

## **THE STAFF CODE OF CONDUCT POLICY**

- *Welcome to the Code of Conduct Policy* *page 11*
- *Definition of Terms* *page 11*
- *Key Facts* *page 11*
- *Frequently Asked Questions* *page 12*
- *Personal Conduct* *page 13*
- *Compliance with County Council Instruction* *page 13*
- *Information* *page 14*
- *Working Relationships* *page 15*
- *Contractors and Competitive Tendering* *page 16*
- *Gifts, Hospitality, Sponsorship or Endorsements* *page 16*
- *Use of County Council Materials, Equipment or Resources* *page 18*
- *Reference* *page 18*
- *Guidelines and Operating Procedures*

## Welcome to the Code of Conduct Policy

The Code of Conduct applies to all employees of the County Council, agency workers, contractors and their staff whilst working for, or on behalf of, the Authority. The purpose of this Code is to assist employees in ensuring that the County Council continues to provide high quality services fairly and efficiently. Members have their own Code of Conduct and Standards.

The Code contains provisions that encourage the highest standards of integrity and personal conduct on the part of all employees. Employees are required to promote and maintain these standards in order to uphold the good reputation of the Council and its services.

Any breach of the Code of Conduct will be regarded as a disciplinary offence and may be taken into account in performance appraisal.

This guide provides:

- Guidance for employees and managers
- Definition of terms
- A key facts summary
- The legal and contractual policy that applies to SCC and its staff
- Guidance and operating procedures

## Definition Of Terms

**SCC:** Surrey County Council

- Use of the word **'must'** refers to a statutory duty flowing from (statute)... regulations. This would also apply to SCC policy, which is made under statutory powers. There is no scope for considering an alternative course of action for any matter in this guidance where the term 'must' is used; this relates to a statutory requirement.
- Use of the word **'should'** indicates a recommended course that should be adopted. This would apply to any of our guidance i.e. where we are recommending a course of action as 'best practice' and anyone choosing to take an alternative path must expect to have to justify it. Where 'should' is used, it is intended that that is the course that is followed and any deviation should only be for a good reason.
- **Contractors** – this term may include individuals who are temporarily working alongside County Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the County Council.
- **Relative** – means a spouse, partner, civil partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, child of civil partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner or civil partner of any of the preceding persons. Half-blood relatives are also included, as are adoptive relationships and relationships which would have existed but for an adoption, i.e. an employee's natural relatives
- **Partner** – means a member of a couple who are not currently married or civil partners but who are living together as if they were.

## Key Facts

- The Council expects all employees to promote and maintain high standards of personal conduct to sustain the good reputation of the Council and its services.
- Employees should not use any information gained in the course of their employment for personal gain, or pass it on to others who might use it in such a way.

- Information concerning an employee's or Member's personal affairs should not be divulged without prior approval, except where that disclosure is required or sanctioned by law.
- Internal and external working relationships should be conducted in a professional, friendly and respectful manner.
- Employees should not make personal use of any County Council property, facilities, materials, or resources unless properly authorised to do so.
- County Council employees should exercise caution concerning the acceptance of gifts or hospitality from external suppliers and contractors; and any involvement in sponsorship events, or endorsement of a product or service, where there may be a conflict of interest.
- In no circumstances should a statement ever be made in return for personal gift, or money.
- Any orders and contracts must be awarded by fair and open competition against other tenders in line with the Council's Procurement Standing Orders and supporting instructions issued. No special favour should be shown to businesses with particular connections to employees.
- Outside employment should not be taken which conflicts with the authority's interests.
- Employees should not be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions of another employee, or prospective employee to whom they are related or have a close personal relationship.

## **Frequently Asked Questions**

### **1. What should I do if I want to take on a part-time or voluntary job with another Council?**

Some posts within Surrey CC are restricted by matters of job content and access, or because of level of basic salary. In the first instance, you should seek advice from your manager to see if your post has restrictions attached to it.

### **2. What must I do if I receive a request for information from a member of the public?**

In the first instance, you should refer to the Freedom of Information guidance in the Corporate Information section on the S-Net. The guidance notes and full information on who to contact can be found there.

### **3. What should I do if I am joining a club, society or organisation not open to the public?**

If the membership of that club is likely to conflict with the aims, goals and opinions of SCC then you should declare it. If you are in doubt you should seek advice from your manager on whether you should declare this interest or not.

### **4. Can another member of my family, or my good friend work with me in Surrey CC?**

There is no reason why a relative or personal friend should not work with you, however, you should have no involvement in their appointment, promotion, salary adjustments or disciplinary issues.

### **5. What should I do if I am offered a gift by a company?**

If the gift is a minor one, such as a diary or calendar, this is acceptable. However, employees should be aware that it is a criminal offence to accept significant gifts. Hospitality and invitations should only be accepted if there is a genuine need to represent the authority.

## 6. Can I use the office equipment to make personal phone calls, copy or fax?

These resources are provided solely for use in the work of the County Council. Personal usage of equipment or stationary is not acceptable. The Authority recognises that there are times when calls must be made during working hours, for emergencies or to utility companies, for example. Reasonable usage of the telephone in these cases is permissible, but employees are expected to keep the length of call to the minimum possible.

## 7. What is intellectual property?

Intellectual Property is the general term used to describe:

*Patents for inventions* - new and improved products and processes that are capable of industrial application;

*Trade Marks* for brand identity - of goods and services allowing distinctions to be made between different traders;

*Designs* for product appearance - of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture or materials of the product itself or its ornamentation;

*Copyright for material* - literary and artistic material, music, films, sound recordings and broadcasts, including software and multimedia. However, IP is much broader than this extending to trade secrets, plant varieties, geographical indications, performers rights and so on.

For further information on intellectual property, please click on the following link:

[www.intellectual-property.gov.uk](http://www.intellectual-property.gov.uk)

## Personal Conduct

The Council expects all employees to promote and maintain high standards of personal conduct to sustain the good reputation of the Council and its services.

- i) Employees must perform their duties to the highest possible standards, with **honesty, integrity and impartiality**, and be **accountable** for their own actions.
- ii) Employees have a **duty of trust** to the County Council as their employer, and to the local community and service users.
- iii) Employees are expected to treat others with **respect, fairness and dignity** at all times.
- iv) Employees have a collective **responsibility** to communicate to the appropriate manager any concerns about the quality of service provided, as this will assist the County Council to ensure that service standards are achieved, and areas for improvement identified.

## Compliance with County Council Instructions

The Council expects all employees to comply with lawful written and oral instruction unless the instruction would result in a health and safety risk.

In particular, consistency of approach across the County Council in relation to how we procure services and goods, carry out people management activities and how we approach financial management is vital, if we are to deliver value for money, do all that we can to keep council tax as low as possible and channel as much money as possible back to front line services.

Business procedures, processes and policies have been developed supported by IT systems that enable a consistent approach. In order to realise the benefits therefore it is a requirement that Business Procedures, Process and Policies are adhered to.

## Information

The giving of information falls into two different areas:

- a) **Information relating to the County Council**, its business and its employees, that employees may be required to disclose in response to queries received in the course of their duties
- b) **Information that all employees must declare to the County Council**, as their employer, regarding any **Personal Interests** and/or **Outside Commitments** that may conflict or impact on matters in which the authority has an interest.

### a) Disclosing Information in response to a query

It is generally accepted that open government is best. All employees should be aware as to **what information is available** to Members, auditors, government departments, service users and the public, and **which information should remain confidential**. Any information available should be provided in a clear and concise way. **If you receive a request**, you should read the "Freedom of Information and What to do" guidance, or read the SCC publication scheme to see if the information requested is covered there.

Employees should **not use any information** gained in the course of their employment for **personal gain**, or pass it on to others who might use it in such a way. Information concerning an employee's or Member's personal affairs **should not be divulged** without prior approval, except where that disclosure is required or sanctioned by law.

### b) Declaration of Personal Interests and Outside Commitments

All employees **must declare**:

- i. Any non-financial or financial interest which might **conflict** with the authority
- ii. Membership of any organisation that is **not open to the public** without formal membership and commitment of allegiance and which has secrecy about rules, membership, or conduct (including Freemasonry).
- iii. Membership of **other groups, clubs and societies**, e.g. The Round Table and The Rotary, that an employee believes could be relevant to declare in particular circumstances.

Declarations should be made to Heads of Service who should ensure that a written record is made on the employee's personnel file. Declarations must extend to acknowledging the involvement of a relative or partner [link definition of terms] of an employee in an organisation in which the County does or seeks to do business, particularly if they are directors, partners or hold senior managerial positions in those organisations.

Employees should be aware of any **contractual restrictions** on taking outside employment. In any case, outside employment should not be taken which conflicts with the authority's interests.

Where employees are in any doubt about whether any personal relationships, interests, or outside commitments should be declared in particular circumstances, they should either declare the information in any case, or else seek further advice from their manager or HR by contacting the My HR helpdesk by phone on 0208 541 9000 or e-mail My Helpdesk HR/CAE/SCC.

### **c) Declarations in Respect of Related Party Transactions.**

The County Council is obliged to fulfil a disclosure requirement in respect of related party transactions. This reporting requirement aims to provide assurance to readers of financial statements that any material transactions entered into between the organisation and those in a position of power to influence its decisions are disclosed and above board.

Senior Managers Levels 1 – 4, must **declare**:

- I. Positions of influence they hold within partnerships, companies, trusts or any entities providing services to the County Council.
- II. Positions of influence they hold (in a personal capacity) within organisations receiving grant funding from the County Council.

Declarations must extend to a relative or partner [link definition of terms] of the employee if they have an interest in any such organisation. Senior Managers Level 1 – 4 will be required to declare this and complete an annual return.

## **Working Relationships**

Internal and external relationships are formed on a daily basis with colleagues, service users and contractors. These should be conducted in a professional, friendly and respectful manner.

### **Councillors**

**Mutual respect** between employees and councillors is **essential** to good local government. **Close personal familiarity** between employees and individual councillors can damage the relationship and should therefore be **avoided**.

### **Political Neutrality**

- i. Councillors are elected to direct the policies and activities of Surrey County Council. **Employees** should ensure they **serve all councillors**, not just those of the controlling group, and respect their individual rights.
- ii. Employees should ensure that their own **personal or political opinions should not interfere** with any policy of the authority. Where employees advise political groups, **political neutrality must be retained**.

(Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from political neutrality).

### **Employment Matters**

Employees should not be involved in an **appointment**, or be involved in any decision relating to **discipline, promotion or any pay adjustments or conditions of another employee, or prospective employee to whom they are related or have a close personal relationship**. Employees must ensure compliance with all the County Council's employment policies.

## The Local Community & Service Users

Employees should ensure courteous, efficient and impartial service delivery to all.

### Equality Issues

- i. Employees must ensure compliance with the County Council's **Equalities Statement** and other employment policies in relation to equality issues.
- ii. Employees should not be involved in **harassment or bullying** against colleagues, other employees or job applicants. All members of the local community have a right to be treated with **fairness and equality**.

## Contractors and Competitive Tendering

Contractors may include individuals who are temporarily working alongside County Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the County Council. All Contractors should be treated with courtesy and respect.

### Contractors

Any orders and contracts must be awarded by **fair and open competition** against other tenders. No special favour should be shown to businesses with particular connections to employees.

Employees should **declare any relationship** with a particular contractor, or any potential contractors, to the appropriate manager.

### Separation of Roles During Competitive Tendering

- i. Employees should be clear on the separation of **client and contractor roles**. Senior employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.
- ii. Employees privy to **confidential information** on tenders of costs relating to contractors should not disclose the information to any unauthorised party or organisation.
- iii. Employees should ensure no special favour is shown to **current or recent former employees**, or associates, in awarding contracts.

## Gifts, Hospitality, Sponsorship or Endorsements

County Council employees should exercise caution concerning the **acceptance of gifts or hospitality** from external suppliers and contractors; and any **involvement in sponsorship events**, or **endorsement of a product or service**, where there may be a **conflict of interest**.

### Offers of Gifts, Hospitality or Sponsorship

- i. Employees must be aware that it is a **criminal offence** for them corruptly to receive 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. The

**acceptance of gifts** and hospitality (including sponsorship of a local government activity) must be treated with **extreme caution**.

- ii. The receipt of minor articles, for example, **diaries and calendars** will not be regarded as the acceptance of a gift, although employees should not accept significant personal gifts from contractors and outside suppliers. Offers of **hospitality and invitations** should be accepted only if there is a genuine need to impart information or represent the local authority.
- iii. All gifts and hospitality should be properly **recorded** in Gifts and Hospitality Books held by Heads of Service. (In larger services which operate out of several locations, it may be more convenient to have more than one book.) Heads of Service should ensure that all of their staff are aware of the arrangements and location of the book(s). Information that needs to be recorded is as follows.

| Date                                      | Person or Organisation providing gift or hospitality   | Details of the gift or hospitality                                | Value £   | Name(s) of those receiving offer of, or gift or hospitality   | Decision  |
|---|--|---|---|---|---|
| Date the gift or hospitality was received | Both the name of the organisation and organisation representative or individual as appropriate | Brief description of item, i.e., Dinner at, Case of Wine, Holiday | If actual value is not known enter estimated.<br><br>If offered to more than one person enter total value | The names of all SCC Staff and Employees (including agency, contractors and their employees employed on behalf of the authority) and names of relative or partner, if appropriate, should be recorded | State whether offer was 'Declined' 'Accepted and donated to charity' or 'Accepted'<br><br>For donations to charity state name of charity. |

- iv. Where the **authority** wishes to sponsor an event, no employee must benefit in a direct way without there being **full disclosure** to an appropriate manager of any such interest. Where the authority gives support in the community through whatever means, employees must ensure that there is no **conflict of interest**.

#### **Endorsements of a product or service**

- i. Employees must exercise caution before providing any statement endorsing the quality or operation of any product or service that may be used for publicity purposes. Such endorsement may put the County Council at risk of misrepresentation or legal challenge. Employees are therefore advised to seek further advice from their manager where such circumstances arise.
- ii. In no circumstances should a statement ever be made in return for personal gift, or money.



## **Use of the County Council's Materials, Equipment or Resources**

Employees should not make personal use of any County Council property, facilities, materials, or resources unless properly authorised to do so.

### **Property and Resources**

County Council property and resources should be used solely in respect of its work. No improper use should be made of any facility such as vehicles, equipment, stationary or secretarial services which the County Council provides for its own business.

### **Intellectual Property**

Employees should follow County rules on the ownership of intellectual property or copyright created during their employment.

The four main types of Intellectual Property are described as:

- i. Patents for inventions
- ii. Trade Marks
- iii. Designs for product appearance
- iv. Copyright for material

### **Reference**

Internet Acceptable Use Policies

Conformance Criteria for Third Party Access (ICT)

Copyright, Designs and Patents Act 1989

Disciplinary Procedure

Finance and Management Arrangements

Freedom of Information Act 2000 (Policy No. CR14)

FOIA site on Corporate Info, S-Net

Restriction of Political Activities

Local Government and Housing Act 1989: circular letter from Independent Adjudicator

Data Protection Act

Equality Statements

Employment of Relatives or partners