

Appendix 1

HUMAN RESOURCES POLICY

Title: Code of Conduct for Employees

SCOPE

This Code of Conduct applies to all employees of Cheshire East Borough Council except schools-based employees.

There are specific policies for schools employees which can be accessed via the Schools Intranet Site at the link below.

<http://centranet.ourcheshire.cccusers.com/SchoolsHR/Pages/default.aspx>

AIMS

The public is entitled to expect the highest standards of conduct from all employees who work in local government and the aim of this Code of Conduct is to give clear guidance to Cheshire East Council employees to ensure that they are fully aware of the standards of conduct and behaviour required of them both inside work and, where applicable, in their personal life.

Where employees are required to follow specific job related or professional standards within their job role, this Code of Conduct should be read in conjunction with those standards.

PRINCIPLES

The responsibility for complying with this code lies with employees, who are encouraged to seek advice if they are in any doubt about the interpretation or impact of any aspect of the code.

All employees have a responsibility to act and to take decisions based on public interest and should act with honesty, integrity, objectivity and impartiality at all times. They must always act in accordance with the trust that the public is entitled to place on them and be open about, and take accountability for, their actions and decisions.

Employees should always remember their responsibilities to the community that they serve and ensure courteous and efficient service delivery at all times. All members of the local community, customers and other employees have a right to be treated with fairness and equity and all employees must ensure that they always comply with the Council's policies, and the law, relating to equality and discrimination.

Council employees also need to take care that their behaviour outside the workplace does not conflict with their work responsibilities and will not bring the Council into disrepute

COMPLIANCE

It is vital that all Council employees are exemplary in their conduct at work and non-compliance with this code will be dealt with in accordance with the Council's Disciplinary Policy and Procedure.

Employees who believe that other employees may be breaching this Code of Conduct have a duty to report this, in confidence, to their line manager who will investigate the situation and, where necessary, take appropriate action. Employees who report a potential breach of the code, will not be penalised or discriminated against for having done so.

The principles of this Code of Conduct reflect the Cheshire East Council's values.

CONTENT

This Code of Conduct details the standards of conduct that the Council requires employees to follow in a range of areas and circumstances, as listed below:

- Gifts, Hospitality and Sponsorship
- External Activities or Employment
- Financial and Non Financial Interests
- Use of Financial Resources
- Use of Council Identity, Property and Facilities
- Appointments and Other Employment Matters
- Tendering and Contracts
- Private Use of Firms Dealing with the Council
- Political Neutrality
- Working Relationships
- Personal Relationships
- Confidentiality/Disclosure of Information
- Intellectual Property

Where appropriate, this policy should be read in conjunction with other relevant Cheshire East Council policies and codes of practice e.g. The ICT Code of Practice and the Social Networking guidelines.

This policy is not intended to cover day to day work conduct, performance or attendance issues which are covered by the relevant employment policies. Details of these policies and their coverage can be found on the HR Intranet page.

GIFTS, HOSPITALITY AND SPONSORSHIP

Employees need to be aware that it is a serious criminal offence to corruptly receive any gift, hospitality, sponsorship or other 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 will be up to the employee to demonstrate that they have followed the Council's Code of Conduct and that any such rewards have not been corruptly obtained.

All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and to then report issues as and when they occur.

Gifts

Employees should not accept significant personal gifts from people or organisations, e.g. contractors or suppliers, who are or may be dealing with the Council as to do so could render the Council and the employee open to criticism or, in serious cases, to criminal charges of corruption.

However, Small insignificant gifts of a value of less than £5, such as pens, diaries, calendars, mouse-mats or mugs may be accepted. However, this is not the case for those working in Social Care, where NO gift, of however little the value, should be accepted under any circumstances.

Where an employee is offered a personal gift that could be regarded as significant, they should politely decline the gift and report the circumstances to their Head of Service, who must keep a record of the event. The Declaration and Reporting Form can be accessed on the intranet.

It is acknowledged that there are specific occasions when staff may consider it appropriate to give a personal gift to a service user. This is only acceptable practice where the giving of the gift has been agreed with the senior manager, and the action is recorded.

Hospitality

Employees should think very carefully before accepting any offer of hospitality and must take the following points into account:

- i) whether the scale of the hospitality is appropriate to the circumstances. For example, the offer of light refreshments or a sandwich lunch at a meeting will generally be acceptable whilst an invitation to an expensive restaurant for a three course meal is unlikely to be acceptable.
- ii) whether the invitation is a corporate one or a personal one
- iii) if corporate, whether attendance at the meeting or event where the hospitality is offered genuinely falls within the employee's job role and has been agreed by their line manager
- iv) whether the timing of the offer of hospitality could be linked to any decisions that the Council may be taking in relation to the organisation which is offering the hospitality

- v) whether acceptance of the hospitality could result in suggestions of improper influence.

Where, having considered the above points, an employee is concerned about hospitality being offered to them, they should seek authorisation from their Head of Service, using the Declaration and Reporting Form, so that they can determine whether or not the employee can accept and to keep a record of the event.

Sponsorship

If an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the rules detailed above about accepting gifts and hospitality will apply. However, particular care should be taken when dealing with contractors or potential contractors.

If the Council chooses to sponsor an event or service, no employee or anyone connected with them may benefit from the sponsorship. Similarly, if the Council wishes to give financial support in the Community any employee who is involved in this should ensure that any advice they give is impartial and that they do not have any conflict of interests. Where applicable the employee will be required to complete a Declaration and Reporting Form.

EXTERNAL ACTIVITIES OR EMPLOYMENT

It is recognised that employees may wish to undertake various activities outside work. However, employees should not take on any type of external private work or activity which conflicts with the Council's interests or which prevents them from doing their normal job properly or from fulfilling the terms of their contract of employment. They must also ensure that they understand and can comply with both Working Time and Health and Safety Regulations before undertaking external private work or activities.

All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and to then report issues as and when they occur.

On this basis employees must not:

- i) Undertake private work or activities during their Council working hours
- ii) Use Council premises, property or facilities for private work or activities.
- iii) Undertake any private work which prevents them from carrying out the full range of their Council duties, including contractual overtime.
- iv) Undertake private work or activities for any person, firm or company if it will involve the Council.
- v) Undertake any private work or activities which could involve or bring about a conflict of interest with their normal job.
- vi) Undertake any private work or activities for any person, firm or company who have (or are likely to have) a contractual relationship with or who are commissioned by the Council for any type of work.

- vii) Undertake private work for another employee who is responsible for supervising them, or whom they supervise, or for an elected member of the Council.
- viii) Prepare on behalf of or assist another person, in a private capacity, with any applications to the Council, for example planning or building, if they normally deal with these as part of their job.
- ix) Access Council services, e.g. when making a personal planning application, without declaring that they are an employee of that Council. In these circumstances, a covering letter should be attached to the application which should be submitted via the line-manager.

Where an employee is unsure in any way about private work or activities that they are considering, they should seek advice from their line manager or Human Resources Advisor before undertaking those activities.

Employees who are above NJC Grade 7 or equivalent are required to obtain the consent of their Head of Service, using the Declaration and Reporting Form before undertaking external private work or activities.

FINANCIAL AND NON FINANCIAL INTERESTS

Financial

All employees are required to disclose and declare any direct or indirect financial interest in a contract involving the council or which could bring about a conflict with the Council's interests. They should notify this to their Head of Service using the Declaration and Reporting Form. Failure to disclose or declare such an interest could be a disciplinary or criminal offence.

All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and to then report issues as and when they occur.

Non- Financial

Employees should also inform their Head of Service (as above) of the following circumstances, if they believe there could be a conflict of interest:

- i) If they have any direct or indirect interest in any organisation, company, or other body that is doing business with, or has dealings with, the Council, where this may conflict with the employee's job role.
- ii) If they have relationships or roles outside work which might be seen to influence judgements or give the impression of a personal motive.

If prior to or during the course of attending a meeting an employee believes that an item on the agenda may cause them a conflict of interest, they should advise the chair of the meeting and leave the meeting for part or all of the meeting, as appropriate.

Employees also need to be aware that membership of organisations with secrecy about rules, membership and conduct may be incompatible with their work. If, in connection with their employment with the Council, an employee uses such membership for their own or someone else's personal or financial gain, they will be regarded as being in breach of this Code of Conduct.

USE OF FINANCIAL RESOURCES

All employees must ensure that they use any Council or other public funds entrusted to them through their job role in a responsible and lawful manner. The Council's Standing Orders, Financial Regulations and Operating Procedures should be followed at all times.

Employees must also try to ensure value for money and take care to avoid the risk of legal challenge to the Council in relation to the use of its Financial Resources.

USE OF COUNCIL IDENTITY, PROPERTY AND FACILITIES

Use of Council Identity

Employees indicating their affiliation to the Council e.g. via an e-mail address or any other identifier, in personal communications with others external to the Council must clearly indicate that the opinions expressed are their own and not necessarily those of the Council.

Where employees are using social networking sites in their personal life, they must ensure that they comply with the Council's Social Networking Policies, taking care to maintain the reputation and confidentiality of the Council at all times.

Cheshire East Council letter-headed paper must only be used for official correspondence and employees must never use this type of paper for personal correspondence.

Employees who are asked to give a personal reference for a work colleague, must make it clear that the reference is being given on a personal basis and that the opinions expressed are not necessarily those of the Council. As above, letter-headed paper must not be used in these circumstances.

Use of Council Property and Facilities

All employees are responsible for the safe keeping and proper care of any Council property or equipment that they use in the course of their work. Any deliberate or negligent failure to take proper care will be viewed as misconduct and will lead to disciplinary action.

At work employees will have access to a range of Council property and facilities including office equipment, computers, stores, transport and other machinery. These are provided to support employees in carrying out their work and should not generally be used for personal purposes.

However, some light personal use is permitted by the Council in the following circumstances:

Telephones and Mobile Phones/Blackberrys - ideally private telephone calls should not be made or received through the Council's telephone systems or through Council owned Mobile Phones or Blackberrys. However, in practice, employees may need to make or receive urgent or essential calls but these should be kept to a minimum and any costs incurred should be reimbursed to the Council.

Fax machines and photocopiers – if necessary, personal fax messages may be dispatched to locations within United Kingdom. Photocopies of personal documents (up to a maximum of 10 copies at one time) may be taken, with costs being reimbursed to the Council.

Computer Internet access and e-mails - employees are expected to adhere to the guidance given in the Council's ICT Code of Practice which allows some light personal use of internet and e-mail facilities, subject to certain conditions.

All employees need to be aware that it is against Council policy to forward or respond to chain e-mails.

Lease Cars

Employees who have a Council Lease Car must ensure that they comply at all times with the terms of their Lease Car Agreement with the Council and must not allow anyone who is not qualified to drive, or who is not covered by the terms of the agreement, to drive the car. Leased vehicles must be carefully maintained and regularly serviced and, at the end of the lease period, returned in good order, repair and condition, taking account of normal wear and tear.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

All employees who are involved in the recruitment and selection of Council employees should follow the Council's policies on recruitment and selection (link) and should ensure that all appointments are made on the basis of merit. No employee should make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post.

To avoid any possible accusations of bias, employees should not be involved in any appointment where they are related to, or have a close personal relationship with, one of the applicants. This includes the providing of a reference for that person.

Similarly no employee should be involved in procedures or decisions about disciplinary action, pay or promotion relating to another employee who is a relative, partner or close friend.

TENDERING AND CONTRACTING

All employees who are involved in tendering or contracting processes as part of their job role must follow the Council's rules and guidance on Procurement at all times. They should always act with fairness, openness and impartiality when dealing with contractors, suppliers and other customers during these processes.

All orders and contracts must be awarded on merit, by fair competition between tenders. No special favours should be shown to current or former employees or to relatives, associates or friends, when contracts are being awarded. Where an employee feels that there may a conflict of interest in the work they are doing because of some link or relationship with potential or actual tenderers, they should declare this on the Declaration and Reporting Form.

Employees should also clear on the importance of 'separation' of duties and responsibilities within the Procurement process, for example:

- a) where an employee is involved in an 'in-house' bid for a particular service, they should not also be involved in client tasks, such as selecting tenders.
- b) where an employee is responsible for selecting contractors to tender or supply quotations, they should not also be involved in the receipt or opening of tenders or quotations.
- c) where exceptionally a senior manager has both a client and contractor responsibility, they must at all times be aware of the need for accountability and openness in all actions that they take.

All information that an employee has access to as part of a tendering and contracting process, should be regarded as confidential and must not be disclosed to any unauthorised party or organisation.

PRIVATE USE OF FIRMS DEALING WITH THE COUNCIL

No employee should use their position/employment with the Council to seek to obtain a discount or preferential terms when purchasing goods from, or using the services of, firms that they know to have dealings with the Council. Any offer of discounted or preferential terms should be politely refused and employees should cease to deal with the firm if they feel that the offer of preferential terms is designed to promote the firm's interests with the Council.

Goods and services may be purchased from firms who have dealings with the Council, provided the price offered is readily available to the general public.

Employees may take advantage of discounts where these are offered as a result of Trade Union membership.

POLITICAL NEUTRALITY

All employees are expected to follow every lawful policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Employees work for the Council as a whole and must, therefore, work with and for all councillors, not just those of any controlling group or particular political party.

Those employees who may be required to give advice to political groups in the course of their work should do so in a way which does not compromise their political neutrality and should follow the appropriate Council conventions in this regard.

Certain employees hold politically restricted posts (PoRPs) and will be notified of this. (A register of PoRPs is maintained by Human Resources). These employees must observe the restrictions imposed and are disqualified from membership of any local authority, other than a Parish or Community Council, or from being an MP or MEP.

WORKING RELATIONSHIPS

All Council employees are expected to maintain professional working relationships with all individuals and groups of individuals that they have dealings with in the course of their work. They should always dress in a manner that reflects their job role and working environment and behave in a professional manner at all times and should not allow work and personal interests to conflict.

Where an employee works regularly with a Councillor or Councillors, mutual respect is essential and care should be taken to ensure they behave professionally at all times and that close familiarity does not develop which might damage the working relationship.

Where an employee works with members of the local Community or Service Users, they are expected to give efficient and impartial service to all groups

and individuals within that community, following the relevant policies of the Council at all times.

Where an employee finds themselves in a situation where their job with the Council brings them into contact with someone with whom they have, or have had, a private business or personal relationship, they should declare this to their line manager using the Declaration and Reporting Form.

PERSONAL RELATIONSHIPS

It is acknowledged that employees who work together may form close personal friendships and, in some cases, romantic relationships. Whilst the Council would not generally wish to interfere with such friendships and relationships, there would be cause for concern, and/or action to be taken, if potential or actual difficulties and problems at work were to arise from such relationships. Similar concerns could also arise where family members work closely together.

All employees have an obligation to the Council not to compromise standards of behaviour, conduct or performance through personal or family relationships. They are expected to act responsibly and to ensure that such relationships do not influence or prejudice the proper conduct of Council business, bring the Council into disrepute, or cause offence and embarrassment to other colleagues. Additionally, employees must never be involved in recruitment, disciplinary action or other employment matters relating to someone with whom they have a personal or family relationship.

Where employees feel that a personal or family relationship at work may lead to problems or conflict they should discuss this with their manager so that any potential difficulties can be resolved. Similarly where a manager has cause for concern about relationships within their team, they should discuss this with the employees concerned to seek to resolve any issues that might occur. Where it is felt that a relationship at work is causing, or is likely to cause, real difficulties, it may be necessary to move one or both of the employees involved to a different team or work location. Advice should be sought from HR if necessary.

Applicants for posts within the Council are asked to disclose any personal or family relationships with existing Council employees or elected members so that recruiting managers can discuss this with them during the selection process. Failure to do so could disqualify the applicant. Unless, there are exceptional circumstances, such relationships should not generally affect the decision to appoint or not appoint the applicant but will allow for appropriate arrangements to be made, where necessary, to reduce the possibility of problems arising from the relationship.

CONFIDENTIALITY/DISCLOSURE OF INFORMATION

Data Protection

Employees must follow the Council's Policies on Confidentiality at all times and should be fully aware of the provisions of the Data Protection Act in relation to any information that they receive, hold, or use whether manually or electronically.

In addition, employees must not:

- i) Disclose or use confidential work related information for personal gain or benefit or pass it on to others who do not have clearance to receive the information or who might use it in an inappropriate way.
- ii) Give information to the media, or other third party, unless authorised to do so.
- iii) Prevent another person from gaining access to information that they are lawfully entitled to.
- iv) Disclose confidential or personal information about someone else, unless the request is from an approved source such as HMRC or the Department of Social Security or, where the subject has authorised it, from a bank or building society.
- v) Disclose sensitive personal information about an employee when providing a reference for that person, unless they have given their agreement.
- vi) Make any public comment, when acting in a private or unofficial capacity, on Council Policy or any specific matter relating to the Council.

Where an employee is in any doubt, they should always seek guidance from their line manager or, if appropriate, from the Council's Data Protection Officer or Communications Team.

Media Relations

All employees should familiarise themselves with the Council's Media Relations Protocol which states clearly that employees should not communicate externally or disclose any information to the press or other media about the Council, which is not already in the public domain.

If an employee receives an enquiry from the media they should not make any initial comment or response and must immediately direct the enquiry to the Communications team, who will either respond to the enquiry or work with the employee to ensure that the information given out is accurate and timely.

Any unauthorised comment made to the media on behalf of the Council that is potentially harmful to its reputation may result in disciplinary action.

INTELLECTUAL PROPERTY

The term Intellectual Property refers to products of the mind, such as inventions, designs, trade marks, creative writings, programs or drawings. It will normally be the case that ownership of all such products and the copyright of all written material created by an employee in the course of their work for the Council will belong to the Council.

This generally means that the employee who has created the product has no rights to use or sell the product to others outside the Council. However, this is a complex area and further guidance can be sought from the Council's Legal Services Department.

EQUALITY

Cheshire East Council will ensure that, when implementing this Code of Conduct ~~that~~ no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity. This means that the Code may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

MONITORING

Data relating to this Code of Conduct will be collated and monitored ~~regularly~~ **annually** to ensure that the Policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

REVIEW

The code will be reviewed in the light of operating experience and/or changes in legislation.