



People, Performance and Development Committee
21 July 2014

Officer Code of Conduct

Purpose of the report:

The Code of Conduct for Staff is part of the Constitution of the Council and this report proposes a number of amendments to the Code.

This report is being brought to People, Performance and Development Committee because according to the Scheme of Delegation, the Committee determines the policy on the terms and conditions of all staff.

Recommendations:

It is recommended that:

- a) The Committee considers and approves the proposed revisions to the Code of Conduct
- b) The Committee considers and approves the Use of Social Media guidance
- c) The Committee commends it to Council for inclusion in the Constitution.

Introduction:

1. An audit of the current staff code of conduct recommended improvements to the document:
 - to make it more concise.
 - to make explicit links with the council's values and behaviours that clarify the corporate standards of behaviour required from staff
 - to include guidance on the use of social media
 - to add section on whistleblowing

2. Consultation with managers and SCCTU identified further amendments:
 - to add a section on Health & Safety.
 - to make explicit links to the Members Code of Conduct and the Member Officer protocol.

Key Changes proposed in the revised code

3. Values and behaviours
 - 3.1 Explicit links have been made to the information about values and behaviours that is published on the snet and forms part of appraisal
4. Personal conduct
 - 4.1 An addition to the expectation that employees are expected to treat others with **respect, fairness and dignity** at all times that they will work to resolve differences where these exist.
 - 4.2 An additional expectation that

Employees are expected to apply the Code of Conduct and other Council policies to their use of work related social media. Where an employee identifies themselves as a SCC employee the same rules that apply to actions in general, apply to conduct online, including on personal social media sites
5. Two new sections have been added on:
 - 5.1 health and safety policy with links to the procedures
 - 5.2 whistle blowing and links to procedures
6. The format has been changed to set out the requirements and to remove the guidance previously framed as frequently asked questions.

A copy of the new draft is attached at [annex A](#).

Key points in the social media guidance

7. An internal audit suggested that we update the code of conduct to take account of social media. An expectation has been added to the code of conduct and it is proposed explicit guidance at [annex B](#) to provide clear guidance on the standards of behaviour expected.

8. The key points are that

If an individual identifies themselves as an officer of the Council, any communication that they make in a personal capacity through social media must not:

- bring the organisation into disrepute or seriously affect public confidence in its ability to deliver effective services;
- breach confidentiality;
- do anything that could be considered discriminatory against, or bullying or harassment of, any individual;
- breach the council's Code of Conduct and the council's policies and procedures.

Conclusions:

9. Bring together key points from the report to give direction to the Committee.

Financial and value for money implications

10. The Section 151 Officer has confirmed that there are no direct financial implications in this report.

Equalities and Diversity Implications

11. An Equality Impact Assessment was carried out on the code of conduct in 2005. The amendments made will not impact on residents and staff with different protected characteristics so it was decided that a further EIA was not needed.

Risk Management Implications

12. None.

Next steps:

To publish the revised code of conduct

To make an e-learning package on the code of conduct available as part of the Induction package.

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1 Welcome to the Code of Conduct Policy

The purpose of this Code is to help employees support the County Council's aim to provide high quality services fairly and efficiently in line with its values of respect, trust, listening and responsibility. Members have their own Code of Conduct and there is also protocol which outlines how members and officers work together.

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.

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

2 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 and to work to resolve differences where these exist.
- 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.
- v) Employees are expected to apply the Code of Conduct and other Council policies to their use of work related social media. Where an employee identifies themselves as a SCC employee the same rules that apply to actions in general, apply to conduct online, including on personal social media sites.

Further information about the way that we work and our shared organisational values is set out on s-net.

3 Compliance with County Council Instructions

The Council expects all employees to comply with lawful written and oral instructions.

This will ensure that we take a consistent 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.

The relevant procedures and instructions are published on snet – see [related information](#).

4 Health and Safety

The Council has a legal duty of care for the health, safety and welfare of its employees. In addition, all employees must take reasonable steps to protect their own health and safety and that of other people who may be affected by their work. Some employees, particularly managers, have specific responsibilities and these are detailed in the Council's safety policies and procedures. The Council's Health and Safety Policy and Manual are published on the website.

5 Treatment of Information

The treatment of information falls into two different areas:

- a) **Information relating to the County Council**, its business and its employees, that is made available to employees in the course of their duties and which they may need to disclose
- 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.

Handling and Treatment of Information relating to the County Council

It is generally accepted that open government is best. All employees **should** be aware as to what information should be made available to Members, auditors, government departments, service users and the public, and **which information should remain confidential**. Any information made available **should** be provided in a clear and concise way.

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 a service user, resident, employee's or Member's personal affairs **should not** be divulged without prior approval, except where that disclosure is required or sanctioned by law. It is important that employees take all relevant steps to comply with data protection requirements and ensure that confidential information is kept secure. For further information you **should** read the [Information governance](#) guidance.

Declaring 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**, eg 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 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 council's interests.

For guidance see [Conflict of interest](#).

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 Shared Services by phone on 0208 541 9000 or e-mail myhelpdesk@hr@surreycc.gov.uk.

Declaring 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 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.

Whistleblowing

Where an employee becomes aware of activities 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 in line with the council's confidential reporting procedure – see [Whistleblowing](#).

Employees who blow the whistle have specific protections afforded them under the Public Interest Disclosure Act 1998

6 Working Relationships

Internal and external relationships with colleagues, service users and contractors **should** be conducted in a professional, friendly and respectful manner.

Members

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

For further information about working relationships between officers and members please see the [Members/Officers protocol](#)

Political Neutrality

- i. Members are elected to direct the policies and activities of Surrey County Council. **Employees should** ensure they **serve all members**, 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).

Certain posts are designated as politically restricted by the Local Government and Housing Act 1989. Your contract of employment will tell you whether you hold one of these posts and, if you do, you will be required by law to observe certain restrictions regarding your out of work activities. For further information see the [Politically restricted posts](#) protocol.

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**.

7 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 Head of Service and should not participate in any buying activity where these Conflicts of Interest could arise. See the [Procurement standing orders](#) for further information.

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.

8 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 particular any offer over the value of £5 should be recorded and anything over £25 can only be accepted if agreed by the Head of Service. Heads of Service should ensure that all of their staff are aware of the arrangements. For further information about the information that needs to be recorded see the Gifts and hospitality policy
- 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.

For further information about the information that needs to be recorded [see Gifts and hospitality](#)

9 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, stationery or secretarial services which the County Council provides for its own business.

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.

Intellectual Property

Employees should follow County rules on the ownership of intellectual property or copyright created during their employment. Any invention, improvement or design made or conceived by you while you are engaged to work for the County Council which is in the existing, or contemplated, scope of the business of Surrey County Council shall become and remain the exclusive property of Surrey County Council.

Related information

[Values](#)
[Equalities information](#)
[Politically restricted posts](#)
[IMT policies](#)

[Behaviours](#)
[Conflict of interest](#)
[Disclosing information](#)
[Whistleblowing](#)

[Members/Officers protocol](#)
[Gifts and hospitality](#)
[Health & Safety](#)
[Financial governance](#)

Use of social media

As a Surrey County Council employee you should be aware that posting information or views about local government or politics in general may not be isolated from your working life, if you have identified yourself as an officer of the council.

If you have a personal account you are advised to abide by its terms and conditions and read the advice it offers on using their social site.

The personal image you project in social media may adversely reflect on the image of the authority. We recommend when you use social media that you remember our values: trust, responsible, respect and listen.

If you identify yourself as an officer of the Council any communication that employees make in a personal capacity through social media must not:

- bring the organisation into disrepute or seriously affect public confidence in its ability to deliver effective services, for example by:
 - criticising the council's decisions and/or activities connected with your own work
 - criticising or arguing with customers, residents or colleagues;
 - Breaching political restrictions and lobbying or canvassing members on your own behalf
 - Using inappropriate language or abusive behaviour
 - making defamatory comments about individuals or other organisations or groups; or
 - posting images that are inappropriate or links to inappropriate content;
- breach confidentiality, for example by:
 - revealing confidential information owned by the organisation;
 - giving away confidential information about an individual (such as a colleague or customer contact) or organisation obtained as an officer ; or
 - discussing the organisation's internal workings or its future business plans that have not been communicated to the public;
- do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
 - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
 - using social media to bully another individual (such as an employee of the organisation); or posting images that are discriminatory or offensive or links to such content.
- Breach the council's Code of Conduct and the council's policies and procedures.

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