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Cambridge City Council

CIVIC AFFAIRS

To: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Benstead, Herbert, Pitt and Ward

Date: Wednesday, 23 March 2011

Supplementary Agenda

11a Staff Code of Conduct (*Pages 1 - 18*)



To: Standards Committee, Civic Affairs
Report by: Human Resources
Relevant scrutiny committee:
Wards affected: All

EMPLOYEE CODE OF CONDUCT

1. Executive summary

The Code of Conduct for staff has been reviewed and updated. The aim is to make the policy easier to understand and bring it up to date. We also want to increase awareness of the policy so that everyone is aware of their responsibilities under the Code.

2. Recommendations

It is recommended that the Standards Committee and the Civic Affairs Committee endorse the revised Code of Conduct for employees.

3. Background

It was originally a recommendation of a Safeguarding Audit in 2008 that the Code should be reviewed. It is also believed that the existing Code is somewhat outdated and lengthy and there is a general lack of awareness amongst staff of the content.

Consultations have take place with:

- The Chief Executive and Directors
- The Head of Legal Services
- Trade Unions
- The HR 'policy network' – a sample of Heads of Service and Managers across the organisation

We have also researched best practice and policies / materials used by other organisations.

4. Implications

4.1 Financial

There are no additional costs to the organisation as a result of adopting this policy.

4.2 Staffing, Equal Opportunities, Environment and Community Safety

The implications to staff as a result of this policy update is that they will have access to a revised Code which clearly states what is expected of them. By making policies easier to understand, and publicising them better, we hope to make them more accessible to all staff.

An Equality Impact Assessment has been carried out on the revised policy.

4.3 Procurement

Not applicable.

5. Background papers

These background papers were used in the preparation of this report:
Existing Code of Conduct

6. Appendices

- (a) Revised Code of Conduct
- (b) Existing Code of Conduct

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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CAMBRIDGE CITY COUNCIL CORPORATE CODE OF OFFICIAL CONDUCT

This Code of Conduct applies to all employees of the City Council

Employees are asked to note and observe the guidelines set out in the following corporate code.

1. INTRODUCTION

- 1.1 These guidelines supplement Part 2 Section 2 of the National Joint Council for Local Government Services dealing with official conduct and are intended to help employees reach the right decision in any particular case.
- 1.2 Employees are reminded of the text of Part 2 Section 2 of the National Scheme of Conditions of Service which reads:
 - (2.1) employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
 - (2.2) local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.
- 1.3 This code has been revised in order to respond to working within a more commercially orientated environment which involves, for example, Best Value, market testing, Care in the Community etc. If an employee is in any doubt about the right course of action they should seek the advice of their director.
- 1.4 An employee should not be called upon to advise any political group of the employing authority either as to the work of the group or as to the work of the authority, neither shall they be required to attend any meeting of any political group.

2. POLITICAL NEUTRALITY

- 2.1 It is important that employees - particularly senior staff - are seen to be politically neutral on matters on which the Council is called upon to make decisions and that on such questions they refrain from publicly expressing their personal views or associating themselves with organisations in opposition to the Council's policies. This also applies to advising political groups.
- 2.2 Employees may be properly required in the course of their official duties to explain a decision of the Council, or a committee, on a particular matter. Here, the employee is acting only as a spokesperson for the Council on a matter on which it has already formed its views and no breach of political neutrality should arise, (see Appendix I Rules of Attending Meetings). The possibility of conflict leading to weakening of public confidence in the Council or its employees would arise where an employee publicly voices, or associates themselves with an expression of opinion which runs counter to that of the Council.
- 2.3 Employees are responsible to the authority through its senior managers. Mutual respect between employees and councillors is essential to good local government. Employees should be mindful that close personal familiarity with individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. All application forms include a section on this subject as part of the recruitment and selection procedure.

3. OUTSIDE COMMITMENTS

- 3.1 The National Joint Council Conditions of Service recognises that employees off-duty hours are their personal concern but says that they should not put their private interests first or put themselves in a position where their official role and private interests or activities conflict. This implies no bar on employment outside their normal hours of work for the Council, provided that any such work does not, in the view of the Council, conflict or have a detrimental effect on the Council's interests, undermine the professional integrity of the Council, any of its services or of the employee concerned, or in any other way weaken public confidence in the conduct of the Council's business. Employees above Scp 26 must obtain the express consent of the Council before engaging in any other business or taking up any other employment.
- 3.2 On the 1 October 1998, the Working Time Regulations were introduced into UK law in order to implement the EU Working Time Directive. The regulations state that employers must ensure that

employees do not work more than 48 hours on average, including overtime. If you take on employment in addition to your main contract with the City Council you must advise your line manager to ensure that the Council complies with the Regulations.

3.3 The following guidance is given to staff:

- a) The Council is the employee's principal employer and employees should avoid any possibility of conflict in terms of the loyalty and attention to duty expected of them from the Council on the one hand and from any other outside employer on the other.
- b) No member of staff should be involved in the submission by any individual, firm or outside body, of an application to the Council for planning consent or building regulation approval, unless they have a private legal interest in the land in question.

Where a member of staff submits an application on their personal behalf the applicant should disclose this, in writing, to the Director of Planning, and the Director in turn should ensure that the application is handled in a manner that avoids any possibility of suspicion that preference or bias is shown. If, for example, the application is appropriate to be dealt with under delegated powers, consideration should be given by the Director to determining the application personally and not through a member of staff acting on their behalf.

- c) Involvement in voluntary and community groups can, in certain circumstances, give rise to conflicts of interest between the voluntary role and the official role, just as much as paid employment or business interests. Employees should declare membership of any organisation not open to the public without formal membership and commitment of allegiance, which has secrecy about rules or membership or conduct.
- d) Employees involved in any outside employment or business with a firm which may be competing with the Council's own services for work should be very careful not to use any inside information they might have to assist the outside firm or in any other way to put themselves in a position of conflict of interest.
- e) All relationships of a business or private nature with external contractors should be made known to the appropriate line manager. Orders and contracts must be awarded by fair competition and no special favour should be shown to businesses run by friends/partners/relations etc. Employees involved in supervising contractors with whom they have had a previous private/domestic relationship must declare this to their line manager.

- f) Employees must declare to their line manager, any non-financial/financial interests which could conflict with the authority's interest.
- g) If employees are involved in decisions relating to recruitment and selection, discipline, promotion, pay adjustments etc, for an individual with whom they have a close personal relationship, advice should be sought from the Head of Human Resources

3.4 Breaches of the National Conditions, or of this guidance could result in disciplinary action being taken. Whether such proceedings are taken and the severity of any disciplinary action which may follow will depend on the circumstances and seriousness of the breach

4. SEPARATION OF ROLES DURING TENDERING

4.1 Employees involved in the tendering process should be clear on separation of client and contractor roles and exercise fairness and impartiality. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

4.2 Employees should not disclose confidential information on tenders or costs concerning internal/external contractors to any unauthorised party or organisation. The status of such information will be made clear to employees at the time.

4.3 Employees contemplating a management buy out should inform their line manager of their intent and withdraw from the contract awarding processes.

5. ACCEPTANCE OF GIFTS

5.1 An employee should refuse any gift from any person or firm with whom they come into contact in the course of their employment by the Council. The only possible exceptions to this rule are the acceptance of small gifts of token value such as calendars, diaries and similar articles of use in the office.

5.2 In the event of an employee, or a member of their family, receiving a gift (other than one of token value) without notice or warning, the matter should be reported to their director, who will be responsible for deciding what action is to be taken.

6. HOSPITALITY

6.1 Employees must be aware that it is a serious criminal offence to corruptly 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 substantiated, the onus is on the employee to demonstrate that any such rewards have not been corruptly obtained.

- 6.2 Hospitality should only be accepted or given by an employee acting in their official capacity where it can be justified as being on a corporate rather than personal basis, not being contrary to public interest, on a scale appropriate to the circumstances or occasion and where it is apparent that no reasonable cause for criticism could arise. When receiving hospitality employees should be particularly sensitive to its timing in relation to decisions which the authority may be taking. Authorisation should be sought where possible in advance of the event and where visits are involved, travel costs should be met by the authority.
- 6.3 The giving of hospitality is only likely to be a matter for senior employees who would normally be expected confirm beforehand with the Chief Executive that the cost would be accepted as reasonable expenditure within the annually agreed budgets. Any hospitality budget will be agreed with the Chief Executive on an annual basis.
- 6.4 A drink, attendance at a working lunch or an invitation to a dinner, reception or ceremony where an employee is representing the Council or is attending in a professional capacity are examples of hospitality which are acceptable.

7. SPONSORSHIP

- 7.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, the guidelines concerning acceptance of gifts or hospitality apply.
- 7.2 Where the authority wishes to sponsor an event or service an employee and/or their partner, spouse/civil partner, relative must not benefit without full disclosure to the line manager. Similarly where the authority gives support in the community through sponsorship, grant aid, financial or other means employees should ensure that impartial advice is given and that there is no conflict of interest involved.

8. TRADE UNION ACTIVITIES

- 8.1 Nothing in this guidance should be construed as applying to normal trade union activities.

APPENDIX 1

RULES OF GUIDANCE FOR Employee ATTENDANCE AT POLITICAL AND PUBLIC MEETINGS

1. Political Groups

- 1.1. Both the NJC and JNC Conditions of Service say that an employee should not be called upon to advise any political group of the employing authority either as to the work of the group or as to the work of the authority, neither shall he be required to attend any meeting of any political group . The JNC conditions go on to say that this shall be without prejudice to any arrangements to the contrary which may be made in agreement with any employee and which include adequate safeguards to preserve the political neutrality of the employee in relation to the affairs of the Council .
- 1.2. The practice has been that the Chief Executive, directors and senior employees (not normally anyone below second tier) are prepared to attend private political group or party meetings to explain or advise on policies and issues, and should be allowed to do so, provided that this facility is available to **all** political groups and parties represented on the Council. (The Chief Executive should be informed by an employee that he/she is to attend such a meeting).

2. Public meetings

- 2.1. There is no problem with employee attendance at public meetings authorised by a committee or organised by Council employees.
- 2.2. It will normally be acceptable for an employee to attend :
 - 2.2.1 A public meeting (to explain issues or Council policies, give a professional or technical view, or to answer questions) called by a councillor (in their capacity as Chair or ward member);
 - 2.2.2 At the discretion of the Council, a meeting called by a residents group or by an interest group which is not a mainstream political party (i.e. one which usually fields candidates at local or general elections) or closely identified with a political party).
- 2.3. Attendance by employees is subject to :
 - 2.3.1 It being clear that the meeting is genuinely open and that invitations to platform speakers are not restricted to one political party; and
 - 2.3.2 Any existing policy about Council support for the meeting.

3. Public Political Meetings

- 3.1. It is **not** acceptable for employees in their official capacity to appear on a public platform or speak at a political meeting, or at a meeting called by a political party or by a known candidate for election and publicised as such.
- 3.2. It is sometimes difficult to distinguish between a private political meeting and a public one. The fact that an audience has been invited to a meeting, rather than the meeting being thrown open to the public at large, does not necessarily mean the meeting is private. If anyone other than actual members of a political group or party is known to be attending, it is safer to treat the meeting as public.
- 3.3. In any case of doubt, the advice of the Chief Executive or Director of Professional Services should be sought.

4. Politically Restricted Posts

- 4.1. Employees whose posts are politically restricted should also remember that they should not speak in public or publish any written material if the intention appears to be to affect public support for a political party. It is, however, acceptable to explain the Council's position (i.e. one which has been adopted by full Council or a committee) on a policy or issue at a public meeting the employee attends in his/her official capacity.

5. Political Publicity

- 5.1. The relevant legislation, Section 2 of the Local Government Act 1986, is set out below. Note sub-section (2) which says that the time of publication is relevant in determining whether publicity material contravenes the Act. The Government Circular relating to this indicates that particular caution should be exercised in the run up to an election.
- 5.2. In the run up to a local or general election all publicity material should be very carefully scrutinised to ensure political neutrality. If in doubt advice should be sought from the Head of Legal Services.

Prohibition of Political Publicity

- 2.(1) A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.
- (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters -

(a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;

(b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve;

- (3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.

Cambridge City Council - DRAFT Code of Conduct for all employees

What is the Code of Conduct?

The Code of Conduct tells you what Cambridge City Council expects of you in your daily work and your dealings with your colleagues and members of the public. The Council wants to maintain high standards of service and reputation and this document tells you how you play your part in that.

In all aspects of your employment, the Council is committed to treating you fairly and with dignity and respect at all times, in line with the [Comprehensive Equalities and Diversity Policy](#).

Who does it apply to?

This Code applies to all employees, whether permanent or fixed term. Contractors, consultants, temporary agency staff, casuals and volunteers are required to follow the Code when carrying out work for the Council.

Additional guidance for Senior Managers (including Directors and Heads of Service) is given as **Appendix 1** to this Code.

Elected Members have their own separate Code of Conduct, available on the intranet.

What does the Council expect from you?

Under this Code of Conduct, you are required to:

- Conduct yourself with the highest standards of honesty and integrity so the Public maintain confidence in the Council.
- Understand and follow the Code of Conduct and other rules and procedures relevant to your job.
- Follow reasonable management instructions.
- Attend work in a condition to be able to carry out your work safely.
- Act professionally and treat others with dignity and respect.

If you breach the rules of this Code of Conduct it could result in disciplinary action being taken against you.

Council money and equipment

If public funds are entrusted to you they must be used in a lawful and responsible manner, and following any local rules and procedures. Council facilities, vehicles or property must not be

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used for personal use. Specific rules about [internet and e-mail use](#) can be viewed on the Intranet.

Conduct outside work

Although what you do in your free time is your own concern, you should avoid any actions that will negatively affect the reputation of the Council. If you are charged, cautioned or convicted with a criminal offence, or implicated in a criminal investigation; you must notify the Council immediately.

Having another job

If you have another job, you must inform your Manager, and ensure that it does not conflict with your job at the Council. You must not work a total of more than 48 hours per week on average (as stated in the Working Time Regulations).

If you are in pay band 4 or above you must obtain the consent of your Manager before taking another job.

Accepting gifts

You should refuse any gift you are offered by external people you come into contact with at work. The only exception is for small items such as calendars, diaries, sweets or similar token low value gifts. Your Manager should record a note of any gifts received. If you receive something unexpectedly, inform your Director/Head of Service.

You should be aware it is a criminal offence to corruptly receive a gift, loan, fee, reward or advantage for doing or not doing anything in your official capacity.

Hospitality

You should only accept hospitality where it is on a corporate rather than a personal basis, and it is appropriate to the occasion.

Attending a working lunch, or a dinner or ceremony where you will be representing the Council are examples of acceptable hospitality, although you must obtain approval from your Manager.

Being politically neutral

You must be politically neutral and unbiased in your dealings at work, whether or not you are in a 'politically restricted' post. This means you can't allow your political opinions to influence or interfere with your work. If your post is politically restricted, further [political restriction guidance](#) is available on the intranet.

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Expressing your views

You should not publicly voice or associate yourself with an opinion, which is in conflict with a Council view, on a matter that relates to your job. This could lead to loss of public confidence in the Council.

If you are required to explain a decision the Council has made, in the course of your job, you should not express your personal views. The Media Protocol gives further information. Guidance for attendance at public/political meetings is contained in **Appendix 2**.

Conflicts of interest

You should inform your Manager immediately if any conflict of interest occurs between your work duties and your personal life.

Examples of where a conflict of interest could arise include:

- Involvement with a business that is competing with the Council for work.
- Relationships of a business or a personal nature with an external contractor.
- Involvement with an individual or firm who has submitted a planning application.
- Membership of a community group whose views and actions may oppose that of the Council.
- Being on the panel of an interview where you have a personal friendship or are related to the interviewee; or being in a position where you are the line manager to a close personal friend or relative
- You (or a relative or close friend) submitting a planning application.
- Matters that affect you or your family, such as lodging an objection to a planning application as a Cambridge resident.

You must declare personal membership of any organisation which is not open to the public, without formal membership and commitment of allegiance and which has secrecy about rules or members conduct.

If you think a conflict of interest has arisen please inform your Manager immediately.

Concerns

If you have a general concern at work, you should speak to your Line Manager.

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If you have a concern about serious malpractice at work, such as something unethical, fraudulent or illegal, you can contact the Whistle blowing line. Telephone: extension 8181 / 01223 458181 or e-mail: whistleblowing@cambridge.gov.uk

View the full [whistleblowing policy](#) on the intranet.

If you are concerned about bullying or harassment, you should refer to the [dignity at work policy](#).

Confidential Information

In the course of doing your job, you may have access to confidential information such as information about members of the Public. You must never disclose such information without authorisation, or make personal use of it. You must also ensure that confidential information sent outside of the organisation is sent securely, via recorded delivery or is encrypted if being sent electronically. The [Data Protection](#) pages on the intranet give further guidance.

Separation of roles during tendering

If you are involved in the tendering process you should be clear on the separation of client and contractor roles. You must not disclose confidential information on tenders or costs of internal / external contractors to any unauthorised person or organisation.

Safeguarding of Children and Vulnerable Adults

Cambridge City Council has a statutory duty to safeguard and promote the welfare of children, and to develop procedures to protect vulnerable adults. As a City Council employee, you:

- Must be aware of the [Safeguarding Policy](#)
- Must attend Safeguarding training if it's required for your job
- Must not begin any unsupervised activity involving access to children or vulnerable adults before receiving a satisfactory Criminal Records Bureau (CRB) check from the Council.
- Must report inappropriate behaviour or bad practice.

Where to get more information

The Council's Intranet site contains employment policies and guidance, as well as health and safety information.

Speak to your Line Manager if you have any questions or if you cannot access the required information from the Intranet.

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Appendix 1 For Senior Management

Scope

This guidance applies to you if you hold a senior Management position (where you report directly to a Head of Service) or the position of Head of Service or Director. You are also bound by the 'Code of Conduct for All Employees'.

Your responsibilities

As a senior manager of Cambridge City Council, you hold a position of greater trust and confidence. You are expected to:

- Be a role model for all employees in upholding the Code of Conduct, and ensure your teams are aware of its contents.
- Conduct your role with openness, honesty and integrity at all times.
- Ensure that employees understand their roles and that Council policies and procedures are accessible to all.
- Act promptly, thoroughly and fairly when responding to reports of wrong doing within the Council.
- Consider sustainability issues when carrying out your role including in the procurement of goods and services.
- Report any personal conflict of interest immediately.
- Ensure Council funds and resources are used in a proper manner.

Political neutrality

In the course of your work you are expected to adopt a politically neutral and objective approach at all times. You may be required, as part of your role to attend public meetings or private political meetings. You must refer to the Guidance for attendance at public / political meetings contained in **Appendix 2**.

If you hold a politically restricted post, you must read and comply with the [Political Restriction Policy](#).

Personal relationships

Close personal familiarity with another employee, Councillor or member of the Council or a contractor may lead to an accusation

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of bias or other employees feeling uncomfortable; it should therefore be avoided where possible. If a relationship arises this must be immediately disclosed to your Manager.

You must not be involved in the appointment of any applicant for a job if you are their relative, friend or partner; nor should you take a role in their discipline, promotion or pay adjustment. If you are put in a position of being the line manager to your relative, close friend or partner this must also be immediately disclosed. You must not be involved in the awarding of a contract for anyone you are in a close personal relationship with outside of work.

Ethical decision making

As a senior manager you make decisions daily that could be analysed or interpreted by others. Not every ethical dilemma can be outlined in a written Code. You should consider:

- Is the public's confidence in the Council at risk?
- Would a member of the public see the proposed action, decision or practice as fair, honest and appropriate?
- Would the action comply with relevant legislation, policy and practice?

Annual declaration

As a senior officer you are required to complete a Declaration of Pecuniary Interests on an annual basis. This includes details of any outside business interests. The declaration form will be sent to you when it is due to be completed.

You should speak to your Manager if you are in any doubt about a particular issue or aspect of your role.

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Appendix 2

Guidance for attendance at public / political meetings

Scope

This guidance applies to all employees.

Public meetings

You may be expected to attend a public meeting called by a Councillor, to give a professional or technical view or answer questions.

Attendance at public meetings is acceptable only when meetings are genuinely open and invitations to platform speakers are not restricted to one political party.

Public political meetings

It is not acceptable for you in your official capacity to speak at a public political meeting called by a political party.

Private political groups

You will not be called upon to attend or advise any private political group meeting. However the Chief Executive, Directors and senior employees (not below Head of Service) may attend a private political group meeting to explain or advise on Council policies or issues; provided that this facility is available to all political parties who are represented on the Council.

Politically restricted posts

If you hold a politically restricted post, you may not speak in public or publish material that affects support for a political party.

However it is acceptable to explain the Council's position on a policy or issue in your official capacity. Refer to the [Political Restriction Policy](#) for further guidance.

Political publicity

In the course of your work, you must not publish any material, or give quotes which partly or wholly appear to support one political party. This includes materials or quotes referring to a political party, or promoting or opposing a point of view that is identifiable to one political party.

Speak to your Head of Service or Director if you require further guidance about attendance at public/ political meetings.

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