

EMPLOYMENT MATTERS COMMITTEE

9 SEPTEMBER 2009

EMPLOYEE CODE OF CONDUCT

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Summary

The report seeks agreement to revise the employee code of conduct.

1. Budget and Policy Framework

- 1.1 The employee code of conduct forms part of the Council's Constitution, therefore this will be a matter for Full Council to approve.

2. Background

- 2.1 In July 1999, Personnel Sub-Committee agreed the *Working for Medway Guidelines for Staff*. Otherwise known as the employee code of conduct it was produced as a framework of guidance for employees on the behaviour and conduct expected of them as Council employees. It covers a wide range of activities, making reference to more detailed policy or procedure where necessary. The Employee Code of Code was incorporated into the Council's current constitution in 2001.
- 2.2 A review of this document is well overdue and has been put on hold pending the implementation of a national model code of conduct for local government employees which, once implemented, will be incorporated in employees' terms and conditions of employment. Consultation ended in December 2008 and there is no indication at the date of this report when the new model code will be implemented.
- 2.3 There is a need to strengthen some parts of the code and to incorporate changes in council policies and procedures. It is felt that these issues could not wait for the national model code to be introduced and the document attached as appendix one be considered as an interim update.

3. Advice and analysis

3.1 For ease of reference the main changes to the document are listed below:

- Page 1 Change the document name from Working for Medway Guidelines for Staff to Employee Code of Conduct;
- Page 6: Includes reference to the new Relationship Protocol;
- Page: 7 Includes reference to paras 15.5 and 15.6 of the Protocol on Member/Employee Relations set out in the Council's Constitution;
- Page: 7 refers to the inappropriateness of employees contacting Members on matters of individual concern about their employment.
- Page 7: refers to the existence of the anti-fraud and corruption policy and shows its location on the intranet.
- Page 8: reiterates the Council's stance on fraud and corruption and the potential consequences to the individual and the council of such acts;
- Page 8: links to the Whistleblowing Policy if an individual considers that a colleague or colleagues are accepting inappropriate gifts or hospitality;
- Page 8: includes the consequences for the Council and the individual of not recording offers of gifts and hospitality;
- Page 10 Updates to the ICT section including reference to Government Connect
- Page 12: Re-iterates that employees should not approach the media and any leaks would be considered a disciplinary offence and if employees have concerns they should use the Whistleblowing Policy. Also includes reference to the Council's Communication Protocol as set out in the Council's Constitution.
- Page 12 Includes reference to the new Dignity at Work Policy.

4. Consultation and Communication

Consultation

4.1 The revised Code of Conduct has been shared with the following groups:

The trade unions and teaching associations
Service Managers who have volunteered to take part in the consultation process for new employment policies
The Black Workers Forum
The Disabled Workers Forum
The Corporate Communications Group

No comments or concerns were received from any of the above.

Communication

- 4.2 The revised code will be communicated to employees to ensure they are aware of the standards of behaviour expected of them. This will be achieved through a mix of communication tools including *The Headlines* corporate newsletter, a leaflet distributed with payslips and new contracts and via the council's intranet site.

5. Risk Management

- 5.1 This code of conduct will provide employees of the council with an effective ethical framework within which to work and in turn will give the council's citizens confidence that our employees are working on their behalf in an appropriate manner.
- 5.2 The code of conduct not only sets out the standard of conduct the council expects from its employees, it also directs staff to important policy documents that they should be aware of such as those listed below.
- (i) Whistleblowing Policy
 - (ii) ICT Security Policy
 - (iii) Anti-fraud and Corruption Policy
 - (iv) Protocol on Member/Employee Relations
 - (v) Dignity at Work Policy
 - (vi) Treatment of Ex-Offenders
 - (vii) Absence Management Policy
 - (viii) Relationship Protocol
- 5.3 The code of conduct also directs employees where to go for advice if they are unsure what to do in a certain situation such as dealing with the media.
- 5.4 Any actions by employees in contravention of those highlighted in the code of conduct may, potentially, bring the individual (s) or the Council into disrepute.

6. Financial and legal implications

- 6.1 There are no direct financial implications. However, failure to observe the standards required and take action where appropriate may lead to actions of fraud and corruption taking place without redress.
- 6.2 There are no direct legal implications. However, the Code of Conduct forms part of the an employees contract of employment and sets the standards of behaviour expected by staff.

7. Recommendations

- 7.1 That the Employment Matters Committee recommends that Council approve the revised Employee Code of Conduct, as set out in Appendix 1, replacing the existing code as set out in Part 3 Chapter 5 of the Constitution.

- 7.2 That the Employment Matters Committee review the policy once the new statutory Code of Conduct is introduced or in 2011, whichever is the earliest.

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Background Papers:

Medway Council Constitution. This is available via the council's website
www.medway.gov.uk

Government Connect guidance – which is available from
<http://www.govconnect.gov.uk/>

Associated documents

- **Anti-Fraud and Corruption Policy**
<http://www.medway.gov.uk/5.8 - anti fraud and corruption policy-4.pdf>
- **Whistleblowing Policy**
<http://connections.medway.gov.uk/index/yourCouncil/businesssupport/personnel/29008/29012/30085.htm>
- **Absence Management Policy**
<http://connections.medway.gov.uk/index/yourcouncil/businesssupport/personnel/29008/29012/30390.htm>
- **Relationship Protocol**
<http://connections.medway.gov.uk/index/yourcouncil/businesssupport/personnel/29008/29012/34580.htm>
- **Dignity at Work Policy – to be used in cases of alleged bullying and harassment**
<http://connections.medway.gov.uk/index/yourcouncil/businesssupport/personnel/29008/29012/30083.htm>
- **ICT Guidelines**
<http://connections.medway.gov.uk/index/yourcouncil/businesssupport/ict/3984.html>
- **Treatment of Ex-Offenders Policy**
<http://connections.medway.gov.uk/index/yourcouncil/businesssupport/personnel/29008/29020/31380.htm>
- **Communication Protocol**
<http://www.medway.gov.uk/index/council/councilbody/6317.htm>



Employee Code of Conduct

Medway Council appreciates the hard work and commitment to the provision of public services of all its employees and will continue to promote a positive working environment in which employees are both supported and developed.

Essential to creating a positive and constructive working environment is a mutual understanding of the standards of behaviour that are acceptable to each other and the public for whom we provide services.

The Council will be as open as possible about decision-making. This is why you will be asked to declare any interests outside the Council where these may be seen to influence or affect decisions made by yourself or colleagues. In this way your integrity and that of the Council cannot be called into question.

In the vast majority of cases common sense will direct what is and is not acceptable behaviour. These guidelines are not intended to be overly directive or to be a comprehensive list of do's or don'ts. It is hoped that in following this guidance you can be confident that you, and those you work with, will be working for the benefit of the local community and that your actions will not bring yourself or the Council into disrepute. These guidelines will help promote the image of a Council working for, and on behalf of, the local community's best interests. All of which will ultimately assist you in the work you do.

The guidelines apply to all staff in their capacity as employees of the Council. However, where staff are acting as an accredited representative, on behalf of a trade union recognised by the Council, they will be covered by the conduct guidelines of that union and should refer to them for further guidance.

Scope of the Guidelines

The guidelines have been designed to provide an outline of the way in which the Council would expect all its employees, to act. It is not meant to be an exhaustive list of all aspects of working for the Council and some of the areas mentioned may also appear in other Council policies and procedures, for example the Council's Health & Safety Policy. Where that is the case we may refer you to those documents rather than repeating them within this guidance.

Copies of all the Council policies and procedures are available from your line manager and are on the Connections intranet site, they are also included as links at the end of this policy.

If there are any sections of the guidelines you think may affect you and you are unsure about the guidance given you should seek the advice of your line manager or HR Advice (phone 33 4499 hradvice@medway.gov.uk)

Breaches of the Guidelines

Whilst the aim of the guidelines are to promote professional, ethical and considerate working practices there may be occasions where the actions or behaviour of an individual or individuals is not acceptable, either because it is explicitly against the guidance given or is contrary to it's spirit. Any such actions may, potentially, bring the individual(s) or the Council into disrepute. If that is the case, and dependent on the nature of the act, the individual(s) may be subject to disciplinary action, including dismissal.

Whistleblowing

Part of working towards an effective and successful working environment means asking for your help in encouraging others to also follow the guidance given. If you become aware of any conduct that is, or potentially may be, a breach of the guidelines or that could bring the Council into disrepute, you must report it rather than ignore it or allow it to be overlooked. This may not be an easy decision to take so to support you in raising a concern the Council has produced a *Whistleblowing Policy*.

General conduct guidelines

As Local Government employees, our behaviour continuously reflects on the public's perception of us as individuals, our colleagues and the Council as a whole. By acting in a helpful and courteous manner when dealing with service users, the public, Councillors and colleagues, we promote a positive view of ourselves and the Council. But we can do as much to promote the image of the Council by ensuring that we do not act in any way that brings us into disrepute, and thus damage the public's confidence in ourselves, our colleagues and/or the Council, hence this guide.

It is impossible to provide a definitive list of what is or is not acceptable conduct or behaviour but below are a few examples of what is unacceptable.

- 1) Discriminating against others in relation to the services we provide i.e. treating others differently (especially less favourably) on the grounds of their gender, race, colour, ethnic or national origin, disability, marital status, family commitments, sexual orientation, age, HIV status, religious or political beliefs, social class, trade union activity or any other basis that is not related to the service required.
- 2) Employees are to treat their colleagues and others with dignity and respect at all times. Employees should respect managerial authority and undertake reasonable instructions.
- 3) Acts of fraud or corruption or the use of Council resources for personal gain or the gain of others.
- 4) Disclosing information of a personal nature about another person without their permission,

5) Any behaviour that may demean, distress or offend others, behaviour of a sexist or racist nature, or the use of sexual or suggestive remarks.

6) Any conduct or behaviour which is unethical and/or brings the Council or its employees into disrepute.

7) All employees are expected, through agreed procedures, to bring to the attention of the appropriate level of management, any deficiency in the provision of the service which will include any impropriety, breach of procedure or standing orders.

The rest of the Guidelines for Staff provides specific guidance on a wide range of issues but is not intended to cover all aspects of work in the Council. It will provide a clear indication of what standards of behaviour the public can expect from you as a Council employee and you can expect of your colleagues. If you are in any doubt about what is or is not acceptable behaviour or conduct then the “golden rule” is to be as open as possible and to seek the advice of your line manager or HR Advice (phone 33 4499 hradvice@medway.gov.uk).

Applications For Posts And Other Employment Matters

It is in the best interest of everyone that decisions relating to new appointments or promotion, or any decision that affects someone’s employment status (for example pay adjustments, access to training, matters relating to discipline or capability), should be made on merit and not on the basis of any other consideration.

Having a close personal or professional relationship with an applicant (internal or external) or with someone whose employment status is being reviewed could lead to accusations of bias, especially if you could be involved in any discussions relating to their application or review.

If you find yourself in such a situation you should make the relationship known. In this way we can be seen to be as open as possible in our decision making process and free from any bias or unwarranted outside influence.

Declarations - Similarly if a decision is to be made on its merits alone we need to be confident that any information provided is correct and honestly given. When applying for a new post you may be asked to provide specific information about your prior work, personal health and/or criminal convictions and you will be asked to make a declaration that the information is complete, truthful and accurate.

Criminal Records - Having an existing criminal conviction need not affect you successfully applying for a post within the Council or your promotion prospects. When initially applying for a post you must declare any convictions you have which are not “spent” as defined by the Rehabilitation of Offenders Act. Some posts are exempt from the Act in which case all convictions must be declared and this will be made clear when you apply for the post.

Similarly, being arrested or convicted in relation to a criminal offence whilst employed by the Council need not affect your employment status. However if for any reason you received any conviction, caution, reprimand or final warning resulting from police action or you are

arrested or convicted in relation to a criminal offence, be it in or outside work, you must inform your line manager immediately.

It will then be possible to discuss the nature and circumstances of the arrest/conviction and whether or not it could affect your work or working relationship in accordance with the *Council's Treatment of Ex Offenders Policy*.

Attendance - Hours of work will vary depending on your job and are designed to ensure we meet our service requirements. If someone fails to attend work, or leaves early, without informing their line manager then additional workloads fall on colleagues and the Council may not be able to meet its service obligations. You should therefore attend and leave work within the times agreed, although they may be varied in agreement with your line manager

Absence From Work - There may be occasions when it may not be possible to attend work on time, for example, when you or a dependant are sick. In these circumstances the Council has established procedures for you to follow, for example the Council's *Managing Absence Procedure* or flexible working policies. These ensure that the people who need to know are informed as soon as possible.

Appointments During Work Hours - Occasionally you may need to arrange an appointment with a doctor or dentist and wherever possible you should arrange for appointments to take place outside of normal working hours or failing that at the beginning or end of the day. Where this is not possible, you should arrange appointments so your time away from work is kept to a minimum. Managers need to ensure that this is not abused. Absence for half or more than half of your normal working day should be recorded as sickness absence.

Dress Code - The way in which you present yourself can have an impact on how people view you and the Council. Some Council jobs have a formal uniform, but where no uniform is required you should dress in a manner that is appropriate to your working environment and maintains a professional image.

Identification - Whilst on Council business, those you come into contact with have the right to know that you are working for the Council. Employees are issued with identification badges and dependent on your work, these should be worn at all times or be available to anyone who requests confirmation of who you are.

Political Neutrality - Whilst most employees are entitled to undertake whatever political activities they wish outside working hours, the public, your colleagues and Councillors will expect you to undertake your work without political bias and treat every decision on its merits and not on any other basis. This is not intended to restrict your political freedom but to ensure that we can all be seen to be working for the benefit of the local community.

Politically Restricted Posts - Some posts within the Council are termed "politically restricted" under national legislation and the post holder is legally prohibited from undertaking any direct political activity whilst employed in that post. These are where it is essential that the post holder is, and is seen to be, politically neutral and will normally be posts where there is a high requirement to provide advice to Councillors. Holders of these posts will be informed of their politically restrictive nature prior to application.

Political Assistants may provide assistance to Councillors in the discharging of their functions as members of the Council (but not in any additional political or other activity). Political Assistants may provide such support to any Members of the political group to which their post has been allocated.

Confidentiality

Information held by the Council, such as names and addresses, business information etc, whether on paper or electronic systems, is covered by the Data Protection Acts. As a Council we have a duty to ensure that all personal information we use is lawfully and fairly obtained and relevant for the specific purposes for which it is held. The release of information to an unauthorised person or the use of information for an unauthorised purpose can constitute a criminal offence under Data Protection legislation.

Protecting Confidentiality - As part of your day-to-day work you may have access to confidential information of either a personal or business nature. When accessing or using this information you should take care not to release it to anyone who is not properly authorised to see or use it. Often this will mean ensuring that unauthorised people cannot gain access to confidential information, for example, by not giving away passwords to computer systems, leaving keys to confidential drawers, cupboards, offices unattended etc. However it also means that you should not use passwords or keys etc. that come into your possession to access information you are not authorised to view.

Most importantly you should not use information, which comes to you through the course of your work for personal gain or benefit, or pass it on to others for the express purpose of gaining benefits as this could be interpreted as fraud (see Fraud and Corruption).

Health And Safety

One aspect of promoting a positive working environment is to ensure that it is also a safe working environment. Employers and employees have a statutory duty to maintain a safe working environment and to take reasonable care to ensure the personal health and safety of themselves and any others who may be affected by their work activities. Because the consequences of poor health and safety can potentially be very serious there is a duty on all employees to not knowingly fail to abide by Health and Safety regulations, for example, failing to follow instructions on warning signs, or interference with essential safety equipment such as fire alarms and fire extinguishers.

More information about a wide range of Health and Safety issues can be found in the Council's Health and Safety policies or obtained from your local Health and Safety representative.

Personal/Business Activities – Conflicts Of Interest

The Council respects the choice of employees to undertake whatever interests or activities (paid or unpaid) they wish outside their conditioned hours of work. In the vast majority of cases these will have nothing to do with your work for the Council. However on occasions there may be a more direct link, for example, if you own or work for a business, which

contracts with the Council. If you have any direct or indirect financial interest in a contract (or potential contract) you must make your interest known to your line manager in writing.

If there is a potential conflict of interest it is in everyone's interest to ensure it is fully declared thus helping to protect individuals and the Council from accusations of bias or possible accusations of fraud/corruption. If you are in any doubt about whether an interest exists it is best to be as open as possible in declaring (in confidence) a personal or business interest to your line manager.

Membership Of Professional/Voluntary Bodies & Conflicts Of Interest - You should declare membership of any professional body or organisation where your membership may appear to represent a conflict of interest or attract accusations of bias. This includes any private organisations whose membership is not totally open to the public. Any such memberships must be recorded in the directorate's declaration reporting book.

Secondary Employment - Some employees will have other jobs outside the Council and although the Council will not unreasonably prevent you from taking up additional paid employment there are a number of guidelines that must be followed. This is not only to ensure that any potential conflicts of interest are known but also so that we can advise staff about Health and Safety issues relating to the number of hours they work etc. If you want to take up secondary employment (or are already employed in a second job you should ensure that:-

- 1) There is no conflict of interest which could lead to accusations of bias
- 2) The work will not adversely affect your performance in your duties for the Council
- 3) That your line manager has confirmed in writing that the secondary employment does not fall into category 1 and /or 2 above and the Council would therefore have no objection to it.

It should be noted that Directors and Assistant Directors, because of the seniority of their posts, are contractually precluded from taking up secondary employment.

Relationships With Others

Relationship protocol

The nature of personal relationships with others and the circumstances of some people's work can affect perceptions about an individual's integrity and that of the Council. The Council has agreed a *Relationship Protocol* which defines expectations and boundaries to ensure as far as possible probity and transparency and avoid allegations of favouritism where a relationship exists.

Generally such relationships do not give rise to any concern, however there may be occasions where the relationship could create a conflict of interest or may give rise to awkwardness and embarrassment within the workgroup. Where there is a possibility that such a relationship could interfere with an individual's work, objectivity when making decisions or behaviour at work, the matter becomes the rightful concern of the organisation.

Employee are required to declare such a relationship where it is felt that there could be a conflict of interest.

Relationships with Members

Paragraphs 15.5 and 15.6 of the Protocol on Member/Employee Relations (set out in chapter 5 of the Council's constitution) deals with Member and Employee relationships.

If employees are unhappy or have concerns with the conduct of a Member they should take this up in first instance with their line manager or the Monitoring Officer.

Employee Concerns and Members

It is not appropriate for Council employees to lobby members on matters of individual concern about their employment and members should discourage employees from making such approaches. A member of staff who is unhappy about a matter affecting them personally should be encouraged to take this up with their manager. If they are not happy with the response the next step is to talk to their trade union or staff representative. The Council's grievance procedure is available if informal methods have not resolved the issue.

Relationships With Contractors - The award of work or contracts on behalf of the Council should be made on merit alone and should be free from any implications of favour or external influence. You must therefore declare to your line manager any relationship, be it business or personal with a current or possible future outside contractor/supplier. This is especially true if you are involved in any way with a tendering process. If you discover a conflict of interest, declared or otherwise, you should not take part in that process and declare your reasons to your manager.

Corruption & Fraud

Because we are funded from the "public purse" we are continually under scrutiny from a number of sources about how we spend the money allocated to us. The Council has developed comprehensive financial practices and procedures to help ensure that acts of fraud or corruption are not committed against the Council. Included within these procedures is the *Anti-fraud and Corruption Policy*. If you have responsibility for managing or dealing with Council finance you should familiarize yourself with the content of the policy as you should be aware that decisions you make will always be open to scrutiny especially where they could be seen to benefit yourself or others (e.g. family or friends).

Anyone committing an act of fraud or corruption will damage the integrity of the Council and of those they work with. If you suspect or see actions, which may lead to an accusation of fraud or corruption it is in everyone's best interests for you to tell your line manager immediately. If for any reason you feel unable to talk to your line manager you may wish to use the Council's *Whistleblowing Policy*.

Corruption - Corruption is the receipt or giving of any gift, loan, fee, reward or advantage for doing or not doing anything that shows favour or disfavour to another person whilst working in an official capacity, and could be a serious criminal offence. Anyone offered an

inducement (in whatever form) to undertake an action or make a decision in favour of another person, regardless of whether the same decision would have been made without the inducement, could be deemed as committing a corrupt act. If an allegation of corruption is made against an employee it will be up to the individual to demonstrate that any rewards or favours received have not been received corruptly. Remember, the best course of action is always to be as open as possible and to seek advice if you are unsure.

Fraud - is the obtaining of some benefit (monetary or otherwise) through false representation, and is also a criminal offence. Examples of fraud could be:-

- 1) Receiving funds from the Council for a specific purpose e.g. a car loan, and using the money for other purposes.
- 2) Being party, directly or indirectly, to claims for benefits to which you or another party is not entitled.
- 3) Falsely obtaining expenses, allowances or sick pay to which you are not entitled.

Debts To The Council - One way in which fraud or corruption can be inferred is if you or a close relation (spouse, partner, relative or a close personal friend), have substantial outstanding debts to the Council (unless authorised i.e. car or relocation loans). In order to ensure that you are protected from potential accusations you should declare to your manager any such debts, especially if you have access to information or the opportunity to exploit procedures which relate to those debts.

Acts of alleged corruption or fraud by employees will be subject to an audit investigation, which may involve police involvement. This will also involve a disciplinary investigation which may lead to disciplinary action and in some cases, dismissal.

Hospitality And Gifts

The integrity of the Council can be seriously affected if there is any suspicion that decisions are being improperly influenced by the offer of a gift or hospitality. Clearly some positions in the Council may potentially be more open to accusations of improper influence than others, for example awarding of a contract or granting of a permit, but we all have a duty to make sure that decisions made by the Council are made on merit and are not affected by the offer of a gift or hospitality.

As a general rule you should never accept a gift or hospitality in return for work done in the normal course of your duties no matter how well intended. If you have been offered a gift or hospitality that cannot be accepted then you should refuse or return it with a polite and courteous explanation. Should you witness a colleague accepting a gift or hospitality and knowingly does not declare this in accordance with these guidelines you should advise your line manager or if this is not appropriate use *the Whistleblowing Policy*.

Recording Offers Of Gifts Or Hospitality - To protect the Council and individuals from any accusation of bias, and regardless of whether or not a gift or hospitality is accepted, all offers must be recorded in the directorates hospitality/gift reporting book.

Gifts - Some modest gifts of a promotional nature e.g. calendars, diaries and other similar articles may be accepted but only if they can reasonably be assumed to be of a nominal value and are not directly related to work done in the normal course of your duties. It should be noted that legacies and trade discounts should also be treated as gifts. If you are unsure about whether a gift should be accepted or not ask your line manager for advice.

Hospitality - Hospitality should only be accepted where it is clearly corporate rather than personal. When deciding whether or not to accept, or provide, hospitality it should be considered how this may affect the relationship between the parties and how it may be viewed by others, including the public and media.

When deciding whether or not to accept hospitality the following should be considered:-

- 1) Whether the other party is likely to benefit from the goodwill of the Council directly or indirectly
- 2) Whether the party is a contractor seeking work to be awarded
- 3) The scale and location of the hospitality
- 4) The frequency of the hospitality if it is directed at an individual or the Council as a whole

Social Events - Offers of hospitality for social or sporting functions should only be accepted when these are part of life in the local community and where the Council would normally expect to be represented.

Training Courses\Seminars\Conferences - Where it is clear that the hospitality is linked with the event and applies to a wide range of participants it will normally be appropriate to accept the hospitality. However, the hospitality should still be declined if, for example, the Council is considering contracting in the near future with the organisation offering the hospitality.

Use Of Council Resources

The Council has a responsibility to ensure that all its resources are used in the service of the public and the local community and not the personal use of employees or Councillors. We all have a duty to ensure that care is taken in using Council resources and that public funds are spent efficiently.

The occasional use of a Council Resource for a private purpose, for example a short local telephone call is acceptable. In some areas there are arrangements in place for any private use of Council resources to be paid for and these must be used where applicable. However Council resources must not be used for private work or for personal gain. If you use any Council resource for an agreed private purpose it should be done outside your paid hours of work.

The permanent or temporary loan of some forms of equipment, in particular laptop computers, could be deemed as a taxable personal "benefit" under Inland Revenue regulations. All Council equipment on loan to an employee must be used solely for business purposes. The private use of this equipment may mean you incurring a personal tax liability for the "benefit" gained.

Internet - The Internet is available to provide individuals or departments with significant advantages in both gaining and providing information relevant to the work or services provided by the Council. Internet access is not provided for personal entertainment. The use of the Internet to conduct personal business and in particular the viewing or downloading of material which is obscene or could offend others, regardless of whether it is seen by others, is not acceptable. Access to gaming, gambling, internet chatrooms is also considered unacceptable. The Council will not accept any responsibility for monies lost through internet transactions. Please refer to the ICT Security Policy, and the Internet, Intranet and Extranet guidelines on the ICT intranet pages.

E-Mail - E-mail systems can greatly speed up communication inside and outside the Council, however communications by e-mail can be legally binding and it should be used in a responsible and professional manner. You should not use the system to send messages, which are defamatory or divulge confidential information. Messages that could be seen as offensive or obscene could be deemed as harassment or discrimination. As part of Government Connect, (see below), auto-forwarding of emails is not permitted. The Council has produced a set of guidelines for use of e-mail. Please refer to the Email guidelines on the ICT intranet pages.

Internet personal webspace (blogs/social networking sites)

Employees should be clear that the use of the internet to comment on Medway Council or its officers or members may result in disciplinary action and potentially legal action on a collective or individual basis.

For more information about responsible use of Information Systems please refer to the Council ICT Security manual and the Internet, Intranet and Extranet guidelines on the ICT intranet pages.

Government Connect

From 1 April 2009, Medway Council is required to implement commitments made to Government Connect. Government Connect is a secure network for all local authorities in England and Wales, designed to ensure sensitive data are transferred securely between central government bodies and local authorities. This network is used by Medway Council and the Department for Work and Pensions initially, to transfer housing benefit data. For the network to be connected, Medway Council must comply with the Code of Connection, which is defined by Government accreditors and is not negotiable, but it does contain recognized good practice. Employees should be clear of the requirements on the use of removable media, and other requirements within the Code of Connection, which can be found on the ICT intranet pages.

Use Of Personal Credit Cards - On occasions you may be required to purchase goods or services for the Council or clients in its care, such as travel expenses or clients' shopping. In order to protect individuals from accusations of fraud in collecting of benefits such as air miles or "points", payment for such goods and services should be made by the Council through invoicing or obtaining a travel warrant etc. The Council recognises that this may not always be possible. However you should use caution when using a personal payment card to buy goods or services for the Council or its clients.

Use Of "Loyalty" Cards - Where you can reasonably be expected to pay for goods or services on behalf of the Council or its clients you should not use "loyalty" cards to gain benefits in cash or kind from those purchases as this may be treated as defrauding the Council or client of that benefit.

Violence And Abuse (including Bullying)

Unfortunately it is possible that, whilst carrying out your work, you may be subject to an act of either verbal or physical violence. "Violence" is the use of physical force or verbal intimidation, which causes an individual(s) to fear for their personal safety. "Abuse" is the use of foul, demeaning or insulting language towards another or group of others or the misuse of personal or professional authority which causes them distress.

The Council is committed to taking steps, wherever possible, to prevent such acts and to take action against those who show violence in any form to Council employees in the course of their duties. If you are subject to violence or abuse of any sort then you should report it to your line manager and ensure that it is recorded in an accident or incident log so that further action may be taken. However the Council is equally committed to take action against any employee who shows violence in any form to another person be they a colleague, member of the public or client, including what is sometimes referred to as work place bullying.

You, as an employee, can take an active part in addressing violence where and when it occurs. If you witness or believe that violence or abuse has, is or may be taking place you should report it to your line manager. If for any reason you do not feel able to talk to your line manager you can use the *Whistleblowing Policy*.

Harassment & Discrimination

The Council's Equal Opportunities Policy clearly sets out our commitment to "Combating discrimination in all its forms and working actively to ensure equal access to jobs, services and active citizenship". Acts of harassment or discrimination are not only potentially a criminal offence but are also divisive and can bring individuals, their work colleagues and the Council as a whole into disrepute and will not be tolerated.

Discrimination - Discrimination happens when a person, or a group of people treat others less favourably in any area of employment or service delivery on grounds of gender, race, colour, ethnic or national origin, disability, marital status, family commitments, sexual orientation, age, HIV status, religious or political beliefs, social class, trade union activity or any other grounds. You should always take care to ensure that any decision you make is

made on the relevant facts alone and not allow any personal feelings or stereotypical thoughts to affect your judgement.

Harassment - Acts of harassment are often, but not always, discriminatory. Harassment is any action (verbal or non-verbal), which adversely affects a persons' privacy, dignity or self-respect in the workplace and includes acts of bullying.

Examples of harassment and/or discrimination. These examples are not exhaustive but give a clear indication of the types of behaviours that are not acceptable.

- a) The use of threatening or intimidating behaviour,
- b) Excessive and unfounded personal or work criticism,
- c) Humiliating, patronising or sexually explicit comments,
- d) Unnecessary and unwanted bodily contact,
- e) Comment, malicious or otherwise, that causes personal embarrassment,
- f) Sending of offensive or obscene images through e-mail or via the Internet,
- g) Victimisation or discrimination of a person who has exercised a right under a statutory duty.

Further information of how to deal with an allegation of bullying or harassment is available within the Council's *Dignity at Work Policy*, a copy of which is available from your line manager or on the Connections intranet site, a link to the document can also be found at the end of this document.

Contact with the media

Dealing with the media requires specific skills and an in-depth knowledge of the workings of the Council and the press. It is not always possible to know exactly how the press will represent individuals and so to protect you from potential embarrassment or misrepresentation, and the Council from potentially bad press coverage only authorised staff can speak, write or give an interview or information to the media.

If you receive a request for information or comment from any form of media, from local papers to national television, it must be referred to the Media and Communications department. They will then authorise and brief nominated individuals to provide a response. Only authorised persons should have contact with the media in relation to the business of the Council. As a local authority we are sometimes required to make hard decisions that are unpopular with sections of the local community and may even conflict with what you personally believe to be right. Such decisions are taken after lengthy consideration and in light of all the available facts. Whatever your personal feelings about the decisions made by the Council you must not leak information to the media either directly or by careless comment. Any such leaks to the media will be considered a disciplinary offence. If

employees have any cause for concern over a Council matter they should use the *Whistleblowing Policy* so that the concern can be dealt with appropriately and the employee “blowing the whistle” remains protected under the Public Interest Disclosure Act 1998.

The Council’s Constitution includes the Communications Protocol (Part 5, Chapter 5).

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Directorate Business Support Department	Name of Policy Code of Conduct	
Officer responsible for assessment Tricia Palmer, Assistant Director, Organisational Services	Date of assessment 19 August 2009	New or existing? Existing
Defining what is being assessed		
1. Briefly describe the purpose and objectives	To update the <i>Working For Medway Guidelines for Staff</i> (Code of Conduct) as an interim measure pending the implementation of a national model code of conduct for local government. To make specific important changes to the original document and to include reference to new council policies and practices.	
2. Who is intended to benefit, and in what way?	Medway Council and its employees will benefit as clear guidelines on expected behaviour are expressed. In addition, staff are made aware within this document how to express concerns they may have regarding suspected unethical practices.	
3. What outcomes are wanted?	Employees of the council will have an ethical framework within which to work and in turn will give the council's citizens confidence that our employees are working on their behalf in an appropriate manner.	
4. What factors/forces could contribute to or detract from the outcomes?	Contribute - Commitment to the policy from everyone at all levels of the organisation. - Staff and managers being aware of their responsibilities as outlined within the policy. - Good communication of the new policy to all employees.	Detract Failure to communicate the policy effectively could lead to: - Staff not being aware of the standards of behaviour required of them. - The potential for unethical practices to go unnoticed with the risk of bringing the council into disrepute.
5. Who are the main stakeholders?	Everyone employed by Medway Council, Members and Trade Union officials.	
6. Who implements this and who is responsible?	HR Services implements this policy, the lead officer is Tricia Palmer, Assistant Director, Organisational Services.	

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Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>ethnicity/ racial groups</i> ?		The policy provides a positive framework within which people from minority ethnic communities can be advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
	No	
What evidence exists for this?	The policy has been consulted upon with the trade unions, members of the corporate communications group and members of the Black Workers Forum (BWF). Comments have been considered and taken on board where it is considered relevant.	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i> ?		The policy provides a positive framework within which disabled people can be advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
	No	
What evidence exists for this?	The policy has been consulted upon with the trade unions, members of the corporate communications group and members of the Disabled Workers Forum (DWF). Where comments have been received these have been considered and taken on board where it is considered relevant.	
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i> ?		The policy provides a positive framework within which men, women and transgender people can be advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
	No	
What evidence exists for this?	The policy has been consulted upon with the trade unions and members of the corporate communications group.	
10. Are there concerns there		The policy provides a positive framework

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could be a differential impact due to <i>sexual orientation</i>?	No	within which lesbian, gay and bisexual people can be advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
What evidence exists for this?	The policy has been consulted upon with the trade unions and members of the corporate communications group.	
11. Are there concerns there could be a have a differential impact due to <i>religion/belief</i>?	NO	The policy provides a positive framework within which people observing particular religions or beliefs (including none) can be advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
What evidence exists for this?	The policy has been consulted upon with the trade unions and members of the corporate communications group.	
12. Are there concerns there could be a differential impact due to <i>age</i>?	YES	The policy provides a positive framework within which people across the age spectrum can be advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
	NO	
What evidence exists for this?	The policy has been consulted upon with the trade unions and members of the corporate communications group.	
13. Are there concerns that there could be a differential impact due to <i>being transgendered or transsexual</i>?	NO	The policy provides a positive framework within which transsexuals or those being transgendered can be advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
What evidence exists for this?	The policy has been consulted upon with the trade unions and members of the corporate communications group.	

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14. Are there any <i>other groups</i> that would find it difficult to access/make use of the policy, or who might experience unfavourable treatment (eg people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?		The policy provides a positive framework within which all employees are advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the councils expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
	NO	
What evidence exists for this?	The policy has been consulted upon with the trade unions and members of the corporate communications group.	
15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (eg disability and age)?	YES	The policy provides a positive framework within which all employees are advised of the councils expectations in terms of acceptable behaviour whilst at work. This relates to how they treat others and how others treat them. It covers the council's expectations in connection with bullying and harassment and equalities and the sanctions that employees can expect if they do not adhere to these.
What evidence exists for this?	The policy has been consulted upon with the trade unions and members of the corporate communications group.	

Conclusions & recommendation

16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?		Not applicable
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	Not applicable
	NO	

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Recommendation to proceed to a full impact assessment?		
No	This policy complies with the requirements of the legislation and there is evidence to show this is the case.	
NO, BUT ...	<p>What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)</p>	<p>The code of conduct acts as a sign post to a number of policies and procedures, some of which are the result of statutory legislation.</p> <p>These are:</p> <ul style="list-style-type: none"> - Whistleblowing Policy - ICT Security Policy - Anti-Fraud and Corruption Policy - Protocol on Member/Employee Relations - Dignity at Work Policy - Treatment of Ex-Offenders - Absence Management Policy - Relationship Protocol
	<p>Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)</p>	N/A

Action plan to make minor modifications		
Outcome	Actions (with date of completion)	Officer responsible
Staff involved in reviewing the policy		Sandra Steel

Planning ahead: Reminders for the next review		
Date of next review	2011	
Areas to check at next review (eg new census information, new legislation due)	<p>Check whether any particular groups have experienced:</p> <ul style="list-style-type: none"> • difficulties in accessing or making use of the policy; • the application of the policy has been fair and consistent across the council. 	
Is there <i>another group</i> (eg new communities) that is relevant and ought to be considered next time?	<p>Check that the policy continues to be accessible and fairly applied to existing and potential members of the Council's workforce, including any additional demographic groups.</p>	
Signed (completing officer/service manager)	Date	
Signed (service manager/Assistant Director)	Date	

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Related documents