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# **Newark Town**

# **Council**

## **EMPLOYEE CODE OF**

## **CONDUCT POLICY**

**September 2024**

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## **EMPLOYEE CODE OF CONDUCT POLICY**

### **1. INTRODUCTION**

#### **1.1 What is the Code about?**

Newark Town Council expects high standards of conduct from its employees and those working for, or on behalf of the Council. This document sets out the minimum standards we expect of you and provides a framework to help you understand the protocols which apply to you and gives guidance to help you follow them.

All employees of Newark Town Council must maintain the standards and integrity of this Code and perform their duties honestly and fairly. The code applies to all staff equally, regardless of seniority.

The code applies to conduct outside of work that could impact the reputation of Newark Town Council.

#### **1.2 Who does the policy and procedure apply to?**

This Code covers all employees of Newark Town Council. Where applicable this Code will also apply to agency workers, contractors, consultants or third parties providing work or services for, or on behalf of, the Council.

This code does not form part of employees' contracts and may be updated in line with the law and best practice. The code will be reviewed regularly and may be amended over time.

#### **1.3 Responsibilities**

All employees of the Council have a responsibility to ensure they follow this Code along with any other policies or procedures referred to in this document. Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide proper advice to councillors and fellow employees with impartiality.

Employees may be required to participate in any code of conduct training if this is deemed appropriate.

#### **1.4 Monitoring**

All information will be managed sensitively and used only for its proper purpose. However, confidentiality cannot be guaranteed as information might have to be disclosed where an issue results in formal proceedings.

#### **1.5 Publicising/distribution of the Code**

A copy of this Code is available from the Town Clerk and can also be viewed on the Council's website. New employees will be informed of the existence of this Code in

recruitment and induction information. All employees will sign to acknowledge receipt of updates.

The operation of this Code will be kept under review and such changes will be made to the Code as considered appropriate and in accordance with agreed consultation protocols.

## **2.PRINCIPLES**

This Code meets the recommendations of the Nolan Committee's Standards in Public Life, establishing the Seven Principles of Public Life, which are:

- Selflessness - You must act solely in terms of the public interest and not in order to gain financial or other material benefits for yourself, family, or friends.
- Integrity - You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- Objectivity - You must make choices on merit when making decisions on appointments, contracts, or recommending rewards and benefits for individuals.
- Accountability - You are accountable for your decisions and actions to the public and you must submit yourself to whatever scrutiny is appropriate.
- Openness - You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.
- Honesty - You have a duty to declare any private interests relating to your work and you need to take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership - You should promote and support these principles by leadership and example.

### **2.1 When working on behalf of Newark Town Council,**

you must:

- Act in the interests of the Council when performing your duties, and in accordance with the principles of public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- Follow the service requirements, policies and standards, legislation and other professional standards which apply to your role.
- Always uphold and further the Council's positive public image.

- Declare to the Town Clerk any potential or actual conflicts of interest or relationships that may impact on your work, or that of the Council.
- Behave in a respectful, professional, and polite manner and ensure behaviour does not breach the Equality Act 2010.
- Follow all reasonable management instructions.
- Report any concerns or breaches of this Code, or any other Council policies, to your line manager. You are encouraged to speak up about concerns and can be assured of no retaliation for reporting wrongdoing in good faith.
- Ask your line manager if you are unsure what is required of you.

### **3. PROCEDURE**

#### **3.1 Personal conduct**

As an employee and representative of the Council, you are expected to conduct yourself to the highest standards and act with honesty, integrity, and professionalism.

You must:

- Conduct the full requirements of your role, as detailed in your contract of employment (statement of particulars), job description and Council policies and procedures.
- Attend work in accordance with the terms of your contract of employment (statement of particulars).
- Act in a proper manner in any situation where you can be readily identified as a Council employee, whether at work or otherwise.
- Maintain acceptable standards of appearance and personal hygiene.
- Wear, and keep in a reasonable condition, Council uniform, clothing, and personal protective equipment, if provided to you.
- Report any shortfalls in the provision of Council services to your line manager.
- Report any concerns / allegations / suspicions of fraud, corruption, bribery, theft, or other irregularity, as a matter of urgency, to your manager.
- Keep relationships with councillors, employees, contractors or partners, potential contractors, or service users, on a professional basis.

You must not:

- Engage in any conduct or behaviour that is harmful to the reputation of the Council, its services, or interests, or conduct which brings the Council into disrepute, even when outside of work. ***This could include providing favours to friends or relatives with respect to Council services.***
- ***Be under the influence of alcohol or unprescribed drugs to adversely affect your work.***
- ***Misuse your official position or seek to use information obtained in the course of your work, for personal interests or the interests of others.***
- ***Criticise the Council either through media, social media, verbal, or written communication.***

### **3.2 Protecting confidential information.**

Maintaining confidentiality of sensitive information is essential. Information must only be disclosed in accordance with the Data Protection Act 2018 which covers manual and computerised information, including emails.

You must:

- Obtain manager approval prior to taking any paper records/hard copy material off site which contain personal or confidential information.
- Report any suspected data losses or security breaches immediately to your line manager and to the Town Clerk.
- Label and store information documents to allow access to authorised users and restrict unauthorised users.
- Refer any media or press enquiries to the Town Clerk immediately and follow their instructions.
- Check with your manager if you are in doubt about whether you can provide information to a third party.

You must not:

- Disclose your computer password / login details to anyone.
- Use information or facilities provided, for unauthorised personal use, improper or commercial gain, or for fraudulent or malicious activities.
- Compromise the security of Council information, for example by installing unauthorised software, inappropriately securing information, or interfering with standard security settings.

- Disclose any confidential information relating to the Council, service users, employees, or anyone else who has contact with the Council, either whilst at work or outside of work, unless you have express permission to do so.
- Release any information relating to an employee's private affairs unless their consent has first been obtained, unless there is a statutory duty on the Council to provide this information.

### **3.3 Internet and social networking**

Internet access for personal use is at the Council's discretion and must not affect an employee's performance or productivity at work. The Council may monitor the use of the internet for legitimate business reasons, including compliance with this Code, and adherence to the Council's Social Media and Electronic Communication Policy. By using the internet employees are deemed to have consented to the monitoring, recording, and auditing of internet use. Any monitoring will be in accordance with data protection and human rights laws. Please refer to the Council Social Media and Electronic Communication Policy for further guidance.

You must:

- Make it clear when posting information or comments on social networking sites that any personal views expressed do not represent those of Newark Town Council.
- Inform your manager immediately if you have acted inappropriately when using social media, even if the mistake has since been resolved.
- Report to your manager any instances where you believe another employee has posted inappropriate or offensive comments on social networking sites.

You must not:

- Post information on social networking sites which is confidential to the Council, its suppliers, customers, or contractors.
- Post entries on social networking sites about work colleagues, customers or any other person linked to the Council which are derogatory, defamatory, discriminatory, or offensive in any way or which could bring the Council into disrepute.

### **3.4 Political neutrality**

Employees of the Council must work with all councillors, not just those of the majority group.

You must:

- Remain politically neutral and objective in your work role.

You must not:

- Allow your personal or political opinions to interfere with your work.
- Display political posters, including election material, in Council buildings or areas. Certain posts within the Council are deemed to be 'politically restricted' due to the nature of the job. Local Democracy, Economic Development and Construction Act 2009 changed the approach to identifying posts which are politically restricted under Section 2 of the Local Government and Housing Act 1989 (LGHA).

The role of officer of the Council holds a politically restricted post and must not:

- Stand as a candidate for public elected office for another Parish or Town Council.
- Hold office in a political party.
- Canvass at elections or act as an election agent or sub-agent for a candidate for election.
- Speak or write publicly, demonstrating support for a political party.

### **3.5 Working with councillors.**

Mutual respect, trust and courtesy between employees and councillors is essential to good local government.

You must:

- Give appropriate and impartial advice to councillors when requested.
- Ensure working relationships are kept on a professional basis.
- Speak to your manager if you are unsure what information you can provide to councillors.

You must not:

- Form close personal relationships with councillors which could damage your working relationship.

### **3.6 Working with the public, service users and colleagues.**

You must:

- Be polite, courteous, and helpful when dealing with all members of the local community, customers, councillors, and fellow employees.
- Treat all groups and individuals with respect, value their opinions and beliefs and behave in an appropriate manner. See further information in the Council's Equality, Diversity, and Inclusion Policy.
- Keep all service users' money, personal records, information and correspondence secure in accordance with the Council procedures, and the Data Protection Act 2018.
- Advise your manager if you have any concerns about the standard of service being provided to service users.

You must not:

- Discriminate unfairly in the provision of facilities, services, employment practices or any other area of Council duties. See further information in the Council's Equality, Diversity, and Inclusion Policy.
- Form inappropriate close personal relationships with service users, their relatives, or carers.
- Give any service information to anyone except those authorised to receive it.

### **3.7 Criminal convictions/loss of licence or qualification.**

You must inform your manager immediately if you:

- Receive any criminal conviction, caution or are held on bail, or placed under bond during your employment with the Council, either within or outside of your normal working hours.
- Receive any driving convictions that result in the loss of your driving licence.
- Have engaged in behaviour that has resulted in loss of licence, affiliation, accreditation, or qualification that may impact on your ability to perform the duties of your contracted role.

However, if your post is subject to a Disclosure Barring Services (DBS) check, as well as the above, you must also inform your manager immediately if you are subject to a criminal investigation. If you are unsure about whether your post requires a DBS check, please seek clarification from the Town Clerk. All information you provide in this regard will be dealt with in strict confidence.

### **3.8 Gifts and hospitality**

Gifts, hospitality, or benefits in kind offered to you must be treated with caution to avoid any suggestion of improper motives or conduct. It is a serious criminal offence under the Bribery Act 2010 to corruptly receive or give any gift, loan, fee, reward, or advantage for doing, or neglecting to do something, or showing favour or disfavour to any person in your official capacity. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. Offences can carry a maximum of 10 years imprisonment and/or an unlimited fine for an individual.

For the avoidance of doubt, you must:

- Seek approval from the Town Clerk (or in the case of the Chairman from the Personnel Sub Committee) if you are offered any gifts, hospitality, or advantage, other than token gifts of a nominal value before you accept such items.
- Use tact and courtesy if you need to refuse a gift or hospitality.
- Report to your line manager any gifts which are delivered to your place of work where you may have a problem returning it.
- Under no circumstances should gifts or hospitality be accepted that include attendance at sporting or paid for events.
- Report to the Town Clerk any approaches made to you which could be viewed as being aimed at obtaining some form of preferential treatment. To protect the Council and its employees from any suggestion of improper motives or conduct, members of staff and their families are not allowed to accept gifts or legacies from current or former clients. If you are unclear what is acceptable, ask your manager.

### **3.9 Handling Council money or sponsorship**

Sponsorship is defined as 'an agreement between the Council and the sponsor, where the Council receives either money or a benefit in kind for an event, campaign or initiative from an organisation or individual which in turn gains publicity or other benefits.'

Newark Town Council is a publicly funded organisation and as such, all employees who are authorised to be involved in financial activities and transactions on behalf of the Council must be familiar with its Financial Regulations.

If this applies to you, you must:

- Use authorised Council funds in a responsible, accountable, and lawful way.
- Comply with the Council's financial regulations and take legal and financial advice where appropriate.
- Seek value for money.
- Comply with relevant policies and procedures when handling money.
- Make sure that any sponsorship accepted is related to Council business and is approved by the Town Clerk.
- ***Disclose any benefit you yourself, partners, relations, or close friends relating to any sponsorship the Council proposes to make.***
- If you suspect financial irregularity, bribery, corruption, theft, or fraud, contact your line manager in the first instance. If for any reason this is not appropriate you should contact the Town Clerk.

You must not:

- ***Benefit from any contract or sponsorship that is given to or by the Council, or show any favour to a partner, spouse, relative, friend or associate.***

### **3.10 Procurement, administering or managing Council contracts.**

Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts in which you have a financial interest. It is a criminal offence to fail to comply with this.

Where your role involves procuring, managing, or administering Council contracts or you have any other professional or personal relationship with contractors:

You must:

- Comply with the Financial Management Standards and any other relevant Council procedures of orders and contracts,
- Exercise fairness and impartiality when dealing with all customers, suppliers, other contractors, and sub-contractors.
- Declare any current or previous private or personal relationships with contractors, subcontractors, or suppliers.

You must not:

- Discriminate unfairly against anyone involved in the tendering and contracting process.
- Disclose any confidential information relating to tenders or costs for internal or external tenders to any unauthorised person.
- Use your influence or show any special favour to current or former employees or their partners, close relatives or associates when awarding contracts to businesses relating to them or employing them in any capacity.
- Play any part in the selection of tenderers if you have any direct or indirect interest in the outcome.

### **3.11 Intellectual property**

***Some aspects of the work you conduct, or produce, on behalf of the Council may be intellectual property. All creative designs, writings, report, drawings, and inventions produced by employees in the course of their duties are the property of the Council.***

You must not:

- Disclose, publish, or otherwise use the work you produce for the Council for personal gain or benefit unless you have the express written permission of the Town Clerk.

### **3.12 Recruitment and other employment matters**

You must not:

- Be involved in a selection process or interview if you are related to an applicant or in a close personal relationship with them or a member of their immediate family.
- Canvas on behalf of applicants for council posts, either directly or indirectly.
- Be involved in, or try to influence, any employment decisions including those relating to discipline, promotion, pay adjustments, for any employee with whom you have a close personal relationship.
- Ask a councillor to provide a reference for you in relation to a job within the Council.

### **3.13 Commitments outside work**

Outside work means any paid or unpaid work, including voluntary work, undertaken in addition to your Council employment. Any requests to conduct other employment will be considered and will not be unreasonably refused, however outside work must not, in our view, conflict with Council interests or weaken public confidence in the Council, or adversely impact upon your ability to conduct your role with the Council. All approvals will be reviewed on an annual basis by the Executive Officer.

If you wish to undertake any outside work:

You must:

- Obtain permission from the Town Council prior to undertaking any outside work.
- Inform the Town Clerk if there are any changes relating to your outside work.

You must not:

- Put yourself in a position where your duty and private interests' conflict or could appear to conflict.
- Seek to gain business while performing your Council duties.
- Conduct any outside work or a private interest during working hours, including making/sending or receiving telephone calls, emails, correspondence/goods.
- Use any Council facilities or equipment or confidential information in relation to commitments outside of work.

### **3.14 Personal interests**

Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts in which you have a financial interest, which is any direct or indirect interest of monetary value, whether or not the value is readily ascertainable. It is a criminal offence to fail to follow this.

Other financial interests could include when money other than your salary is paid into your bank account by the Council or where your address is linked to a business receiving payment from the Council.

Non-financial interests could include governorship of a local school, membership of an NHS Trust Board or involvement with an organisation or pressure group which may seek to influence the Council's policies.

You must:

- Declare any financial or non-financial interests which could conflict or be seen to conflict with the Council's interests to the Town Clerk.

You must not:

- Make or become involved with any professional decisions about matters in which you have a personal interest.

### **3.15 Using Council equipment, materials, and property.**

The facilities and equipment provided as part of your work belong to the Council.

You must:

- Follow health and safety regulations and use personal protective equipment as required.
- Take care of Council property or equipment, keeping it secure and reporting any damages or breaches in security.
- Use equipment and facilities for authorised purposes only.
- Use equipment and facilities appropriately and only for the purposes provided.

You must not:

- Use Council equipment or property for personal gain or fraudulent activity.
- Use Council vehicles for unauthorised purposes.

### **3.16 Reporting improper or illegal activities**

Regarding all aspects of this Code, should you be concerned about any activities which you think may conflict with the Code of Conduct, conducted by yourself or other employees, you should raise the matter with your manager or the Town Clerk.

You must:

- Report any activity which you believe is illegal, improper, unethical, dangerous or a breach of Code to your manager or the Town Clerk.

## **4 FURTHER INFORMATION**

### **4.1 Confidentiality**

All information will be handled sensitively and used only for its proper purpose. Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

### **4.2 Dealing with abuses of the Code.**

Employees who try to abuse this code may face disciplinary action. The Council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

### **4.3 Monitoring compliance**

Newark Town Council is required by law to protect the public funds it administers and, as part of this duty, will conduct routine monitoring to ensure compliance with this and other Council policies. This will include reviewing declarations made under this code against any information held on manual and / or electronic records and systems controlled or managed by the Council. This may also include data matching of records containing personal data held on and / or across council systems. Any breaches of the Code of Conduct identified as part of these reviews will be brought to the attention of the Executive Officer (or in the case of the Executive Officer of the personnel committee) for proper action to be taken. Where any criminal activity is suspected or detected details may also be referred to the police and/or any other relevant bodies.

### **4.4 Equality and diversity**

Newark Town Council is committed to promoting equality of opportunity, valuing diversity, and ensuring discrimination, harassment or victimisation is not tolerated. Our policy is to treat people fairly, with respect and dignity. We also comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

### **4.5 Monitoring and review of this policy**

The Town Clerk shall be responsible for reviewing this policy annually to ensure that it meets legal requirements and reflects best practice.