

## OFFICER REPORT TO COUNCIL

### OFFICER CODE OF CONDUCT

#### KEY ISSUE / DECISION:

The approval of an amended officer code of conduct policy.

#### BACKGROUND:

1. An internal audit report recommended that the Code of Conduct refer to ethical behaviour more explicitly. Consultation with the Reward Board and service managers identified further amendments which are included in the proposals.
2. The amended Code was shared with Surrey County Council Trade Unions Officers at a meeting with the Human Resources Leadership Team on 25 January 2017, and their feedback has been included.
3. A copy of the proposed Code of Conduct is attached as Annex 1 for reference.

#### 4. **Governance**

The People, Performance and Development Committee (PPDC) determines the policy on the terms and conditions of all staff according to the Scheme of Delegation. The Code of Conduct is part of the Constitution of the Council and any changes therefore need to be approved by full Council. PPDC agreed with the amendments to the Code on 17 February 2017 and for it to go forward for approval to full Council.

#### RECENT DEVELOPMENTS

##### Key amendments

5. Changes to the Code of Conduct Policy introduce the concept of ethics and strengthen references to the Council's value statements which reflect the importance of the principles of public life.

## **Section 1 Welcome to the Code of Conduct Policy**

6. A paragraph has been added to make employees aware that behaviour outside work which may jeopardise the Council's reputation or position will be dealt with through the disciplinary procedure.

## **Section 2 Organisational Ethics and Personal Conduct**

7. To address the internal audit recommendation that the Code of Conduct refer to ethical behaviour more explicitly than in the current policy, it was agreed with the auditor that updating the statement of personal conduct in section 2 would be sufficient to address the concern raised.
8. The wording agreed with the auditor is:

“The Council expects all employees to behave ethically and maintain high standards of personal conduct to sustain the good reputation of the Council and its services.”
9. The summary of the seven principles of public life together with the explicit links to values and behaviours make clear the corporate standards of behaviour required from staff.

## **Section 4 Health, safety and wellbeing**

10. The word “Wellbeing” has been added to the title of this section to broaden the scope of matters covered in this section.
11. Statements have been added about the Council's expectations on employees to report to work in a fit and safe state to carry out their duties, and its commitment to provide a smoke free environment. Links to the Drug and Alcohol workplace policy and the smoke free workplace policy have been made.

## **Section 5 Governance**

12. The title of this section has been changed from Treatment of Information to Governance to broaden its scope.
13. A section has been added on Fraud and Corruption to highlight the importance of employees understanding their responsibilities and duties in this area, with a link to the Council's Strategy against Fraud and Corruption.

## **Section 8 Gifts, Hospitality, Sponsorship or Endorsements**

14. This section refers to the key expectations of employees in this area, with a link to the Gifts and hospitality policy and guidance. Currently the main policy requirements are described in the Code with further details and guidance in separate documents.
15. Referring to the Council's expectations and linking to the separate policy and guidance follows the practice in the rest of the policy and reduces the

risk of inconsistencies occurring between what is said in the Code and any separate documents.

### **Conclusions**

16. The proposed changes to the Officer Code of Conduct make explicit the requirement to behave ethically and will link with the new behaviours framework. Explicit links are also made to key policies relevant to the high standards of conduct expected of the Council's staff.

### **Next steps**

17. Once approved by full Council, the Code of Conduct will be published on Snet and Surrey County Council's external website.

<b>RECOMMENDATION:</b>
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That Council agree the Officer Code of Conduct.

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### **Sources / Background papers:**

## **Annex 1**

### **Officer Code of Conduct**

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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 listening, responsibility, trust and respect. 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.

Employees are expected to apply the Code of Conduct and other Council policies to the performance of their duties, including to their use of work related social media. Where an employee identifies themselves or can be identified as a Surrey County Council employee, the same rules that apply to actions in general apply to conduct online, including on personal social media sites – see [Personal use of social media](#) (*link*) for further information.

Employees should be aware of the standards of behaviour outlined in the Code of Conduct in relation to their conduct outside of work. Any unlawful, anti-social or other **conduct** by employees that takes place outside of work which may jeopardise the Council's reputation or position will be dealt with through the disciplinary procedure.

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

## 2 Organisational Ethics and Personal Conduct

The Council needs to ensure its decisions and operations are open, accountable and in line with recognised ethical standards. Officers of the Council are therefore required to be aware of and act in accordance with [The Seven Principles of Public Life](#), which are:

**Selflessness** - Officers and members should act solely in terms of the public interest;

**Integrity** - Officers and members should avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work;

**Objectivity** - Actions and decisions should be taken impartially, fairly and on merit using the best evidence and without discrimination;

**Accountability** - Officers and members are accountable to the public and submit themselves to the scrutiny necessary to ensure this;

**Openness** - Actions and decisions should be taken in an open and transparent manner and information should not be withheld from the public unless there are clear and lawful reasons for so doing;

**Honesty** - Officers and members should be truthful; and

**Leadership** - Officers and members should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

This code is based, and builds, on these seven principles published by [the Committee on Standards in Public Life](#).

The Council expects all employees to behave ethically and maintain high standards of personal conduct to sustain the good reputation of the Council and its services. In doing so employees are expected to be aware of and act in accordance with the Council's [values and behaviours](#) (*link*). Values and behaviours are very much linked. The Surrey County Council values sit at the heart of everything we do. The behaviours are what people see, and express what we value. The values are brought to life in each of the behaviour clusters.

### **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, Safety and Wellbeing**

The Council has a legal duty of care for the health, safety and wellbeing 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](#) (*link*) is published on the website.

Employees are expected to report for work in a fit and safe state to carry out their duties. They must not drink alcohol or take drugs at any time whilst at work, including during rest or meal breaks spent at or away from council premises. Incidents outside working hours that involve intoxicating substances may be considered a disciplinary offence if the incident breaches the code of conduct. For further detail about the council's expectations regarding drugs and alcohol employees should refer to the [Drug and alcohol workplace policy](#) (*link*).

The Council is committed to providing a smoke free environment for staff and employees are expected to comply with the Council's [Smoke free workplace policy](#) (*link*).

## 5 Governance

### 5.1 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](#) (*link*) guidance.

### 5.2 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
- iii. Membership of **other groups, clubs and societies**, 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 further guidance see [Conflict of interest](#) (*link*).

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 phone on 0208 541 9000 or e-mail [myhelpdeskr@surreycc.gov.uk](mailto:myhelpdeskr@surreycc.gov.uk).

### **5.3 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.

### **5.4 Whistleblowing**

The Council is committed to the highest possible standards of honesty, openness, probity and accountability. We seek to conduct our affairs in a responsible manner, ensure that our activities are openly and effectively managed, and maintain our integrity and principles of public interest disclosure.

In line with this commitment, 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 is encouraged to report the matter in line with the council's confidential reporting procedure – see [Whistleblowing \(link\)](#).

Employees who raise matters of concern in this way have specific protections afforded them under the Public Interest Disclosure Act 1998.

### **5.5 Fraud and Corruption**

The Council maintains a zero tolerance approach to fraud and corruption. All employees need to understand their responsibilities and duties in regard to the prevention and reporting of suspected fraud and corruption as outlined in the Council's [Strategy Against Fraud and Corruption \(link\)](#).

## **6 Working Relationships**

Internal and external relationships with colleagues, service users and contractors should be conducted in a professional, courteous and respectful manner. Employees are expected to treat others with fairness and dignity at all times and to work to resolve differences where these exist.

## 6.1 Working with 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](#) (*link*).

## 6.2 Working with Colleagues

Employees must ensure compliance with all the County Council's employment policies. 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.

## 6.3 Working with the Local Community & Service Users

Employees should ensure professional, courteous, efficient and impartial service delivery to all. Employees should be especially sensitive in dealing with vulnerable children and adults.

## 6.4 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.

## 6.5 Equality Issues

- i. Employees must ensure compliance with the County Council's **Equalities Statement** and other employment policies in relation to

equality issues to comply with high standards of employment practice.

- ii. Employees are expected to be aware of and act in accordance with the Council's [Ending harassment, bullying, victimisation and discrimination](#) (*link*) policy. The Council will not tolerate any form of harassment, bullying, victimisation or discrimination 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.

### 7.1 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](#) (*link*) for further information.

### 7.2 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** in relation to their role in the Council; and any

**involvement in sponsorship events, or endorsement of a product or service, where there may be a conflict of interest.**

All gifts and hospitality should be properly recorded and employees are expected to be aware of and act in accordance with the Gifts and hospitality policy. For further detail and information about what needs to be recorded [see Gifts and hospitality](#) policy and guidance (*link*).

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

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

### **9.1 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.

### **9.2 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 and behaviours](#)      [Members/Officers protocol](#)  
[Equalities information](#)      [Conflict of interest](#)      [Gifts and hospitality](#)  
[Politically restricted posts](#)      [Disclosing information](#)      [Health & Safety](#)  
[IMT policies](#)      [Whistleblowing](#)      [Financial governance](#)  
[Information governance](#)      [Procurement guidelines](#)  
[Strategy against Fraud and Corruption](#)  
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