

Woking Borough Council

# Code of Conduct for Employees

Shaping the *future* of our borough



## **Code of Conduct for Employees Policy**

### **1.0 Introduction**

- 1.1 The Council's employees are responsible to the Council for carrying out its work. Their jobs are paid, and paid employment brings with it certain obligations. These obligations may be statutory; for instance, if an employee knows that a contract in which he/she has a financial interest is being considered by the Council, notice of that interest must be given.
- 1.2 Employees should never do anything that is incapable of being justified to the public. It is the responsibility of local government employees to give the highest possible standard of service to the public. This means that employees must do nothing that might give rise to suspicion, however ill-founded, that they are in any way influenced by improper motives.
- 1.3 This Code of Conduct contains formal guidelines to employees covering matters such as the acceptance of gifts and hospitality, private work and the use of the Council's time and materials. This Code is intended to offer broad advice to employees in these areas of activity and, in limited cases, to prescribe rules for future conduct. These rules must be followed unless the Director of Legal and Democratic Services has agreed, in writing, that exceptional circumstances justify otherwise.
- 1.4 This Code takes into account 'The Seven Principles of Public Life' which are included in the Localism Act 2011. They are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.5 References in this Code to the Director of Legal and Democratic Services, Chief Finance Officer and Head of Human Resources include their respective deputies, who may act in their absence.
- 1.6 An e-form for reporting (i) receipt of gifts and hospitality and/or (ii) details of private work/employment is available on ewokplus in the Human Resources forms section.

### **2.0 Gifts and Hospitalities**

- 2.1 Employees should treat with caution any offer of a gift, favour or hospitality that is made to them 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.
- 2.2 Employees should bear in mind the importance of avoiding the appearance of improper conduct or undue influence, any suggestion of which damages public confidence in local government. Openness is important, and in the limited cases where gifts are considered acceptable their receipt should be put on record.
- 2.3 As a general rule employees should decline offers of gifts from persons or organisations who may provide works/goods/services to the Council or who may benefit from some decision of the Council (for example applicants for planning permission, those seeking to agree terms in property transactions etc.).
- 2.4 In limited circumstances, it may be acceptable to depart from the general rule in paragraph 2.3 above. These circumstances include the following:

- 2.5 Gifts of promotional stationery (e.g. diaries, pens and calendars) with a value of less than £10 may be accepted and do not need to be recorded in the register referred to in paragraph 2.7 below.
- 2.6 At Christmas time, gifts of a modest value (e.g. sweets, biscuits and alcohol with a value of less than £25) may be accepted. This is because of the custom and practice that such gifts are routinely given at this time of year, which provides a justifiable context for their acceptance.

**A gift of cash should not be accepted in any circumstances.**

- 2.7 Where a gift is considered acceptable, its receipt should be recorded via the e-form described in 1.6 above and will be kept in an open register kept by the Director of Legal and Democratic Services. The register entry shall describe the gift and its approximate value, identify the person or organisation making the gift, the officer to whom it was given, and the date of its receipt.
- 2.8 Employees should also exercise caution in accepting hospitality. "Hospitality" includes both attendance at events and meals. The provision of hospitality may, of course, be incidental to the carrying on of legitimate business activity (for instance, during business lunches). If so, such hospitality is acceptable and should merely be put on record (see paragraph 2.9 below). However, employees need to consider carefully whether the benefit is reasonable in scale to the work under discussion and be satisfied that its provision is genuinely "work-related".
- 2.9 Details of hospitality received by employees should be recorded via the e-form described in 1.6 above and will be kept in an open register kept by the Director of Legal and Democratic Services. The register entry shall describe the hospitality and its approximate value, identify the person or organisation providing the hospitality, the officer to whom it was provided and the date of its receipt.
- 2.10 Every effort will be made to deal with your complaint as speedily as possible. Please remember that some cases need time to investigate fully. If within a period of ten working days the matter has not been dealt with at any stage of this procedure, you will be entitled to proceed to the next stage.
- 2.11 Employees should always exercise care in the provision of gifts or hospitality to outside bodies, whenever this is to be paid for by the Council. Broadly-speaking, the same tests that apply to the receipt of gifts and hospitality apply to their provision. It is important to avoid the appearance of improper conduct. The provision of hospitality should always be funded from a budget specifically established for the purpose, and its use must, where appropriate, be properly authorised by the appropriate officer. The provision of the benefit must be reasonable in scale to the matter under discussion and it must be genuinely relevant to the business in hand. The purpose of the provision must be capable of justification by reasonably objective standards. For instance, the justification for the provision of limited hospitality may be that it facilitates, or is conducive to, the carrying on of legitimate and important business activity.

**3.0 Private Work**

- 3.1 The Council recognises that with the changing pattern of employment (in particular the increase in part-time, reduced hours and flexible working) it would not be appropriate to prevent employees of the Council from taking other employment (that is in addition to their role with the Council, or indeed more than one position with the

Council). The Council therefore does not apply a blanket prohibition on staff accepting other employment or carrying out private work. However, it does require such employment or work to be authorised, in writing, by a member of the Corporate Leadership Team. This is to ensure that the work does not conflict with the Council's interests or weaken public confidence in the conduct of the Council's business. Details of such employment or work should be recorded via the e-form described in 1.6 above and will be kept recorded in an open register kept by the Director of Legal and Democratic Services.

- 3.2 The requirements of paragraph 3.1 above to obtain the approval of a member of the Corporate Leadership Team do not apply to any employment or private work an employee was carrying out before he/she was employed by the Council provided such employment or private work was made known to the Council before the employee was employed by the Council. Details of such employment or work do still need to be recorded in the open register kept by the Director of Legal and Democratic Services.
- 3.3 If an employee's role at the Council changes materially, he/she is required to seek further written authority from a member of the Corporate Leadership Team to continue with the other employment/private work.
- 3.4 The Council expects employees to carry out other work only to the extent that it does not interfere with the performance of their normal duties and provided, of course, that such work is undertaken outside normal working hours for that employee. The Council accepts that, in some instances, the carrying on of "freelance" work (for instance, by participating in seminars or contributing articles to professional journals) can be of mutual benefit to the Council and the employee alike; they may reflect credit upon the Council (for instance, by publicising service initiatives) whilst assisting in the development of the employee's expertise. Although these factors may encourage flexibility in individual cases, employees should be concerned to ensure that private work does not conflict with their work obligations. It is important to consider whether the work is being undertaken on behalf of the Council, and therefore in an official role, or alternatively in the employee's private capacity. Articles written for private gain should be composed in the employee's own time, and the same rule applies to time spent in preparation for and presentation at seminars. If services are to be delivered on behalf of the Council or during work hours, any fees received should be passed to the Council. Fees received that are not the result of work carried out in the Council's time and satisfying the above tests may be retained by the employee.
- 3.5 Unless expressly authorised by the Chief Executive in writing on an exceptional basis, it is not permissible for an employee to undertake private work in connection with plans or applications intended for consideration by the Council. An employee engaged in work on his or her own application is not to be treated as undertaking "private work" for these purposes.

#### **4.0 Use of Council time and materials**

- 4.1 Unless expressly permitted by other policies of the Council, employees should always make sure that any facilities (such as stationery, telephones, IT, photocopying or secretarial services) provided by the Council for use in performance of their duties are used strictly for those duties and for no other purpose. It has been made clear above that private work should not be undertaken in the Council's time, and it is equally important that any such work is carried out without using the Council's materials or services. The Council's materials may only be used for such work if the

Chief Finance Officer agrees in writing and the full cost of provision of the material/service is paid by the employee.

## **5.0 Copyright**

5.1 It is important to set out some broad principles relevant to copyright and intellectual property created during employment. Intellectual property is a generic term that includes inventions, creative designs, writings and drawings.

5.2 If these are created by an employee during the course of employment, then as a general rule they belong to the employer. However, statutory rules may provide otherwise. In particular, the Patents Act 1977 provides that inventions are only the property of the employer if:

i) They have been made in the course of the employee's normal duties; or

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ii) They have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or

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iii) They were made in the course of the employee's duties and at the time the employee had (because of the nature of his duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

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5.3 In the unlikely event of a dispute arising between the Council and employee as to the ownership of information or material, it will be important to establish the ambit of the employee's "normal duties" (recourse will naturally be made to the individual's contract of employment).

## **6.0 Confidentiality of Information**

6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. In general, employees should act on the assumption that open government serves the public better than secrecy.

However, employees should recognise that certain information is confidential to the Council. This includes information which is stated to be "Part II" for the purpose of a report to Council or a committee, and information which is classified under the Council's information classification scheme as not being open to the public.

6.2 Employees should not use information obtained in the course of their employment for personal gain or benefit, nor should they pass it to others who may use it in that way.

## **7.0 Working with Councillors**

7.1 Employees are in the service of the Council. It follows that they have a duty to serve all councillors, not just councillors of a controlling group. The basic rule is that councillors should be briefed and consulted on any matter where they have an interest or entitlement to know what is going on and, in particular, on committee business. Employees should ensure that all necessary help and support is given without restriction. Advice to councillors, whether given in committee or in briefings or otherwise, should be firm, clear and consistent.

7.2 Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors, and should therefore be avoided.

7.3 Employees should ensure that at all times they adhere to the Councillor and Officer Protocol.

#### **8.0 Declaration of External Interests (as may be relevant to employment)**

8.1 Employees are obliged by statute to disclose financial interests, whether direct or indirect, in contracts which have been, or are proposed to be, entered into by the Council. The Council's Standing Orders go further and require disclosure of interests in non-financial matters (drawing a parallel with councillors' "code of conduct" interests). The point is that interests that are not financial may be just as important and employees must not allow the impression to be created that they are using their position to promote a private or personal interest. Non-financial interests include those arising from membership of bodies exercising functions of a public nature, bodies directed to charitable purposes and bodies one of whose principal purposes includes the influence of public opinion or policy.

8.2 Employees will need to consider carefully which outside interests may give rise to conflict in the performance of their normal duties and which therefore ought to be disclosed to their manager and formally recorded. It may be, for instance, that a purchasing officer, regularly required to choose between competing companies, will have a family connection with a potential supplier. Another example might be an employee whose membership of an organisation not open to the public (characterised by commitments of allegiance and secrecy of membership) would call into question his or her objectivity in selecting applicants for employment.

8.3 Employees shall disclose details of interests relevant to their employment with the Council (whether direct or indirect, financial or otherwise) which will be recorded in an open register kept by the Director of Legal and Democratic Services. Such interests shall include those arising from membership of the bodies described in paragraph 8.1 above. The requirements of this rule are in addition to the statutory duty of disclosure contained in s.117 Local Government Act 1972 (financial interests in contracts) and the general requirements of Rule 3.0 of the Officer Employment Procedure Rules (which can be found in the Council's Constitution).

#### **9.0 Confidential Reporting**

9.1 If you believe or suspect that a colleague in the Council is involved in corrupt or questionable practices, you should refer to the guidance under section 7.0 of the Confidential Reporting Policy.

#### **10.0 Politically Restricted Posts**

10.1 Some posts in the Council are politically restricted under the Local Democracy, Economic Development and Construction Act 2009. Employees undertaking these posts will be prevented from having any politically active role either in or outside the workplace. Employees will not be able to hold or stand for elected office and will also be prevented from:

- i) Participating in political activities, publicly expressing support for a political party or undertaking other activities such as canvassing on behalf of a person who

seeks to be a candidate; and

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- ii) Speaking to the public at large or publishing any written or artistic work that could give the impression of advocating support for a political party.
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**11.0 Disciplinary Policy**

11.1 This code forms part of the Council's Disciplinary Policy. Any failure to comply with it may be dealt with under that policy.

**12.0 Further Advice**

12.1 Further advice on the acceptance of gifts and hospitality may be sought from the Director of Legal and Democratic Services. Further advice on other aspects of this Code may be sought from the Head of Human Resources.