
Code of Conduct For Local Government Employees



Council of the
ISLES OF SCILLY

APRIL 2015

REVISIONS TO SOURCE DOCUMENT

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INTRODUCTION

- 1.1 The community of the Isles of Scilly is entitled to expect high standards of conduct from both the members of the Council of the Isles of Scilly and the Councils officers and Employee's. Members of the Council are subject to their own code of conduct, and it is also desirable for the protection of the public and the protection of Employees that guidance be given as to the conduct expected of Employees.
- 1.2 This code of conduct sets out the minimum standards the Council of the Isles of Scilly expects from its Employees and provides a guide to help maintain and improve standards and protect Employees from criticism and misunderstanding.
- 1.3 All Employees of the Council must keep to the standards expected of this code and carry out their duties honestly and fairly. If Employees fail to do so then this is a serious matter which could result in disciplinary action being taken under the Councils Disciplinary Procedure.
- 1.4 Employees should take the time to read this code of conduct carefully as it applies to the performance of all duties on a day to day basis, and will interact with Employees terms and conditions of employment. This code will be reviewed from time to time. If Employees are unsure of any actions they must take in respect of any matters raised in this document they should seek further guidance from their line-manager or head of department.

PRINCIPLES OF PUBLIC LIFE

- 2.1 This code takes into account, and builds upon the Seven Principles of public life included in the Nolan Committee's report on "Standards in Public Life". The Nolan Committee, which the Government set up to look at the standards in public life highlighted the seven principles which are considered to apply to all aspects of public life and to anyone who serves the public in any way.
- 2.2 The Seven Principles are:
 - a) **Selflessness** – *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 friends.*
 - b) **Integrity** – *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 duties.*
 - c) **Objectivity** – *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.*

- d) **Accountability** – *Holders of public office are accountable for their decision and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*
- e) **Openness** – *Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for the decisions and restrict information only when the wider public interest clearly demands.*
- f) **Honesty** – *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 in a way that protects the public interest.*
- g) **Leadership** – *Holders of public office should promote and support the principles by leadership and example.*

CONSULTATION

- 3.1 Any amendments to this code will be discussed with a group of staff representatives, including Union representatives, before Members are asked to approve the code of conduct. This code replaces the staff code of conduct dated 2011.

STANDARDS OF BEHAVIOUR

- 4.1 All Council Employees are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standards of service to the public. In reaching these standards Employees must:
 - a) Comply with the Authority's Standing Orders, Financial Regulations and all policies and procedures at all times;
 - b) Give the highest standard of service to the public;
 - c) If it is part of an Employees duties, to provide appropriate advice to Councillors and fellow Employees with impartiality;
 - d) Through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service, any impropriety or breach of procedure;
 - e) Avoid anything which could give the appearance of doing wrong;
 - f) Disclose to an appropriate manager every potential conflict of interest in which he/she may be involved.
 - g) Not misuse their official position or information acquired in their official duties to further their private interests or those of others.

- h) Report to the appropriate manager any impropriety or breach of the term of this code.

DISCLOSURE OF INFORMATION

- 5.1 There are various guidelines and legislation that requires that certain types of information must be available to Members, auditors, government directorates, service users and the public. The Council may also decide to be open about other types of information.
- 5.2 Depending on the nature of their work Employees may have access to information that is confidential in nature or subject to provisions under the Data Protection Act 1998.
- 5.3 Employees must:
 - a) Be aware of information which is available to the public and which is not. If there is doubt about whether information can be released the Employee should consult their line manager or Senior Manager.
 - b) Not disclose to the public any information which is not available to them.
 - c) Not use any information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way.
- 5.4 If you receive any particular information from a Member, which is personal to that Member, and does not belong to the Council, you should not divulge it without the prior approval of the Member concerned, except where such disclosure is required or sanctioned by the law.
- 5.5 The law also requires that personal information held about individuals must be treated in accordance with the Data Protection Act 1998. Employees must ensure that they process data lawfully in accordance with the data protection principles and the data protection policies of the Council.
- 5.6 Confidential information or documents requested by Councillors, colleagues or the public must have a legitimate reason for being released. If you are in any doubt, contact your Line manager or Senior Manager to discuss.
- 5.7 All employees should not make statements directly to the press or media in their capacity as council employees without first getting approval from a Senior Manager and the Communications Officer.

POLITICAL NEUTRALITY

- 6.1 It is very important that Employees observe political neutrality at all times at work.

- 6.2 Employees will serve the Council of the Isles of Scilly as a whole. They must serve all Members and not just those of a particular group and must ensure that the individual rights of all Members are respected.
- 6.3 Employees should not allow their own political opinions to interfere with their work.
- 6.4 The Council of the Isles of Scilly does not operate on the basis of political parties however this may not always be the case. In any event Employees, in providing advice must not compromise political neutrality, and the same advice should be given to all Members irrespective of political views.

RELATIONSHIPS

- 7.1 The small nature of the Isles of Scilly means that distinct relationships are very difficult to maintain. The importance of the seven principles of public life is reiterated and any conflict of interest should be declared at the earliest possible opportunity.
- 7.2 Relationships with Councillors
 - a) Employees and Members must respect one another. Ensure courteous, efficient and impartial service delivery as mutual respect between Employees and Members is essential to good local government.
 - b) Employees should avoid forming close personal relationships with Members as this could damage your working relationships and could potentially be embarrassing.
 - c) Employees should avoid close personal familiarity at work with Members.
 - d) You should not approach nor attempt to influence Members out of personal motives and should report any attempts by a Member to pressurise them to deal with a matter outside of Council procedure or policy. The Senior Manager: Democratic and Corporate will determine whether an investigation is required under the Protocol for Investigating Complaints against Members.
- 7.3 Relationships with the local community and service users
 - a) Employees must always be polite, courteous, efficient and impartial when providing service delivery to all groups and individuals within the community.
- 7.4 Relationships with contractors and suppliers
 - a) All relationships with external contractors or potential contractors or applicants for planning consent or grant must be entered into the register

of interests. Similarly any beneficial interest or licence in respect of land which is affected by a planning application must be entered into the register of interest.

- b) If, as part of an Employee's duties, they order equipment or services or are involved in the awarding of contracts, this should be on merit by fair competition against other tenders and in compliances with the Authority's Standing Orders, Financial Regulations and procurement procedures. Employees should not show any favour to businesses run by friends, partners or relatives or to any person whom they owe an obligation, or where a family relationship may be deemed to exist.
- c) Employees, who deal with, engage or supervise contractors or process or determine applications under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager.
- d) Employees must not accept money or any other reward from anyone who may benefit from work or funding provided by the Council.

7.5 Bribery & Corruption

Under the Bribery Act 2010 it is a serious criminal offence to:

- a) Offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- b) Accept, agree to accept or request a reward in return for performing a relevant function or activity improperly.
- c) Bribe a foreign public official in order to win business, keep business or gain business advantage for the organisation.

APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 8.1 Employees involved in appointments should at all times act in accordance with any codes of practice or policies in relation to recruitment and selection.
- 8.2 If Employees have a management or supervisory role they should;
 - a) Ensure that staff are appointed based on merit;
 - b) Not be involved in an appointment where they are related to an applicant or have a close personal relationship with them outside work;
 - c) Not to be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or with whom they have a perceived or close family relationship.

OUTSIDE COMMITMENTS

- 9.1 All employees should be clear about their contractual obligations and should not take outside employment which impacts on, distracts them from, or conflicts with their Council work.
- 9.2 Employees must not subordinate their duty to the Council to their private interests or put themselves in a position where duty and private interests conflict.
- 9.3 The Council should not attempt to preclude Employees from undertaking additional employment outside their hours of duty with the Council, but any such employment must not, in the view of the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business.
- 9.4 Employees should be aware of their responsibilities under the European Working Time Directive.

PERSONAL INTERESTS

- 10.1 Employees should review regularly their personal circumstances and take steps to deal with any potential conflicts of interest.
- 10.2 Employees must declare in the Register of Officer Interests, held by the Democratic and Licensing Business Unit, any financial or non-financial interests that could bring about conflict with the Council's interests. For example:
 - a) Membership of an organisation receiving grant aid from the Council
 - b) Membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules of membership or conduct.
 - c) Membership of an organisation or pressure group that may seek to influence the Council's policies.
 - d) Having a beneficial interest in land which is within the Council's district and is subject to any planning application.
- 10.3 Employees who have an interest, financial or non-financial should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager.
- 10.4 The Council recognises and respects the right of all Employees to become members of organisations. It only requires that Employees declare personal interests where there is, or could be perceived to be, a conflict of interest

between their duties as an Employee and their membership of the organisation.

EQUALITY

- 11.1 The Council believes that users of Council services should have equal access to its services and a right to be treated fairly and equally.
- 11.2 Employees must therefore comply with the Councils Equal Opportunities Policy.
- 11.3 Within the workplace, there should be mutual respect and Employees' language and behaviour should be conducive to a productive and harmonious work environment, with all Employees having the right to be treated with fairness and equity.
- 11.4 Employees are encouraged to report any concerns about discriminatory behaviour or conduct to their line managers or other appropriate Employee in accordance with the Councils Whistle blowing Policy.

SEPARATION OF ROLES DURING TENDERING

- 12.1 Employees should be aware that failure to comply with the Council's procurement processes will be treated a misconduct issue and will lead to disciplinary action.
- 12.2 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority.
- 12.3 Senior Employees who have both a client and a contractor responsibility must be aware of the need for accountability and openness.
- 12.4 In all cases Employees must:
 - a) Adhere to the Authority's Standing Orders and Financial Regulations;
 - b) Exercise fairness and impartiality when dealing with customers, suppliers other contractors and sub-contractors.
 - c) Not disclose any confidential information that they are privy to on tenders or costs for either internal or external contractors to any unauthorised party or organisation.
 - d) Demonstrate accountability and fairness in accordance with clause 12.2
 - e) Inform the Chief Executive and withdraw from the contract awarding processes as soon as they have formed a definite intent in contemplating a management buyout.

- f) Ensure that no special favour is shown to current or recent former Employees or their partners, close relatives or associates in awarding contracts to businesses run by them in a senior or relevant managerial capacity.

FRAUD AND CORRUPTION

- 13.1 The Bribery Act 2010 makes corruption a serious criminal offence for Employees to receive or give 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. If such an allegation is made it is for the employee to demonstrate that any rewards received have not been corruptly obtained (see paragraph 15 regarding *Hospitality*).

FINANCIAL REGULATIONS/RESOURCES

- 14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner.
- 14.2 If Employees are involved in financial activities and transactions on behalf of the Council they must follow Financial Regulations and any accompanying guidelines.
- 14.3 Employees must use public funds in such a way as to ensure value for money for the local Community and to avoid legal challenge.

HOSPITALITY AND GIFTS

- 15.1 Unless an exception applies, Employees must not accept any gift or benefit offered by
 - a) Any person providing services in the course of the Employees official duties;
 - b) Any person associated with an organisation which has, or wishes to have, dealings with the Council.
- 15.2 The exceptions referred to in paragraph 15.1 are as follows:
 - a) It is in order to accept gifts of insignificant value eg diaries, pens etc. to the value of £5 this figure will be reviewed periodically.
 - b) Offers of hospitality if there is a genuine need to impart information or represent the Council.
 - c) Hospitality when attending a relevant conference or course, where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised.

- 15.3 Employees must declare any offer or gifts to the Senior Manager: Democratic and Corporate.
- 15.4 When accepting hospitality Employees should:
- a) Be particularly sensitive as to its timing in relation to decision which the Council may be taking and which affect those providing the hospitality.
 - b) Gain authorisation in advance from their line manager and record the hospitality in the Register of Hospitality which is held by the Senior Manager: Democratic and Corporate.
- 15.5 It is not in order for Employees to accept:
- a) Significant personal gifts from contractors and suppliers.
 - b) Invitations to purely social or sporting functions unless these are part of the life of the Community or where the Council should be seen to be represented.
 - c) The cost of visits to inspect equipment etc (where these are required) as this may jeopardize the integrity of subsequent purchasing decisions. The Council should meet the costs of these visits.
- 15.6 When declining hospitality or gifts Employees should do so courteously but firmly, informing the person making the offer of the procedures and standards operating within the Council.
- 15.7 Offering gifts is common practice in the business world especially at Christmas. If a gift is simply delivered to an Employee there may be a problem returning it. In this case Employees should report this to their Senior Manager who will decide what to do.
- 15.8 Employees in caring roles may come across special problems. These situations will need to be handled tactfully. Gifts should be refused politely and the Employee should explain why they cannot accept them. If an Employee is unable to return the gift they should report this immediately to their Senior Manager.
- 15.9 If an Employee knows that they, or their partner or family member, have been made the beneficiary in the will of a service user or former service user they must immediately tell their Senior Manager.
- 15.10 Employees, their partners or any member of their family cannot borrow money or other property from a client to whom they provide services.

- 16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation, or voluntarily, the basic conventions concerning acceptance of personal gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 16.2 Where the Council wishes to sponsor an event or service neither an Employee nor any friends, partners, or persons where a family relationship is deemed to exist must benefit from such a sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.
- 16.3 Line Managers must report any proposed sponsorship for activities to the Corporate Leadership Team before proceeding.
- 16.4 The Council also helps the Community in various ways eg sponsorship, grant aid, financial or other means of support. If an Employees work involves any of these they must:
- a) Give impartial advice at all times and try not to put themselves in a situation where a conflict of interest could arise;
 - b) Declare in the Register of Hospitality/Sponsorship which is held by the Senior Manager: Democratic and Corporate as soon as they realise that they, their partner, spouse or other relative could benefit from the proposed sponsorship, grant, aid, support etc.

SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

- 17.1 Employees should carry out their duties in a way that safeguards and promotes the welfare of children, young people and vulnerable adults.
- 17.2 Employees should bring matters of concern about the safety and welfare of children, young people and vulnerable adults to the attention of their line manager, the named safeguarding officer, or any other designated officer.
- 17.3 Employees should act in a way that protects them from wrongful allegations of abuse as far as possible.
- 17.4 All Employees should undertake the required safeguarding training for their job.

PERSONAL APPEARANCE

- 18.1 The Council expects Employees to observe a standard of personal appearance which is appropriate to the nature of the work undertaken, and which portrays a professional approach which the public will have confidence in.
- 18.2 The Council values and welcomes ethnic diversity of its workforce and therefore its dress code will take account of ethnic and religious dress

requirements with sensitivity ensuring that Employees are free to observe them.

- 18.3 Employees engaged in office based roles are expected to attend work in appropriate office attire. Standards of dress enable the Council to present a smart and professional image thereby increasing public confidence.
- 18.4 All staff are expected to present a high standard of dress and appearance that is appropriate to their position of work. The image they present is very important in inspiring confidence about the Councils ability to deliver a quality service.
- 18.5 Staff in roles that require protective clothing are required to wear this whilst carrying out their duties in accordance with health and safety requirements. If individuals are unsure about such requirements they should discuss this with their line manager.

TIMEKEEPING

- 19.1 Employees must comply with the Council's standards regarding attendance and absence as outlined in the Leave and the Sickness and Absence Policy.

COPYRIGHT

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

HEALTH AND SAFETY

- 21.1 The Health and Safety at Work Act 1974 places a duty on Employees whilst they are at work to take reasonable care for the health and safety of themselves and others. Consequently, Employees are legally bound to comply with all safety rules and instructions set by Council in the Health and Safety Policy.

ALCOHOL, DRUGS, AND OTHER SUBSTANCE MISUSE

- 22.1 The Council wishes to promote the health and wellbeing of Employees and minimise problems at work arising from the effect of alcohol, drugs (whether prescribed or illegal), solvents etc. Employees are encouraged to seek help as soon as they believe they have a problem.
- 22.2 Employees whose performance or behaviour falls below the acceptable standard, or who cause danger or inconvenience as a result of alcohol, drugs or other substance abuse, may be the subject of the Councils Disciplinary Procedure.

22.3 Employees taking prescribed drugs are required to advise their line manager if any such drugs being taken are likely to have an effect on their ability to drive, to use equipment etc as required by their employment with the Council.

22.4 Employees are referred to the Councils Alcohol and Drugs Policy.

BREACHES OF THE CODE OF CONDUCT

23.1 Any breach by an Employee of any part of the Code of Conduct or its supporting policies and guidance may render the Employee liable to disciplinary proceedings pursuant to the Councils Disciplinary Procedure.