

CARLISLE CITY COUNCIL

Report to:- Carlisle City Council

Date of Meeting:- 14 September 2010

Agenda Item No:-

Public

Title:- Employee Code of Conduct

Report of:- Deputy TCCE

Report reference:- CE 21/10

Summary:- At its meeting of 13 July 2010, the Employment Panel considered a report of the Deputy TCCE on an Employee Code of Conduct and resolved to recommend to Council that it be adopted.

Report CE. 19/10 and Minute EMP.18/10 are attached.

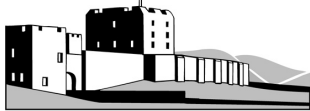
Recommendation:- Council approve the Employee Code of Conduct for immediate adoption.

Contact Officer: Jean Cross

Ext: 7081

13 August 2010

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Report CE 19/10



EMPLOYMENT PANEL

Committee Report

Public

Date of Meeting: 13 July 2010

Title: OFFICER CODE OF CONDUCT AFTER CONSULTATION

Report of: Strategic Director and Deputy TCCE

Report reference: CE 19/10

Summary:

At its meeting of 1 February 2010, the Employment Panel approved an Officer Code of Conduct for consultation with staff and trades unions. Consultation has taken place and the attached appendix is presented to the Employment Panel for approval as the final document.

Recommendation

The Employment Panel recommend the attached Officer Code of Conduct to Council.

Contact Officer: Jean Cross

Ext 7081

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Report CE 03/10

1 Introduction

- 1.1 The Audit Commission have recommended that Carlisle City Council draws up a Code of Conduct for Officers and this is part of the Audit Plan.
- 1.2 At its meeting on 1 February 2010, the Employment Panel approved a draft code for consultation with staff and trades unions. The consultation has concluded, some changes incorporated and a final version of the Code is attached for Members' approval.

2 Summary of consultation feedback and resulting changes

- 2.1 The main constructive comments received were:
 - Insertion of the word 'reasonable' in the sections covering 'Equality' and 'Personal Interests'. This has been incorporated.
 - Questions/suggestions relating to clarification of some issues which has led to amended wording where it was felt that this would be helpful.
 - Suggestion to include reference to the IT Security Policy (done), merge sections on 'Stewardship' with 'Use of Financial Resources' (done) and add some reference to dress standards (done briefly as it is a sensitive subject).
 - A request that the Code should contain detailed references about a number of internal regulations and strategies. Some reference to these have been incorporated, mainly in the final section (Related policies, Procedures and Other Documents) however, the Code is designed for all employees and needs to remain 'easy to read' if it is to be effective. To repeat the information available in other documents would make it lengthy, off putting and cause difficulties with keeping it up to date. It is more effective to ensure that those who require this information are directed to the source documents.

3 Recommendation

- 3.1 The Panel recommend the attached Officer Code of Conduct to Council.

4 Reason for Recommendation

- 4.1 To enable the Council to adopt an up to date, comprehensible Code of Conduct for Officers.

5 Implications

Staffing - staff have been consulted on the Code. No extra resources required.

Legal Comments – none at this stage. When the national code of conduct is released, the code will need to be reviewed to ensure compliance.

Financial – there are a no financial implications arising from this report.

Corporate – SMT have seen and approved the revised draft for presentation to the Employment Panel.

Risk Management – Adopting a code of conduct for employees addresses a risk highlighted by District Audit. The code poses no new risks to the Council.

Crime and Disorder – n/a

Impact on Customers – the code is designed to assist openness in Council dealings.

6 Impact Assessments

Does the change have an impact on the following?

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative
Does the Code impact on the following?		
Age	No	N/a
Disability	No	N/a
Race	No	N/a
Gender/Transgender	No	N/a
Sexual Orientation	No	N/a
Religion or belief	No	N/a
Human Rights	No	N/a
Social exclusion	No	N/a
Health inequalities	No	N/a
Rurality	No	N/a

Reason for considering there is no impact

This is because the Code will apply equally to all employees and covers the way employees conduct themselves at work. It covers the requirement to treat everyone equally and with respect.

Jason Gooding
Strategic Director and Deputy TCCE

APPENDIX 1 Officer Code of Conduct

CARLISLE CITY COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

1. INTRODUCTION

- 1.1 This Code of Conduct applies to all employees of Carlisle City Council. Inevitably some of the issues covered by the code will affect senior, managerial and professional employees more than others.
- 1.2 The public is entitled to expect the highest standards of conduct from all employees of Carlisle City Council. The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality, objectivity and within the law.
- 1.3 A breach of the Code of Conduct may be the subject of disciplinary action which in some cases could result in dismissal.
- 1.4 Other documents relating to the areas covered by this Code are referred to at the end to enable those employees who need reference to these to be aware of them.

2 UNDERPINNING VALUES AND PRINCIPLES

The following principles underpin this Code:

Selflessness: serving only the public interest, never acting improperly or conferring an advantage or disadvantage on any person.

Honesty and Integrity: acting with honesty and integrity at all times and never placing yourself where this could be questioned.

Objectivity: making all decisions on merit.

Accountability: being accountable for your actions and the manner in which these are carried out.

Openness: being as open as possible about your actions and being prepared to give reasons for those actions.

Personal Judgement: exercising sound personal judgement when reaching decisions and not doing what you know to be wrong.

Respect for exhibiting respect for others and promoting equality by

- Others:** not discriminating on the grounds of their race, religion, age, gender, sexual orientation or disability.
- Uphold the law:** upholding the law on all occasions.
- Stewardship:** using resources entrusted to you by your job prudently and lawfully.
- Leadership:** if in a position of leadership, acting in such a way that secures and preserves confidence in your role and that of the Council.

3 TREATMENT OF INFORMATION

- 3.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to elected members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of which information the Council is and is not open about, and act accordingly.
- 3.2 Council 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.
- 3.3 Employees must be aware of their responsibilities in relation to data protection. Each person is responsible for the information they gather, retain and have access to during the course of their work and must treat it in line with data protection requirements. In particular:
- (a) Information received by an employee from an elected member or employee which is private or personal to that individual should not be divulged by the employee without the prior approval of the Councillor or member of staff, except where such disclosure is required or sanctioned by the law, or is required legitimately by the employee or Member to carry out their role within the Council, or the person concerned has agreed to it.
 - (b) Information concerning any service user's private affairs shall not be supplied to any person outside the employment of the Council unless the consent of the service user concerned is obtained first.
 - (c) No employee shall communicate to the public/media the proceedings of the private part of any Council or Executive meeting nor the content of any private document relating to the Council unless required by law or expressly authorised to do so.
 - (d) All personal or private information gained during employees' work must be kept safe and secure. The IT Security policy must be complied with and

employees must not, for example, share passwords or leave them lying around and take care to co-operate with measures designed to keep computer data secure.

4 POLITICAL NEUTRALITY

- 4.1 Employees serve the Council as a whole. It follows they must serve all Elected Members and not just those of any controlling group, and must ensure that the individual rights of all councillors are respected. Some employees may be requested to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 4.2 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.
- 4.3 The Local Government and Housing Act 1989 designates certain posts as politically restricted. Amongst other things, holders are not permitted to be or become a Member of Parliament, an Elected Member with any local authority (other than a Parish or Town Council), or a political agent or sub-agent. Applications for exemption may be made to the Council Standards Committee.

5 RELATIONSHIPS

Elected Members

- 5.1 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Members 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 Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be discouraged.

The Local Community and Service Users

- 5.2 Employees should remember that they represent the Council and always behave in away that does not undermine public confidence.
- 5.3 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 the policies of the Council.
- 5.4 It is the Council's policy to encourage and investigate complaints. Employees must treat complaints seriously and handle them in accordance with the Corporate Complaints and Feedback Policy.

Contractors

- 5.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and in line with financial regulations with no special favour being shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 5.6 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 disclose that relationship. Employees in such circumstances must not participate in any purchasing decisions where that contractor has the potential to be awarded the business.

Employees

- 5.6 Everyone is entitled to be treated with respect and all employees must treat each other courteously and with respect in line with the Council's policy 'Encouraging Mutual Dignity and Respect'.

6 SAFETY

- 6.1 Employees have a duty to their employer not to act in a manner that prejudices the health and safety of another employee, a service user or anyone else. Employees have a duty to be aware of the contents of the Council's Health and Safety Policy and any codes of practice which relate to their work, and comply with their requirements.

7 EQUALITY

- 7.1 Council employees must comply with policies relating to equality and diversity issues as agreed by the Council in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.
- 7.2 Employees should take all reasonable care to ensure that none of their actions could reasonably be interpreted as harassment by anyone else.

8 STEWARDSHIP AND USE OF RESOURCES

- 8.1 Council employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not use property, vehicles or other Council facilities for personal use, unless authorised to do so.
- 8.2 They should strive to ensure value for money to the local community..

- 8.3 Employees involved in purchasing goods and services for the Council, disposing of assets or any other activity involving money must follow Council's procedures relating to that activity as detailed in the Council's financial rules in the Constitution and any other related procedures which may be drawn up from time to time.

9 DRESS AND APPEARANCE

- 9.1 Employees at work represent the City Council and should dress appropriately. Where a uniform or personal protective clothing is provided this must be worn in the correct manner and kept in a reasonable condition.

10 PERSONAL INTERESTS

- 10.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests or the interests of others. In particular, they must:
- (a) Declare to the Assistant Director Resources any financial or non-financial interests that could bring about a conflict with the Council's interests.
 - (b) Comply with the Council's rules on the declaration by employees of hospitality or gifts offered to or received by them from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. This includes recording the offer whether or not it is accepted. Employees must not accept benefits from a third party, unless authorised to do so by the Council.
 - (c) Seek permission from their Assistant Director to carry out paid work outside the Council if their pay rate is grade G and above (pay point 18 and above) . Permission will not be unreasonably withheld. The work must not cause a conflict of interest with their Carlisle City Council job (or be capable of being reasonably perceived to do this).
 - (d) Advise their line manager if they have a second job or participate in outside activities that may cause difficulty with their Carlisle City Council job. This could occur if, for example, a second job involves a lot of driving and their Carlisle City Council job also involves driving and there is a danger of them exceeding the number of driving hours allowed, or their second job means they get insufficient rest at night and compromise theirs and others' health and safety.
- 10.2 In order to avoid any perception of partiality, staff must not handle service requests for themselves, their relatives or friends and, if requested to do so, must pass it to a

colleague. Examples of such requests include Council Tax and Housing benefits, planning applications, or applications for grants.

- 10.3 Employees must not use, or attempt to use, their position improperly for their, or anyone else's advantage or disadvantage.

11 APPOINTMENT OF STAFF AND OTHER EMPLOYMENT MATTERS

- 11.1 Employees involved in appointments should ensure that these are made on the basis of merit in accordance with the Council's Equal Opportunities Policy. It would be unlawful for an employee to make an appointment which 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/have had a close personal relationship outside work with him or her. If necessary, disclosure should be made.
- 11.2 Similarly, employees should not be involved in decisions relating to discipline, promotion, pay adjustments or any other activity which has the potential to confer a benefit or disadvantage for any other employee who is a relative, or have/have had a close personal relationship outside work with him or her. If an employee finds themselves in this position they must advise their line manager who will make suitable alternative arrangements.

12 CORRUPTION

- 12.1 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.

13 SPONSORSHIP – GIVING AND RECEIVING

- 13.1 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.
- 13.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an 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.

14 WHISTLEBLOWING

- 14.1 Where an employee becomes aware of any activity which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the code of conduct for employees, the employee should report the matter. The Public Interest Disclosure Act 1998 and Carlisle City Council's Confidential Reporting Policy provide for any employee making a disclosure that they reasonably believe to be true is protected from any detrimental treatment by their employer.

15 INVESTIGATIONS BY THE MONITORING OFFICER

- 15.1 Where the Council's Monitoring Officer is undertaking an investigation in accordance with regulations made under Section 73(1) of the Local Government Act 2000, a Council employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

16 RELATED POLICIES, PROCEDURES AND OTHER DOCUMENTS

The following documents will provide more detail on the issues covered in this Code, where the employee needs to know more detail. A copy can be found on the Intranet, except where otherwise stated. Those without easy access to the Intranet should ask their manager for a copy.

- 1 National Fraud Initiative
- 2 Corporate Complaints and Feedback Policy
- 3 Health and safety Policy
- 4 Departmental Health and Safety arrangements, risk assessments and safe working practices (copy in paper files in each department)
- 5 Encouraging Mutual Dignity and Respect policy
- 6 Confidential Reporting Policy
- 7 Carlisle City Council especially for details of Financial Regulations, Contract Procedures, Assets disposal and role of Standards Committee Financial Regulations
- 8 Disciplinary Policy, Guidance and Procedures
- 9 Keeping Children and Young People Safe Policy and Arrangements
- 10 Procedure for reporting the offer of gifts and hospitality
- 11 Protocol on Member – Officer Relationships
- 12 Fraud and Corruption Strategy

EXCERPT FROM THE MINUTES OF THE EMPLOYMENT PANEL HELD ON 13 JULY 2010

EMP.18/10 OFFICER CODE OF CONDUCT AFTER CONSULTATION

The Strategic Director and Deputy Chief Executive (Governance & Resources) presented report CE.19/10 which set out the final Officer Code of Conduct following consultation with staff and trade unions.

The Strategic Director reminded the Panel that the Audit Commission had recommended that Carlisle City Council prepared a Code of Conduct for Officers. At its meeting on 1 February 2010, the Panel approved a draft code for consultation with staff and trade unions.

The Strategic Director gave a summary of the consultation feedback and the resulting changes which had been incorporated into the final version. He confirmed that the approved code of conduct would be circulated to members of staff via email, a newsletter with pay slips and would be incorporated into the induction process.

RESOLVED – That the Employment Panel referred the Officer Code of Conduct to the City Council for adoption.