

SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

Policy Document

- 20.1 The public is entitled to expect the highest standards of conduct from all Powys County Council employees, including school based staff (those funded by the School's Delegated Budget), in performing their duties. You are here to serve the Council in providing advice, implement its policies and deliver services to the local community. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.
- 20.2 The purpose of this Code is to assist you in carrying out your job by making clear the standards of behaviour the Council requires you to meet. It incorporates the existing laws, regulations and conditions of service you should be aware of in your work for the Council.
- 20.3 This Code aims to ensure that confidence in your integrity as an employee is maintained at all times.
- 20.4 This Code forms part of your contract of employment and must be followed – a breach of the Code could lead to disciplinary action being taken against you, which may include dismissal.
- 20.5 A climate of mutual confidence, trust, respect and support between Members, managers and staff is critical to achieving the Council's objectives and for the fulfilment of all employees. You are expected to show commitment to the Council and to further its objectives as much as you can. If there are allegations that you have brought the Council into disrepute, disciplinary action may be taken against you.
- 20.6 Under this Code you are expected to take responsibility for the decisions that you may make as part of your employment. You should work within the law and be aware that the decisions you make may be scrutinised. If you feel that you require further training / guidance for your role, you should raise this with your line manager either directly as part of the recruitment process or through 1-1's and / or the Individual Performance Review (IPR) process.
- 20.7 The Code applies to all employees of the Council. The Code also applies to contractors, agency staff, volunteers and those on placements working on behalf of the Council.
- 20.8 As an employee you serve the whole of the Council. You are accountable to, and owe a duty to this Council. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees in discharging public functions responsibly and according to the law.
- 20.9 As an employee, you are required to serve the whole of the Council, including Elected Members and School Governing Bodies, equally and with impartiality.
- 20.10 Each Head of Service or Headteacher will be responsible for ensuring that each department maintains and regularly updates a register of Declarations of Interest, as well as centrally recording the receipt of gifts and hospitality. Strategic Directors will inform the Monitoring Officer directly of situations or conflicts of interest in which they may be involved.

Nolan's Seven Principles of Public Life

- 20.11 The following 7 principles of public life apply to anyone who works as a public office-holder, including local government employees.

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Selflessness

20.11.1 Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

20.11.2 Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

20.11.3 In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

20.11.4 Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

20.11.5 Holders of public office should be as open as possible about all the decisions and actions that they take. They should give and record reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

20.11.6 Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

20.11.7 Holders of public office should promote and support these principles by leadership and example.

The Expected Standards

Equality

20.12 All members of local communities, customers and other Council employees have a right to be treated fairly and equitably. You should become familiar with and observe all Council policies and procedures related to equality issues in addition to the requirements of the applicable laws in this regard, such as the Equality Act 2010.

Definition of Declaration of Interest & Conflict of Interest

20.13 A working definition of a conflict of interest is:

"a conflict between the private interests and the official responsibilities of a person in a position of trust".

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- 20.14 The definition is not restricted to cases where you actually betray this trust; it can be equally damaging for the conflict of interest to exist or to appear to exist or even have the potential to develop into an actual or perceived conflict of interest. This policy is a mechanism for protecting Council employees against criticism or compromise by ensuring that you recognise and disclose such conflict situations and take steps to avoid and manage them.
- 20.15 A conflict of interest arises where the commitments and obligations owed by you to the Council or to other bodies, for example a funding body, are likely to be compromised, or may appear to be compromised, by:
- 20.15.1 your personal gain, or gain to immediate family (or a person with whom you have a close personal relationship), whether financial or otherwise;
 - 20.15.2 your commitments and obligations that you owe to another person or body.
- 20.16 There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. It is your responsibility to recognise situations and activities in which you have a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to your Head of Service, submitting a request seeking permission to undertake such activities.
- 20.17 Conflicts of interest may be financial or non-financial, or both:
- 20.17.1 financial interest refers to anything of non-trivial monetary value, including, but not limited to, pay, commission, consultancy fees, equity interests, forgiveness of debt, property, royalties, intellectual property rights.
 - 20.17.2 non-financial interest refers to any non-financial benefit or advantage, including, but not limited to, enhancement of an individual's career, education or professional reputation; access to privileged information or facilities.
- 20.18 In order to Declare an Interest or Conflict of Interest, you must complete the form which can be found in Appendix A of this document. The Head of Service for each department will ensure that there is a centrally held log, containing all Declarations of Interests and Register of Gifts & Hospitality, containing the forms found in Appendices A and B. Each year, during the 1:1 sessions or the IPR the declaration form will be checked, changed and verified where required.
- 20.19 The Monitoring Officer has the right to audit the Declaration Forms at any time.

Tendering Procedures

- 20.20 Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees **must** comply fully with the tendering procedures as set out in the Contract Procedure Rules – Section 17 of the Constitution.
- 20.21 If you are responsible for engaging or supervising contractors and have previously had, or currently have a relationship in a private or domestic capacity with contractors, you must declare that relationship to your Head of Service, in writing.

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- 20.22 If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.
- 20.23 All employees must ensure that no special favour is shown to current, recent or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

Relations with Members, Public and Other Employees

- 20.24 As an employee of the Council, whether your post is politically restricted or not, you must follow every lawfully expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work. Where your post is politically restricted (by the reason of the post you hold, the nature of the work you do, or the salary you are paid), you must comply with any statutory restrictions on your political activities.
- 20.25 As part of your work, you may be required to inform political groups. You must do so in ways which do not compromise your political neutrality.
- 20.26 Mutual respect between employees and Members is essential to good local government, and working relationships should be kept on a professional basis. Any personal relationship between you and a Member must be recorded on a Declaration of Interest Form found in Appendix A.
- 20.27 You should deal with the public, Members and other employees sympathetically, efficiently and without bias.
- 20.28 Close personal relationships between yourself and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided wherever possible.
- 20.29 Whilst your private life is your own concern, you must not allow your private interests to conflict with your public duty. You must not misuse your official position or information acquired in the course of your employment to further your private interests, or in the interests of others.

Financial & Council Property Matters

- 20.30 If you are entrusted with public funds, you must ensure that you use them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Council for personal use unless you are authorised to do so.
- 20.31 You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 20.32 If you claim benefit e.g. Housing Benefit, Occupational Sick Pay or Council Tax Benefit, from this Council or any other, to which you are not entitled, it is likely that you will be liable to action under the disciplinary procedure.
- 20.33 Personal Use of Internet and Email must be in accordance with the Council's current Internet and Email Acceptable Use Policy and Guidance. Any inappropriate comments regarding the Council, made on Social Media sites, may bring the Council into disrepute and may lead to disciplinary action being taken against you.
- 20.34 Personal Telephone Calls in Council time should be kept to a minimum. Outgoing calls and personal incoming calls should occur infrequently and be kept as short as possible. Text message must also be kept to a minimum and made during break times wherever possible.
- 20.35 Intellectual Property is property which enjoys legal protection, such as patents, copyright, trademarks, designs and software. Where developed in the course of

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your duties, such intellectual property is the property of the Council. Intellectual Property includes all confidential information regarding the business of the Council.

- 20.36 You must not make use of the Council's property to conduct private work. Property includes buildings, vehicles, phones, stationery etc. This list is not exhaustive.

Whistleblowing

- 20.37 In the event that you become aware of activities which you believe to be illegal, improper, unethical or inconsistent with this Code, you have a duty to report this matter, in accordance with your rights under the Public Interest Disclosure Act 1998, and the Council's confidential reporting procedure in the Whistleblowing Policy (See Section 22 of the Constitution).

Appointments/ Recruitment – Staff & Contractors

Appointment of Staff

- 20.38 If you are involved in the recruitment and appointment of staff, you must ensure that appointments are made on the basis of merit. Please ensure that you refer to the Council's Recruitment Policy and the Safer Recruitment Policy prior to commencing the process.
- 20.39 In order to avoid any possible accusation of bias, you must not be involved in any appointment, disciplinary, promotion or pay and conditions issues for any other employee or prospective employee, to whom you are related or with whom you have a close relationship outside of work.
- 20.40 A 'close relative' is defined by legislation as meaning: spouse / partner, a parent; parent-in-law; son; son-in-law; daughter; daughter-in-law; step-parent; step-son; step-daughter; brother or sister, or the partner of any of these persons. In addition, for the purposes of this policy, 'close relative' also includes: grandparent; grandchild; aunt; uncle; niece or nephew.
- 20.41 A 'friend' can be defined as a person with whom one has a bond of mutual affection.
- 20.42 References will be sought for each individual who is appointed to a post with Powys County Council. If you request to see a reference about you, this request will not be granted without the permission of the referee.

Appointment of Any Persons who Undertake Work for the Council

- 20.43 If you 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, you should declare that relationship to your Strategic Director and ensure that you complete the Declaration of Interest form found in Appendix A of this document.
- 20.44 Orders and contracts must be awarded on merit, in accordance with the Council Financial Procedure Rules (See Section 16 of the Constitution) and Contracts Procedure Rules (See Section 17 of the Constitution) and no special favour should be shown to businesses run by, e.g. friends, partners or relatives in the tendering process.
- 20.45 You must be aware as a private citizen of any possible conflicts of interest when buying goods or using services of firms who you have dealings with as a Council employee. You must declare any such transactions appropriately and ensure that you complete the Declaration of Interest form found in Appendix A of this document.
- 20.46 If you are required to appoint or deal with in the course of your employment contractors for the Council, you should be aware of possible conflicts of interest, as

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a private citizen when you buy goods or use the services of firms who have dealing with the Council and you should disclose any such transactions to your Head of Service and ensure that you complete the Declaration of Interest form found in Appendix A of this document.

- 20.47 If you are an officer involved in employing contractors or procuring services through the procurement framework, you must also declare any personal interests you may have with regards to that contract or procurement process.

Taking Other Employment

- 20.48 Regardless of grade, whether whole or part-time, permanent, temporary, casual, “relief” or seasonal, you should not undertake additional employment (paid or unpaid) if your proposed additional work either will or has the potential to:

- 20.48.1 create a conflict of interest;
- 20.48.2 overlap with official duties;
- 20.48.3 weaken public confidence in the Council..

- 20.49 Furthermore, employees are not permitted to wear any Council-branded clothing whilst undertaking additional work. Similarly, employees should not make use of any Council property, records or privileged information obtained in the course of their duties with the Council for any external / additional employment use.
- 20.50 Where you consider your proposed secondary employment may conflict with these requirements, you must inform your line manager who will advise you on whether you need to seek agreement of your Strategic Director to your proposed additional employment.
- 20.51 If you are undertaking secondary employment or propose to do so you should first seek approval from your line manager. You should complete the Dual Employment Form which can be found in Appendix C for any secondary employment you undertake. It is incumbent on Heads of Service to ensure that all employee secondary employment is reviewed at least annually.
- 20.52 You also have the responsibility to ensure that you work the hours that you are contracted to work, that you dedicate your time at work carrying out the tasks for which you are paid and that you act to acceptable standards at all times.

Openness

- 20.53 Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, nothing in this Code overrides statutory or common law obligations.
- 20.54 Legislation, including the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004 requires that certain types of information must be made available to the public and other recognised third parties and to employees and Members.
- 20.55 You have a responsibility to safeguard the security and confidentiality of personal information you hold and you should ensure that only the appropriate amount of information required is provided to those who have a clearly established and legitimate need to use it. If there is any doubt as to whether information and / or documents are disclosed please seek advice from the Information Governance Manager.
- 20.56 You must ensure that any views, opinion or facts that you have do not reflect negatively on the Council or the work you carry out for the Council. Your activities outside work can also reflect on your work. The use of social media must therefore

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be used with care and sensitivity. You must not breach confidentiality of any of the Council's issues through your use of social media. If there is any doubt regarding the acceptable use of social media, you should refer to the Council's Social Media Guidance document. For example, you should make it clear that any views or opinions expressed on any social medium are your own and not those of the Council.

Acceptable Appearance at Work

- 20.57 The Council imposes a particular style of dress only where protective clothing and uniforms are required. Whilst there is no desire to impose a style of dress elsewhere, standards appropriate to the effective delivery of our services are necessary. You must consider the job you are doing, and consider if your style of dress is appropriate for the role. An element of common sense will come into this consideration.
- 20.58 You represent the Council, so your appearance impacts on our image. Inappropriate dress can suggest that you have little regard for your service delivery or your customers, so consideration should always be given to public perception.
- 20.59 If you are deemed to be inappropriately dressed, you may be sent home to change and repeated breaches of the standards of this Code may lead to disciplinary action being taken against you. If you are sent home to change, you will not be credited for the time taken to do this.
- 20.60 An acceptable standard of appearance would include:
- 20.60.1 a high standard of cleanliness and personal hygiene at all times;
 - 20.60.2 a standard of business dress which promotes the professionalism of your service and the Council;
 - 20.60.3 your identification badge worn visibly at all times in your workplace, unless agreed by your Head of Service or line manager;
 - 20.60.4 only uniforms or protective clothing issued by the Council may be worn. No substitutes are to be made;
 - 20.60.5 it is your duty to keep all items of uniform and protective clothing issued by the Council clean, in good repair and to wear it as required.
- 20.61 Managers are responsible for ensuring that replacement uniform / protective clothing is made available to you when you give reasonable notice.
- 20.62 NOTE –There is clear guidance within the Corporate Working Arrangements with regards to the use of Personal Protective Equipment (PPE) and you must make yourself aware of the content of that document if you are issued with PPE.

Corruption, Acceptance of Gifts and Hospitality

- 20.63 Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for you to receive or give any gift, loan, reward or advantage in their official capacity “for doing or not doing anything” or “showing favour or disfavour” to any person. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained.
- 20.64 Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or be connected in any way with the performance of your official duties so as to involve the Bribery Act 2010. Nevertheless, with the exceptions listed below in Rules 20.67 to 20.69, you should decline any personal gift offered to you or your partner, or to a member of your

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family by any person or organisation having dealings with the Council. Any offer should be reported to your Head of Service (or to the Solicitor to the Council if you are a Chief or Deputy Chief Officer).

- 20.65 If you are an employee employed in a caring role or provide a direct personal service to vulnerable people, there are sometimes special problems encountered as it is not unusual for residents of residential care homes or for people receiving support at home (or their relatives) from Council employees to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their Will. If you are made aware that a service user / client is considering making a gift to you or including you in their Will, or has actually done so, then you must immediately report this to your Head of Service.
- 20.66 It is very important in such situations that employees and the Council are protected from any suggestion of improper motives or conduct. For the avoidance of doubt, members of staff and their families are not allowed to accept gifts or legacies from clients / service users.
- 20.67 Gifts should only be accepted if they are of a nominal value (under £25) such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices. This includes gifts of a promotional nature normally given by the company to visitors.
- 20.68 If gifts of more than a nominal value are offered or if you suspect that an improper motive exists, you should always decline the offer and report it to your Head of Service, who should then report it to the Chief Executive regardless of whether the offer is accepted or not.
- 20.69 Exceptionally, if returning the gift would cause offence, your Head of Service can arrange for it to be received by the Council for a charitable purpose.
- 20.70 The form found in Appendix B must be completed by you each time a gift or hospitality has been accepted or offered, no matter what its monetary value may be. This form must then be kept by your Head of Service in the centrally kept register.
- 20.71 Even if the gift is returned to the sender or if the item is donated for charitable purposes, you must fill the form registering the offer of gifts and hand it to your manager to place on the register.
- 20.72 Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thereby undermining public confidence. Such hospitality should be recorded as a gift using Appendix B.
- 20.73 If hospitality is offered to you as an individual employee, special caution is needed particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc. who may stand to benefit from the goodwill of the Council.
- 20.74 You should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality.

Monitoring

- 20.75 Where a Monitoring Officer is undertaking an investigation under section 73(1) of the Local Government Act 2000, you must comply with any requirement made by that officer in connection with such an investigation.
- 20.76 It is your Head of Service who is responsible for ensuring and for monitoring that all employees within your service have declared interests. Managers within HR are

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responsible for monitoring compliance of this code to ensure overall effective governance of this document and will work alongside Internal Audit in order to ensure that good practice is maintained.

- 20.77 It is a central requirement to document declaration of interests for Heads of Service to ensure that they have registers for both Declarations of Interest and Receipts of Gifts & Hospitality and that all staff register these items. The Heads of Service will also ensure that the registers are checked and monitored on an annual basis.
- 20.78 Specific guidance by individual departments have special provisions e.g. Planning Department, Housing Benefit etc with regards to Declarations of Interest and Receipts of Gifts & Hospitality. You must use that specific guidance alongside this document in order to ensure compliance.
- 20.79 In some occupations there are specific codes of conduct e.g. Code of Practice for Social Care Workers, Code of Occupational Ethics for the Youth Service in Wales, etc.

When in Doubt...

- 20.80 If you are doubt with regard to the provisions of this Code and how they apply in any particular situation, your Head of Service should be consulted. If there is still any doubt, the advice of your Strategic Director must be sought.

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Appendix A: Registration of Declaration of Interest

CYNGOR SIR POWYS COUNTY COUNCIL

DECLARATION OF INTEREST

Powys County Council requires all staff involved in the administration of its work, to immediately report, in writing, to Head of Service or Chief Executive, details of any relationship with an Elected Member, Officer, family member or member of the public which may lead to a conflict of interest as defined in this Code of Conduct.

A 'close relative' is defined by legislation as meaning: spouse / partner a parent; parent-in-law; son; son-in-law; daughter; daughter-in-law; step-parent; step-son; step-daughter; brother or sister, or the partner of any of these persons. In addition, for the purposes of this policy, 'close relative' also includes: grandparent; grandchild; aunt; uncle; niece or nephew.

This declaration will be reviewed on an annual basis, during your Individual Performance Review with your line manager.

NAME OF OFFICER
POSITION HELD
DATE OF DISCLOSURE
NATURE OF INTEREST DECLARED
Officer signature: _____
Declaration recorded by Line Manager: Manager's signature: _____ Date: _____
Declaration recorded in Disclosure of Interest Register Head of Service or Approved Representative's Head of Service's signature: _____ Date: _____
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Appendix B: Registration of Receipt of Gifts or Hospitality (Including gifts not accepted, or given to charity, or returned to sender)

Name	
Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact with the person or organisation providing the gift or hospitality?	

Signed _____

Date _____

Manager's Signature _____

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Appendix C: WORKING TIME REGULATIONS – DUAL EMPLOYMENT

The Council supports the Working Time Regulations 1998 as part of its general obligations to ensure the health and safety of all staff.

Please can you complete all relevant sections below so that Powys County Council is aware of all positions that you are employed in both within the Council and with other employers.

Please note that this form should still be completed irrespective of whether you have one or more positions, if in the future you accept additional employment with another part of the Council or another employer, you must inform your current Line Manager(s).

Employment with Powys County Council

Full Name	
Payroll No	

1 – Position Title			
Department		Location	
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

2 – Position Title			
Department		Location	
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

3 – Position Title			
Department		Location	
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

Employment With Another Employer

1 – Position Title			
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

2 – Position Title			
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

Please return completed form to;

Recruitment Team, County Hall, Llandrindod Wells, Powys LD1 5LG