

Constitution



Part 5: Codes and Protocols

Section 2: Employees' Code of Conduct

Newport City Council wishes to maintain and further improve the quality, economy and effectiveness of all its services, and is progressing this through its commitment to the national drive for improvement in public service, including community leadership by local government in support for the government's new approach to public service, Continuous Improvement.

Within the Continuous Improvement context, the Council will want to ensure that the public will receive services that reflect the highest standards of conduct, and also have confidence in the integrity of its employees.

The purpose of this Code is to outline existing legislation, regulations and conditions of service and will provide guidance to assist employees in exercising appropriate conduct during their employment with Newport City Council.

The Code has been prepared in consultation with the Trade Unions and forms part of the Council's Terms and Conditions.

Reference to the development of local codes of conduct can be found in both the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book), and Joint Negotiating Committee for Local Authority Craft and Associated Employees National Agreement on Pay and Conditions of Services (Red Book).

The Conditions of Service for Teachers in Primary and Secondary Schools (Burgundy Book) makes reference to the provision of the authority's own conditions, which provide further safeguards for, and obligations on the individual teacher.

The Code is applicable to all employees and is recommended for adoption by the Governing Bodies of the schools within Newport City Council.

1.0 Standards

- 1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. The Authority's expectation on propriety and accountability is that employees at all levels will lead by example, by ensuring adherence to rules and that all procedures and practices are above reproach.
- 1.2 The Code incorporates the existing laws, regulations and conditions of service and is intended to assist employees in their day-to-day work, in the light of the challenges they face in the new and more commercially orientated environment. The code has been produced with the objective of setting guidelines for employees, which will help to maintain and improve standards of conduct and protect employees from misunderstanding or accusations of improper conduct.

- 1.3 The Code itself cannot cover all cases likely to arise in practice, but the principles do. Ultimately, the Authority relies on the integrity, common sense and professional judgement of individual employees. It is not enough to avoid actual impropriety, employees must, at all times, avoid any occasion for suspicion and any appearance of improper conduct. Employees must not hesitate at any time to seek advice from their line manager on the interpretation of the code, or when circumstances arise which it does not cover.
- 1.4 Employees must ensure that they are aware of the principles of the Authority's [Standing Orders](#) and [Financial Regulations](#) and Council Policies and Procedures and at all times act in accordance with best practice when dealing with the affairs of the Authority. Employees are also expected to follow any Code of Conduct related to their professional bodies. Further information relating to the above can be found on the internal Intranet facility or alternatively can be obtained from your Line Manager/Support Services Division/Head Teacher.
- 1.5 It is the responsibility of all employees, without fear of recrimination, to bring to the attention of the appropriate level of management, any impropriety or breach of procedure. This they can do in the knowledge that such concerns will be treated with the utmost confidence and properly investigated. Further information on the appropriate procedure to be followed can be found in the Council's Disclosure of Malpractice 'Whistleblowing' Policy.

2.0 Political Neutrality

- 2.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
 - 2.2 Employees should not be called upon to advise any political group of the Authority, either as to the work of the group or as to the work of the Authority, and they should not be required to attend any meetings of any political group. However, it is accepted that certain employees may be invited to advise any political group of the Authority as part of the substantive duties and responsibilities of their post.
 - 2.3 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
 - 2.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 2.2 and 2.3.
 - 2.5 Employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being an AM, MP or MEP and are subject to prescribed restrictions on their political activity, in accordance with the Local Government and Housing Act 1989 (s1(5),(6)).
- 2.6 Politically restricted posts are defined as:
1. specified posts, such as the Head of Paid Service and the Monitoring Officer. Chief Officers and their deputies are restricted without exemption or appeal.
 2. all posts which reach or exceed Spinal Column Point 44 or equivalent remuneration level, unless exemption for individuals is granted.

3. all posts which meet the duties-related criteria for determining a 'sensitive' post. These posts are defined as, those which give advice on a regular basis to the employing Authority, to any committee or sub-committee or another joint committee on which the Authority is represented, to any Member/Employee Working Groups, or speak on behalf of the Authority on a regular basis to journalists and broadcasters.

A full list of posts that are politically restricted, is available from Human Resources and Policy.

3.0 Equality Issues

- 3.1 It is the responsibility of all employees to ensure that they act in accordance with the Authority's Equal Opportunities Policy in addition to the legal requirements, and that they themselves do not discriminate in any way against fellow employees or job applicants. All members of the local community, customers and other employees have a right to be treated with fairness and equity.
- 3.2 Employees should be aware that acts of deliberate discrimination and wilful disregard of equal opportunity policies will be treated as disciplinary offences.
- 3.3 Employees are encouraged to raise any concerns they may have and to inform management if they suspect that discrimination is occurring within the Authority. Further information on the appropriate procedure to be followed can be found in the Council's Equal Opportunities Policy and the Disclosure of Malpractice 'Whistleblowing' Policy.

4.0 Disclosure Of Information

- 4.1 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 that councillor and does not belong to the Authority, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 4.2 Information concerning an employee's personal or employment details will not be supplied to any person, unless the Authority receives a written request containing the employee's consent.
- 4.3 Employees should not communicate to the public, the proceedings of any meeting that constitutes part of the Council's democratic decision-making process, nor the content of any document relating to the Authority unless required by law or expressly authorised to do so.
- 4.4 Employees should be aware of which information the Authority is and is not open about, and act accordingly. If an employee is unsure about any aspect of disclosure of information they should refer to their Line Manager/Head Teacher
- 4.5 An employee who receives a request from the media to comment on any issues concerning the services of the Authority shall not comment without the express consent of a Chief Officer.
- 4.6 All employees must abide by the principles of the Data Protection Act 1998 and act in accordance with the Council's code of best practice. As an employee of the Authority, it is part of your job to ensure that personal data remains confidential and secure. Misuse or

unauthorised disclosure of personal data can lead to personal prosecution and disciplinary action in accordance with the Authority's Disciplinary Procedure.

- 4.7 For the purpose of internal audit, the Head of Finance and Scrutiny and his/her nominated representative shall have authority to:
1. enter at all reasonable times on any Council premises or land without prior notice.
 2. have access to all records, documents, computer programs and files and correspondence relating to any financial and related transactions of the Council.
 3. require and receive such explanations as are necessary concerning any matter under examination.
 4. require any employee of the Council to produce cash, stores or any other Council property under their control or such items in their custody as an officer of the Council which are the property of other persons.
 5. secure and prevent access to any equipment and records subject to an immediate report to the relevant Chief Officer.

Further information can be obtained from Paragraph 5 of the Authority's Financial Regulations.

5.0 Relationships

Councillors

- 5.1.1 Employees are responsible to the Authority, and for some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority's work. 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 therefore be avoided.
- 5.1.2 Employees should operate within the Authority's management structure and procedures on all matters affecting service delivery and employment. Employees must not 'lobby' councillors on these issues. Exception to this will be made for recognised Trade Union Officials through the mechanisms and procedures established by the Trade Unions and the Council.
- 5.1.3 Employees must take instructions from their immediate line manager as outlined in the reporting structure of their job description. If an employee is asked by a councillor to undertake duties, or comment on a matter that falls outside the boundaries of their responsibilities, or is a breach of the Authority's policies and procedures, the matter should be raised with their Line Manager/Head of Law and Standards/Head Teacher. Further guidance on the procedure to be followed can be found in the Disclosure of Malpractice 'Whistleblowing' Policy.
- 5.1.4 Councillors will act in accordance with the Members' Code of Conduct in the course of their working relationship with employees.

The Local Community and Service Users

- 5.2.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.
- 5.2.2 For areas of the Council where employees are involved in the care and protection of service users, particularly those of a more vulnerable nature, it is expected that they will protect the rights and promote the interests of service users, and ensure the trust and confidence of those service users are established and maintained. Wherever possible,

employees should protect service users from danger or harm, and follow practice and procedure designed to keep employees, service users and other people safe from violent and abusive behaviour.

- 5.2.3 Employees should respect the dignity, privacy and confidentiality of service users. They must not in any way, abuse, neglect or harm service users, exploit their professional relationship with them or abuse their trust. Employees must report to their Line Manager/ Head Teacher concerns regarding the welfare of a service user.
- 5.2.4 Employees must not form inappropriate relationships with service users, and must inform their Line Manager/ Head Teacher of any conflicts of interest in relation to service users.

Contractors

- 5.3.1 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 must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 5.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

Partner Agencies

All relationships of a business or private nature between employees who are involved in working alongside partner agencies in joint initiatives should be made known to the appropriate manager.

6.0 Separation Of Roles During Tendering

- 6.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 6.2 Employees must also ensure that they are aware of and comply with the Authority's Standing Orders and Financial Regulations when awarding contracts for goods and/or other services.
- 6.3 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 6.4 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 6.5 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 6.6 In order to avoid any possible accusation of bias, wherever possible, employees should not be involved in the tendering process where they are related to, or have a close personal relationship with potential contractors. Orders and contracts must be awarded on merit, hence employees should not put themselves in a position to compromise their integrity.

- 6.7 Employees should 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 or employing them in a senior or relevant managerial capacity.

7.0 Personal Interests

- 7.1 If an employee knows that a contract in which he/she has a pecuniary interest is proposed to be entered into by the Authority, he/she must give notice of his/her interest in writing to the Authority.
- 7.2 There are also areas other than contracts where pecuniary interest must be disclosed even though there is no statutory requirement. Remuneration from a firm that has dealings with the Authority is a direct interest. If the remuneration were to be paid by the firm to a partner or known relative this would also be regarded as direct interest. It is in the best interests of the employee to exercise caution, and declare any relationship that may fall into the circumstances outlined above.

'Remuneration' includes commission, honoraria, dividends, agency fees and interests in addition to salary, wages or fees.

- 7.3 The legal requirement to disclose pecuniary interest is intended to preserve public confidence in the conduct and integrity of local government employees. It is with this objective in mind that the Authority also require you to declare other interests of friendship, relationship or membership, which could give rise to suspicion, however ill-founded, that you could be influenced by improper motives in performing your duties.
- 7.4 The disclosure of pecuniary and non-pecuniary interests should be submitted in writing, to the relevant Head of Service, who will maintain a register of such disclosures. All registers will be subject to periodic review by the Head of Paid Service.
- 7.5 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct.
- 7.6 The registration of these interests is the best defence against ill-informed or malicious allegations. You must not allow the impression to be created of you that you are, or may be, using your position to promote a private or personal interest, including those of your family and friends as well as those arising through membership of, or association with, clubs, societies and other organisations.

8.0 Appointment And Other Employment Matters

- 8.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees involved in appointments are required to disclose to the Authority any relationship known to them to exist between themselves and a candidate whether they are related to an applicant, or have a close personal relationship outside of work with him or her. Following the disclosure, the employee should not be involved in the appointment process. It is the duty of the Head of Paid Service to report to the Authority or appropriate committee of any such disclosure made.

- 8.2 Employees who are involved on the appointment process should adhere to the Council's Recruitment and Selection Procedure.
- 8.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or partner.
- 8.4 If you are called upon to take part in appointing an officer, the only question you should consider is which candidate would best serve the whole Council. You should not let your political or personal preferences influence your judgement. You should not canvass the support of colleagues for a candidate and you should resist any attempt by others to canvass yours. Further information on recruitment can be found in the Recruitment and Selection Procedure.

9.0 Outside Commitments

- 9.1 Employees are not precluded by their Contracts of Employment from accepting other employment outside their normal working hours with other employers. Such employment must be declared to the employee's manager to ensure that it does not in any way hinder or conflict with the interests of their employment with the Council, or in any way weaken public confidence in the conduct of the Authority's business.
- 9.2 When it is considered that the nature of the employee's external employment will be in conflict with the Authority's business, the Council reserves the right to further discuss the implications of this with the employee. Employees are advised to seek advice from their Line Manager/Head Teacher before accepting external employment.
- 9.3 Employees who accept other employment must adhere to the Working Time Regulations, and sign an individual agreement with the Authority to disapply the forty-eight hour working week limit (if applicable). Further information on this can be obtained from your Support Services Section.
- 9.4 Employees should not undertake outside work if it makes use of material to which the employee has access by virtue of his or her position. It is irrelevant whether or not the work is paid for. If work is undertaken which makes use of similar materials to which the employee has access to by virtue of employment, and in the interests of the employee, receipts of the purchase of such materials should be retained,
- 9.5 Employees above spinal column point 28 shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other appointment without the express consent of the Council.
- 9.6 Exactly what constitutes a business can be open to interpretation. The amount of time such an activity occupies and whether additional income is received as a result, are examples of factors to be taken into consideration in determining this. For the purpose of this Code, a business will be construed to incorporate any work or activity of whatever nature, whether paid or unpaid, undertaken by an employee in connection with any trade, profession, occupation or commercial venture including the purchase and sale of goods and services.

10.0 Copyright/Ownership/Intellectual Rights

- 10.1 If, whilst employed by Newport City Council, and during the course of their duties an employee originated any design or other work in which copyright or intellectual rights may subsist, then they must disclose it to the Authority and regard themselves as a trustee for the Authority in this matter.
- 10.2 Newport City Council is then assigned, by way of future assignment of copyright, the copyright and other proprietary rights throughout the world in respect of all copyright works written, originated, conceived or made by that employee.
- 10.3 Employees should execute such deeds or documents and all such acts or things as may be necessary, or desirable, to substantiate the rights of the Authority in respect to matters referred to in paragraph 11.2 above.
- 10.4 These rules apply irrespective of whether the work was done alone or with another person or persons. The rules also apply if the work was done during the course of duties but outside normal hours.
- 10.5 These rules do not apply for works written, originated, conceived or made wholly outside normal working hours, and are wholly unconnected with the individual's employment with Newport City Council.

11. Corruption

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. It is in the best interests of the employee to be able to demonstrate that any such rewards have not been corruptly obtained.

12. Declaration Of Bribes/Threats

Staff must disclose to the appropriate manager, details of any threats, offers or bribes made to them by:

- 12.1 any person under the supervision of the service, or made on behalf of such a person, with the intention of securing some advantage.
- 12.2 any person attempting to secure some advantage on behalf of themselves, others or their company in connection with dealings with the Authority.

13.0 Gifts And Hospitality

- 13.1 Employees should treat with extreme caution any offer or gift that is made to them which is in any way linked to their work for the Council. No employee should accept any gift or hospitality from any person, firm or organisation with whom the Council has had, is having, or is contemplating having, dealings of any kind, other than in accordance with this Code.
- 13.2 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Local Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded in the register of gifts and hospitality.

- 13.3 The acceptance of any gift or hospitality shall be subject to the approval of the Head of Service/Head Teacher. Wherever possible, approval should be obtained before acceptance. Employees should report to their Head of Service/Head Teacher any offer of a gift or hospitality regardless of whether or not they accept it.
- 13.4 Employees should not accept significant personal gifts from contractors and outside suppliers, although it is considered acceptable for employees to keep insignificant items of token value such as pens, diaries, etc. The distinction must be drawn between such items, which may be used at work, as opposed to gifts of a personal nature, which should be refused. Whilst it is impossible to set and adhere to a financial limit on the value of any gifts or favours, which may be regarded as acceptable, the general rule applies that any gifts accepted should be low in value.
- 13.5 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 13.6 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 13.7 Gifts and hospitality must not be accepted from the same party on a frequent or regular basis, in order to avoid any concern that proper working relationships are consequently being compromised.
- 13.8 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 13.9 When a gift is received, but not authorised for acceptance, it shall either be returned to the giver, or with the giver's consent, passed to the Mayor for donating to a local charity or similar organisation.
- 13.10 In the interests of openness and accountability, each Head of Service/Head Teacher must establish and maintain a register of gifts and hospitality for themselves and the employees under their control, detailing the nature of the hospitality and indicating whether it has been declined or accepted. All registers will be subject to periodic review by the Head of Law and Standards. Each employee is responsible for declaring this information in the appropriate register.

14.0 Sponsorship - Giving And Receiving

- 14.1 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 gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15.0 Use Of Financial Resources

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 Authority. Employees are encouraged to raise any concerns they may have, with regard to the lawfulness of certain actions, in accordance with procedures set out in the Anti-Fraud and Corruption Strategy. Further guidance on the appropriate procedures can be obtained from your Line Manager/Head Teacher.

16.0 Employees Charged With Offences

Employees charged with criminal offences, the nature of which, are in any way related to the employee's post are required to inform the appropriate manager at the earliest opportunity.

17.0 Conclusion

- 17.1 This Code should be made available to all employees throughout the Authority and should be issued to new recruits as part of their induction programme.
- 17.2 Employees are required to acknowledge in writing that they have read this Code and that they fully understand the principles of the guidance given.
- 17.3 If employees are unclear about any part of this Code, they should contact the Human Resources Division or the Internal Audit Section for clarification.
- 17.4 This Code of Conduct will be subject to regular review. Any subsequent amendments will be made in consultation with the Trade Unions.

Human Resources & Policy

Internal Audit

Produced April 2000

Revised May 2002 to reflect changes to management structure & achievement of City Status

Revised March 2003

Appendix 1 Register of Employee Disclosures

Register of Employee Disclosures (Please forward this to your Head of Service/ Headteacher after completing)

Name: Post:

Section: Service Area/ School:

Tick Relevant Section

Relationships Details (reference Section 6)

Councillor Name of Councillor Nature of Relationship

Contractor Name of Company/ Contact Nature of Relationship

Partner agencies Name of Agency/ Contact Nature of Relationship

Employee Name, Position & Service Area..... Nature of Relationship

Other(please specify)

Personal Interests (reference Section 8)

Financial Name of Organisation

Non-Financial Name of Organisation

Details of interest

.....

Other(please specify)

Outside Commitments (reference Section 10)

Secondary Employment with Newport City Council

Service Area/ Post Contracted Hours

Secondary Employment with External Organisation

Name of Organisation/ Post Contracted Hours

Other (please specify), i.e. voluntary

Name of Organisation/ Post Hours Worked

Gifts/ Hospitality (reference Section 14)

Name of Organisation

Other (please specify)
i.e. from individuals

Type of hospitality/ gift including amount, if applicable

Comments of Head of Service/ Headteacher

(about gifts/ hospitality)

Signature of Employee Making the Declaration Date

Signature of Head of Service/ Headteacher Date

Acknowledging that he/she has been made aware of the declaration

If you are unsure about any aspect of completing this form please see your line manager. *Please use additional sheet of paper if necessary.*

Appendix 2 Relevant legislation/ regulations

Local Government Act 1972

Local Government Planning and Land Act 1980

Local Government (Access to Information) Act 1985

Local Government and Housing Act 1989

Prevention of Corruption Act 1906 and 1919

Local Government Officers (Political Restrictions) Regulations 1990

Local Government (Politically Restricted Posts) (No 2) Regulations 1990

Sex Discrimination Act 1975

Race Relations Act 1976

Disability Discrimination Act 1995

Local Government (Direct Service Organisation) (Consultation) Regulations 1993

Appendix 3 Acknowledgement of Receipt of Code

Employee Code of Conduct

I acknowledge receipt of the Employee Code of Conduct, which I will be required to read and understand, as it is incorporated as part of my terms and conditions of employment with Newport City Council with immediate effect.

Name of Employee:.....

Signed:.....

Post held:.....

Service Area / School:.....

Date:.....

Please return to: Manager/ Supervisor/ Headteacher who issued you with Employee Code of Conduct