

Luton Borough Council Constitution

Section 6: Protocols and policies

**Part 6 B: Code of Conduct for
Employees**

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Section 6: Protocols and policies

Part 6 B: Code of Conduct for Employees

The Code

1. Purpose

- 1.1 This Code is intended to set out principles relating to the manner, approach and behaviours that should be observed by all employees in the performance of their duties, in order to ensure conduct of the highest order and that those in receipt of the services provided by Luton Borough Council can have and maintain confidence and trust in the integrity of those working for the Authority. This Code has been approved by the council and forms part of the terms and conditions of service of employment of all employees.

2. Scope

- 2.1 The scope of this Code is as set out at the Contents page above.

3. General principles

- 3.1 This Code is designed to set out standards of conduct and behaviour in order that employees themselves and the public they serve can be sure of the parameters and standards required of employees in such a manner that there will be confidence and trust in both the employee and the council.
- 3.2 The areas highlighted in this Code are not exhaustive, and employees should endeavour to be seen as setting the highest standards of conduct in a way that does not bring any disrepute on themselves as a council employee, the service they work within, or the council in general.

4. Responsibilities of employees

- 4.1 It is the responsibility of all employees to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their council duties. It is for the employee to always be impartial and honest in the conduct of their official business and with their own dealings with the council, and to notify the employer of any change in their circumstances/interests that may impact in any way upon their employment or upon the council in general.
- 4.2 It is also the responsibility of line management to monitor, where practical, that employees are conforming to this Code and to ensure that employees are fully aware of its contents.
- 4.3 Employees are subject to adherence to the council's laid down policies and procedures, Standing Orders and Financial Regulations and are expected to use any public funds that are entrusted to them in the best way possible for the council and the people of Luton.

5. Where to obtain further advice

- 5.1 Any queries in respect of this Code should be raised with your line manager in the first instance. Other officers who will be able to assist if employees need specific or more detailed advice are:

(1) Service Director, HR and Monitoring Officer telephone 01582 546291

(2) Service Director, Finance and Audit (finance related matters) 01582 546087

(3) Service Director, Procurement and Shared Services (contracts related matters) 01582
547392

6. General standards in dealing with people

6.1 In the course of carrying out their duties, employees are required and expected to treat all people, with whom they have dealings, in a courteous, polite, unbiased and respectful manner. It is recognised that given certain circumstances, there will be occasions where dialogue may become strained. However for employees, particularly those who have regular contact with the public and the citizens of Luton, the council provides relevant training courses dealing with customer care, dealing with violent or aggressive situations etc. in order to ensure that such situations are “managed” by the employee, in as constructive and non-provocative manner as possible.

The council does have policies and guidelines for dealing with these situations, and employees are advised to refer to these and discuss the matter with their line manager/supervisor if they feel that they are likely to work in an area where conflict can take place. Employees who are faced with abusive/violent situations are always advised, particularly where there is potential danger to themselves or others, to politely withdraw or disengage themselves from the situation.

6.2 Employees are required to maintain a good standard of dialogue and must refrain from using abusive, derogatory or offensive language in the course of their duties and dealings with people. In addition body language that may be construed as aggressive, threatening or offensive must be avoided at all times.

6.3 This Code must be read in conjunction with the council’s Disciplinary Procedure that sets out examples of conduct that will be treated as misconduct and liable for action to be taken under that procedure.

7. Equality of opportunities for all

7.1 The council is committed to ensuring people receive equal treatment in all aspects of its service delivery and employment activities.

7.2 In any aspect of their work, the council’s representatives must ensure that they treat no individual less favourably than they treat any other. Both colleagues and employees, Luton’s citizens and the public must be treated with dignity and respect.

7.3 Employees should ensure that their behaviour and performance meets work place standards at any time that the council is being represented or is likely to be identified or associated with the role as a public official.

7.4 Employees should make sure that they are familiar with the council’s policies on equal opportunities and the prevention of discrimination and harassment.

7.5 Everyone should make reasonable efforts to develop and maintain appropriate skills in valuing diversity.

8. Intellectual property

8.1 Intellectual property is a legal term that refers to the rights and obligations received and granted, including copyright. Ownership of intellectual property is determined by considering the circumstances in which it was conceived and developed. The council owns the copyright in material made by, or under its direction. Whether you are an employee or a contractor, copyright in material you produce in the course of your work belongs to the council unless otherwise explicitly provided for in your contract of employment.

9. Security / ID badges

9.1 In certain areas of the council, you are required to wear your identification badge at all times whilst on the premises. Where this applies, employees will be informed. All employees are required to challenge anyone they do not recognise in an employee or secure area of the council premises without either an employee ID badge or a visitor's badge. You must not allow strangers to follow "tailgate" you into secure areas of council premises. Everyone must wear or carry their ID with them at all times in order that it can be shown if challenged. If you are asked for ID please be polite and courteous and remember that this protocol exists for the protection of all employees.

10. Conflicts of interest

10.1 All employees, no matter what level of pay are advised not to engage in outside activities whether paid or unpaid that may conflict with their council work, or be detrimental to it. They are advised to tell the council through their line manager who will seek a decision from their Service Director or Service Manager. It will be for the council to determine whether the interest of the Authority is likely to be harmed.

10.2 It is difficult to give a definitive list of potential conflicts of interest, but the simple test is to ask the question; "If this issue became public knowledge could it raise questions about my integrity and could it bring the council into disrepute".

10.3 If the answer is "**yes**" or "**possibly**" or "**I'm not sure**" you are obliged to raise it with your line manager so that this matter can be given further consideration.

11. Commercial confidentiality/data protection

11.1 Employees must not make public, without the express agreement of their manager as part of the normal processes of the council, any internal information that they may be aware of as part of their employment with the council, whether or not this is for personal gain, or the personal or financial gain of others.

11.2 This is particularly important where:

(1) it may prejudice the principle of a purchasing or a contracting system based on fair competition,

(2) commercial advantage may be lost by disclosing: the councils pricing structures e.g. costs, charges or margins, our list of current customers and clients or details of current or proposed contract negotiations.

Employees are also bound by the Data Protection Act in not releasing to a third party, other than for internal purposes as part of normal work requirements, any information held in respect of any employee or person who has dealings with the council for any reason.

12. Awarding contracts

12.1 Only employees who are authorised to do so may award contracts. In doing so they must comply with the council's Standing Orders, Financial Regulations and UK and European law as regards procurement.

13. Recruitment of friends or relatives

- 13.1 Employees' attention is drawn to the issue of influencing, or potentially attempting to influence, the decision as to whether a person who is related, or known to an employee, is offered a contract of employment with the council. In the event that a relative applies for a post with the council, the applicant must record their relationship as part of the application form.

The employee is required to ensure that they do not take part in, or attempt to influence in any way, the selection recruitment process. Employees are advised, that where anyone who is "**closely**" known to them outside of the council, applies for a post within the council, that they should not be involved in any way with the selection process for that particular post.

14. Gifts and hospitality

- 14.1 The Local Government Act 1972 states that an employee shall not use his or her office or employment to accept any fee or reward other than their proper remuneration (i.e. salary / pay).
- 14.2 Employees should try to avoid being placed in a position where refusal of a gift would cause offence (this may be particularly relevant around religious festivals). It is suggested that consideration be given to donating the gift to the Mayor for use in relation to his or her charity.
- 14.3 Small low value gifts such as flowers, pens, a box of chocolates, diaries or similar that can be shared with colleagues may be accepted providing they are declared and recorded in the Registers of Gifts & Hospitality maintained by each department.
- 14.4 Modest hospitality provided it is normal and reasonable in the circumstances, e.g. lunches and/or dinners in the course of working visits, conferences or professional gatherings is acceptable and does not need to be declared and recorded.
- 14.5 If there is any doubt you must check with the Monitoring Officer before accepting gifts or hospitality.

15. Sponsorship

- 15.1 Where the council sponsors an event or service an employee or immediate family member must not benefit from the sponsorship. Employees must seek guidance if they are involved with any event or service that the council proposes to sponsor.
- 15.2 When requesting or receiving sponsorship from third parties the council must consider whether members of the public would consider the sponsorship appropriate. It is essential that members of the public have confidence in the integrity, impartiality and honesty of the council and any sponsorship arrangements should ensure this position is not jeopardised.

16. Political restrictions

- 16.1 The Local Government and Housing Act (LGHA) 1989 prohibits certain local government employees from taking part in specific political activities. This will embrace those employees who are in posts deemed to be "**politically restricted**" (PoRPS) as defined by the Politically Restricted Posts Procedure.

- 16.2 Posts are identified as being subject to political restriction by being either a “specified” post that is listed under Section 2 of LGHA 1989 or a “**sensitive**” post where duties of the post require an element of political neutrality. The list of “**specified**” posts and the criteria by which “**sensitive**” posts are identified are defined in the Politically Restricted Posts Procedure. The council is obligated to maintain a list of all politically restricted posts that exist within the council for public inspection.
- 16.3 If a council employee occupies a post that is subject to the criteria stated in the Politically Restricted Post Procedure that designates their role as “**politically restricted**”, the employee is restricted from participating in political activities as defined in the Procedure.
- 16.4 Employees, whose post has been identified as “**sensitive**” by the criteria stated in the Politically Restricted Posts Procedure may appeal for exemption from political restriction by contacting the Monitoring Officer. All such appeals require a letter from the applicant formally seeking exemption, a full job description of the politically restricted post and the reasons they feel that the post has been incorrectly identified as being “**sensitive**”.
- 16.5 A critical factor in maintaining public confidence in a local government’s integrity is the knowledge that employees can be seen as performing their duties for the council in a politically neutral manner. Employees should therefore not be seen to be in a position to serve any political party within the authority with any bias toward any political party or group, be it favourable or unfavourable, or to allow their own political views and opinions to influence the manner in which they carry out their duties.
17. **Criminal charges and convictions**
- 17.1 The council requires all applicants for jobs to disclose all contraventions of, or failure 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. For certain posts the council undertakes a Disclosure and Barring Service (DBS) check.
- 17.2 Once an individual becomes an employee they must inform their manager as soon as they receive a reprimand, warning, caution or are investigated, or arrested, or charged, or convicted of such crimes (on the next working day) and if arrested, must notify the manager of the development and outcome of the case immediately e.g. on the next working day.
- 17.3 In addition, employees should always notify their manager if there is any doubt as to whether or not they fall into such a category. In certain circumstances, employees should notify their line manager if an immediate family member who resides at the same address is also investigated, arrested, charged or convicted.
- One example could be where an employee working with children has a current relationship with an individual or is known to associate with individuals who have convictions for child abuse. The employer may not have raised any concern regarding their activity at work but their out of work relationships would call into question their position of trust and may be considered as bringing the council into disrepute.
- 17.4 Where it is deemed that there is an adverse impact on their employment, the council’s disciplinary procedure will be invoked. The council is not obliged to wait for the criminal justice or other legal system to run its course before commencing disciplinary investigations.
- 17.5 It should be noted that the term “**conviction**” includes a finding of guilt regardless of whether or not a conviction is recorded.

- 17.6 Failure to notify the council of a police investigation, arrest, charge or conviction will constitute grounds for disciplinary action.
18. **Driving disqualification**
- 18.1 Employees who drive on council business or are in receipt of the essential car user allowance or whose job requires a driving licence must inform their manager immediately (on the next working day) if they are disqualified from driving for medical or criminal reasons. The employee will immediately lose their entitlement to the essential user's lump sum for the duration of their disqualification.
- 18.2 The council will consider if it is reasonable and appropriate to redesign their job to exclude the requirement to drive (temporarily or indefinitely) or to redeploy them to alternative employment (either temporarily or indefinitely).
- 18.3 Where redeployment to a lower paid job is because of disability protection of pay will be in accordance with the current council policy regarding that. There will be no pay protection if the driving disqualification and subsequent redeployment is as a result of a driving conviction or driving ban.
- 18.4 Where redeployment or job redesign is not possible, the employees continuing employment with the council is at risk. The council will follow the appropriate HR procedure.
19. **Undertaking paid or unpaid work outside of the council**
- 19.1 Any additional work undertaken by an employee outside of their normal work for the council whether it is paid or unpaid must not conflict with the interests of the council.
- 19.2 The council must also be mindful of its responsibility under The Working Time Directive 1998, the Health and Safety at Work Act and its general responsibilities towards the health of its employees.
- 19.3 Luton Borough Council does not wish to impose unnecessary restrictions upon employees to gain employment or secure other legitimate forms of income in addition to working for the council.
- 19.4 Anyone wishing to take secondary employment must first seek approval from their line manager. They should advise their manager in writing of the work they wish to do and the hours / working patterns that they are likely to be working. They are also required to advise their manager if the hours or circumstances of their secondary employment change.
- 19.5 Managers will consider each request on its individual merits and are required to take into consideration matters of conflicts of interest, the Working Time Directive and the likely impact, from a health and safety point of view, on the employee's ability to undertake the additional work over and above that required of the Council.
- 19.6 Managers may need to seek advice from their Service Director or Service Manager. Managers will not unreasonably refuse requests for secondary employment. Any decision will be proportionate to the element of risk and will not place any unnecessary restrictions upon the individual.
- 19.7 Where approval is given employees will receive written approval from their line manager, Service Manager or Service Director. This will include any restrictions required by the council that it deems are necessary to minimise the risk of conflict of interest situations arising. Any restrictions imposed will be proportional to any conflict of interest or health and safety risk. Employees will be required to sign and return a copy indicating their acceptance of any restrictions.

- 19.8 Note: If employees are not given approval to undertake their paid work and they are not prepared to accept the conditions placed upon them by the council they will have the choice of continuing with their secondary paid employment or their employment with the council.
- 19.9 It is the expectation of the council that an employee with secondary employment who is unable to attend work for the council due to sickness is also unable to attend work for the secondary employer. There may be exceptional circumstances where it is possible to work for one employer and not the other. If this is the case, the line manager must be informed.
20. Undertaking voluntary work outside of the council
- 20.1 Any additional voluntary activity undertaken by an employee outside of their normal work for the council must not conflict with the interests of the council.
- 20.2 Many of the council's employees offer back their skills, services and time to their local community through a variety of unpaid (or expenses only paid) roles. The council appreciates that these offer the community access to precious skills, local knowledge, enthusiasm and commitment as well as a means of stretching and developing the individuals concerned. It believes that this tradition of voluntary, unpaid work is an essential contributor to enable communities to flourish and is proud of the contribution made by its employees.
- 20.3 However, the council wishes to ensure that neither its employees who undertake these activities, nor the council itself are exposed to damaging or potentially damaging 'conflict of interest' situations.
- 20.4 Those involved in voluntary community activities must therefore advise their line manager in writing of their additional commitments outside work.
- 20.5 Examples of activities that require employees to seek approval are:
- (1) Management committees of community/leisure centres.
 - (2) Tenants' (council property) committees/committees of residents' action groups.
 - (3) Governing bodies of a school either in capacity as Governor or Clerk to the Governors.
 - (4) Involvement in voluntary youth groups including Scouts, Guides, Church groups.
 - (5) Self-help play schemes or similar.
 - (6) Committees of local sports clubs, other leisure activity clubs or similar.
 - (7) Organisations in receipt of grant aid or other support from the council.
 - (8) Freemasons, Rotary, Round Table, etc.
 - (9) Nomination for election to a committee detailed above.
- 20.6 Where approval is given employees will receive written approval from their Service Director or the Service Manager. This will include any restrictions required by the council that it deems are necessary to minimise the risk of conflict of interest situations arising. Any restrictions imposed will be proportional to any conflict of interest or health and safety risk. Employees will be required to sign and return a copy indicating their acceptance of any restrictions.
- 20.7 Note: If employees are not given approval to undertake their voluntary activity and they are not prepared to accept the conditions placed upon them by the council they will have the choice of continuing with their voluntary activity or their employment with the council.

21. Senior managers and those on Chief Officer terms and conditions

21.1 Employees on Chief Officer or related terms and conditions of service are required to devote their Whole Time Service to Luton Borough Council. Chief Officers and Senior Managers must obtain permission to undertake any additional professional activities outside of work and must declare all their professional commitments to the Monitoring Officer. Chief Officers and Senior Managers are defined in the Appendix to Part 2 A (Articles) of the Constitution.

22. Directorship of limited companies

22.1 Employees who are also directors of limited companies must declare their directorship and other professional associations with limited companies to their line manager. If a conflict occurs between private interests and public duties, employees must resolve the conflict in favour of the council. They must at all times ensure that the council interests come first.

22.2 Employees who are required by the council to act as directors of limited companies where the council is a shareholder must be mindful of the risk of a conflict of interest to occur in discharging their duties. Whether there is a conflict of interest will always be a question of fact and degree in any situation so, if there is the slightest doubt, legal advice must be sought and the Monitoring Officer informed. Those employees must not take part in any decision-making by the council that could be seen as unduly influencing the outcome to the benefit of the company of which he or she is a director.

23. Political, professional and trade union activity

23.1 Employees should ensure that their right to engage in political or professional activities does not result in an actual or perceived conflict of interest with their official duties with the council. Employees must remain unbiased in the performance of their duties.

23.2 Council employees serve the council and when carrying out their work must be politically neutral. Employees acting in their capacity as a council employee must not attend meetings of political groups unless specifically authorised to do so. This neutrality does not mean that employees cannot be members of a political party.

23.3 Trades union officials and stewards within the council must ensure that any issue or situation in which they are involved does not involve conflict with their position as an employee of the council and the explicit requirement not to bring the council into disrepute.

23.4 Generally the more senior the post held by an individual, the more care that will need to be exercised in this respect.

23.5 Where employees do find themselves in such conflict of interest situations, their responsibilities to the council take precedence and they must desist from their trade union involvement in the issue at once.

23.6 If you are a member of a profession, you are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct. Some examples are the Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England and, the Solicitors Regulatory Authority.

24. Whistleblowing

- 24.1 If you are concerned about any practice you see in the council which you think conflicts with this Code of Conduct you should if possible obtain advice from your manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved it would be inappropriate to raise the matter directly with them. In these circumstances, employees can raise the matter directly with the council's Monitoring Officer on whistle@luton.gov.uk
- 24.2 The Public Interest Disclosures Act 1998 and the council's Whistleblowing Policy can provide safeguards for employees and public officials who disclose unlawful and improper conduct including breaches of this code. Public Interest Disclosures should be made directly to the council's Monitoring Officer.

25. Safeguarding

- 25.1 Our procedures encourage all staff to report their safeguarding concerns to appropriate people and appropriate authorities. This applies in non-working situations.
- 25.2 Children and vulnerable adults cannot be expected to raise concerns where staff fail to do so.
- 25.3 Failure by staff, to report abuse or suspected abuse is a breach of their 'duty of care'.
- 25.4 Employees cannot keep information of abuse given by service users secret, even if they have been told in confidence. All staff have a 'duty to report' such concern to the appropriate line manager or other person as set out in the council's Whistleblowing Policy.
- 25.5 Employees must understand that their duty to the safety/welfare of the child or adult at risk in their care is paramount and that loyalty to colleagues has to take second place. The Public Interest Disclosure Act 1998 gives statutory protection for workers who speak out.
- 25.6 Employees who have any concerns about the welfare of a child or adult at "risk" must never ignore it, must always record it and always share it with their manager or the appropriate authority. Employees are accountable for what they do as well as what they choose not to do.

26. Relationships with vulnerable clients or service users

- 26.1 Unless there is sound reason to do so, and the action is taken with the express knowledge and approval of a line manager, and the decision is recorded on the service case papers or establishment record:
- (1) You must not make personal arrangements to see service users, their carers or families when off-duty
 - (2) You must not take service users, their carers or families to your home
 - (3) You must not give your telephone number or address to service users, their carers or families
 - (4) You must neither sell nor buy property from service users, their families or carers.
- 26.2 Some examples of specific behaviour that will not be allowed and which may lead to disciplinary action include:
- (1) sexual contact
 - (2) lending/borrowing money or property

(3) witnessing wills or acting as a named executor

(4) arranging extra help for a fee

(5) giving or receiving gifts.

27. Relationships with members

27.1 Employees are required to comply with the Protocol for Member/Officer Relations which has been adopted by the council as Part 5 C of the Constitution and which sets out the ground rules for the relationship between council Members and employees in order to ensure the continuing mutual respect of each is maintained.

28. Use of council facilities

28.1 Facilities that are provided by the council and used by employees as part of their normal duties, must not be used, or abused by employees for their own private benefit or gain. This will cover all council property for example telephones, computers, mobile technology, vehicles, safety equipment and protective clothing, tools, fax machines, franking machines, paper etc. Council property should not be taken home, or taken away from the normal place of work, unless prior permission has been given by an employee's immediate supervisor/manager.

29. Sanctions for breach of the code

29.1 This Code of Conduct forms part of all employees' terms and conditions of appointment. Any breach of this Code will therefore be dealt with under the council's agreed disciplinary procedures, and may, subject to the seriousness of the breach, lead to a dismissal from the council's service. In cases where the breach is the subject of police investigation, the council is not obliged to wait for the criminal justice or other legal system to run its course before commencing disciplinary investigations.

29.2 Where inappropriate behaviour is by an individual engaged on a contract of services, or employees not subject to a disciplinary procedure e.g. those during their probationary period, or consultants, then their services with the council will be terminated immediately.