



## **EMPLOYEE CODE OF CONDUCT**

### **HONESTY, INTEGRITY, IMPARTIALITY AND OBJECTIVITY**

- 1 You must perform your duties with honesty, integrity, impartiality and objectivity.

### **ACCOUNTABILITY**

- 2 You must be accountable to the authority for your actions.

### **RESPECT FOR OTHERS**

- 3 You must –
  - (a) treat others with respect;
  - (b) not discriminate unlawfully against any person; and
  - (c) treat members and co-opted members of the authority professionally.

### **STEWARDSHIP**

- 4 You must –
  - (a) use any public funds entrusted to or handled by you in a responsible and lawful manner; and
  - (b) not make personal use of property or facilities of the authority unless properly authorised to do so.

### **PERSONAL INTERESTS**

- 5 You must not in your official or personal capacity –
  - (a) allow your personal interests to conflict with the authority's requirements; or
  - (b) use your position improperly to confer an advantage or disadvantage on any person.

## **REGISTRATION OF INTERESTS**

- 6 You must comply with the requirements of the authority –
- (a) to register or declare interests; and
  - (b) to declare hospitality, benefits or gifts received as a consequence of your employment
- as set out in Appendices 1 and 2 respectively.

## **REPORTING PROCEDURES**

- 7 You must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to the Whistleblowing Procedure approved by the Authority, a copy of which is attached as Appendix 3.

## **OPENNESS**

- 8 You must not –
- (a) disclose information given to you 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 by law to do so; and
  - (b) prevent another person from gaining access to information to which that person is entitled by law.

## **CLOSE PERSONAL RELATIONSHIPS IN EMPLOYMENT**

- 9 (1) You must not be involved in the appointment of, or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or with whom you have a close personal relationship outside work, a copy of the guidance is attached as Appendix 4.
- (2) In this paragraph –
- (a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
  - (b) “partner” in sub-paragraph (a) above means a member of a couple who live together.
  - (c) “close personal relationship” includes a close friendship outside work or a previous relationship, e.g. former spouse, where there could be a degree of bias either for or against an applicant or another employee.

## **DUTY OF TRUST**

- 10 You must at all times act in accordance with the trust that the public is entitled to place in you.

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### REGISTER OF INTERESTS

#### POLICY

- 1 You must **register** any interest you or your spouse or partner has which may conflict with the Authority's interests by providing written notification to your line manager of any employment by, substantial shareholding in, or membership of any external company or body which has or may enter into a contractual relationship with the County Council or which is involved in campaigning or lobbying in respect of any County Council activity. The line manager will pass that information to the Chief Officer who will enter it in a register of interests held for that purpose.
- 2 If you let contracts or are involved in any way in engaging or supervising contractors you must **make a declaration** to your manager immediately if either you or a relative or friend has any personal interest in respect of the contractor or potential contractor. That interest may arise through employment by, a substantial shareholding in or membership of the contracting company or body.
- 3 The manager must then take steps to ensure any potential problems arising from the conflict of interests are addressed. This may be by identifying another employee to carry out the tendering process or deal with the contractor or potential contractor, or may involve putting in place any necessary safeguards to protect the Council's position and also to protect your position.
- 4 You are regarded as having a substantial shareholding in a company if you hold shares with a face value exceeding £5,000.
- 5 'Relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin, or the spouse or partner of any of the preceding persons, and partner means a member of a couple who live together.

#### GUIDANCE

The principles on which the above requirements are based are that you must ensure your personal interests do not conflict with your public duty or the interests of the County Council, and the County Council and the public must be able to be confident that decisions of whatever nature are made for good and proper reasons

and are not influenced inappropriately by the interests of individual employees, their relatives or friends.

The requirement to enter an interest onto a register relates only to your own interests, or those of your spouse or partner. The requirement to declare an interest during the course of employment is much wider and relates both to your interests and those of your friends or relatives. You can only make a declaration of interests you know about, and the requirement does not imply any obligation to make enquiries of your friends and relatives as to the interests they hold.

The same principles apply to work carried out through partnerships, and care is needed to ensure that potential conflicts of interest are identified, declared and addressed appropriately.

It should be noted that, if membership of the Freemasons gives rise to a conflict of interests, you should register that as an interest, and make a declaration where appropriate.

If in doubt, you should register and/or declare an interest. A helpful question to ask is whether a member of the public, knowing the facts, would think that a decision would be likely to be improperly influenced by you or your relatives' or friends' interests in the matter.

The obligation to register an interest includes external employment which may conflict with the County Council's interests. Whenever you are considering taking up employment outside the County Council, you should always notify your manager as a matter of good practice. The requirement to notify a manager and, in certain circumstances, seek a manager's permission to take up external employment, is set out in the Local Conditions of Service.

A 'friend' is not defined, but can be regarded as someone well known to another and regarded with liking, affection and loyalty by that person. A closer relationship is implied here rather than mere acquaintance.

Approved by County Council Standards Committee on 18 July 2006



## EMPLOYEE CODE OF CONDUCT

### REGISTER OF GIFTS AND HOSPITALITY

#### LOCAL CONDITIONS OF SERVICE

The Local Conditions of Service at Section L, Paragraph 1.3, state that:

**Employees are expected to refuse personal gifts and hospitality offered to them or members of their family by any person or body who has or seeks dealings of any kind with the County Council, subject to the following:**

- **gifts and hospitality of 'token value' may be acceptable, eg a pen, diary or a modest lunch, provided it is not a regular practice, and**
- **where the acceptance of refreshments or a meal would in any event be appropriate in the conduct of normal business**

**Particular care should be taken if an employee is purchasing goods or services on behalf of the County Council. Where any gift or hospitality is offered, it should be recorded in the Departmental Register, whether or not it is to be accepted. Where it is to be accepted, approval should be obtained, preferably in advance, from the employee's manager.**

Registers in respect of gifts and hospitality are maintained in electronic form within each Department. Contact points for the Departments are as follows:

Chief Executive's Department	Elaine Garratt, County Solicitor's Secretary
Children & Young People's Service	Jane Yarranton, Director's PA
Adult Social Care Service	Tracey Wardle, Director's PA
Corporate Resources Department	Denise Paulson, Director's Secretary
Community Services Department	Liz Sexton, Administration Manager
Highways, Transportation & Waste Management Department	Peter Bradshaw, Senior Administrative Assistant

## GUIDANCE

Many County Council employees have dealings with people outside the Authority, particularly members of the public, suppliers, contractors and other private organisations. You should treat with extreme caution any offer of a gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision. The Council's Contract Procedure Rules require contracts to contain a clause enabling the Council to cancel a contract where a contractor offers a gift or other consideration as an inducement for showing favour to them in any way.

It is essential, in interpreting the Local Condition of Service on this issue and applying this Guidance, that you adhere to the overriding principle that employees **do not compromise their position as public service workers by accepting gifts/hospitality and allowing themselves to reach the position where they might be, or might be thought by others, to have been influenced in making an important decision as a consequence.** A helpful question is whether a member of the public, knowing the facts, would think that you might be improperly influenced by the gift or hospitality. It is also important that the County Council is seen to conduct its activities with integrity, and does not leave itself or its employees open to allegations of corruption and to bad publicity.

All offers of gifts or hospitality must be recorded, whether or not they are accepted. This ensures that the system is transparent and acts as protection for the employee concerned. However, there is no need to record receipt of promotional material of token value such as desk diaries or pens. Where the reasons for acceptance of a gift or hospitality cannot be expressed in a simple form of words and included in the Register, the reasons should be recorded separately and a cross-reference to the relevant document included in the Register.

### Gifts

When deciding whether or not to accept an offer of a gift, the context is very important. An offer from a company seeking to do business with the County Council made to an employee involved in letting a contract is unlikely ever to be acceptable, regardless of the value of the gift. By contrast, a gift given at Christmas by a service user as a gesture of appreciation to an employee will generally be acceptable and could cause offence if returned.

You must never accept monetary gifts of any kind, whether in the form of cash or cheques. However, vouchers from service users may be acceptable depending on the circumstances, but should be treated with great care.

You must always record the reason for accepting any gift. For a gift valued at under £25, the reason recorded may be no more than "token value". Where a gift is valued at over £25, you **must always record why you have accepted the gift.** It may be that the manager agrees the gift is accepted on the basis it is shared by a staff group or, where appropriate, it is used as a raffle prize or for a fund-raising event to benefit service users.

## Hospitality

Examples of hospitality which can be accepted are:

- refreshments or a meal given during or at the conclusion of business
- invitation to a Society or Institute dinner

Examples of hospitality which are not acceptable are:

- a holiday or business trip paid for by business contacts
- use of a company flat/hotel suite

Offers of free hotel accommodation/tickets for concerts or sporting events should be treated with extreme caution. These will invariably be valued substantially in excess of £25 and you **must record why such hospitality has been accepted**. If in doubt, any offer of hospitality should be declined. In addition, any prizes offered at a hospitality event and won by an employee must be entered in the Register as a separate item.

If you are concerned about a particular gift or offer of hospitality, you should obtain advice on the operation of this guidance from the County Solicitor who is the Monitoring Officer, or from Departmental Human Resources Managers.

Approved by County Council Standards Committee on 24 November 2003, and revised on 18 July 2006.



## EMPLOYEE CODE OF CONDUCT

### WHISTLEBLOWING PROCEDURE

- 1 This procedure should be followed where you wish to draw attention to issues of bad practice, possible fraud or corruption or other matters which seem to you to be against the interests of the public, the Council or its staff.
- 2 The Council and its employees have a duty to ensure that service users are respected and treated in a proper manner and that the standards of the services it provides are maintained at the highest possible level. The Council also has a duty to ensure that resources (finance and staff) paid for with public money are used effectively and efficiently and without waste. Members of staff have a right to be treated with respect by their colleagues, service users and the Council as their employer.
- 3 The Council is committed to protecting employees who use the procedure and “blow the whistle” in good faith from victimisation. Employees should therefore never treat another employee of the authority less favourably because they have reported or may be considering reporting an issue of concern under this procedure.
- 4 This procedure needs to be read alongside the Policy Statement on Fraud and Corruption and the Anti-Fraud and Corruption Strategy and Procedure which deals specifically with how to combat fraud and corruption. The procedure also contains information about who you can speak to about any concerns you may have.

### WHEN TO USE THE PROCEDURE

- 5 If you have serious concerns about any aspect of service provision or the conduct of anyone acting on behalf of the Council you may not be sure whether there is a case for investigation. In these circumstances it may be helpful to remember that you have a duty both to members of the public and your colleagues. As a guide it might be helpful to ask the questions "is this situation unacceptable to me?" "is this wasteful?" "could this be done better?" If the answer is "yes" then you should follow the procedure set out below even if this could place you in an embarrassing situation with a particular colleague or group of colleagues.
- 6 You are expected to raise issues promptly and in good faith and can expect matters raised to be investigated properly and fairly.

## **PROCEDURE**

- 7 You can raise concerns orally or in writing. Whichever you decide to do, you should make a note so that you have a record for future reference. This note should include what occurred, where and when, and also who you submitted the complaint to and when. If you decide to raise a matter orally you may be requested to make a written statement at a later stage depending on the circumstances. The seriousness of the issue will influence who you decide to raise it with. It may be:
  - Your immediate Supervisor or Team Leader
  - A Manager
  - A Senior or Chief Officer
- 8 If the issue is of a very serious nature, for example concerning mistreatment of service users, maladministration or an illegal act, you may decide that it is appropriate to contact your Chief Officer, the Chief Executive or the County Solicitor who is the Council's Monitoring Officer with statutory responsibility for taking action on illegality or maladministration. If the issue involves possible fraud or corruption you may decide to contact the Director of Resources or the Audit Manager in the Resources Department.
- 9 If you are unsure who to contact you can telephone the Head of Human Resources who will give you advice. Trade Union Members may also wish to contact their Trade Union for assistance or advice.
- 10 If you feel the issue is sufficiently serious for you to put it in writing, you can write directly to one of the people referred to above marking the envelope "Personal". This will be opened by the officer concerned and you will be guaranteed a response within 7 days. This can be sent to your home address if you indicate that is what you want.
- 11 If someone gives you information which is of concern to them you should treat it seriously in accordance with this procedure and not dismiss it without giving it proper thought.

## **PUBLIC INTEREST DISCLOSURE ACT 1998**

- 12 While issues raised anonymously will still be looked into, it is much better for complainants to identify themselves so the matter can be properly dealt with. Everything possible will be done to protect your identity, but you may be requested to act as a witness if disciplinary or other proceedings follow the investigation of the issues you have raised.
- 13 If you raise an issue under this procedure in good faith and believing it to be true the Public Interest Disclosure Act 1998 protects you from any repercussions on your present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain.

## **EMPLOYEES WHO ARE THE SUBJECT OF COMPLAINTS**

- 14 If you are the subject of a complaint under this procedure it will be investigated in accordance with the appropriate disciplinary procedure. This means you will have all the rights contained in the procedure such as representation at the investigatory interview.

## **EXTERNAL ADVICE**

- 15 This procedure is intended to provide an effective way for you to expose malpractice in the workplace. If you are not satisfied with the procedure and if you have concerns about fraud or corruption you can contact the Council's External Auditor, Price Waterhouse Coopers at 2a Hunter Road, Pegasus Park, Castle Donington (ref Leicestershire County Council Audit), tel: **01509 604040**, or you can contact the Audit Commission Complaints and PIDA Manager, Westward House, Lime Kiln Close, Stoke Gifford, Bristol, BS34 8SR, or ring their special confidential telephone line on **0845 052 2646**.

Revised by County Council Standards Committee on 18 July 2006.

## EMPLOYEE CODE OF CONDUCT

### CLOSE PERSONAL RELATIONSHIPS IN EMPLOYMENT

#### GUIDANCE

- 1 The purpose of this guidance is to ensure compliance with the Employee Code of Conduct and to prevent other problems which may arise from the employment of people in close personal relationships. The guidance aims to promote an open and flexible approach to the management of such situations.

#### NEW APPOINTMENTS

- 2 There is an existing requirement for applicants for any County Council post to declare any relationship with an employee of the Council. Failure to do so could result in disciplinary action if the omission comes to light.
- 3 Where an employee involved in shortlisting for a post identifies that they are related to or could be perceived as having a close personal relationship with an applicant they should take no further part in the recruitment process and should inform their line manager of the situation.
- 4 There is no general bar on the appointment of anyone to a post where they would manage, or be managed by, someone to whom they are related or with whom they have a close personal relationship. A “manager” in this guidance includes an immediate supervisor, direct line manager or indirect line manager up to and including a Chief Officer. Wherever possible alternative management arrangements will be put in place to ensure compliance with the Code of Conduct and address other potential problems, thus facilitating the appointment. Only if the Chief Officer considers it is not practicable to make all necessary alternative management arrangements will such an appointment not be allowed.
- 5 If the appointment is made then the Chief Officer should be informed in writing and any alternative management arrangements should be documented in accordance with paragraph 6.

## **RELATIONSHIPS WHICH DEVELOP DURING THE COURSE OF EMPLOYMENT**

- 6 Any relationship which develops during the course of employment, between an employee and his/her manager, must be declared by both parties, in writing using a pro forma, to the Chief Officer and details recorded on their personal file. Failure to do so will result in disciplinary action where the relationship comes within the definition of a “relative” and may result in disciplinary action where the relationship comes within the definition of a “close personal relationship”, if it is reasonable to consider that the employee(s) concerned should have recognised that the relationship warranted declaration.
- 7 Wherever possible alternative management arrangements (which will be documented on the pro forma) will be put in place to ensure compliance with the Code of Conduct and address other potential issues, such as how the situation may affect team dynamics, thus enabling both employees to remain in their posts. In cases where this is not practicable the resolution of the situation will be discussed with the employees concerned.
- 8 Employees who wish to discuss a relationship that exists within their team should be able to do so with a manager not involved, therefore in cases where the relationship involves the manager, it is appropriate for employees to discuss matters with a more senior manager.

### **Monitoring**

- 9 The managerial relationship will be monitored and, in the event of inappropriate conduct, disciplinary action will be taken.