in public or writing on party political matters.

In discharging their duties, employees must:-

- (a) Follow every policy of the Council and must not allow their own personal views or political opinions to interfere with their work;
- (b) Respect the individual rights of all Councillors, not just those of the controlling group;
- (c) Not allow their own personal or political opinions to interfere with their work, whether or not they hold a politically restricted post.

9. RELATIONSHIPS

In order to protect against any allegation of bias, employees should:-

- (a) Avoid close personal or social relationships with Councillors;
- (b) Ensure courteous, efficient and impartial service delivery to all Councillors, groups and individuals within the community;
- (c) Make known to the Monitoring Officer any relationship they have of a business or private nature with external or potential contractors, as soon as they are aware of the fact, and take no part in the contractual process, and in addition record their interest in the Register of Interests kept by Member Services ;
- (d) Employees who, as part of their duties, order equipment or services, or are involved in the awarding of contracts, do this on merit by fair competition. Employees should declare their interest and take no part in the selection process where businesses run by their partner, civil partner, spouse, other relative or personal friends are involved, and in addition record their interest in the Register of Interests kept by Member Services ;
- (e) Employees who, as part of their duties engage or supervise, or have any other official relationship with, contractors, must inform the Monitoring Officer of any private or domestic relationship they have had, or currently have with these contractors, and take no part in the contractual process. In addition they must record their interest in the Register of Interests kept by Member Services.

10. APPOINTMENT/EMPLOYMENT MATTERS

If employees have a Management or Supervisory role at work they: -

- (a) must ensure that they appoint employees based on merit;
- (b) must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with the applicant;

- (c) must not be involved in decisions relating to discipline, promotion or pay adjustments for any employee who is a partner, civil partner, relative or person with whom you have a close personal relationship outside work.

Where operational difficulties arise or business interests are compromised as a result of employees who are related by marriage, or living together as partners, working in the same department, the Council reserves the right to address the issue, which may result in either one of the individuals being re-deployed.

11. OUTSIDE COMMITMENTS

The Council expects that all employees (except possibly those working on a part-time or job share basis) will work for the Council as their main or only employment. If employees do have any other employment they are expected to declare the same and the following principles will apply:-

The Council will have no objection to secondary employment provided there is no conflict of interest between the work the individual undertakes for the Council and their outside employment and:-

- (a) In every case, before accepting any offer of employment employees should inform their Head of Service or Service Manager in writing of the details and request his/her agreement in writing;
- (b) The Head of Service, or Service Manager will discuss the matter with the Chief Executive (who has been delegated responsibility to approve or refuse such requests) and will then reply in writing to the employees giving the Chief Executive's decision.

12. PERSONAL INTERESTS

Employees must declare in the Register of Employee Interests held in Member Services any financial or non-financial interests that they consider could bring about conflict with the Council's interests including membership of any organisation. Such registration should be renewed on an annual basis;

13. ACCOUNTABILITY

Employees must be able to justify any decision they make, or action they take, to their manager or any other senior member of staff or Council committee.

14. EQUALITY AND FAIRNESS

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

Employees should have mutual respect for each other and employees' language and behaviour should be conducive to a productive and harmonious work environment, with all employees having the right to be treated with fairness and equity.

The Council's Equal Opportunities Policy and all Equality schemes should be complied with at all times.

15. SEPARATION OF ROLES DURING TENDERING

When dealing with the tendering process employees must: -

- (a) Exercise fairness and impartiality when dealing with customers, suppliers, other contractors and sub-contractors;
- (b) Not disclose any confidential information to which they are privy on tenders or costs for either internal or external contractors to any unauthorised party or organisation;
- (c) Demonstrate accountability and fairness in all matters associated with the tendering process;
- (d) Inform the Monitoring Officer and withdraw from the contract awarding processes if employees are contemplating a management buy-out;
- (e) Ensure that no special favour is shown to current or recent former employees or their spouses, partners, civil partners, relatives, associates or personal friends in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

16. CORRUPTION

Corruption is a serious criminal offence and employees must always have regard to the Anti Fraud, Corruption and Bribery Policy adopted by the Council.

17. USE OF FINANCIAL RESOURCES

Employees must ensure that any public funds entrusted to them are used in a responsible and lawful manner. They must therefore act in accordance with the Council's Financial Procedure Rules and Contract Procedure Rules and so:-

- (a) Ensure value for money to the local community; and
- (b) Avoid legal challenge to the Council.

18. HOSPITALITY

It is in order to accept:-

- (a) Token gifts of insignificant value (e.g. diaries, pens etc.);
- (b) Hospitality offers if there is a genuine need to impart information or represent the Council in the community;

- (c) Hospitality through attendance at relevant conferences, courses, meetings or events, where it is clear the hospitality is corporate rather than personal and where the Council can be satisfied that any purchasing decisions are not compromised.

When accepting hospitality employees should:-

- (d) Be particularly sensitive as to its timing in relation to decisions which the Council including employees may be taking affecting those providing the hospitality;
- (e) Gain authorisation in advance from their Head of Service, or Service Managers and record the hospitality in the Register of Hospitality/Sponsorship, which is held in Member Services. The receipt of all gifts and hospitality must be recorded, even if of "insignificant value".

It is not in order to accept: -

- (f) Significant personal gifts;
- (g) Invitations to purely social or sporting functions unless these are part of the life of the community or where the Council should be seen to be represented;
- (h) The cost of visits to inspect equipment etc. (where these are required) as this may jeopardise the integrity of subsequent purchasing decisions. The Council should meet the costs of these visits.

When declining hospitality you should do so courteously but firmly, informing the offeror of the procedures and standards operating within the Council.

19. SPONSORSHIP

Heads of Service or Service Managers must:-

- (a) Ensure that any sponsorship for an activity in their department is gained in a fair, open and unbiased manner.

The Council also helps the community in various ways e.g. sponsorship, grant aid, financial or other means of support. If an employee's work involves any of these they must:-

- (b) Give impartial advice at all times and try not to put themselves in a situation where a conflict of interest could arise;
- (c) Declare in the Register of Hospitality/Sponsorship which is held in Member Services as soon as they realise that they, their spouse, partner, civil partner, other relative or personal friend could benefit from the proposed sponsorship, grant aid, support etc.

20. COPYRIGHT, PATENTS AND INVENTIONS

- (a) All records, documents and other papers which relate to the Council's business, and which are made or obtained by employees in the course of employment are the

property of the Council. The copyright on all such original records, documents and papers (including copies and summaries thereof) belong to the Council.

- (b) Any matter, or thing capable of being patented under the Patents Act 1977 (or any legislation amending or replacing this legislation), made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the Council through the appropriate Head of Service or Service Manager and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

21. HEALTH & SAFETY

The Health and Safety at Work Act 1974 places a duty on employees whilst they are at work.

Section 7 requires employees to take reasonable care for the health and safety of employees, themselves and other persons and also to co-operate with the employer to enable statutory duties to be complied with. Section 8 requires that nobody intentionally or recklessly interferes with, or misuses anything provided in the interests of health, safety.

To ensure that they meet the above legal obligations employees should comply with the Council's Health and Safety Policy and all associated documents.

22. MEDICATION

Employees taking prescribed drugs or other medication are required to advise their manager if any such drugs being taken are likely to have an effect on their ability to drive, to use equipment, etc as required by their employment with the Council.

23. TIMEKEEPING

Employees must comply with the Council's standards regarding attendance and absence.

24. INFORMATION SECURITY

Employees must positively prevent information misuse and assure the accuracy of information by:

- (a) Protecting information against unauthorised access;
- (b) Assuring the confidentiality of stored information;
- (c) Maintaining the integrity of information;
- (d) Meeting all regulatory, legislative and Council policy requirements;
- (e) Producing, maintaining and testing business continuity plans;
- (f) Providing and making available relevant information and security training for other employees;

- (g) Preventing improper use of office equipment that can be used for the storage, replication and transmission of information; and
- (h) Limiting the use of electronic mail and Internet as set out within the Council's email and internet policies.

25. CONDUCT AND PERFORMANCE AND FIDELITY

Employees are reminded that they are bound to the Council by their terms and conditions of employment, including compliance with all local agreements and having close regard to all Council policies.

In addition to the express terms, employees have common law duties implied into their contracts of employment that generally reflect the personal nature of the contract.

Employees must obey the lawful and reasonable instructions of the employer in a responsible manner, exercise reasonable skill and care in carrying out their work and abide by the law.

Failure to do so may result in disciplinary action.

26. PERSONAL APPEARANCE

The Council expects employees to observe standards of personal appearance appropriate to the nature of the work undertaken, so as to portray a professional approach in which the public may have confidence.

Those persons in receipt of Council branded clothing should:

- ensure that reasonable care is taken of the same, within the parameters of the particular area of work undertaken;
- be aware that they are the public face of the Council whilst wearing such clothing and as such must act responsibly and not in a way which would bring the Council into disrepute.

Service Managers/ Heads of Service will give their employees clear guidance on the use of Council branded clothing/personal protective equipment.