

READING BOROUGH COUNCIL

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES

TO:	PERSONNEL COMMITTEE		
DATE:	9 NOVEMBER 2017	AGENDA ITEM:	4
TITLE:	EMPLOYEES' CODE OF CONDUCT		
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

The current Employee Code of Conduct is outdated, having been written in excess of 10 years ago. The Strategic Risk Register has identified this and requires for the Code of Conduct to be refreshed and relaunched.

2. KEY ISSUES

The existing Code of Conduct is outdated and needs to be revised. In addition, new employees have not received a copy of it due to a previous management decision to no longer send the employee handbook to new starters.

The new Code of Conduct will be issued with contracts of employment and will also be rolled out to the existing workforce through Netconsent.

Attached at Appendix 1 is a revised Code of Conduct. It has been written by Human Resources with input from Audit.

3. RECOMMENDED ACTION

3.1 To approve the revised Code of Conduct.

4. NEXT STEPS

Once approved, the new Code of Conduct will be provided to existing staff, new starters and will also be part of the Corporate Induction process.

CODE OF CONDUCT



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SECTION 1: PURPOSE, SCOPE AND PRINCIPLES

PURPOSE

- To meet requirements specified by the National Conditions of Service for all employee groups
- To specify and explain the standards the Council has set, therefore protecting employees from misunderstanding or criticism.
- To help employees maintain fully acceptable standards of conduct set by the Council.
- To ensure that the Council maintains a deserved reputation for the high standards of its activities and the integrity of its employees at all levels.

WHO IS COVERED BY THE CODE OF CONDUCT?

- The Code of Conduct applies to all those working for Reading Borough Council, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment. Relevant parts of the Code should be included in the specifications for consultants and contractors, and drawn to the attention of voluntary workers on Council projects.
- Some employees may already have specific requirements relating to conduct included in their contracts or standard conditions of employment. Where contract conditions and requirements of individual contracts are more specific, due to the nature of the work, they will override the provisions of this Code.

In addition:

- a) The Code may be supplemented within services/directorates by specific provisions or requirements, for example, a professional Code of Conduct. Where this is the case, proposed codes and rules should follow proper process by consulting through the Directorate Joint Forum.
- b) Individual services and professions may have their own Codes of Conduct and/or ethics. Where this is the case, they complement, rather than replace, this Code of Conduct.
- c) References to "the Council" throughout this document mean Reading Borough Council.
- d) This Code has been agreed between the Council and recognised trades unions.

PRINCIPLES

This Code is based on and consistent with the following seven Principles which are set out in Section 28 of the Localism Act 2011, and which were originally set out by the Nolan Committee on Standards in Public Life:

a) **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

b) **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

c) **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.

d) **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

e) **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

f) **Honesty**

Holders of public office 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.

g) **Leadership**

Holders of public office should promote and support these principles by leadership and example.

The various sections in [section 2](#) of this document set out how the general principles are applied to different aspects of conduct. **The Code cannot describe every possible circumstance that may occur.**

Employees and managers need to exercise good sense and judgement in deciding whether specific situations fall within the Code or not. For employees, a key guideline is:

**WHEN IN DOUBT AS TO WHETHER THE CODE APPLIES - ASK
YOUR MANAGER**

SECTION 2: CODE OF CONDUCT FOR EMPLOYEES

1. Conduct during working hours

You have a responsibility to act in accordance with the Council's equal opportunities policies, statutory guidance and best practice. Service decisions and activities must not favour one person or section of the community on any grounds which would be in contravention of equal opportunity principles.

All forms of unlawful discrimination, victimisation, bullying and harassment, in any form, is unacceptable and will not be tolerated. Allegations will be investigated and dealt with under the [Council's appropriate procedure](#), where necessary.

2. Political Neutrality

You serve the Council as a whole. This means that all Councillors are served equally, irrespective of their political group or affiliation and you must ensure that the individual rights of all Councillors are respected.

You must not allow your own personal or political opinions to interfere with your work or influence the advice you give to Councillors, the public or other staff.

If your job involves you giving advice to political groups, you must do so in ways which do not compromise your political neutrality.

If your post is designated a "politically restricted post" under the provisions of the Local Government & Housing Act 1989, certain additional rules will apply to you and you should have been informed of these rules when you are appointed. It is your responsibility to acquaint yourself with the rules, if they apply to you.

If your post becomes politically restricted during the course of your employment, then you will be notified.

Posts affected by these rules (politically restricted posts) fall into the following categories:

- a) Certain specified posts, such as the Head of the Paid Service, the Monitoring Officer and all Chief Officers and their Deputies
- b) Posts that, by the nature of the work involved, are deemed to be "sensitive". For example:

- (i) posts where the employee regularly advises members, committees or sub-committees or any joint committee on which the authority are represented, and
- (ii) posts where the employee regularly speaks on behalf of the authority to journalists and broadcasters.

Exemptions to this Act (i.e. not politically restricted) are:

- (i) posts reporting directly to the Chief Executive where the duties of the postholder are solely secretarial or clerical.
- (ii) Head Teachers, Principals of schools or colleges, or other educational establishments maintained/assisted by the local LEA. Any person holding the post of Teacher or Lecturer in any such educational establishment will not be politically restricted.

If you are unsure if your post falls within the politically restricted categories, or whether your post is exempt from the political restrictions, you should speak to your manager or the Head of Legal & Democratic Services.

3. Personal Relationships

Personal relationships may develop with colleagues, Councillors, contractors, customers and clients. You should not allow a personal relationship to place you in a position where you are unable to carry out the duties of your job in a proper and impartial manner. Certain Directorates have particular rules regarding personal relationships, and you should ensure that you abide by these (e.g. Social Services & Housing; Education & Community Services).

You should inform your manager if you have, or develop, a close personal relationship with another employee which could be considered, by colleagues or others, to have an impact on how you conduct yourself at work. The information will be treated with confidentiality.

You must maintain a professional working relationship with colleagues, Councillors, contractors, customers and clients.

Elected Councillors are subject to their own statutory Code of Conduct which addresses relationships between Councillors and employees. ①¹

¹ (① The Local Government and Housing Act 1989 has given statutory status to the National Code of Local Government Conduct (for the guidance of councillors of local authorities)).

4. Recruitment

If you are involved with recruitment, you must inform your manager if you are closely associated with any of the candidates (for example, as a relative or close friend).

You must apply the Council's Recruitment and Selection policy and ensure fairness is applied at all stages.

5. Use of Information

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Your manager must identify, and make you aware of this information at induction, including outlining when additional information is relevant.

Information you gather while working for the Council must not be used for personal or commercial gain, or be otherwise misused.

You must not destroy, alter or falsify any document or record, whether for personal gain or to cover up, mislead or deceive other people.

You must comply with the Council's Data Protection policy.

You must not pass on information to anyone not entitled to receive it, nor post it on any public forum or any social media platform.

You must comply with the Council's Social Media policy.

You must not pass on to the public or press, information from any Committee or meeting, from which they have been excluded.

You must not deal directly with the press or media, or make any public statement, unless you have been authorised to act as an official spokesperson.

6. Confidentiality

You may be subject to "restrictive covenants", which are intended to protect the Council's confidential information, which restrict you from disclosing or using such information during and after leaving employment.

7. Hospitality

In certain circumstances, receiving hospitality may be acceptable. Where that is the case, you must discuss it with your manager and the details - the type of hospitality offered and the person/organisation offering it - should be recorded in a register maintained by your directorate.

Examples of generally acceptable hospitality are:

- (i) Invitations to attend events where you represent the Council
- (ii) Hospitality offered by other public sector organisations or recognised civic or government bodies that have links with the Council
- (iii) A working lunch or other meal which allows the work or discussion to continue during the course of the day
- (iv) An event where the Council should be seen to be represented.
- (v) Hospitality to mark the completion of a transaction or piece of work provided it has been successfully concluded and the nature of the hospitality is reasonable
- (vi) Where the Council is a regular client of an organisation or firm and the hospitality is being offered to a number of clients in the ordinary course of the business.

Examples of hospitality which should be declined include:

- (i) Offers of hotel accommodation or other form of holiday
- (ii) Free use of other forms of leisure, sports or entertainment facilities or equipment

8. Gifts

If you are offered a gift you should consider whether it is one of "low" value (£25 as at 2017). You must use common sense and tell your manager, who should decide if the gift is acceptable or should be declined. It must be recorded in a register maintained by your directorate.

Examples of generally acceptable gifts:

- (i) Small gifts that have been sent or given as an advertisement for a particular firm, for example, appropriate items for use in the office
- (ii) Small gifts such as a bottle of wine or a box of chocolates that have been given at the end of work on a project. These gifts should be made generally available to those who have worked on the project
- (iii) Christmas boxes - in a number of jobs, for example, refuse collection, it has been traditional for members of the public to give the team concerned gifts with varying financial values. As a normal and well-established practice, acceptance of the Christmas gift, on behalf of the team concerned, is acceptable, provided:
 - The gift is not solicited or requested either directly or indirectly
 - There is no suggestion that decisions concerning the service, or the quality of the service provided will change in any way
 - Any gift that is of such a value that falls outside a normal range is notified to your manager

Gifts should be declined if it is from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking planning permission, seeking employment or in dispute with the Council.

9. **Bribery & Corruption**

The Bribery Act 2010 makes it an offence to seek, accept or agree to accept a financial or other advantage as an inducement or reward to perform a function improperly. In simple terms, for public employees, agency and contracted staff it is a crime to seek or accept a financial or other advantage in return for making a decision, granting an award or performing any other public function, regardless of what decision is made. The maximum sentence for a bribery offence is 10 years imprisonment.

The Bribery Act 2010 also makes it an offence for employees to offer or pay bribes and both the individual and the organisation may be prosecuted.

The Local Government Act 1972 makes it an offence for employees to accept any fee or reward (including gifts) for their employment other than their proper pay, and on conviction employees are liable to be fined.

10. Dressing Appropriately

- a) You are expected to dress appropriately for the role for which you are employed. You must be mindful of the impact your appearance will have on the client/customer relationship.
- b) If you are required to wear a uniform you must conform to that requirement.
- c) You are required to comply with any Health & Safety clothing requirements.
- d) If you have personal, cultural or religious objections to these requirements, you should discuss them with your Head of Service who will consider each case on its merits and take appropriate action.

11. Use of Council property, facilities and equipment

- a) Be mindful that you are using Council assets, not your own personal property
- b) You may make phone calls within reason and within your own time
- c) You may access the Council's internet connection for personal use, but only within your own time and as stated in the Council's ICT rules
- d) Council vehicles must be used for authorised purposes only
- e) You must return any Council property if you stop working for the Council

12. Using the services of people who deal with the Council

You are not prohibited from personally obtaining goods and services from organisations that deal with the Council. However, you must make sure that you are not being offered preferential rates in an attempt to influence the Council to use that organisation. As far as possible, make sure that the price you are quoted is a competitive one.

If you are authorised to award or recommend the award of contracts to an individual or an organisation, you should try to avoid using that individual or organisation for the purchase of goods or services for yourself, unless it can be demonstrated that there was little or no alternative. This should be declared to your manager if this happens.

This does not affect the purchase of goods or services at discount rates negotiated through a scheme endorsed by the Council or a Trades Union.

13. Conduct outside working hours

In general, what you do outside work is your own concern. However, you must avoid doing anything which may result in damaging the Council's reputation. Some actions, including serious misconduct or criminal offences can lead to disciplinary action and may lead to dismissal.

Remember that if you are expected to wear a uniform as part of your job, and wear it outside working hours, you can be identified as a Council employee and you must act appropriately while wearing the uniform.

For certain professions, if it is considered that you have brought the profession into disrepute, you may be struck off the professional register and no longer able to practise.

14. Employment outside the Council

If you take on, or consider taking on, paid or unpaid work in addition to your work at the Council, you must be certain that it does not have an adverse effect on your work for the Council and does not conflict with the interests of the Council.

You must declare any personal interest or activities that may be perceived by others as being potentially in conflict with the Council's interests.

You should bring this to the attention of your manager to check that it is acceptable for you to do it. In particular, you must ensure that you comply with the following conditions:

- (i) You must not undertake private work or business (including private work for your line manager) during your Council working hours, on Council premises or using Council equipment.
- (ii) You must not take on work that will adversely affect the way in which you perform your duties for the Council. You must consider the Working Time Regulations.
- (iii) You should take care when undertaking paid or unpaid private work that involves official contact with the Council (for example, work for relatives or friends that needs

planning permission). You must discuss this with your manager.

- (iv) You must not undertake paid or unpaid private work for any person or organisation if you allocate business to them as part of your duties at the Council, or if you are in a position to award contracts or commission work, or influence the awarding of contracts or commissioning of work, or grant approval or permission.
- (v) You must not be involved in awarding, monitoring or managing contracts in which partners, spouses, relative or friends are employed.
- (vi) If you are invited to speak at a conference, in your position as an officer of the Council, your fees for this would normally be paid to the Council.

There may be situations where it may be appropriate to carry out some form of **unpaid** "outside work", academic research or other task in the workplace. Generally this would only be appropriate out of work time (e.g. during lunch breaks or outside normal work hours) and in no way for personal gain.

15. Personal Interests

It is accepted that you will have outside interests and will support, or belong to, different groups or organisations, whether this is paid or unpaid. You should declare to your manager your involvement or interest (financial and non-financial interests) **if and when** your outside activities, or the activities of the group you belong to, could conflict with the Council's interests or Council policy, or with your duties and responsibilities as an employee.

You should declare to the Council's Monitoring Officer (Head of Legal & Democratic Services) 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 (for example, Freemasons). The Monitoring Officer will keep a confidential record of such declarations.

16. Breach of the code

Failure to comply with the Code of Conduct could lead to criticism of the Council or you. In such cases, the Council's Disciplinary Procedure would apply.

If you have any concerns about the application of any part of this code to your own circumstances you should discuss it, as soon as possible, with your manager.

DECLARATION OF RELATIONSHIPS, FINANCIAL & NON-FINANCIAL INTERESTS

From: Name of Employee _____
 Job Title _____
 Service Area _____

Please complete the relevant section(s) set out below:

In accordance with the requirements of the Code of Conduct, I wish to declare the following interest:

1. Is the interest pecuniary (i.e. involving potential financial benefit)?
Yes <input type="checkbox"/> No <input type="checkbox"/>
(Please tick No if this is a declaration of a relationship and provide details as appropriate below)
If YES, please indicate nature and approximate scale of financial interest:
If NO, please indicate nature of interest:
2. Details of the Council activity in which the interest exists (eg a contract for goods or services; Council grant, planning or licensing application etc.) Please include the identity of any outside person or organisation involved (the name of a contractor or supplier):
3. Are you the person to whom this interest directly applies: Yes <input type="checkbox"/> No <input type="checkbox"/>
If no (and/or if other persons are involved), please give details of the other persons (name(s); relationship to you (e.g. spouse, close relative, partner etc)):

DECLARATION

I undertake to comply with any reasonable requirement which the Council may specify in order to avoid a conflict of interest.

I appreciate Reading Borough Council has a duty to protect the Council's interest and therefore a failure to provide a full disclosure, or any action related to this declaration which results in unacceptable conduct, could result in disciplinary action against me by the Council.

Signed: _____ Date: _____

Noted

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Further action by employee required? YES

NO

Action required by & notified to employee: _____

Signed _____ Position _____ Date: _____

Declarations must be made on the proforma. It should be completed and returned to the employee's managers. The form will be handled in confidence. One copy will be held on the employee's HR file, one copy retained for the directorate register and one copy sent to the Council's Monitoring Officer.

REQUEST TO UNDERTAKE OUTSIDE WORK
(Paid/Voluntary)

From: Name of Employee _____
 Job Title _____
 Service Area _____

I wish to apply for permission to undertake the following outside work:

1. Name of organisation or person with / for whom I would be working:
2. Type of organisation (e.g. own business, company, consultant, voluntary body etc):
3. Is the organisation a supplier/contractor to RBC: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details:
4. Please give details of the work you would be doing:
Type of work:
Time of work (please state whether on weekdays, evenings, weekends etc, and the time and duration of attendance):
5. Would you require any time off from your RBC employment: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give full details:
6. Are you (tick relevant category):
Self-employed <input type="checkbox"/> A paid employee <input type="checkbox"/> An unpaid volunteer <input type="checkbox"/>
Other <input type="checkbox"/> (please specify):

DECLARATION

In accordance with the requirements of the Code of Conduct, I undertake that should this request be approved:

- (i) the outside work involved will not conflict with the interests of Reading Borough Council nor adversely affect my ability to comply with my contractual duties as a Council employee.
- (ii) I will not at any time disclose any confidential information or use documentation which is the property of the Council or use any Council equipment or material in the course of this outside work.
- (iii) the organisation or person for whom I would be working is aware that I would be taking up such work as a private individual and not as a representative, agent or secondee of Reading Borough Council, and that all professional indemnity and other relevant insurance or tax requirements are my own responsibility.
- (iv) I appreciate Reading Borough Council has a duty to protect the Council's interest and therefore a failure to abide by this declaration could result in disciplinary action against me by Reading Borough Council.

Signed: _____ Date: _____

FOR OFFICE USE

Request approved? YES
NO

If refused, reason for refusal:

Signed _____ Position _____ Date: _____

The request must be made on the proforma. It should be completed and returned to the employee's manager. The form will be handled in confidence. One copy will be held on the employee's HR file and one copy will be held for the directorate register.

The rules relating to outside working are set out in the Council's Code of Conduct, [paragraph 8](#).