

Officers' Code of Conduct

1 Foreword

- 1.1. We value and respect every member of staff. We value each individual and the diversity of employees with the Council. We value the excellent work that employees give to the Council.
- 1.2. In return we expect that staff adhere to the important rules and guidelines set out within this Code of Conduct.

2 Introduction

- 2.1. The public is entitled to expect the highest standards of conduct from all local government employees. This code of conduct applies to all employees of the Council and to those working on the Council's behalf¹.
- 2.2. It is particularly important for senior, managerial and professional employees. For these employees breaches of this Code will be viewed more seriously.
- 2.3. The Code does not replace existing laws, regulations, policies and conditions of service which all employees must follow. It provides rules for employees in their work to help maintain and improve standards. It also protects them from misunderstandings or criticism.

3 The Nolan Principles

- 3.1. These principles apply to all aspects of public life. The Nolan Committee set them out for the benefit of all who serve the public in any way. The Nolan Principles are set out in Appendix 1 to the Councillor's Code of Conduct and on the Government's website <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>
- 3.2. Harlow Council employees are expected to follow these standards in all their actions at (or related to) their work. Failure to do so may lead to disciplinary action up to and including dismissal for gross misconduct in more serious cases.

4 Standards and Accountability

- 4.1. Employees are accountable to the Council for their actions. Local government employees are expected to give appropriate impartial advice

¹ See Agency Workers, Interims and Consultants Policy

to Councillors and fellow employees. Employees should alert the appropriate managers about any deficiency in the provision of service. They can report any impropriety or breach of procedure to their line manager or through the Council's whistle blowing process.

- 4.2. Many employees are responsible under their own professional codes of conduct. Where professional codes of conduct conflict with the Council's code of conduct, employees should refer to the Monitoring Officer for resolution.

5 Disclosure of Information

- 5.1. It is generally accepted that open government is best. The law requires that certain types of information must be available to Councillors, service users and the public. The Council may decide to be open about other types of information. Senior managers must ensure that their staff know what information is public and what is confidential.
- 5.2. Employees must 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. Employees should not disclose any confidential information without the consent of the Director (or nominated deputy) unless required by law to do so. Equally an employee must not prevent another person from gaining access to information to which they are legally entitled.

6 Political Neutrality

- 6.1. Employees serve the Council as a whole. It follows they must serve all Councillors and not just the controlling group(s). Employees must ensure that the individual rights of all Councillors are respected.
- 6.2. Subject to the Council's conventions, employees may also be required to advise political groups. They should do so in ways that do not compromise their political neutrality. The advice should be impartial, objective and helpful.
- 6.3. Chief and Deputy Chief Officers are politically restricted posts. This means that post-holders may not be active in any political party.
- 6.4. Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 6.5. Any political assistants appointed to fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in paragraphs 6.1 to 6.4.

7 Relationships

- 7.1. Employees must:
 - a) treat others with respect
 - b) not discriminate unlawfully against any person.
- 7.2. All local government employees must understand and comply with the Council's equality policies, as well as legal equality requirements. All members of the local community, customers and other employees² have a right to be treated with fairness and equity.
- 7.3. Employees should always give courteous, efficient and impartial service to all groups and individuals within the community.
- 7.4. Mutual respect between employees and Councillors is essential to good local government. The Council will deal with any breach of this requirement, on either side, in the most serious possible way. Close personal familiarity between employees and Councillors can damage the relationship and embarrass other employees and Councillors. This should therefore be avoided.
- 7.5. Employees must not treat colleagues less favourably or discriminate against them because they have used the Council's grievance, whistle blowing or similar procedures, intend to use them or are suspected of having used them.
- 7.6. Employees must be open about relationships and should avoid putting themselves in any position where they could be accused of showing favouritism.

8 Appointment and Other Employment Matters

- 8.1. Part 4 of the Constitution (Officer Employment Procedure Rules) applies.
- 8.2. Managers involved in³ making appointments must make decisions purely on the agreed criteria for the role, subject to statutory requirements⁴. It is unlawful for an employee to make an appointment based on anything other than the ability of the candidate to do the job.
- 8.3. Specifically, employees must not be involved in the appointment of a relative or friend.
- 8.4. Similarly, employees must not be involved in decisions relating to discipline, promotion, pay or conditions of an employee or prospective employee who is a relative or friend.

² "Employees" includes agency workers, interims and consultants.

³ See Officers Scheme of Delegation, Part 3 of the Constitution

⁴ See Equality Act 2010 - Disability

- 8.5. “Relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of these. “Partner” means a member of a couple who live together. “Friend” means any person with whom an employee has a close or continuing social relationship and for whom the employee would make particular efforts in their personal life beyond those they would make for a stranger or acquaintance.

9 Outside Commitments

- 9.1. The Council recognises that employees’ off-duty hours are their personal concern but they should not put themselves in a position where their official role and private interests or activities conflict.
- 9.2. The Council will not prevent employees taking a second job, providing such work does not, in the Council’s view:
- a) conflict with or have a detrimental effect on the Council’s interests
 - b) undermine the professional integrity of the Council, any of its services or the employee concerned
 - c) in any other way weaken public confidence in the conduct of the Council’s business
 - d) present a health and safety risk to the employee or others
 - e) put the employee at risk of contravening the Working Time Regulations.
- 9.3. The Working Time Regulations include the maximum number of working hours (not work more than 48 hours on average) including contractual overtime, minimum rest periods during a working day and statutory breaks between shifts. The Council does not opt out of the 48 hour week. Any employee taking on additional employment must still comply with the Regulations.
- 9.4. Employees taking a second job must inform their line manager in writing, copying the letter to the Human Resources section.

10 Declarations of Interest by Officers

- 10.1. Employees will be required to make an annual declaration of any potential conflicting interests or confirm that they have no interests. Employees who do not make such a declaration will be deemed to have declared that they have no such interests. Making a materially incorrect declaration or failing to make a declaration when such an interest exists could result in disciplinary action.

- 10.2. Conflicts of interest include a contract or potential contract with the Council or a planning application by a Councillor or their family. Senior managers should notify the Monitoring Officer promptly about any interest declared by a member of their staff and any interest that they have themselves.
- 10.3. Declarations will include financial interests such as land ownership and involvement in contractual or employment relationships. Pecuniary interests may be indirect (i.e. they are financial interests of an employer or relative). A financial interest has the potential for making the employee, the employer or the relative richer or poorer. Any potential for a good or bad effect on Officers, their family, their close relations, friends, clubs, societies, etc. count.
- 10.4. Employees should make their declaration on the relevant form. They should also submit a fresh declaration if their circumstances change during the year. A copy of the form can be downloaded from the Kaonet.
- 10.5. Employees should seek advice from the Monitoring Officer on managing the situation where they are not sure if there is a conflict of interest. Such situations include where an employee has a personal friendship with an individual who they subsequently need to work with as a contractor, consultant or supplier, as an applicant for a licence or permission, or in any other way that could be construed as being prejudicial to fair treatment. Ideally, they will withdraw from the work that causes the conflict of interests but the Council recognises that this will sometimes not be possible. The Monitoring Officer may make arrangements for an independent person to review and ratify all decisions.

11 Contracts and Tendering

- 11.1. The Council's Contract Standing Orders will apply.
- 11.2. Managers and employees must declare any current or past private or personal relationship with any contractor tendering or quoting for Council business or with a potential competitor for such business. Employees may not be involved in awarding a contract where there is such a declarable interest.
- 11.3. Employees involved in the tendering process and dealing with contractors should be clear on the difference and separation between client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 11.4. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

- 11.5. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 11.6. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates, when awarding contracts to businesses run by them, or employing them in a senior or relevant managerial capacity.

12 Gifts and Hospitality

- 12.1. It is a serious criminal offence⁵ for an employee 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 the employee must demonstrate that any such rewards were not obtained corruptly.
- 12.2. Exceptions to this general rule would include small gifts of only token value (less than £25):
- a) given by way of trade advertisements to a wide range of people e.g. calendars, diaries, tape measures and similar articles for use in the office
 - b) given on the conclusion of a courtesy visit such as to a factory, offices or other premises
 - c) where the employee concerned or their family are personal friends of the donor and where refusal would be discourteous.
- 12.3. Employees must declare hospitality, benefits or gifts received or offered as a consequence of their employment to their line manager by completing the form for declaring gifts and/or hospitality. If employees have concerns regarding hospitality they should seek advice from the Monitoring Officer.
- 12.4. Employees should only accept hospitality if there is a genuine need to impart information or represent the Council in the community. Invitations from contractors to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented.
- 12.5. Hospitality may be acceptable if it is:
- a) offered by another non-commercial body
 - b) a modest non-alcoholic drink following a site visit

⁵ Under the Public Bodies Corrupt Practices Act 1889 and the Bribery Act 2010

- c) a working lunch of modest standard provided to enable the parties to continue to discuss business
- d) an invitation to attend a function where the Officer is representing the Council such as where the Officer is invited to speak, opening ceremonies, trade shows etc. or to functions they attend by virtue of their professional position.

12.6. Hospitality that is always unacceptable includes invitations to:

- a) cabarets, theatre or concert tickets
- b) sporting events, other than those covered by items 12.4, 12.5 (d)
- c) holidays, hotel accommodation or the use of a company flat or other accommodation
- d) personal invitations to evenings out
- e) any personal use of facilities or equipment that would not normally be available to the individual at nominal cost (this includes use of vehicles, leisure facilities such as health spas and golf facilities, and any other situation that could be seen as “living the high life” at the public’s expense.

12.7. When hospitality has to be declined, employees should courteously but firmly tell those making the offer about the procedures and standards operating within the Council.

12.8. Employees must not seek or accept discounts or other preferential rates on private purchases of goods or services based on the fact that they are a Council employee. Discounts offered by organisations that have been formally agreed and accepted as part of the Council’s employee benefits package are not prohibited.

13 Sponsorship

13.1. Where an outside organisation wishes to, or is seeking to, sponsor a local government activity, the principles for accepting gifts or hospitality apply. This applies whether sponsorship is by invitation, tender, negotiation or voluntary. Particular care must be taken when dealing with contractors or potential contractors.

13.2. Where the Council wishes to sponsor an event or service, any employee who benefits (or whose partner, spouse or relative benefits) directly from such sponsorship must disclose the interest.

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

14 Council Resources

- 14.1. The Council provides resources to enable employees to carry out their duties. This includes (but is not limited to) telephones, stationery, photocopiers, ICT equipment and software.
- 14.2. The Council may accept occasional and minimal personal use in certain circumstances.
- 14.3. All emails sent through the Council's system are Council property. There is no right of privacy in such correspondence and it must meet the same standards for content as work use. Please see Harlow Council Email policy for reference.
- 14.4. Council property, resources, equipment and working time must not be used for commercial or business purposes, whether for the employee or another individual, in any circumstances. This applies to work for voluntary and Third Sector organisations whether linked to the Council or not.

15 Working Time

- 15.1. Hours of work are set out in individual contracts of employment that may be varied from time to time.
- 15.2. Employees are expected to attend and be available for work at the times specified or within the terms of the non-contractual Flexi Scheme. Any breaks during the paid working day must be reasonable.
- 15.3. The Council does not expect that every minute of work time will be focussed on tasks to be completed. It acknowledges the need to make drinks, take breaks from keyboard or concentrated tasks and so on. See Health & Safety Handbook.
- 15.4. However, this does not give licence to carry out an extended social life in working hours, conduct non-Council business or to use work time for domestic tasks. This does not preclude occasional charitable collections and events where these have prior agreement from the Director.

16 Social Media and Websites

- 16.1. Many employees are now members of one or more social networks in a personal capacity. This is part of their personal lives and does not concern the Council (see 9.1 above).
- 16.2. However, there are ways in which social media can become a problem for employees and the Council. The following actions are contrary to the Council's rules and procedures and any employee taking them will be liable to disciplinary action:

- a) Using social networking sites during working hours if it is not a part of your job to do so.
- b) Using a work email address in connection with any social media site, unless 16.4 applies.
- c) Making any comment through social media that, if it was made at work, would be the basis for disciplinary action such as e.g. libellous, discriminatory, abusive or offensive comments.
- d) Making public any form of confidential information through a network site or through a conversation in a chat room or webpage, even if this is believed to be private.
- e) Using social media as the medium for work discussions with a colleague, particularly where this may compromise confidentiality in any way.
- f) Setting up a false identity designed to appear to represent a real person to comment on work or colleagues.
- g) Using the Council's good name to appear to endorse anything that they are doing or attempting through or with the aid of social media (such as claiming that their role as a Harlow Council employee makes them ideal to do work for a third party).
- h) Claiming or trying to create relationships through social media that would be inappropriate in the real world, or could lead the individuals or the Council to lose good reputation through the apparent relationship.

16.3. For this purpose, "social media" includes all forms and types of media such as YouTube, Twitter, LinkedIn, Instagram, Facebook, Snapchat, Twitch, Reddit and MySpace. This list is illustrative but not comprehensive.

16.4. There will be limited and specific occasions when individual employees will need to use social media to publicise events, to gather market information, or for other specifically agreed purposes. This will normally feature in their job description, be done with the specific prior consent of their Director in consultation with the Communications Officer and the ICT Manager, and using an identity set up specifically to meet the Council's needs.

17 Dress Code

17.1. The Council acknowledges diversity of dress inherent in a modern multicultural society. It is therefore reluctant to set prescriptive rules about what its employees may or may not wear. When the Council provides a uniform, this should normally be worn.

17.2. The Council requires that all employees dress in such a way as to avoid giving offence to either colleagues or members of the public, in line with its policies on Equalities and Diversity.

17.3. Additionally, employees are required to dress in a manner that is consistent with their role in the Council. Exceptions may be agreed as part of a sponsored charity event.

18 Trade Union Activities

18.1. Nothing in this Code should be construed as limiting normal trade union activities.