

SECTION 4 – OFFICERS’ CODE OF CONDUCT

1. EMPLOYER AND EMPLOYEE RESPONSIBILITIES

1.1 Introduction

This code is designed to help all employees understand the working relationship between themselves, their managers, colleagues, members of the council and above all members of the public to whom we deliver a service. It is intended to be a short reference guide for staff, but greater detail on many of these issues is included in ‘the manager’s guide’. The manager’s guide is a comprehensive manual of information on all staff related matters and a copy is available for general inspection within each directorate.

The code recognises the unique position of governing bodies in the employment process, and the adoption of this code within the people directorate will be subject to agreement by governing bodies and due consultation with the relevant teacher associations. The council is also mindful of future guidance on these matters from the General Teaching Council.

Warwickshire County Council is committed to the principle of best value and seeks to continually strive for improvement in all that it does. It is publicly accountable and frequently working in partnership with other organisations, both in the public and private sector. It is therefore vital that all staff conduct themselves in an exemplary manner in all aspects of their work and show no bias whatever their personal views may be.

This code sets out some of the areas where issues can arise. The code is designed to protect you, but where you break it, we may take disciplinary action resulting in you losing your job and potentially being prosecuted.

The council is committed to the achievement of the Investors In People award across the whole organisation, and as a part of that recognises the value of the workforce. The organisation values individual and organisational learning and seeks to develop every individual to their full potential.

There are 3 key points to remember in all that you do:

- Ensure your conduct is never influenced by personal gain
- Ensure your conduct could not give anyone reason to question your motives
- Ensure your conduct is in line with our policies

Now read on and if you have any queries, discuss these with your line manager.

2. What the County Council Expects of its Employees

2.1 Standards of Service

You must provide the highest standards of service at all times. You must

treat the public, councillors and colleagues fairly, efficiently, politely and in line with our policies. You must not allow your personal or political opinions to interfere with your work. You must use our equipment and money responsibly, and always give value for money. If you know of someone who is not maintaining these standards or has not followed the code, you must report this to your supervisor or manager.

All members of the public have the right to be treated equally by you and should not be discriminated against on the grounds of race, gender, disability, age or any other factor. You have a responsibility to ensure that the council's equal opportunities policies are adhered to in all your work activities and that diversity is recognised.

2.2 Personal Interests

You must declare to the manager of your directorate any interest which you have which could conflict with our interests or affect your judgement as our employee. Such interests may be financial, business related, ownership of property, family interests, membership of external bodies or any other factor that could be construed as a personal interest. This register is held centrally within the county human resource service and is subject to rigorous review by audit. Failure to disclose such an interest could result in disciplinary action being taken against you.

2.3 Relationships

Your personal relationships with councillors, colleagues and members of the public and other organisations must not lead to any suspicion that could affect your work. You should not be involved in the recruitment, promotion, pay, benefits, training or discipline of anyone who is a relation or with whom you have a close personal relationship outside of work. If the situation is unavoidable, you should declare such an interest to your manager and ensure that you are seen to be fair.

All officers of the council are required to be politically neutral and more senior posts (scp 44 and above and some other specified posts) are politically restricted in that they may not participate in any formal political activity. Do remember that the controlling political group may change during the course of your employment, and it is important that you show no bias or personal preference, whatever your personal beliefs may be.

2.4 Commitments Outside Work

You must not be involved in any outside activity or work that could cause a conflict of interests with your responsibilities to us, or which makes use of material to which you have access because of your position.

If you are in any doubt at all, you should not engage in other outside work without seeking the express permission of your manager.

You must not do outside work of any sort in our premises or by using our equipment or materials. Any product or material which you design in the course of your employment remains with us as our property and we claim copyright over such material.

Apart from the above, your off-duty hours are not our concern unless by your activities you bring the reputation of the council into disrepute. However, you must not put yourself in a position where your duty and private interests' conflict, or where public confidence would be weakened.

From time to time, you may be asked to take part in voluntary activity or offered a role in a voluntary organisation. It is important that you clarify the role expected of you and whether you are expected to act in your own right or as the voice of the council. Liability can arise from formal membership of external organisations, and you should seek further advice from your line manager if you have reason to believe that any liability may arise.

In any event, you should not accept any appointment, be it on a school governing body or with any other public organisation without the express permission of your strategic director.

2.5 Proper Use of County Council Resources

The council is responsible for the efficient use of the public resources it holds. That includes financial resources, equipment and the staff who work for the council. There are legal requirements in place concerning the use of resources and you should ensure that you comply with all legal requirements and standards set down in the 'cost centre managers guide', 'contract standing orders' and 'financial regulations'. Your line manager can tell you more about these.

2.6 Improper Use of Equipment and Information

You must respect the confidentiality of the information to which you have access at work. This includes respecting the interests of your colleagues and of the general public who you serve. If you do not, you may lose your job.

You must not use any information to which you have access at work for personal gain or pass it on to others who might use it in this way.

You should not tell anyone outside the council what goes on at council meetings held in private or the contents of any confidential council document.

You must not give confidential information about our clients to anyone unless they need it to help the client or prevent serious harm to the client or others. If possible, you should get the client's permission before giving information about them to others.

2.7 Accepting Gifts and Hospitality

Your conduct should never lead anyone to question your interests. So, you must be careful not to show by your behaviour that you may be influenced by any gifts or hospitality. This is important because of our reputation and because you could be prosecuted.

It is a criminal offence to demand or accept a gift or reward in return for allowing yourself to be influenced as a local government employee. If you are accused of this offence, you will have to prove that you did not favour

or discriminate against anyone.

You should not accept gifts unless they are small gestures or adverts such as calendars or diaries. It would not be proper for you to do so, even if the gifts are not intended to influence you.

Think carefully before offering or accepting hospitality. Consider how it could affect your relationship with the other person and how it might be viewed by councillors, the public and other employees.

Entertaining clients and customers is now accepted business practice, so it would be unrealistic to forbid employees from accepting offers of hospitality. However, it becomes difficult to tell what a proper and acceptable level is and what is not, and what puts you under some influence and what does not. Equally, it is wise to consider the impact of any gifts or hospitality. An invitation to a cultural event may well be perceived by the general public to be in the interests of the council, however attendance at a major sporting event may be perceived to be improper use of council time. It is the perceptions of the general public which are paramount when deciding whether a gift or offer of hospitality is reasonable. Entertainment or hospitality can be a proper way of doing business as long as it is not extravagant. As a general rule, make sure that you justify any hospitality you receive in connection with your work as being in the public interest. Any gift or invitation for hospitality should be recorded in your directorate's hospitality record. Any refusal of hospitality should also be recorded.

Other offerings may be more disguised. Avoid any arrangement where goods or services are offered to you free of charge or below the market price and which could be seen as a means of gaining our approval. It is especially important that all offers of gifts and hospitality are courteously refused where they come from a potential supplier who is currently engaged in the tendering/contract process.

You must not take personal advantage of any discount arrangements we have with our suppliers unless we have made special arrangements for all our employees. You should not accept any offers to benefit personally from those arrangements that may have been made as result of your position.

There are also occasions when as an officer of the council you wish to offer hospitality. Such offers should follow the same sensible rules in considering the perceptions of the general public, especially where that hospitality includes other employees of the council, e.g. small celebrations of success for team achievement. Where council hospitality is extended to employees of the council, it should not normally be further extended to the partners of such employees. However, there may be occasions where the inclusion of partners is justified and under such circumstances, the approval of your strategic director should be obtained. Occasions such as long service awards or other appreciations of service, where partners are invited to share the celebrations are a good example of where hospitality can be further extended.

If in doubt, always speak to your strategic director.

2.8 Legacies

Staff involved in personal care are often remembered in the wills of the people they have looked after.

A legacy may be small and may be left to you because the elderly person has no relations or close friends and genuinely wants to say thank you to someone who has looked after them for a number of years. On the other hand, these gestures may be misunderstood, particularly if large sums of money are involved.

If you are offered a legacy as a result of your job you must get your strategic director's approval before accepting it. If you do not, you could lose your job.

2.9 Relations with Contractors or Suppliers

You must award contracts or orders on merit and in line with our procedures.

Tell your manager about any relationship you have with a contractor or supplier with whom you are also involved at work. You must not try to influence the awarding of contracts or orders to any contractor or supplier.

You must not favour current or past employees or their partners, close relatives or associates when awarding contracts or orders to businesses for which they work.

If you are employed in a contractor or client unit, you must be fair when dealing with all customers, suppliers, other contractors and sub-contractors.

If you, or you and your colleagues are considering a management buy-out you should tell your strategic director immediately. You must not then take part in any relevant contract awarding process.

2.10 Sponsorship

If an outside organisation wants to sponsor one of our activities, follow the rules about accepting gifts and hospitality set out above. Be particularly careful when dealing with contractors or possible contractors.

If we provide support to the community or an organisation, make sure that there is no conflict of interest involved. You must not try to influence any sponsorship decision in favour of yourself, your partners or any other relative.

2.11 Procurement and Partnership Arrangements

Many of the council's objectives are delivered by developing partnership arrangements with one or more organisations. These organisations may be other public sector organisations, private sector companies, voluntary organisations or community groups. It is important that were you to participate in such a group, you are clear as to the authority invested in you by the council and other partner organisations. Where you are approached by an external source to join such a group, you should always check with your line manager as to the extent of your participation.

You may also be asked to buy in services for the council. In such cases, it is important that you show no bias towards friends, family or previous

employees of the council and that all decisions are based on achieving best value for the council. If friends or family are involved as potential suppliers, you should not be involved in the selection process.

2.12 Using Information Technology

We provide computer facilities for our work only. You must not use unapproved software in any circumstances.

Computers are an important part of most employees' duties. You must use the equipment in line with our practice and the law. This includes the Data Protection Act 1984, Data Protection Act 1998, the Computer Misuse Act 1990 and the Copyright, Designs and Patent Act 1988.

2.12.1 Computer Misuse Act 1999

The Computer Misuse Act introduces penalties for using computers without permission. If you have a right to use a computer and the information on it, and you use both only for their intended purposes, you are unlikely to have any problems. However, if you use someone else's security ID and password to gain access to a computer, you will be breaking the law. Switching in a computer when you know you should not be using it could be an offence.

2.12.2 Computer Viruses

You must follow your directorate's policy and procedures on virus protection. A virus is a set of computer instructions maliciously hidden in a programme which can corrupt and damage computer files and disks. If you knowingly introduce a computer virus you are breaking the law.

2.12.3 Data Protection

Data protection laws cover information which relates to a living person. Basically, the Data Protection Acts give people certain rights and gives us (and you as our employee) responsibilities for personal information. These responsibilities relate to:

- Getting information fairly
- Registering new uses of the information
- Making sure there are enough details but not too many, and that details are accurate, up to date and not kept for longer than necessary
- Allowing people whose details we hold access to their files and the right to correct or delete incorrect information: and
- Security measures to protect personal information

The legislation not only provides for data held on computer systems, but also that which is held on "relevant filing systems". Such systems are where systems are structured by reference to individuals or criteria relating to individuals. As such, a manual personnel filing system will be included by the act, but a collection of names for the purposes of identifying who has attended a particular training course will not.

You and we may be prosecuted if we break this law. So, if you suspect there is a problem, or you need advice please consult your manager or your data

protection officer.

2.12.4 Copyright

The Copyright, Designs and Patents Act 1988 makes it an offence to copy computer programmes (software) and other literature without proper approval from the owner of the copyright. The penalties for breaching copyright regulations can be severe for you as well as us.

2.12.5 Use of Telephones, Internet and E-mail

Staff may make personal telephone calls whilst at work, but such calls should be limited as much as possible. A computer print-out will be provided to all telephone extension users each month. You should record your personal calls and make the appropriate payment to the finance section on receipt of the printout.

The council does allow for personal use of e-mail and the internet (if you have reasons to be connected for work purposes), providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the council.

3. What Can You Expect from Warwickshire County Council as Your Employer?

3.1 Valuing Staff

Warwickshire County Council recognises the value that staff add to the organisation and the services that it delivers. Best value can only be achieved by developing staff to their full potential and providing them with the relevant knowledge, equipment and authority to carry out their duties. The council values all forms of learning, and as well as providing formal induction and training for staff, will provide for appropriate development opportunities by way of secondment, on the job learning, special projects, acting up arrangements and mentoring.

It is important that the council builds in the capacity to meet training needs and each directorate is responsible for developing an overall training plan. You will agree your own individual training plan with your line manager.

The council is systematically working towards the achievement of the Investors in People award and the development of staff is a key component to this work.

3.2 Business and Service Planning

The council is committed to a systematic approach to performance management and this is expressed by a real commitment to best value and the use of the excellence model to express this. The objectives of the council are set out in a range of documents, particularly 'Our County' and the 'Best Value Performance Plan'. These corporate documents are additionally supported by directorate plans, and your line manager will be able to tell you more about these.

3.3 The Appraisal Process

All staff are entitled to participate in a formal appraisal process, whereby work targets are set at the beginning of the cycle and reviewed mid-way and at the end of the cycle. Training needs are also assessed during the appraisal process to ensure you have the relevant skills to carry out the duties required of you and to identify further areas of learning that will benefit both you and the organisation. The appraisal process may vary according to the demands of the business and in some cases will be a one-to-one process, whilst other areas of the organisation will be best served by a group exercise. The level of formality will also depend on organisational demands. For more information on this, you should ask your line manager.

3.4 Management and Direction

Managers and supervisors will provide leadership and guidance to staff in order to jointly deliver quality services to the public. This means setting clear work goals that reflect directorate and council objectives, providing regular and timely feedback on performance to ensure staff fully understand what is expected of them.

3.5 Communications

Quality services are dependent on staff understanding their role within the council and effective communication. We must listen to what the public say and to each other to secure appropriate quality services. The council will ensure you are kept fully informed of major issues likely to affect you and your work and will take every opportunity to listen and consider your views.

3.6 Recruitment and Selection

Job vacancies within the council are open to internal and external advertisement, except in specific circumstances such as re-organisation resulting in potential redundancy situations. Interview panels are properly trained and will give full feedback to all candidates. The code of practice relating to recruitment is included in the manager's guide, a copy of which is available in your directorate.

3.7 Terms and Conditions of Employment

Warwickshire County Council is a single employer and abides by national terms and conditions. Where local practice has been negotiated, details will be made available to you by your line manager.

The main groups of employees are:

- Management, administration and front-line staff under the NJC terms for local government
- Teachers
- Youth Workers
- Soulbury
- Firefighters

Your contract of employment will confirm your terms and conditions.

3.8 Job Descriptions

You will be provided with a job description and person specification which sets out your principal accountabilities and skills needs. This is intended as a guide to your role and is not an exclusive list of tasks. Additionally, you will have work related targets to meet each year. You should do all that you can to meet the expectations of the organisation and in return expect management support in developing your ability to do this.

3.9 Trade Union Membership

The council, as your employer, supports the system of collective bargaining in every way and believes in the principle of solving employee relations problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and employees. If collective bargaining of this kind is to continue and improve for the benefit of both, it is essential that the employees' organisations should be fully representative. The council is associated with other local authorities represented on the National and Provincial Council dealing with local authorities' services. It is equally sensible for you to join a trade union representing you on the appropriate negotiating body and you are encouraged to do so if you feel it is appropriate.

The council recognises the following trade union(s) and professional associations as representing staff within their field of operation:

- Unison
- GMB
- Transport and General Workers Union (TGWU)
- Community Youth Workers Union (CYWU)
- National Association of Schoolmasters and Women Teachers (NASUWT)
- National Union of Teachers (NUT)
- National Association of Head Teachers (NAHT)
- Association of Teachers and Lecturers (ATL)
- Secondary Heads Association (SHA)
- Professional Association of Teachers (PAT)
- Fire Brigade Union (FBU)
- Retained Firefighters Union (RFU)

3.10 Health and Safety

The council, as your employer, has a duty under the law to ensure, so far as is reasonably practicable, your health, safety and welfare at work. This responsibility is delegated to strategic directors, who in turn are supported by directorate representatives and central support on standards and expectations from the resource's directorate. As an employee, you have legal duties as well relating to the correct use of work equipment, co-operating with the council on health and safety and taking reasonable care of your own health and safety and others who are affected by what you do. Posters detailing the key points of Health and Safety Law are on staff notice boards within each directorate.

You must report all accidents and dangerous occurrences that occur within your area of responsibility immediately. Failure to do so can result in formal action by the Health and Safety Executive.

3.11 Equality of Opportunity

The council is committed to equality of opportunity for all staff in employment and seeking employment with the council. Consideration for employment and opportunity for promotion will be dependent on ability alone and will take no account of gender, race, disability or age as contributory factors. Indeed, specific attention will be given to positive action to ensure the community we serve is reflected within the workforce.

The council extends that recognition within service delivery and is committed to equal treatment of all its service users.

3.11.1 Gender

The council complies with the Sex Discrimination Act 1975. No account will be taken of gender in relation to employment or promotion. Where a Genuine Occupational Qualification prevails (i.e. a particular gender is essential due to the personal services to be delivered) this will be made clear in the advertisement and supporting documentation.

3.11.2 Race

The council complies with the Race Relations Act 1976. No account will be taken of race in relation to employment or promotion. Where a Genuine Occupational Qualification prevails (i.e. a particular race is essential due to the personal services to be delivered) this will be made clear in the advertisement and supporting documentation.

3.11.3 Disability

The council complies with the Disability Discrimination Act 1995. The council has a positive attitude to the employment of disabled people and in making employment or promotion decisions will make 'reasonable adjustments' to accommodate particular needs. Indeed, the council operates a policy of guaranteed interview to those disabled people who meet the person specification.

3.11.4 Age

The council operates a policy of normal retirement at age 65 which provides an opportunity for employees to pursue their personal interests. However, the council recognises the guidance in relation to age discrimination and is committed to equal opportunity to people of all ages within the accepted span of a working life. Subject to the normal retirement age of 65, no account of age will be taken in relation to employment or promotion. We will seek to introduce flexible policies to retain older workers.

The council will not tolerate discrimination or harassment in any form and will take disciplinary action against those employees engaged in any form of discrimination or harassment or bullying. The council has a range of policies and procedures in support of this commitment including:

- Equal Opportunities statement
- Code of Practice – Equal Opportunities
- Harassment Code

- Bullying Code
- Confidential Reporting Code
- Guaranteed Interview Scheme – Disability
- Race Equality Policy

All documents are available from your human resources section.

3.12 Working Time

The council operates in a customer-orientated market and working hours will need adjustment from time to time to meet the needs of those customers. Where this is necessary, full consultation will be undertaken with staff. The council also recognises that flexible working patterns and practices that recognise the work/life balance are essential to those employees with care responsibilities and those people with disabilities. Details of maternity, paternity, special leave, job sharing, and flexible hours are available from your human resources directorate.

3.13 Redeployment

Where organisation changes are proposed, employment issues will be the subject of consultation with individual members of staff and the recognised representing trade unions or professional associations. The council will take all reasonable steps to find alternative employment for anyone who is displaced from their job in the process of such change. Full details of support available are included in the manager's guide and are available from your line manager.

3.14 Differences and Concerns

The council has a range of objective policies, agreed with the trade unions to resolve any differences that may arise between employer and employee or employee and other employees. All such procedures are included in the manager's guide and examples are grievance procedure, disciplinary procedure, confidential reporting code and harassment code.