



Employee Code of Conduct

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1. INTRODUCTION

- 1.1 The purpose of this Code is to provide a clear framework within which employees are expected to conduct themselves. The public is entitled to expect the highest standards of conduct from employees.
- 1.2 Merthyr Tydfil County Borough Council strives to maintain a work environment for its staff in which honesty, integrity and respect for fellow employees and their customers/stakeholders are constantly reflected in personal behaviour and standards of conduct.

2. SCOPE

- 2.1 The Code relates to all employees acting on behalf of the Council regardless of seniority or role. This includes agency workers and any temporary worker who represents the Council.
- 2.2 Union representatives have their own Code of Practice. However as employees of the Council all employees in their capacity as union representative must adhere to the Code also.
- 2.3 Although the Code is not enforceable to third party contractors or partner groups directly, it is expected that contractors/partners observe the Code. If an employee finds that a third party contractor/partner has broken the Code, this should be reported immediately to their manager.
- 2.4 This Code also covers school based staff (with the exception of teachers). Councillors and teachers have their own Code of Conduct.
- 2.5 This Code compliments any professional Codes of Practice and conduct that specialist roles are required to adhere to.

3. STANDARDS OF BEHAVIOUR

- 3.1 The Council has adopted a set of core values and associated behaviours which underpin the way that the organisation operates, these are outlined below:

- **Honesty & Openness.**

All employees are expected to be truthful, open and informative in dealing with colleagues and the public.

Staff must be as open as possible about the decisions and actions you take and be prepared to give reasons for your decisions. You should feel comfortable about expressing your views without fear of reproach.

- **Trust & Respect.**

All employees must treat others with trust and respect so that each can carry out their job role within a supportive framework. Staff should show mutual respect and consideration for others and where trust or loyalty is abused this will be addressed.

- **Accountability.**

All employees must work to the best of your ability to support the implementation of the decisions of the Council. Staff must be prepared to be accountable for their actions and be prepared to submit themselves to scrutiny as appropriate.

- **Learning.**

All employees will have the opportunity to gain skills and knowledge and are encouraged to share practices and learn from others.

- **Aspiration.**

All employees are encouraged to be proactive so that each is thinking, planning forward and learning lessons from previous experiences and having innovate ideas. You should feel you are working in an environment where you are encouraged to have high aspirations and set yourself challenges in order to overcome barriers to progress.

- **Team Working.**

All employees are encouraged to share ideas, working practices within your team, department and directorate in order to present a united and common front for the wider public.

- **Communication.**

All employees will be kept well informed on a timely basis about the range of activities and high profile programmes and projects across the Council. Team meetings are used to provide consistent communication between managers and staff.

4. ROLES AND RESPONSIBILITIES

4.1 Managers at all levels are expected to set a good example to all staff within the Council, by conducting themselves in a way that promotes the Code. Managers should ensure they understand their responsibilities in regards to relevant financial, technological, equalities, political and legal obligations.

4.2 Managers should ensure that their own staff have access to the Code of Conduct and that they have been made aware of the content.

4.3 Managers, workers and all employees must declare a conflict of interest in any issues that involves them to ensure impartiality and fairness.

4.4 Managers must be honest and factual in their assessments of employees when writing references, appraisals and testimonials and ensure decisions can be substantiated.

4.5 Managers should undertake a risk assessment on the business where there is opportunity or risk of an employee, including themselves, breaching the Code or being deemed to have breached the Code due to the nature of the business. This could include undertaking the tender process, hospitality, sponsorship, attending community events or receiving financial or non-financial gifts. This is not an exhaustive list.

- 4.6 Managers should ensure that any relevant training is undertaken with all their employees whose work involves areas covered by the Code, to mitigate the risk of breaching the Code. This could be (but is not limited to) awareness of the business constraints, how to manage hospitality or how to tender out/for work.
- 4.7 Managers should continuously monitor and review their area of responsibility to ensure that no risks have been created.
- 4.8 All employees are expected to follow reasonable and lawful instructions from senior staff and report any misconduct issues.
- 4.9 All employees should accept reasonable instructions even if they are not in personal agreement, as long as the instruction does not breach health and safety legislation, conflict of interest, or any legal or ethical principle. If it does the employee should inform the manager of the reason why they cannot fulfil the instruction.
- 4.10 All employees in whatever capacity are expected to show mutual respect to all they come into contact with during their work, whether colleagues, the public, Councillors or third party contractors. Please refer to the **Dignity and Respect at Work Policy** and **Equalities Policy**.
- 4.11 All employees are expected to conduct themselves at all times (inside and outside of work) in such a way that does not put the Council in disrepute.
- 4.12 No manager, union representative, worker or employee must conduct themselves in such a way as to have a negative impact on the running of the Council or negatively cause poor perception of the Council. Conduct which is prejudicial to the operation of the Council will be deemed a disciplinary offence and will be investigated.
- 4.13 All employees regardless of their role are expected to adhere to all the Council's policies in their work.

5. DISCLOSURE OF INFORMATION

- 5.1 The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may also decide to be open about other types of information. The Council should therefore make it clear to employees:
- The types of information which must be made available, and to whom;
 - The types of information which Council has voluntarily made open, and to whom;
 - The types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the Data Protection Act 1998. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the Authority's publication scheme.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such

a way. Any particular information received by an employee from a councillor, which is personal to the councillor and does not belong to the council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.

6. POLITICAL NEUTRALITY

- 6.1 You should ensure that your right to engage in political or professional activities does not result in actual or perceived conflict of interest with your official duties with the Council. You should ensure that you are able, and be seen to be able, to remain unbiased in the performance of those duties.
- 6.2 This does not prevent you from being a personal member of a political party, but any activity must be outside of your role unless you are instructed formally within your role to attend any activities. Any outside activity must not compromise the Council or your role within it.
- 6.3 Where qualifying employees in certain posts are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary level they are paid) they must comply with any statutory restrictions on their political activities.
- 6.4 Every employee whether politically restricted or not, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 6.5 All employees must serve the Council as a whole, and must ensure that the individual rights of all councillors are respected.
- 6.6 Employees must be aware that it is a serious criminal offence for them to corruptly 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 any allegation is made it is for the employee to demonstrate that any such reward has not been corruptly obtained.*
- 6.7 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in 5.1 to 5.6. This role does not supersede any discrimination law or the Bribery Act 2010.

7. PERSONAL INTEREST & CONFLICT OF INTEREST

- 7.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interest of others.
- 7.2 Employees must declare to an appropriate officer/manager and through registering a conflict of interest, any financial or non-financial interests that could bring about the conflict.
- 7.3 The Bribery Act 2010 makes it a criminal offence for an individual employee to give, promise or offer a bribe and to request, agree to receive or accept a bribe. Being found guilty of such an offence could result in between 7 to 10 years imprisonment and an unlimited fine.

8. RELATIONSHIPS

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 prove embarrassing to other employees and councillors and should be avoided. Where employees and Councillors have a close relationship or are related, both parties should ensure they separate out their personal and professional relationship.

Communities

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service provision to all groups and individuals within that community as defined by all policies, including the Equalities Policy.

Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager.

Orders and contracts will be awarded on merit, using fair competition against tenders with no special favours. The Council's procurement process must be followed at all times. Employees who engage/procure or supervise contractors or have previously or currently have a relationship privately or domestically should declare the relationship and take appropriate steps to maintain the Council's integrity.

Appointment & employment matters

Employees involved in appointments should ensure that the Council's Recruitment and Selection Policy is adhered to. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid suggestion of bias, employees should not be involved in appointments of relatives or close friends.

Employees should not be involved in decisions relating to discipline, promotion, pay adjustments or terms and conditions of any employee who is related to them.

9. OTHER EMPLOYMENT

- 9.1 If an employee wishes to undertake additional (paid or unpaid) work outside of the Council they should seek approval if it could in any way affect the Council's interests. Employees must notify the HR Department in writing with the details of the additional work they wish to undertake.
- 9.2 Employees must follow the Council's rules on ownership of intellectual property or copyright created during their employment.

10. USE OF AUTHORITY

- 10.1 You must not use your official position, status or powers of authority to seek to improperly influence a decision or action.

- 10.2 You are expected to give honest, impartial and comprehensive advice regardless of your personal views. If you feel that your political or personal views would conflict with the performance and execution of your duties you should contact your line manager so that it can be resolved.
- 10.3 You should provide Councillors, Chief Executive, Directors, managers and colleagues with advice which is frank, honest, independent and comprehensive.
- 10.4 When exercising discretionary power, you should ensure the power is being used properly, impartially, equitably and in line with current legislation, delegations, procedures and guidelines. You must ensure that you are authorized to exercise these powers associated with your employment (either as a statutory power or via a person who has the statutory power and the authority to delegate you).

11. USING COUNCIL PROPERTY, EQUIPMENT OR FACILITIES

- 11.1 Council property, equipment or facilities are for Council business only and should not be used for personal needs unless express permission has been given.
- 11.2 Reasonable personal use of telephones, photocopies, computers and faxes is allowed as long as you have sought permission from your line manager. However no private work may be carried out in Council time or on Council premises with the use of the Council's equipment.
- 11.3 It will be considered theft if any Council equipment, stationery or tools are removed from the Council premises for personal use.
- 11.4 You are not authorized to use email or internet for personal use in Council time. Please see **ICT Information Security Policy**.

12. USE OF SOCIAL MEDIA

- 12.1 The Council recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the Council, employees must be aware that they can damage the organisation if they make inappropriate comments which can then be associated with the Council.
- 12.2 Employees must refrain from discussing work related issues on social media and making any comments which may be perceived as reflecting negativity on the Council or conflict with corporately held views.

Any communication that employees make in a personal capacity through social media must not:

Bring the Council into disrepute, this could include:

- Making defamatory comments about individuals or other organisations or groups.
- Posting images that are inappropriate or links to inappropriate content.
- Expressing views that could bring the Council's impartiality into question.

Breach confidentiality, this could include:

- Revealing confidential/sensitive information.
- Discussing the Council's internal workings.

Do anything that could be considered discriminatory against, or bullying or harassment of, any individuals, this could include:

- Making offensive or derogatory comments.
- Using social media to bully another individual.
- Posting images that are discriminatory or offensive (or links to such content).

All employees should note that any breach in relation to mis-use of social media may lead to disciplinary action. Please see the **ICT Social Media Policy**.

Serious breaches (for e.g. incidents of bullying of colleagues or social media activity causing serious damage to the Council) may constitute gross misconduct and lead to summary dismissal.

13. CONTACTS WITH THE MEDIA

13.1 In your work with the Council, contact with the media should only take place where this has been authorised by the Council. You must follow the Council's policy in relation to contact with the media.

14. CRIMINAL CHARGES AND CONVICTIONS

14.1 The Council requires all applicants for jobs to disclose all contraventions of, failures to comply with, any provisions of law, whether committed in the UK or elsewhere, unless the Rehabilitation of Offenders Act applies and the rehabilitation period has expired. In some circumstances DBS checks are conducted on all successful applicants for certain positions in the Council, plus additional electronic MTCBC checks may also be undertaken.

14.2 Once you are an employee you must notify the Council (via your line manager) in writing of any offence that you are charged with, or convicted of immediately (i.e. next working day). The term 'conviction' refers to a finding of guilt regardless of any conviction being recorded. Failure to notify the Council will constitute the grounds for disciplinary action.

15 DEALING WITH COUNCIL MONEY AND FINANCES

15.1 All employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

15.2 Should you have responsibility for budgets and/or purchasing you should ensure you understand and comply with the Council's financial regulations.

15.3 When committing council budgets you should ensure there is approved budget for such expenditure and is within your limits of authority to commit.

16. TENDERING CONTRACTS

- 16.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 16.2 You must declare an interest, whether direct or indirect, about any tendering process that you are involved in or are able to influence. This includes if you volunteer for an organization in receipt of a grant from the Council or the organization you volunteer for is involved in tendering for a Council contract.
- 16.3 Employees privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organization.
- 16.4 Employees should ensure that no special favour is shown to current or recently former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them.

17. CONFIDENTIALITY

- 17.1 Openness in the dissemination of information and decision making is part of the daily business of the Council. However certain information is confidential and sensitive and is therefore not appropriate for discussion with wider audience. Where confidentiality is necessary only the relevant parties should be informed.
- 17.2 A breach of the Data Protection Act 1998 will result in disciplinary action. However employees should be mindful of the Freedom of Information Act 2000 where certain data has to be available for public knowledge. Advice can be obtained from the legal department on this.
- 17.3 If any employee uses data obtained in the course of their employment for personal gain or benefit, or pass it to others for this purpose, it will be deemed a disciplinary offence.
- 17.4 Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is sanctioned by law.
- 17.5 Some staff have a duty of confidentiality under common law (e.g. Social Workers, Occupational Therapists, Solicitors). In practice, this means that all client information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the client. In addition, everyone involved in the provision of these services, and any person who provides managerial, admin or secretarial support, has the same obligation to ensure the confidentiality of that information. There will be times when duty of confidentiality can be overridden e.g. with consent; where the law requires it; in the public interest.
- 17.6 This Code does not override any statutory obligations.

18.0 EQUALITIES

- 18.1 All Council employees must ensure that policies relating to equality issues agreed by the Council and written into statute are complied with. This includes treating all people that are met in the course of employment with respect.
- 18.2 All managers who are responsible for reviewing, amending and creating policies, procedures and deliver services must comply with the law and undertake Equality Impact Assessments when there is discussion about changing, creating or deleting a service so that the impact on equalities can be tested and mitigated.

19.0 HOSPITALITY & GIFTS

- 19.1 You should not accept offers of hospitality unless you can answer 'yes' to the following questions:

“Can I justify this?” and “Can I be sure I will not be subject to legitimate criticism?”

If you are in any doubt, you should seek the advice of your manager.

- 19.2 Employees should only accept offers of hospitality (for e.g. meals, tickets to sporting or cultural events) if there is a genuine need to impart information or represent the Council in the community. Offers to attend functions that are social should be accepted only when these are part of the life of the community, and are properly authorized and recorded as a function that the Council should have representation at.
- 19.3 Any hospitality accepted should be looked at in line with any political sensitivity in regards to its timing or purpose.
- 19.4 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token such as pens and diaries. These should be declared in the **register of officer interest**, which is attached in the **appendix**.
- 19.5 If it would cause offence to refuse a gift it should be instead passed to the Director who can arrange for it to be donated to the Mayor's charity or similar cause.
- 19.6 If you are offered a gift and you believe or suspect that the offer is made with the intention of influencing you to give favourable treatment to a service user, potential or actual contractor or supplier you must inform your manager, Director or the Chief Executive.

20.0 SPONSORSHIP

- 20.1 When the Council sponsors an event, an employee, partner, spouse or relative cannot benefit from it. Employees must seek guidance if they think that this may occur.
- 20.2 When an outside body or contractor wishes to sponsor a Council event, whether by invitation, tender, negotiation or voluntary, the basic conventions concerning acceptance of gifts or hospitality apply. Extra care should be taken with the tender process.

21.0 WHISTLEBLOWING

- 21.1 If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter

acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998. The Council's Whistleblowing Policy covers such matters.

22.0 RELATED POLICIES

22.1 The following policies should be consulted when undertaking Council business where relevant. This is not an exhaustive list:

- Whistleblowing Policy
- Financial Procedural Rules
- Contracting and Procurement Rules
- Anti-fraud and Corruption Policy
- Disciplinary Policy

23.0 PROCEDURE

23.1 The data collected at Appendix A should be sent to HR Administration.

24.0 COLLATING REGISTER DATA

24.1 The Monitoring Officer will retain the Register of Officers Interests.

APPENDIX A

REGISTER OF OFFICERS INTERESTS

Name of Officer: -----

Directorate: -----

Job Title: -----

Date	Nature of Interest*	How it relates to the Council	Gift/Hospitality accepted?	Authorizing Manager's signature

- This column includes gifts, tender interests, membership of organisations etc.