

# Employee conduct policy

1. This policy forms part of your contract of employment. The councils are entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing and will consult all employees on any significant changes.

## Introduction

2. This policy outlines the conduct that is expected from council employees. It covers conflicts of interests, political restrictions and refers to the behaviour, principles, accountability and working practices you are expected to demonstrate.
3. It is essential that you treat everyone you have contact with at work with respect and carry out your work in a way that gives your colleagues and the public confidence in your integrity. Any suspicion of a lack of honesty or impartiality, even if unfounded, can damage the reputation of the councils and your personal credibility. The councils follow the principle that openness is the most effective way of avoiding any suspicion or questioning of employees' conduct.
4. There are other policies and documents that cover standards of conduct and these include:
  - the councils' vision and values
  - the councils' constitutions, including any councillor or officer protocol
  - dignity at work policy
  - equality in employment policy
  - whistle-blowing policy
  - anti fraud, bribery and corruption policy
  - anti money laundering policy
  - information governance and security policy
  - internet and email acceptable use policy
  - disciplinary policy
  - blueprint for management
5. This policy covers:
  - declaring interests – the register of interests
  - submitting a planning application
  - working in a second job
  - working with family, councillors, friends or partners
  - interests in contracts
  - restrictions on political activity

- politically restricted posts
- working on elections
- gifts and hospitality
- proceedings of committees
- access to confidential information
- talking to the media
- responsibility for council funds
- the use of council property
- your conduct outside of work
- using social media
- dress code and standards of appearance
- smoking
- phone calls at work
- alcohol and substance abuse

## **Declaring interests - the register of interests**

6. If you have any form of interest or activity that you think potentially conflicts with your work or with the interests of either South Oxfordshire or Vale of White Horse councils, you are required to declare this. You can declare an interest using the register of interests section on the HR system. Your manager will need to approve your entry and may confer with your head of service if they feel it is appropriate to check with them. Some examples of circumstances that you need to declare are given in this policy, although any action that you consider should be drawn to the councils' attention should be registered.
7. You need to be aware that the perception of your colleagues, councillors and the public is critical. An activity you carry out may be completely innocent but may be interpreted as a conflict of interest. If you have already declared the interest, your personal justification and the councils' defence will be more robust. Please keep in mind that the information in the register may be viewed by the Strategic Management Board (SMB) and could potentially be released to colleagues or councillors if it was considered necessary by SMB. The information could also be released to the public through a freedom of information request.
8. You need to declare the following:
  - submitting or appealing a planning application (see paragraph 10 below)
  - commenting on a planning application (see paragraph 15)
  - a second job (see paragraph 16)
  - if you work with a family member or friend and you feel this could be perceived as a conflict of interest in any way (see paragraphs 22 and 23)
  - or if a family member or friend is a councillor in South Oxfordshire or Vale of White Horse (paragraph 24)
  - submitting a freedom of information request
  - being subject to or instigating a noise nuisance or planning enforcement complaint
  - using the council's external complaints procedure

- social interests in clubs or organisations that could have contact with the councils (e.g. a social club applying for a grant)
  - any form of benefit claim you make that is administered by the council or by an organisation on behalf of the council
  - applying to join the housing register
  - any outside interest that could potentially be viewed as a conflict with your work, for example commercial land or property in the districts in which you have a beneficial interest, or a financial or personal interest in a company which has a contract or potential contract with either council (see paragraph 25 below)
  - any other action that that you consider should be drawn to the councils' attention.
9. Your private interests or beliefs must not conflict with your professional responsibilities. You must not misuse your position or any information acquired in the course of your employment to further your private interests or the interests of others.

## **Submitting a Planning Application**

10. If you submit a planning application to South Oxfordshire District Council or Vale of White Horse District Council as an individual, as part of a group, or on behalf of someone else or an organisation, you must advise that you are an employee when you submit it. There is a space on the planning application form for you to declare this. If a member of your household or close relative submits a planning application they should note that they live with and / or are related to a council employee and note your name and job title.
11. In addition to declaring that you are an employee on the form, you must also enter it on the register of interests section on the HR system. Your manager will need to approve your entry and may check with the Planning service if they need any clarification regarding your application. You need to enter it on the HR system to ensure that your application as an employee is recorded centrally as part of the wider register of interests, in addition to being recorded on the form relating to the specific application.
12. Even if you merely advised someone on an application and are not in a position to affect the outcome you should still declare this as it could be perceived that you have some influence on the decision. You should not be involved in any way with the determination of the application or use your position as an employee to influence the decision.
13. You must also declare that you are an employee if you, a member of your household or a close relative submit any feedback supporting or objecting to a planning application or planning related application in South Oxfordshire or the Vale of White Horse. The need to declare that you are an employee also applies if you have submitted or responded to any form of planning related applications. These include building regulations, works to protected trees and being subject to or requesting a planning enforcement investigation. As with submitting a planning application, you should declare that you are an employee. You should do this by entering it on the register of interests section on the HR system

and by writing an email to the head of service for planning and the planning development manager.

14. If you intend charging a fee to assist with a planning application or related action in a local authority area other than South Oxfordshire or Vale of White Horse you must get advice from a Planning Development Manager or the Head of Service for Planning before doing so, and declare any fees received on the register of interests.

### **Giving feedback on Planning Applications**

15. If you comment on a planning application you should also note that you are a council employee. If a member of your household or close relative feeds back on an application they should mention in their comments that they live with and / or are related to a council employee and note your name and job title. You should also record that they have commented on the register of interests.

### **Working in a second job**

#### **If your full time equivalent gross basic salary is under £30,000**

16. If your full time equivalent gross basic salary is under £30,000, you may hold a second job or carry out paid work in addition to working for the councils. The work should not conflict with the councils' interests or cause any member of the public to doubt your integrity as a council employee.
17. If there is any possibility that the work you are carrying out could be perceived to conflict with your role at the councils you should share the details of it with your manager as it may not be suitable work for you to carry out, and it may be appropriate for you to receive written permission from your head of service confirming that you may go ahead with it. Your request to undertake secondary work could be refused because the work could potentially conflict with the councils' interests or because it will place unreasonable demands on your time and energy which could impact on your work with the councils.
18. You must also enter a second job or private paid work (except electoral work for the councils' electoral registration officer or returning officer) on the register of interests section on the HR system if there is any likelihood that it could be perceived to conflict with your work at the councils. Your manager will need to approve your entry.

#### **If your full time equivalent gross basic salary is £30,000 or above**

19. If your full time equivalent gross basic salary is £30,000 or above you need to declare any secondary employment or private paid work on the register of interests section on the HR system regardless of what the work is, with the exception of election work at any council. Your manager will need to approve your entry prior to you commencing the work. If your manager is not a head of service you will also need to obtain the written permission of your head of service prior to engaging in any other work or employment.

This permission should be in writing (an email is acceptable) and should be forwarded to the HR team to retain a copy on your personnel file.

### **All employees**

20. You should not undertake private work on council premises or use equipment owned by the councils for unrelated private work, even if this is confined to non-working hours.
21. If your secondary employment means that your average total working week is more than 48 hours you will need to voluntarily opt out of the Working Time Regulations, which limits employees to a maximum 48 hour working week. You will need to confirm this in writing and will also need to be aware of the restrictions on the length of working days included in the Working Time Regulations.

### **Working with family members, friends or partners**

22. If a family member, friend or your partner applies for a job at the councils you should not be part of the selection process. If you are due to review an application from a family member or friend, or interview them, you should advise your manager of this and withdraw from the process.
23. Ideally, you should not manage a family member, friend or partner. If you do, the link between you needs to be openly publicised, added to the register or interests on the HR system and you need to be mindful that you must be impartial and transparent at all times. You should not be involved in any council decision regarding the disciplining, promotion or pay and conditions of any employee who is a family member, friend or partner. If a personal relationship causes an issue at work one or both parties could ultimately be required to move roles.
24. If you feel there is a conflict or potential conflict concerning your relationship with a councillor you should advise your manager or head of service. For example, if a councillor is a relative or family friend you should declare this. Even if you are unlikely to work with them in your role, if you have declared in advance that you know them, this will act as a defence to the councils in the unlikely event that we would be accused of acting inappropriately.

### **Interests in Contracts**

25. You must declare if you know that a contract in which you or a family member have a financial or commercial interest is being considered by the councils. You need to do this using the register of interests section on the HR system. You should also declare any business or personal relationships with representatives of external contractors who are working with the councils. If you are aware of confidential information on tenders or costs you should not disclose that information to any unauthorised third party.

## **Restrictions on political activity**

26. There are restrictions on council employees carrying out political roles and on politicians working in local authorities in order to avoid conflicts of interest and a potential lack of political impartiality. South Oxfordshire and Vale of White Horse District Councils will not appoint a councillor who is currently a member of either council, or who has been a member in the previous 12 months, as an employee at either council.
27. If you are an employee of either South Oxfordshire or Vale of White Horse District Councils you cannot continue with your employment if you are elected as a councillor for either council. There are additional restrictions if you hold a 'politically restricted post' as outlined below.

### **Political neutrality**

28. All employees should treat all political groups and individual councillors in a fair and consistent manner. You must maintain political neutrality and not allow your own personal or political opinions to interfere with your work. You should not advise on matters which are political party business.

## **Politically restricted posts**

29. A politically restricted post is a role where the job holder can potentially influence political decisions. As such, there are restrictions placed on your political activity if you hold one of these posts. There are two types of politically restricted posts; specified posts and politically sensitive posts.

### **Specified Posts**

30. Employees who hold specified posts are:
- The chief executive (sometimes referred to as the head of paid service)
  - Strategic directors or anyone else reporting to the chief executive excluding secretarial or clerical employees
  - The monitoring officer – this is a statutory appointment that the council is required to make. The monitoring officer is required to report on matters that are likely to be unlawful or amount to maladministration, to be responsible for matters relating to the conduct of councillors and to be responsible for the operation of the councils' constitution. This position is held by the Head of Legal and Democratic Services.
  - Officers holding delegated powers under the scheme of delegation in the councils' constitutions.
31. The holders of specified posts do not have a right of appeal regarding whether their post should be politically restricted or not.

## **Politically Sensitive Posts**

32. A politically sensitive post is one in which the job holder meets one of the following criteria:

- they give advice on a regular basis to the council(s) itself, or to any committee, sub-committee or joint committee on which the council is represented (providing purely factual information is not viewed as giving advice)
- they give advice to the executives (the councils' cabinets); to any committee of the executives; or to any member of either executive
- they speak on behalf of either council on a regular basis to journalists or broadcasters

33. If you hold a politically sensitive post, you can appeal to the Head of Paid Service (the Chief Executive) to have your post exempted from being politically restricted, on the grounds that it is not politically sensitive and has been incorrectly categorised.

## **Restrictions on Specified and Politically Sensitive Posts**

34. If you hold either a specified or politically sensitive politically restricted post, you are prevented by national legislation from having any form of active political role either in or outside the workplace. You are automatically disqualified from standing for or holding elected office as any of the following:

- a local councillor in any form of local authority (e.g. district, county or borough councils) with the exception of parish or town councils. If you do intend to stand for election to a parish or town council you will need to declare this and gain permission from your manager.
- member of Parliament
- member of the European Parliament
- member of the Welsh or any regional Assembly
- member of the Scottish Parliament

35. If you resigned your post to fight an election which you subsequently lost, you do not have a right to be re-appointed to your job.

36. You are also restricted from:

- canvassing on behalf of a political party or acting as an election agent for a person who is or seeks to be a candidate
- speaking to the public or publishing any written or artistic work that could give the impression that you are advocating support for a political party
- if you are a politically restricted post-holder you can be a member of a political party but you are not able to actively participate within the party.

## **Working on Elections**

37. Employees may be given the opportunity to carry out electoral work for the electoral registration officer or returning officer. You will be informed in advance as to whether this may be carried out in work time or in your own time. When carrying out this work, employees must act impartially at all times and not express any political views or express support for or favour any political party or candidate. You do not need to declare election work on the register of interests section on the HR system, regardless of which council this is for (South Oxfordshire, Vale of White Horse or another council). The leave policy gives details of how you should record your time working on elections.

## **Gifts and hospitality**

38. The Local Government Act 1972 and other legislation makes it clear that council employees should not accept any fees or reward during the course of their employment other than their standard remuneration from their employer. As standard practice, you should not receive or give any gift, loan, fee, reward or advantage or show any form of favouritism in exchange for carrying out your work. If you do accept a gift or benefit keep in mind that it may need to be declared on the gifts and hospitality register that could be viewed externally through a Freedom of Information request and you will need to be comfortable that you could justify your decision to accept it to the councils, the press or the public.

39. If you are offered a gift or hospitality from an individual or an organisation you need to balance the impartiality of the councils with the relationship that you have with the person or organisation making the offer. Each circumstance will be different but the principal consideration in deciding whether or not to accept is whether public confidence in you or the councils could be affected if your acceptance became public knowledge.

40. The value of the gift will also impact on your decision. Generally, if the gift or hospitality given appears to be worth £25 or under you may accept it and you do not need to declare it. Before accepting you should still consider the motivation behind the offer and whether the gift itself is appropriate. If you are in any doubt you should decline it. If the gift appears to be worth more than £25 you should consider more carefully whether to declare it.

## **Declaring offers of gifts and hospitality**

41. There will be occasions when it will be acceptable to accept a gift or offer of a higher value and some examples are given below:

- gifts which are handed to you as gifts to the council rather than to you as an individual, for example a raffle prize for a council charity function. If you receive a gift for the council you should pass it to the Chairman of the Council or their assistant who will make a decision on whether to accept the offer
- a discount offered nationally or locally by a company or organisation to local government employees
- an event it would reasonably be expected that the councils would be represented at

- a working lunch or hospitality at a conference, seminar or event providing that it assists with business being conducted and that you are attending as a representative of the council(s).

42. If you do declare a gift or offer of hospitality you must do this within 28 days of receiving the offer. You will still need to declare the offer of a significant gift even if you have declined it. You can declare the gift or offer using the gifts and hospitality register on the HR system. Your manager will need to approve your entry and may confer with your head of service if they feel it is appropriate to check with them. You must complete all the sections in the HR system and record the following information:

- the name of the person or organisation making the offer
- the date it was offered
- details of the gift or hospitality offered and the circumstances around the offer
- the estimated value of the offer
- whether the offer was accepted, declined or passed to someone else
- the date the gift was received (if applicable)
- whether you consulted anyone else about accepting it.

## **Confidential Proceedings of Committees**

43. You must not communicate any exempt or confidential proceedings of any committee meeting or council business to the public nor the contents of any document unless required by law or expressly authorised to do so.

## **Access to confidential information**

44. The councils aim to be as open as possible in providing information to external bodies or to individuals. This is in line with the Freedom of Information Act 2000 which gives a statutory right of access to records held by public authorities. However, some information may be confidential or sensitive and therefore not appropriate for a wider audience. The information governance and security policy provides more details on this.

45. If you have access to confidential information relating to the work of the councils or about individuals you must only use this for work purposes and not disclose details for any other reason.

46. The councils own the intellectual property of any material made by you in the course of your employment, including copyright. This includes inventions, computer codes, drawings and original creative writings.

## **Talking to the Media**

47. You should be conscious of the sensitivity of some requests for information from the media. If you are approached directly by a reporter or journalist please do not respond to any questions but immediately refer them to the communications team who will then coordinate a response.

## **Responsibility for council funds**

48. If you have direct responsibility for a budget or for spending or distributing council funds you need to ensure that you always act in a lawful and responsible manner. You must have an appropriate audit trail to demonstrate that financial transactions you have taken have been carried out appropriately.
49. You should generate as much value for money as possible and always keep in mind that the income you are working with is public money. Getting value for money does not necessarily restrict you to the cheapest option. Sometimes a higher short-term investment can lead to longer term financial rewards or better productivity, but the justification for a greater immediate investment should always be clear and accessible.
50. Every local authority is required to have a nominated individual to take overall responsibility for the financial affairs of the council and the distribution of financial information. This person is termed the Section 151 officer (after section 151 of the Local Government Act 1972) or chief financial officer. At South Oxfordshire and Vale of White Horse district councils, this role is held by the Head of Finance. If you have any concerns about the management of council funds you can address them to the Section 151 officer.

## **The use of council property**

51. You must not use property, vehicles or other facilities of the councils for personal use unless you have received appropriate authorisation to do so.

## **Your conduct outside of work**

52. Your activities and conduct outside work will not generally affect your employment although there are occasions when something you do away from work could lead to disciplinary action being taken against you or even to the loss of your job. Some examples of this are:
- the loss of your driving licence due to road offences which means that you can no longer practically carry out your job
  - unacceptable behaviour at a work related event such as a council meeting, conference, work night out or party
  - an action which brings the council(s) into disrepute or causes an issue or embarrassment for the council. An example of this would be inappropriate comments that are placed in the public domain through a social media forum (please see the section below).
  - a criminal conviction which means that it is inappropriate for you to continue in your employment.
53. Although you may consider that you have taken a course of action as an individual you need to be mindful that others could view it as an act carried out by a council employee.

This perception or potential perception will be taken into account as well as the specific action itself.

## **Using social media**

54. If you use social media, it is important to remember that anyone can associate what you write with the councils. This is regardless of whether you are using social media for work (if appropriate) or, as is more likely, for personal reasons. Even if the council is not mentioned in your account, something that you write could still be linked to the councils. If you bring the councils into disrepute through your use of social media, whether deliberately or inadvertently, this may result in disciplinary action.

55. Therefore please follow these guidelines:

- do not post any kind of offensive, abusive or threatening messages on personal social media accounts
- do not write anything which may reflect badly on you and/or the councils, or which may affect council confidentiality. This includes not posting links to anything that may reflect poorly on the councils.
- avoid commenting publicly on work the councils are doing, or about stories concerning the councils. Any comments you make may not always be representative of the facts and members of the public or press may misconstrue your personal view as the official council stance.
- do not use any official council logos or branding on personal pages
- remember that once information has been published it is instantly available to the public and is almost impossible to remove. Only publish something that you would be happy to read (and for others to read) again in the future.

56. If you see an issue occurring on social media that may concern the councils (whether negatively or positively) please let the communications team know as soon as possible.

57. You may access social networking sites using council systems or your own devices for personal use before or after work hours or during your lunch break. You should not be accessing social networking sites for non-work purposes during work time.

## **Dress code and standards of appearance**

58. You are required to report for work in clothing that is suitable for the tasks you are carrying out, is presentable and is unlikely to cause offence to other employees or members of the public. Office based employees should be smart at all times i.e. formal clothing rather than informal. If you are working outside the offices you should be smartly dressed unless you are carrying out manual work. If you or your manager are uncertain of what is suitable attire for your role, your head of service will make the final decision. You should also maintain high standards of personal hygiene and not wear items of jewellery if they could cause you or another person injury.

59. Where provided, safety equipment or clothing must be worn as instructed. You must not tamper with any such equipment and must bring any defects to the attention of your line manager immediately.
60. You must wear your ID badge at all times while on council premises. You must challenge anyone in the employee / secure area of the councils' premises without either an employee ID or visitor's badge and should not allow any individual not displaying an ID badge to follow you into any secure area of the councils' premises.
61. For the protection of the public and employees, it is also important that you are easily identifiable whilst working in the community. When making visits to the homes or premises of the public, or other site inspections, you must present your official council identification without being requested to.

## **Smoking**

62. You must not smoke anywhere on council property, other than a designated smoking shelter. This includes council buildings or land. It also applies to council owned or leased vehicles and to your own vehicle while on council business or while parked on council property. If you do not respect the councils' regulations on smoking you may be subject to the disciplinary procedure.
63. You may take short cigarette breaks away from council premises although regular cigarette breaks should not be counted as work time and should be deducted from your annualised hours total for that day. You are expected to use common sense and not to abuse the annualised hours system.
64. You must not smoke during a visit to the home of a member of the public or to an employee's home when on official business. If a member of the public is smoking in your presence away from the council premises you may politely ask them to stop. If they refuse to do so you have the option of deferring your meeting until after they finish smoking.
65. The use of electronic cigarettes (e-cigarettes) is also prohibited as above.

## **Phone calls at work**

66. Please remember that excessive use of your office or mobile phone for private calls or texts is inappropriate. Excessive use can disrupt your colleagues, result in a loss of productivity and also be a cost to the council if calls are made on a council landline.
67. You should keep personal calls during work time to a minimum. Your personal use of office phones should be for emergencies or for brief calls. If you unavoidably need to make a longer call you should account for this as in your own time when completing your annualised hours timesheet.

68. Calls on mobile phones should also be kept very brief in work time. Texting or using the internet on your devices should also be kept to a minimum while you are working (excluding lunch breaks).

## **Alcohol and substance abuse**

69. When you are working you are required not to be:

- under the influence of alcohol (in particular you should be under the legal drink driving limit)
- under the influence of illegal or non-medicinal drugs or having abused prescription drugs.

70. It is fundamental that your working environment is safe and healthy for you and others. You have a responsibility as an employee to take reasonable care of yourself and others at work.

71. You should not drink any alcohol at all either before or during working time in the following situations:

- before or while driving a vehicle
- before or during using machinery, electrical equipment, any other equipment that can be hazardous, or working with vulnerable people
- before or during working hours or in the workplace when your performance would be adversely affected by alcohol. Working time includes on the way to work, during lunch or other breaks, during periods of standby or out of hours duty and periods between finishing work and commencing out of hours duty or standby.

72. If you appear to be under the influence of alcohol or drugs it may reasonably be assumed that you are not fit for work and you could be liable for disciplinary action and potential dismissal. It is your responsibility to ensure that you do not place yourself in a position where your fitness for work could be doubted. Certain medical conditions can mirror some of the symptoms of alcohol or drug abuse so you are strongly recommended to make your line manager aware of any medical condition you have which could cause these symptoms.

73. If you do misuse alcohol or drugs or alcohol it may affect your safety at work, your conduct, performance or your relationships with colleagues, partners, contractors or the public. Misuse can contribute to sickness, absenteeism, poor timekeeping, poor performance and ineffective service delivery. This can happen as an isolated incident or manifest as an ongoing problem. Possession of and / or dealing in illegal substances constitutes gross misconduct under the disciplinary policy and is likely to lead to dismissal as well as being reported to the police.

74. Your conduct outside of work relating to the misuse of alcohol or drugs could also lead to disciplinary action and / or the potential loss of your employment. Some examples of this are:

- unacceptable behaviour outside of work where you are identified as a council employee and bring the council(s) into disrepute
- being convicted of a drug related crime
- the loss of your driving licence, due to a conviction for driving whilst over the legal limit, could impact on your future employment with either council if it means you can no longer practically carry out your job, even if the offence took place outside of working hours
- unacceptable behaviour at a work related event such as a council meeting, conference, work night out or party (this applies whether your behaviour was due to alcohol or drugs or not).

75. In general, misuse will be treated under the disciplinary policy although it is also recognised that alcohol or drug abuse can be an ongoing problem. If you, or someone you know, is experiencing problems with alcohol or substance misuse, you are encouraged to contact the employee assistance programme. The councils may also be able to offer an initial referral to an occupational health specialist. Other organisations that can help include Alcoholics Anonymous, Alcohol Concern and the National Drugs Helpline. If you are undergoing treatment and rehabilitation for drug and alcohol problems your absence will normally be recognised as sickness absence. If you refuse to accept help but issues continue, the disciplinary policy will be applied.

## **Alternative formats**

76. Alternative formats of this publication can be made available on request. These include large print, braille, audio, email, easy read and other languages. Please contact the HR team.

Version 1 issued: January 2014

Version 2 issued: May 2014

Version 3 issued: August 2014

Version 4 issued: September 2014

Version 5 issued: December 2015