

Report

Standards Committee

Part 1

Date: 15th April 2021

Item No: 7

Subject **Employee Code of Conduct – revised February 2021**

Purpose To consider and endorse the revised Employee Code of Conduct and recommend its adoption to Council.

Author Head of Law and Regulation

Ward General

Summary The Employee Code of Conduct forms part of the Council’s written Constitution and is incorporated into the contracts and terms and conditions of employment of all Council staff. All staff are required to act in accordance with the Code and any breaches or failure to comply may result in disciplinary action. The Employee Code of Conduct is subject to regular review, but was last updated back in 2017 and reported to Standards Committee in April 2018.

A recent Corporate Governance Audit has identified the need for the Employee Code of Conduct to be reviewed and updated, once again, to reflect changes in legislation, in particular data protection and GDPR changes. The Audit Report also recommends that the revised Code should be agreed by Standards committee and recommended to full Council for adoption as part of the written Constitution

Proposal To endorse the revised Employee Code of Conduct and recommend its adoption to Council.

Action by Head of Law and Regulation

Timetable Immediate

Background

1. The Employee Code of Conduct applies to all employees of Newport City Council and is recommended for adoption by the Governing Bodies of all community schools in Newport. The Code sets out relevant legislation and regulations which apply to all Council employees and prescribes minimum standards of behaviour in order to protect the integrity of both employees and the Council.
2. As such, the Employee Code of Conduct forms part of the Council's written Constitution and is incorporated into the contracts and terms and conditions of employment of all Council staff. All staff are required to act in accordance with the Code and any breaches or failure to comply may result in disciplinary action.
3. The Employee Code of Conduct is the staffing equivalent of the Members Code of Conduct and, taken together, form an ethical standard framework for both Council employees and elected members in order to maintain confidence in the delivery of public services. Standards committee have previously recommended to Council the adoption of a Member/Officer protocol which provides practical guidance on the inter-relationships between officers and members and the two Codes of Conduct.
4. The Employee Code of Conduct is subject to regular review, but was last updated back in 2017 and reported to Standards Committee in April 2018. The previous revision updated the Code to reflect changes in legislation and social media protocols. It was agreed by the Employee Partnership Forum, comprising Cabinet Members, officers and trade union representatives, and was then subject to wider staff consultation and engagement. The final version was reported to and agreed by Standards Committee at its meeting in April 2018.
5. A recent Corporate Governance Audit has identified the need for the Employee Code of Conduct to be reviewed and updated, once again, to reflect changes in legislation, in particular data protection and GDPR changes. The Audit Report also recommends that the revised Code should be agreed by Standards committee and recommended to full Council for adoption as part of the written Constitution.
6. A draft of the proposed updated Employee Code of Conduct is attached at [Appendix 1](#). There are no substantive changes since 2018 but a number of drafting amendments have been made to reflect changes in legislation and practice, and with links to current Council policies and procedures. The revised Code of Conduct has been agreed by the Employee Partnership Forum and has been the subject of internal consultation.
7. Standards Committee are now asked to agree the revised Employee Code of Conduct and recommend its adoption to council.
8. Once adopted, the revised Code will be communicated to all staff, made available on the intranet and the Employee Handbook. It will be widely promoted and included as part of the revised staff induction training programme. A behavioural framework will be also taken to Corporate Management Team for approval, reflect the expected behaviours that are listed on every job description that is subject to recruitment.
9. In order to ensure that the revised Employee Code of Conduct is effective in maintaining standards of behaviour and integrity, there needs to be a regular process for monitoring its effectiveness. Therefore, it is recommended that standards Committee undertake a periodic review of how the Code is being applied and operated, as part of its forward work programme.

Options Available

10. Standards Committee are, therefore, requested to endorse the revised Employee Code of Conduct and recommend its adoption to Council

Comments of Chief Financial Officer

11. There are no financial implications.

Comments of Monitoring Officer

12. Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

13. Included in the report

Dated: 7th April 2021

Appendix 1



Employee Code of Conduct

This document constitutes Part 5, Section 2 of the Council Constitution

Version 2.0 – revised February 2021

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1.0 Policy

1.1 Policy Application

This policy applies to all employees of Newport City Council and is recommended for adoption by the Governing Bodies of the schools within Newport City Council.

All employees are expected to act in accordance with the Code – failure to do so may result in disciplinary action. As such the Code should be read in conjunction with the [Disciplinary Policy](#)

1.2 Purpose of the Policy

The public is entitled to expect the highest standards of conduct from Council employees. The aim of this Code is to ensure that the rules and standards set by the Council, and expected to be followed by its employees, are clear.

This Code describes minimum expected standards that protect the integrity of both employees and the Council. Underpinning the Code of Conduct is a set of corporate values that are vital to the Council's success. The values help the Council to maintain and improve the services it delivers both internally and externally.

The values of Newport City Council are:

<i>Courageous</i>	We expect our staff to be ambitious and innovative.
<i>Positive</i>	As an organisation we are always helpful and constructive, supporting and enabling residents to do more for themselves.
<i>Responsible</i>	Responsible means that we trust our staff to take responsibility and to be accountable for their actions and the quality of their work.

1.3 Employee's Responsibilities

It is the responsibility of all employees to read, understand and work in accordance with the Employee Code of Conduct and to:

- Maintain conduct of the highest standard such that confidence in their integrity is sustained
- To be fair and honest in all activities at work
- Incorporate and promote equality and diversity in all that is done
- Ask for clarification on any aspects of the Code when there is uncertainty

1.4 Manager's Responsibilities

In addition to the above, Managers are also responsible for the application of this policy in their work area and will:

- Role model the required standards of behaviour
- Reinforce the required standards of behaviour through appropriate communications with their teams
- Provide clarification, where required, to improve employee understanding and give feedback to employees on their performance in relation to the required standards of conduct
- Take appropriate action at the earliest opportunity to manage non-compliance with the standards set out in this Code

1.5 Equality

Employees must ensure that they act in accordance with the Council's Strategic Equality Plan and treat colleagues, service users, members of the public and councillors fairly, impartially and with dignity and respect. Language and behaviour in the workplace must be conducive to productive and harmonious relationships.

The Council will not tolerate discriminatory behaviour, including harassment, and any such acts will be dealt with, as appropriate, through the Disciplinary or Bullying and Harassment Policies.

1.6 Health and Safety

Employees have a duty of care as set out under the Health and Safety at Work Act 1974, and must not wilfully or intentionally act in a manner liable to place the public, colleagues or themselves at risk. As such employees are legally bound to comply with all safety rules and instructions set by the Council.

1.7 Standards of Dress and Appearance

The Council expects employees to observe a standard of personal appearance which is appropriate to the nature of the work undertaken, follows operational requirements and which portrays a professional approach which the public will have confidence in. Employees are expected to observe a high standard of cleanliness and personal hygiene.

The Council values the ethnic diversity of its workforce and will take into account ethnic and religious dress requirements. In all cases employees are expected to wear uniform issued for health and safety reasons.

1.8 Alcohol, Drugs and Other Substance Misuse

The Council takes the health and well-being of its employees seriously and wishes to minimise problems at work arising from the effects of alcohol and drugs (whether prescribed or illegal).

Employees are encouraged to seek appropriate medical advice and have a duty to report any problems associated with their ability to drive, use equipment or perform other work related tasks.

Where the behaviour or performance of employees falls below expected standards and presents a risk to colleagues, service users, member of the public or others due to alcohol, drugs or other substance misuse, this will be addressed under the Disciplinary Policy or through such other measures as are appropriate to the circumstances.

It is a criminal offence to produce, possess or supply an illegal substance.

2.0 Conflicts of Interest

2.1 Notification of Criminal Investigations and Other Required Disclosures

The Employee Code of Conduct places a general obligation on all employees to disclose information which is relevant to their capability, capacity and suitability to carry out the duties and responsibilities for which they are employed. This general obligation applies irrespective of the role undertaken by the employee and is not limited to information which relates to a conviction, caution, reprimand or warning. For employees undertaking roles for which a criminal record disclosure is required there is a specific obligation on them to disclose any convictions, cautions, reprimands or warnings that they receive in the course of or which are relevant to their employment.

In all cases a failure to disclose relevant information or the deliberate withholding of such information is likely to amount to a breach of trust and confidence and has the potential to lead to the termination of employment.

For the avoidance of doubt, an employee must immediately inform their manager if, during their employment with the Council, they are:

- Advised that they are under investigation for a criminal act (including road traffic offences)
- Arrested in connection with a criminal act
- Notified that criminal charges are being considered against them

- In receipt of a summons to appear before a court of law for an alleged offence
- Found guilty and convicted of an offence
- Receive a police caution
- Are involved in any other matter which it would be reasonable to think would impact upon their role and or professional standing
- Employees who are required to drive as part of their duties must also declare any penalties received in connection with motoring offences

2.2 Secondary Employment

Employees may carry out additional work, employment or outside activity if it is not in conflict with the Council's business. Employees must inform their line manager of any additional work or employment and should complete the declaration in appendix 1. If it is considered that the nature of the employee's external employment will be in conflict or where it affects work performance, the Council reserves the right to further discuss the implications of this with the employee.

Employees must not undertake any personal work or secondary employment during the hours they are employed by the Council or use any Council property, equipment etc. to undertake such work.

Appointments such as governors, councillors to other local authorities, membership of the Territorial Army etc. do not constitute secondary employment; however an employee must still inform their line manager of any such appointments in relation to future requirements for time off work.

All employees who undertake additional work (either paid or voluntary) must notify their line manager in order to ensure compliance with the Working Time Regulations 1998. Where applicable, employees will need to sign an individual [opt-out agreement](#) to dis-apply the forty eight hour working week limit.

2.3 Accuracy of Records and Other Documents

The deliberate falsification of documents is not acceptable. If an employee falsifies records or other documents to secure pay or another financial benefit, this is regarded as a criminal offence as well as a serious disciplinary matter.

Where falsification is intended to gain a nonfinancial advantage such as flexi-credit time, the Council will regard this as a serious disciplinary matter. Any deliberate falsification of records or other documents may lead to dismissal.

2.4 Financial Inducements, Gifts and Hospitality

The Council is committed to conducting its services fairly, honestly, openly and adhering to the [Anti-Fraud and Corruption Strategy Policy Statement](#). No employee should accept any gift or hospitality from any person, firm or organisation with whom the Council has had, is

having, or is contemplating having, dealings of any kind, other than in accordance with this Code.

The acceptance of any gift or hospitality shall be subject to the approval of the Head of Service/Head Teacher. Wherever possible, approval should be obtained before acceptance. Employees should report to their Head of Service/Head Teacher any offer of a gift or hospitality regardless of whether or not they accept it.

Employees should not accept significant personal gifts from contractors and outside suppliers, although it is considered acceptable for employees to keep insignificant items of token value such as pens, diaries, etc.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised.

When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

When a gift is received, but not authorised for acceptance, it shall either be returned to the giver, or with the giver's consent, passed to the Mayor for donating to a local charity or similar organisation.

In the interests of openness and accountability, each Head of Service/Head Teacher must establish and maintain a register of gifts and hospitality for themselves and the employees under their control, detailing the nature of the hospitality and indicating whether it has been declined or accepted. All registers will be subject to periodic review by the Head of Law and Regulation. Each employee is responsible for declaring this information in the appropriate register.

2.5 Legacies/Bequests in a Will

An employee must not have any financial dealings with any service user to whom the Council provides services and must not borrow money or property nor act as executor of a service user's will, except where there is a specific requirement of the post and only within the specific boundaries of the post.

If an employee has been made a beneficiary in the will of a service user they must inform their line manager immediately.

2.6 Promotional Offers and Prizes

If an employee is responsible for the purchase of goods and supplies, any promotional offers or prizes given by suppliers are the property of the Council or individual School, as appropriate. These promotional offers may include a free gift, holiday offer or vouchers. Promotional offers should only be used for the benefit of the Council. Promotional offers should be brought to the attention of the employee's line manager and a record maintained of whether it was accepted or declined.

2.7 Declaration of Bribes/Threats

Staff must disclose to the appropriate manager, details of any threats, offers or bribes made to them by:

- Any person under the supervision of the service, or made on behalf of such a person, with the intention of securing some advantage.
- Any person attempting to secure some advantage on behalf of themselves, others or their company in connection with dealings with the Authority.

2.8 Sponsorship

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, spouse or relative, must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of 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.

2.9 Political Neutrality

Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

Employees should not be called upon to advise any political group of the Council, either as to the work of the group or as to the work of the Council, and they should not be required to attend any meetings of any political group. However, it is accepted that certain employees may be invited to advise any political group of the Council as part of the substantive duties and responsibilities of their post.

Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. Whilst engaged in Council business, employees must not wear or display any objects indicating support for or opposition to any political party or view. This applies to private vehicles used whilst undertaking Council business.

If a post is politically restricted, an employee will be advised upon appointment of restrictions and must comply with these.

2.10 Safeguarding

The Council has a statutory duty to ensure the safety and welfare of children, young people and adults at risk. All employees who, during the course of employment, have direct or indirect contact with children or adults at risk or have access to information about them have a responsibility to safeguard and promote their welfare.

Further information can be found in the [Council's Safeguarding Policy Statement](#)

3.0 Relationships

3.1 Personal Relationships

Employees must declare to their manager any situation where their impartiality, objectivity or honesty may be compromised due to their being related to or having a close personal relationship with someone at work.

In any situation where employees in a personal relationship work in close proximity, the Council reserves the right (without breach of contract) to require one or both employees to change their roles or duties.

3.2 Appointments and Other Employment Decisions

Appointments should be made on merit. During recruitment, candidates are required to declare any personal relationships they have with councillors or employees. Existing employees must not be involved in recruitment or other management processes involving a friend/relative or someone they have a close personal relationship with.

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

3.3 Councillors

Mutual respect between employees and councillors is essential to provide quality local government services. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing and should therefore be avoided.

Councillors will act in accordance with the Members Code of Conduct in the course of their working relationship with employees.

3.4 Contractors/Partner Agencies/Procurement

All orders and contracts must be awarded on merit, by fair competition against other bids, quotations or tenders in compliance with the Council's Contract Standing Orders. Employees whose work involves the procurement, appointment or supervision of contractors must disclose any former or current private or official relationship with relevant contractors to their manager.

If an employee is privy to confidential information on tenders or costs for external or internal contractors, this should not be disclosed to any unauthorised party or organisation.

All relationships of a business or private nature between employees who are involved in working alongside partner agencies in joint initiatives should also be made known to the relevant manager.

3.5 Local Community and Service Users

Employees have responsibilities to all residents of and visitors to Newport and must ensure courteous, efficient and impartial service delivery to all groups and individuals. Antagonistic or aggressive behaviour is not acceptable.

Employees in close contact with vulnerable customers or who are involved in the care and protection of service users should respect their dignity, privacy and confidentiality. They must not in any way abuse, neglect or harm service users, exploit their professional relationship or abuse their trust. Employees must not form inappropriate relationships with service users.

Any conflict of interest or concerns regarding welfare must be reported to the Line Manager/Head Teacher or through the appropriate Safeguarding or Whistle Blowing Policies.

3.6 The Media

In general, all communication with the media relating to the activities of the Council are handled through the Strategic Communications Team. Employees are not permitted to communicate with the media on matters relating to the activities of the Council without appropriate authorisation from their Head of Service. If an employee is contacted by a journalist, they should be referred to the Strategic Communications Officer.

4.0 Use of Council Property, Facilities or Equipment

4.1 Use of Council Facilities and Systems

Council assets and facilities, including stationery, tools, personal computers, laptops, machinery, photocopiers, vehicles, offices and car parks must be used for official Council business only.

Computers, software and data must be used in line with the Council's [Information and IT Security Policy](#) and the [Acceptable Use Policy](#).

All Council resources must be used with care to avoid wastage, loss or damage. All Council property must be returned on leaving employment or if transferred/promoted into a role in which it is not required.

As a member of the public, if an employee wishes to access property, facilities, services or equipment which is normally provided by the Council on a commercial basis they must not gain advantage due to employment with the Council. Where there may be a perception of potential conflict an employee should advise their manager.

4.2 Use of Council Communication Systems

The Council has the right to access and monitor communication systems provided to employees and will monitor usage of its communication systems e.g. telephone, email and internet access to ensure proper use, including running reports to detail usage levels.

Communication systems may be accessed when the Council suspects an employee has been misusing Council facilities or, for the investigation of suspected fraud or other irregularity. Very exceptionally, and where service delivery reasons exist, an employees' Head of Service may approve access to emails when an employee is absent. Access to facilities may be temporarily suspended whilst an investigation is on-going and may be permanently withdrawn where misuse is detected. Cases of misuse may result in disciplinary action being taken.

4.3 Telephones and Mobile Phones

Generally an employee should use the telephone or other mobile devices provided by the Council for business use only. However the Council recognises, in exceptional circumstances, it may be necessary for an employee to make or receive personal calls during working hours. Any such calls should be made in line with the [Mobile Communications Policy](#).

4.4 Email and the Internet

Email and the internet are available for work purposes and provisions apply as part of agile working. External email is not secure and employees must take this into account when choosing how personal and confidential information is communicated.

4.5 Social Networking Websites

Employees must ensure that in their use of social media they do not make comments about other employees, councillors or the Council that are or could be perceived to be derogatory, abusive, damaging to the individual's or the Council's reputation or amount to harassment, even where such comments are made outside working hours. They should be mindful that such comments could give rise to legal action.

Employees must ensure that no information is made available that could provide a person with unauthorised access to the Council's confidential information and they must refrain from recording any confidential information regarding the Council on any social networking website.

The Council will take action to prevent misuse of social networking sites as the Council as the employer may be vicariously liable for the acts of an employee in certain circumstances. The Council will consider what action to take to address any malicious, untrue or otherwise inappropriate allegations which may circulate on social media sites.

4.6 Personal Websites and Blogs

If an employee wishes to set up personal web forums or blogs, this must be done outside of work time, not use Council equipment and adhere to this Code. Any breach committed in or out of work time could lead to disciplinary action.

4.7 Intellectual Property

All records, documents and other papers relating to the Council's business which are made or obtained by employees in the course of their employment are the property of the Council. The copyright on all such original records, documents, papers (including copies and summaries thereof) belongs to the Council.

Any matter or thing capable of being patented under the Patents Act 1977 and which is made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties must be disclosed to the Council. Subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

5.0 Confidentiality and Information Security, Data Protection and Use of Council Information

5.1 Confidentiality and Information Security

The Council supports and promotes the principles of open government and welcomes opportunities to share information with the community. Legislation also requires that certain information must be available to councillors, auditors, government departments, service users and the public. The Council publishes its performance results and discloses information in line with the Freedom of Information Act.

Employees must be aware of the type of information which must be made available and to whom. Information can be stored or communicated in many ways:

- Image (e.g. photos, CCTV)
- Verbal conversation (e.g. face to face, telephone, Skype, Teams)
- Computerised and other electronic systems (e.g. email, voicemail, USB, social media, case management systems)

The Council's [Information Risk Management Policy](#) and [Information Security Incident Reporting Policy](#) set out how to identify what information must be kept confidential and what can only be disclosed with relevant authority. The Council must ensure that:

- The information will be protected against unauthorised access
- The confidentiality of information will be assured
- The integrity of information will be maintained
- Regulatory and legislative requirements will be met

Adherence to the Council's policies in relation to information security is mandatory. Any breach of this may result in disciplinary and/or criminal proceedings.

5.2 Data Protection

The General Data Protection Regulations 2018 (GDPR) deal with appropriate protection of any information in which any living person can be identified. This is personal information and it may not necessarily include a person's name. Both the Council and all staff are under an obligation to comply with the GDPR. These obligations include how personal information should be obtained, stored, accessed and used and the [Information Sharing Policy](#) provides further guidance.

5.3 Use of Council Information

Employees must not use any information obtained in the course of employment with the Council for personal gain or benefit or pass it on to others who might use it in such a way. This includes the disclosure of any third party confidential information which could be prejudicial to the Council's interests.

Deliberate disclosure of confidential information may be considered gross misconduct and may result in dismissal under the Council's Disciplinary Policy.

5.4 Public Concern and Whistle Blowing

The Council does not tolerate any form of malpractice. All employees have an important part to play in reporting activities they believe to be illegal, improper or unethical and are expected to cooperate with investigations.

Employees must not make any public statements in any capacity whatsoever about matters covered by the Whistleblowing Policy until they have exhausted the policy, unless such a disclosure is allowed for within the policy.

Please refer to the [Whistleblowing Policy](#) for more information.

6.0 Compliance with the Code

6.1 Employee Declarations

Employees are responsible for keeping Managers informed of any change of circumstance that gives rise to a need to update their declarations as found in appendix 1. Declarations should be made in writing using the appropriate form and copies will be held on your HR file.

The Council holds all employee declarations confidentially, however these may be used for purposes such as disciplinary where appropriate.

Appendix 1 Register of Employee Disclosures (to be sent to HR Payroll once completed)

(Please forward this to your Head of Service/ Headteacher to sign after completing)

Name: Post:

Section: Service Area/ School:

Tick Relevant Section

Relationships Details

- Councillor Name of Councillor..... Nature of Relationship
- Contractor Name of Company/Contact..... Nature of Relationship
- Partner agencies Name of Agency/Contact..... Nature of Relationship
- Employee Name, Position & Service Area..... Nature of Relationship
- Other (please specify)

Personal Interests

- Financial Name of Organisation
- Non-Financial Name of Organisation
- Details of interest
-
- Other (please specify)

Outside Commitments

Secondary Employment with Newport City Council

Service Area/ School & Post Contracted Hours

Secondary Employment with External Organisation

Name of Organisation/ Post Contracted Hours

Other (please specify), i.e. voluntary

Name of Organisation/ Post Hours Worked

Gifts / Hospitality

Name of Organisation

Other (please specify)
i.e. from individuals

Type of hospitality/ gift including amount, if applicable

Comments of Head of Service/ Headteacher
(about gifts/ hospitality)

Signature of Employee Making the Declaration Date

Signature of Head of Service/ Headteacher Date

If you are unsure about any aspect of completing this form please see your line manager. *Please use additional sheet*