

# **SECTION 14 – EMPLOYEES’ CODE OF CONDUCT**

## **CODE OF CONDUCT FOR EMPLOYEES**

### **WHO THE CODE IS AIMED AT**

Inevitably, some of the issues covered by this Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under any contract of employment within the Council, including office holders such as Registrars. Employees serving as representatives of the Council as a Director of a company, as a Trustee or on the management committee of a voluntary organisation will be expected to abide by the provisions of this Code when acting in such a capacity unless to do so would create a conflict of interest in their role as Director, Trustee or management committee member; any employee who believes that such a conflict of interest may arise should consult the Borough Solicitor.

### **OVERVIEW**

The public is entitled to expect the highest standards of conduct from all employees who work for Bracknell Forest Borough Council. This Code provides guidance as to the Standard of Conduct, which the Council expects of its employees to assist them in their day-to-day work. Any breach of this Code may be investigated under the Council’s Disciplinary Procedure and action taken appropriately. The Code of Conduct for Members is underpinned by seven “General Principles”. Not all of those General Principles are of relevance to officers but those which are relevant are set out below and should be used in the interpretation and application of this Code.

#### *Selflessness*

Employees should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### *Honesty and Integrity*

Employees should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### *Objectivity*

Employees should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### *Accountability*

Employees should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### *Respect for Others*

Employees should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual

orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

### *Duty to Uphold the Law*

Employees should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

### *Stewardship*

Employees should use the authority's resources prudently and in accordance with the law.

The Council expects high standards from its employees because:

- Council services can affect the health, wealth and well-being of local people
- the Council is subject to democratic control and is accountable to the electorate
- local people fund Council spending and take an interest in the way money is spent

## **STATUS OF THE CODE**

The aim of the Code is to establish guidelines for Bracknell Forest Borough Council employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. It may be supplemented and clarified by additional guidance where necessary.

## **STANDARDS**

Council employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed departmental procedures and, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety, unless an employee has reasonable grounds to believe that their manager is party to the impropriety (in such cases the Council's Whistleblowing Procedure may be used).

## **DISCLOSURE AND USE OF INFORMATION**

Although the Council endeavours to practise "open government" some information is by necessity confidential and should not be disclosed. Information which the Council, a Council committee, the Executive or an Executive Committee has determined as "Exempt Information" (i.e. information appearing in pink papers on the agenda) should not be disclosed to the public without the prior permission of the Borough Solicitor. Other information which an employee receives which might reasonably be regarded as being of a confidential nature should not be disclosed to anyone else except in the following circumstances:-

- the person imparting the information has given their consent to the disclosure
- the information is disclosed to another employee or to a Councillor on a "need to know" basis for the proper fulfilment of their responsibilities
- the disclosure is required by law.

Employees should not prevent another person from gaining access to information which that person is entitled to by law.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required by law.

## **REPORTING OF CRIMINAL CHARGES AND CONVICTIONS**

Where an employee is charged by the Police for any offence or convicted in a court of law or issued with a caution on any matter that occurs during or outside of their work then they must report this immediately to their directorate HR lead or the Chief Officer: HR.

A charge, conviction or caution for any offence may result in disciplinary proceedings being taken against the employee where, in the opinion of the Council, it;

- affects, or is likely to affect, the suitability of the employee for the position in which he/she is employed, or
- brings the Council into disrepute, or
- could, in the opinion of the Council, otherwise seriously undermine the trust and confidence that the Council has in the employee.

**NB:** There is no requirement for an employee to report to the directorate lead for HR or Chief Officer HR where they have received a fixed penalty notice for any offence, eg. speeding offences, parking offences etc.

## **POLITICAL NEUTRALITY**

Employees must not do anything which compromises or is likely to compromise their own political impartiality, or that of those who work for, or on behalf of, the Council. Without Prejudice to the generality of that principle this means that employees should:-

- provide appropriate advice to all Councillors with impartiality
- serve the Council as a whole i.e. all Councillors and not just those of, for example, a particular political group
- observe the individual rights of all Councillors (e.g. to have access to relevant information).

Some employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must have proper regard to every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Employees must not infringe the requirements of legislation not to publish any material which, in whole or in part, appears to be designed to affect public support for a political party.

## **RELATIONSHIPS**

### **Councillors**

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

### **The Local Community and Service Users**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by Council policies.

### **Contractors**

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to the appropriate manager.

Orders and contracts must be awarded on merit, normally by fair competition against other tenders or quotations, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. Employees must comply with the Council's Contract Standing Orders. No part of the local community should be discriminated against. By law, if it comes to the knowledge of an employee that a contract in which they have a financial interest, whether direct or indirect, has been or is proposed to be entered into the employee must as soon as practicable give notice in writing of that interest to the Council; failure to do so constitutes a criminal offence; any such notice should be given to the Director of the department in which the employee works.

### **Relatives and Partners**

Employees should not be involved in decisions relating to partners, relatives or close friends; If it comes to the knowledge of an employee that they are involved in any decision which could result in a particular advantage or disadvantage to a partner, relative or close friend the employee must, as soon as practicable, inform the appropriate manager.

## **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

## **APPLICATIONS**

Employees making applications to the Council (for example, for planning permission, purchase of land or an improvement grant) on their own behalf should notify their Director. However, employees may not make any applications on behalf of a member of the public.

Employees may not gain financial benefit by way of fees or gratuities or receive any other consideration for advice given to others who submit applications to the Council.

## **OUTSIDE COMMITMENTS AND USE OF RESOURCES**

All employees must consult their Chief Officer (or in the case of a Chief Officer their Director) before engaging in any other work (whether as an employee or on a self-employed basis). All employees should be clear about their contractual obligations and should not take outside work which may conflict with the Council's interests.

Any employee engaging in outside work must give written notice to his/her Chief Officer (or in the case of a Chief Officer their Director) setting out the nature of the work, the length and duration of the work and the identity of the person/firm/company for whom they are working.

The Council will retain intellectual property rights or copyrights on any matters e.g. software or written materials, developed by an employee during the course of employment with it.

Employees must not use any of the Council's facilities or equipment, which may include premises, computers, materials, transport, telephones, stationery and secretarial services, other than for Council business or other approved purposes.

## **PERSONAL INTEREST**

Employees must declare to their Chief Officer (or in the case of a Chief Officer their Director and in the case of a Director to the Chief Executive) any non-financial interests which might reasonably be considered could bring about conflict with the Council's interests.

Employees must declare to their Chief Officer (or in the case of a Chief Officer their Director and in the case of a Director to the Chief Executive) any financial interests which could conflict with the Council's interests.

An employee should declare to their Chief Officer (or in the case of a Chief Officer their Director and in the case of a Director to the Chief Executive) 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.

The Council welcomes the involvement of employees in voluntary organisations. However, in order to ensure that public confidence is maintained an employee should inform his/her Chief Officer (or if a Chief Officer their Director) in writing if the service which the employee gives to any such organisations could conflict with the work which the employee carries out for the Council or if the organisation receives a grant from or has a contract (or service level agreement) with the Council.

Employees must not use their position as employees of the Council to favour any voluntary or other bodies which they give service to. If an employee's job involves assessing a funding application or assessing an application for a consent or permission for a voluntary body which they give service to they should inform their Chief Officer (or in the case of a Chief Officer their Director) in writing and seek their guidance of the manager.

Directors and Chief Officers are required to register their personal interests in accordance with the process set out in Annexe A of this Code.

## **PREJUDICIAL INTERESTS**

A Prejudicial Interest is a matter which affects an employee's financial interest or relates to a licensing or a regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that the employee's personal interest is so significant that it is likely to prejudice his or her judgement of the public interest. A Prejudicial Interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where, for instance, approval for a licence may affect a body with which the employee has a personal interest or will affect him or her personally.

Employees with a Prejudicial Interest should declare such an interest to their Chief Officer or if a Chief Officer to their Director. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, the Prejudicial Interest and its nature must be made clear.

## **EQUALITY ISSUES**

All members of the local community, customers and other employees have a right to be treated with fairness and equity. All employees are required to observe the law and the policies of the Council regarding non-discrimination and the promotion of equalities.

## **TENDERING AND FAIRNESS TO CONTRACTORS**

Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information concerning tenders or quotations from either internal or external contractors should not disclose that information to any other party or organisation, unless the Borough Solicitor has confirmed in writing that such disclosure is required by law. For these purposes, confidential information includes the amount of any sum comprised in a tender or quotation, the identity of those submitting tenders or quotations, the identity of others who have been invited to tender or quote and any other information the disclosure of which could be used to undermine the integrity of the tendering or quotation process.

Information given to suppliers should be limited to that required for submitting their own tender or quotation. For the avoidance of doubt information or clarification requested by a party who has a personal interest in or been invited to submit a tender or quotation may be provided to all persons expressing an interest and who have been so invited provided such information does not concern the content of a quotation or tender submitted by another party.

## **CORRUPTION**

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, 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 is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **USE OF FINANCIAL RESOURCES**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

## **EXPENSES**

Expenses should only be claimed in accordance with the Council's Expenses Policy.

## **GIFTS AND HOSPITALITY**

Gifts and hospitality accepted by an employee must be recorded in the appropriate gifts/hospitality register. Similarly, gifts and hospitality given to external organisations or individuals must, as also required by the Council's rules in force at the time, be recorded in the appropriate gifts/hospitality register; these must be approved by the appropriate manager.

### **Giving Hospitality and Gifts**

- Offers of hospitality should only be given if the event to which an external organisation or its representative is invited is directly related to the Council's business. Examples and further details are given in the Council's Guidance for Employees and Councillors on travel, subsistence and other expenses and giving or receiving hospitality from external organisations and their representatives, which is available on BORIS.
- Where employees issue invitations to external organisations or individuals, these must be properly authorised by the appropriate manager and must be recorded in the appropriate register when the cost exceeds £25.
- Other than small items of token value (£25 or less) personal gifts to contractors and/or outside suppliers should never be given or offered. Examples could include Council mouse mats, book marks, pens, mugs etc.
- When offering authorised hospitality, all employees should be particularly sensitive to the timing of possible decisions which the Council may be taking which could affect those accepting the hospitality offered. The extent of the hospitality offered must be reasonable and proportional to the event/activity for which it is being offered. Hospitality should never be offered unless authorised by the Chief Executive, a Director or a Chief Officer.
- The use of Council resources to fund or part fund internal parties e.g. a retirement party for a long serving employee would not be considered a suitable use of Council resources and could lead to disciplinary action against the person who authorised such expenditure. However, specific activities such as the Long Service Award annual event are authorised and approved as an acceptable use of the Council's financial resources.
- Each Director may, however, identify a separate budget (not exceeding £1,000 per annum) from which they may incur expenditure for the holding of functions to promote staff morale and/or to celebrate the securing of an award or achievement by the Council.

### **Offers of and Receiving Hospitality and Gifts**

- Cash, cash vouchers, token and monetary gifts should always, without exception, be refused.

Offers of hospitality should only be accepted if there is a genuine need to impart information or if it is appropriate that the Council should be represented at the function in the interests of working effectively with partner organisations. However, in deciding whether or not to accept any offer of hospitality particular regard should be had to the timing of the functions and to public perception as to whether attendance of the function by a Council officer would be appropriate. Examples and further details are given in the Council's Guidance for Employees and Councillors on travel, subsistence and other expenses and giving or receiving hospitality from external organisations and their representative which is available on BORIS. .

- Attendance must be properly authorised and recorded in the hospitality register for the Department (usually held by the Director's PA).
- Where hospitality has to be declined, this should be done in a courteous, polite and firm manner whilst informing those making the offer of the Council's procedures.
- Other than small items of token value (£25 or less) personal gifts from contractors and outside suppliers must never be accepted. .
- When receiving authorised hospitality, all participants should be particularly sensitive to the timing of possible decisions which the Council may be taking which could affect those providing the hospitality.

Employees, cannot directly or indirectly in connection with their office or employment, personally accept any fee or reward whatsoever other than their proper remuneration. The Council has particular rules in respect of the acceptance of Bequests – a copy of the Policy is available on BORIS.

## **SPONSORSHIP – GIVING AND RECEIVING**

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner, relative or close friend must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate manager of any such interest.

Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **CONTACT WITH THE MEDIA**

Employees must observe the Council's rules on contact with the media as set out in the section of the Employee Handbook entitled "Press Contacts and Reporting of Council Business". In particular:-

- only those employees who are in the list of officers for press contact held by the Communications Section may give information to or answer questions from the Press
- employees on the authorised list are only permitted to release factual information in reply to questions from journalists. All comments of a political nature are for Councillors only.

- employees should not use the media as a vehicle to promote personal grievances; the Council's proper processes should be used.

## **APPEARANCE**

The appearance which Council employees present to the public, Councillors and to each other is important. Although many styles of dress are acceptable, employees must dress appropriately for their job and give a positive image of the service they provide. Any special clothing or identification provided by the Council should be worn where required.

## **WORKING SAFELY**

The Council is committed to promoting good health, welfare and safe working among its employees. Each employee has a legal obligation to take reasonable care for their own health and safety and for the safety of others who may be affected by his/her acts or omissions. Employees should ensure that they:-

- follow safety policies, instructions, guidance etc
- comply with hygiene requirements
- wear any safety clothing supplied by the Council
- report any accidents or near misses at work
- never risk injury or danger to themselves or others.

## **DRUGS AND ALCOHOL**

Except for medical reasons, employees must not take any substances that may affect their work. Employees must not consume alcohol when they are on duty or whilst wearing Council supplied uniforms which mean they can be clearly identified as a Council employee unless agreed beforehand for a specific occasion by their manager. Employees must ensure that any alcohol which they consume out of working hours (including lunchtime) will neither impair their work nor cause them to conduct themselves so as to damage the good reputation of the Council. Employees and Managers affected by this issue should refer to the Council's Substance Abuse Policy.

## **WORKING TOGETHER**

Employees are expected to show loyalty to the Council and support its managers. A climate of mutual confidence, trust and respect between managers, employees and other partners is critical to achieving the Council's aims and providing high quality services. Within the workplace, employee behaviour should be conducive to a productive and harmonious work environment, with all employees having a right to be treated with courtesy and fairness. Unless there are good reasons why not (e.g. for legal reasons or in accordance with the Whistleblowing Procedure) employees should always first follow recognised internal procedures to resolve problems.

Employees should carry out any reasonable and lawful instructions given by their manager. If an employee disagrees with or wishes to query an instruction the employee should express their concern to, or seek clarification from, the manager who gave the instruction.

Employees should work reliably and diligently. They should complete accurately and honestly any document form or record needed for work.

### **INFORMATION TECHNOLOGY DATA SECURITY AND SOCIAL NETWORKING**

Employees must ensure that they follow the Council's rules and procedures in relation to the use of computers and the proper use and management of data. . The Data Protection Act 1998 requires the Council and its employees to abide by "Data Protection Principles" in the use of data. Further guidance and information is available through the Information Management Hub on BORIS. .

### **PROFESSIONAL CONDUCT**

Staff employed in work in respect of which there is a recognised Code of Professional conduct (e.g. Royal Town Planning Institute) should comply with such Codes irrespective of whether they are members of that professional body.

### **ADVICE AND GUIDANCE FROM THE MONITORING OFFICER AND/OR BOROUGH TREASURER**

If an employee has any doubts as to whether a proposed course of action may involve any illegality then they should consult with and comply with any guidance given by the Monitoring Officer. If an employee has concerns that a proposed course of action may involve misuse of Council monies then they should seek advice from and comply with any guidance given by the Borough Treasurer.

## ANNEXE A

### **REGISTRATION OF PERSONAL INTERESTS - DIRECTORS AND CHIEF OFFICERS**

Within 28 days of this Code coming into effect Directors and Chief Officers must register any interests set out in the categories below. Directors and Chief Officers appointed subsequent to this Code coming into effect are to register any interests set out in the categories below within 28 days of taking up their appointment. The registration must be made in writing and given to the Monitoring Officer.

The registration of interests protects the Directors and Chief Officers by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the senior Officers of the Council are acting transparently. Only registration of a personal interest in areas where there are clear areas of concerns that such an interest could give rise to accusations of partiality in decision making and working practices of the authority are required.

These are:-

- your membership, or position of control on management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or a central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100<sup>th</sup> of the value or share capital of the company
- any contracts between the Council and any company you have an interest in, as above
- any land or property in the Borough in which you have a beneficial interest, other than your sole or main residence

A Director or Chief Officer may seek to exempt their Personal Interest from the Register of Interest if they consider, for instance, that having this information on record and publicly available might put themselves or others at risk. In such cases the Director or Chief Officer should discuss the matter with the Monitoring Officer.

The Register of Interests will be available for public inspection (this includes making the Register of Interests available on the Council's web-site).