

# Employment Committee

Minutes of the meeting held on Wednesday 17 September 2014 at the Town Hall, Royal Leamington Spa at 4.30 pm.

**PRESENT:** Councillor Mrs Bunker (Chairman); Councillors Mrs Bromley, Copping, Gifford, Hammon, Kirton, Mrs Knight, Mobbs, Pratt, Shilton and Wilkinson.

Apologies for absence were received from Councillors Doody and Kirton.

## 13. **Substitutes**

Councillor Shilton substituted for Councillor Coker and Councillor Gifford substituted for Councillor Wreford-Bush.

## 14. **Declarations of Interest**

### Item 19 – Ranger Service

Councillor Gifford declared an interest during the course of discussions on this report when staffing from Warwickshire County Council for on-street car parking was mentioned because he was a County Councillor.

## 15. **Minutes**

The minutes of the meeting held on 18 June 2014 were agreed and signed by the Chairman as a correct record.

## 16. **Members/Trades Unions Joint Consultation and Safety Panel Minutes**

The Committee received the minutes from the Members/Trades Unions Joint Consultation and Safety Panel meeting of 4 December 2013.

Members of the Employment Committee had requested an update on minute 16, but had been unable to contact representatives from the Union. They would pursue an answer to this for the next meeting.

Councillor Mobbs reported that he had attended the last meeting of the Members/Trades Unions Joint Consultation and Safety Panel. Members expressed concern that minute 18 had been recorded in the minutes, but did accept that the sanctions on staff within the Employee Code of Conduct were more severe than those that could be imposed on Councillors within the Members' Code of Conduct. The Democratic Services Manager and Deputy Monitoring Officer informed Members that the Standards Committee had recently debated sanctions for Councillors and felt that it had "no teeth". A proposal would be going forward to Council seeking approval to write to the Department of Communities and Local Government asking for the reintroduction of the sanction to allow suspending a Councillor.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

**Resolved** that the Members/Trades Unions Joint Consultation and Safety Panel Minutes of 4 December 2013 be noted.

### **17. Revision to the Council's Service Area Structure**

The Committee considered a report from the Deputy Chief Executive (AJ) about disbanding the Corporate & Community Services Service Area with the consequential line reporting changes.

The Deputy Chief Executive (AJ) explained the report to the Committee and informed it that informal discussions had taken place with the Executive.

Councillors expressed concern that there was a conflict of interest in respect of Economic Development and Regeneration being located under Development Services. Councillor Gifford explained that one of the tasks of Economic Development and Regeneration was to encourage business into the District, which potentially might give rise to a planning application. The Committee expressed a view that there was scope to revisit where this section should fall within the Council's service area structure; one suggestion being that it could fall under the Chief Executive's area of control. The Deputy Chief Executive (AJ), in response to these concerns explained that the report was proposing changes as a result of disbanding Corporate and Community Services; Economic Development and Regeneration did not fall within this service area. The main officer within Economic Development and Regeneration belonged to a particular professional body which had a professional code of conduct specifically to avoid such conflicts of interest. However, he did state that the Employment Committee could revisit where Economic Development and Regeneration should fit if it so wished.

**Resolved** that:

- (1) the Service Area of Corporate & Community Services be disbanded;
- (2) the post of Head of Corporate & Community Services be deleted from the Council's staffing establishment;
- (3) the Community Partnership Team joins Health & Community Protection Service Area with the Community Partnership Team Manager post reporting to the Head of Health & Community Protection;
- (4) the Bereavement Services Manager Team joins Neighbourhood Services Service Area with the Bereavement Services Manager post reporting to the Head of Neighbourhood Services;

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- (5) the One Stop Shop and Customer Service Centre functions (which are managed by Warwickshire County Council) join Neighbourhood Services Service Area;
- (6) the Organisational Development Officer x 3 posts report to the Customer Contact Manager post;
- (7) the Customer Contact Manager post reports to the Human Resources Manager post;
- (8) the Human Resources team joins the Chief Executive's Office with the Human Resources Manager post reporting to the Chief Executive;
- (9) the ICT Services joins the Chief Executive's Office with the ICT Manager post reporting to the Deputy Chief Executive (AJ);
- (10) the Head of Finance reports to the Deputy Chief Executive (AJ); and
- (11) Economic Development and Regeneration be re-examined to see whether it should be moved within the Council's service area structure.

### **18. Corporate Health & Safety Annual Report 2013-2014**

The Employment Committee considered the annual report from the Health & Safety Adviser which gave a brief summary of the work activity in relation to corporate health and safety.

The Committee thanked the Health & Safety Adviser for an excellent report.

The Committee expressed slight concern at the way the key to the graph on page 15 of the report had been represented because they felt it was not easy to read.

The Chairman informed the Committee that the People Strategy & Steering Group was examining incidents of absence relating to stress and how this could be managed. The Committee was pleased to note the reduction in working time lost due to accidents and the Health and Safety Adviser informed Members that there had been training to reduce the number of accidents.

**Resolved** that there the annual report on Corporate Health & Safety be approved for general circulation and publication on the website.

### **19. Ranger Service**

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

The Committee considered a report from Contract Services to create a generic "Ranger" role to provide a range of functions, including car park management, reassurance for service users, sign posting and resolving operational issues and various enforcement activities. This opportunity had arisen stemming from the Council's decision to retain the off-street car parking service.

The Contract Services Manager explained the range of duties the Rangers would carry out and Members were pleased to note that staff had accepted the changes to their role, which even encompassed litter picking.

### **Resolved** that:

- (1) the following posts be added to the Council's establishment:  
  
Senior Ranger x 2 and;  
  
Ranger x 16.
- (2) the posts of Car Parks Supervisor x 1, and Car Parks Civil Enforcement Officer x 7 be deleted from the establishment list from 31 October 2014 and these posts (agreed at Employment Committee March 2014) be now replaced by the Ranger posts; and
- (3) the individual currently fulfilling the post of Car Parks Supervisor will be placed under consultation.

## **20. Employee Code of Conduct**

The Committee considered a report from the Head of Human Resources, the Democratic Services Manager and Deputy Monitoring Officer and the Audit & Risk manager which brought forward a revised Employee Code of Conduct for the Council for consideration and recommendation for adoption by Council on 19 November 2014. Members were also given an addendum with changes to the proposed code arising from consultation with the recognised Trades Unions and the People Strategy Steering Group. It was pointed out that comments were still being received so further changes might be necessary. It had been hoped to present the report to the meeting of the Members/Trades Unions Joint Consultation and Safety Panel the previous week, but the meeting would not have been quorate so had been delayed.

The Democratic Service Manager and Deputy Monitoring Officer informed Members that the use of italic font for points 4.1 to 4.4 in the code was a mistake. 4.11.3 on page 21 would need to be reworded and this point just gave examples of where the Council might consider dismissal of an employee for gross misconduct.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

Councillor Mobbs questioned whether points 4.8.3 (i) and (j) were robust enough or if they should spell out that the employee worked for their manager and Chief Executive, to which the Democratic Services Manager and Deputy Monitoring Officer informed Members that a review would be undertaken in 12 months' time and the definitions of who an employee worked for was spelt out in much clearer terms within the Member/Officer Protocol.

There was some concern expressed about point 4.8.3 (i) in so far as Members felt that staff should be able to speak to councillors about whether they were happy in their job and that if they had concerns they should be able to raise these with Councillors. The Democratic Services Manager and Deputy Monitoring Officer agreed that the wording could be changed slightly to emphasise that the concerns staff should not canvass Councillors about were related to employment matters and not "whistle blowing", which was covered elsewhere in the Code.

**Resolved** that:

- (1) the minor amendments to the Policy as part of the current consultation, be subject to approval by the Chairman of the Employment Committee; and
- (2) subject to the above, the revised Employee Code of Conduct, as set out in Appendix 1 to the minutes be approved by Council.

### **21. People Strategy Update for CMT/SMT/Employment Committee**

The Employment Committee considered a report from the Interim Human Resources Manager which gave an update on progress made on the People Strategy Plan prior to a meeting with the People Strategy Steering Group (which comprises of a sub-group of Employment Committee and Senior Officers).

Councillors were pleased to note that there had been a reduction in the number of contract staff used. Also, they were pleased to see the number of appraisals achieved by the deadline had risen to 99.4%.

**Resolved** that the report be noted.

### **22. National Living Wage**

The Committee considered a report from the Head of Finance. Back in April 2014 the Committee agreed that the National Living Wage should be applied for all employees aged 18 and over from 1 October 2014. The report proposed that the Council did not pay the National Living Wage to apprentices.

**Resolved** that the National Living Wage does not apply to apprentices.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

The Chairman informed the Committee that she had agreed for an additional report being presented to the Committee subsequent to when the agenda was published, namely the National Living Wage, due to the revision in respect of apprentices and the imminent deadline date for implementation of the scheme.

### **23. Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item, by reason of the likely disclosure of exempt information within paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute Nos.	Para Nos.	Reason
24 to 25	1	Information relating to an individual
24 to 25	2	Information which is likely to reveal the identity of an individual.

The full text of Minute 25 was recorded in a confidential minute which was to be considered for publication following implementation of the relevant decisions. A summary is as follows:

### **24. Minutes**

The confidential minutes of the meeting held on 18 June 2014 were agreed and signed by the Chairman as a correct record subject to the deletion of the final part of the resolution (6) on minute number 8.

### **25. Fraud Investigation Service**

The Committee agreed the recommendations in the report.

(The meeting ended at 6.10 pm)

**WARWICK DISTRICT COUNCIL  
EMPLOYEE CODE OF CONDUCT**

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**Appendices:**

**Declaration Form for Interests  
Form for Registering Gifts and Hospitality  
The Seven Principles of Public Life (Revised January 2013)**

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

### **1. Introduction**

- 1.1 The people of Warwick District Council expect and deserve the highest standards of service and behaviour from all Council staff. This Code sets out our values, rules and principles. It is not a complete list of what you can and cannot do, but its aim is to enable all employees of the Council to understand the ground rules that all must observe and the standards we expect from you as a Council employee.
- 1.2 This code is based upon the Seven Principles of Public Life (known as 'The Nolan Principles'). These principles are relevant to everyone who works in public service and are set out in full as Appendix 1 to this Code.
- 1.3 In addition, the Council has adopted five core values. These provide a framework for every action and decision that the Council takes. The five core values are:
  - Honesty and openness
  - Community focus
  - Fairness and equity
  - Environmental awareness
  - Value for money
- 1.4 Our standards are high because Council services affect the health and wellbeing of the community we serve.
- 1.5 Our work is democratically controlled and open to public scrutiny. It is often politically sensitive, and can depend on public confidence in the Council.
- 1.6 This Code is binding on all Council staff. Breaches of the Code and the standards it expresses may result in disciplinary action. We also expect all staff to operate within the law. Unlawful or criminal behaviour, even away from work, may lead to action against you by the Council.
- 1.7 It is your responsibility to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your manager or with HR. If you want copies of any documents referred to in this Code, ask your manager.
- 1.9 This code applies to all staff including those professionally qualified staff that may be subject to codes of conduct or ethics imposed by their own professional bodies. In the unlikely event of a conflict arising between this code and an external code or requirement then the officer concerned must raise the matter with their Head of Service or Monitoring Officer as soon as possible.
- 1.10 This Code forms part of the Constitution of the Council.

### **2. Working for the public and with other staff**



## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

2.1 We are here to serve the people who live in, work in, or visit the District. This requires a positive commitment to public service and putting our customers and the community first. Our services can have a profound effect on the quality of their lives and we have a duty to give our best at all times. They have the right to expect us to listen to them, be open, honest, helpful and professional in our approach. They are entitled to have confidence in our services that depends on you being considerate, responsible, sensitive and mindful of the need to respect confidentiality.

2.2 You must:

- (a) report any inappropriate behaviour, such as verbal or physical abuse by customers, colleagues or councillors, to your manager;
- (b) never demean, distress or offend the decency of others. For example, by:
  - displaying any material or picture which could reasonably be seen by others as offensive, or making degrading racist, or sexually suggestive comments or other inappropriate/insensitive remarks
- (c) follow the Council's Equal Opportunities Policy and must not discriminate against people you meet in the course of your work on any grounds;

You should also be aware of the Council's policy on harassment, and behave in a way that creates an inclusive, open work environment. If you become a victim of harassment in the course of your work you should report this in accordance with the agreed procedure;

- (d) never take advantage of anyone, or use your position at work to further aims that are not related to the Council or which improperly confers an advantage or disadvantage on any person;
- (e) never use your work or position at work to further the aims of any political party or political activity;
- (f) not use your work to further the aims of any group other than the Council whilst at work, (whether or not the group's ideas are in conflict with Council policies);
- (g) not inappropriately disclose or misuse confidential information that you know about Councillors, customers, staff, contractors, or other organisations working with the Council;
- (h) disclose any matter to your manager that it is your duty to report within this Policy;
- (i) respect other people, their rights and property;
- (j) comply with the requirements of Council policies.

2.3 You should:

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- (a) meet or exceed established standards of service when dealing with people in person, by phone, letter or e-mail, whether they are customers, colleagues at work, colleagues employed outside the Council or other delegates on a training course. Always be:
  - polite, positive, responsive and considerate. Always take a positive approach in all dealings with our customers
  - as clear as possible about the decisions and actions that we take and the reasons for them
  - accountable to the public, by identifying yourself (with name badges, if issued)
- (b) avoid actions in public areas that may discredit the Council;
- (c) ensure you are aware of and comply with the Council's Alcohol & Drugs at Work Policy and Smoking Policy;
- (d) maintain a professional approach to your job. Do not let friendships lead to a conflict between your own interests and that of the Council;
- (e) treat colleagues with respect, in day-to-day working relationships, in all forms of communication.

### **3. Management and staff relations**

#### **3.1 Working with your manager**

3.1.1 Your manager is there to support you and give you direction in your work. You are expected to be accountable and show loyalty to the Council and to support its managers. A climate of mutual confidence, trust and respect between managers and staff is essential to achieving work targets and providing a high quality service.

3.1.2 You must carry out all relevant instructions that apply to your role.

3.1.3 You should work reliably and never neglect your work.

#### **3.2 Working with your staff**

3.2.1 For the Council, the people it employs make a difference. The Council expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills.

3.2.2 You must:

- (a) manage according to the principles set down in the Council's Policies (for example, in matters of recruitment, discipline, performance management);
- (b) deal with staff fairly and consistently;

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- (c) accept responsibility;
- (d) provide your staff with a working environment that is free from any form of unfair discrimination and harassment;
- (e) provide your staff with a safe and healthy working environment.

### 3.2.3 You should:

- (a) set standards of work, give feedback and advice to staff on how improvements can be made and ensure standards are met;
- (b) set work priorities for staff in consultation with them;
- (c) support and assist staff to carry out their work properly;
- (d) be aware and monitor the hours being worked by staff to ensure a consistent work life balance;
- (e) develop your staff to meet the current and future needs of the individual, team and service;
- (f) consider constructive suggestions for improving working practices and standards of service.

## **4. Working practices**

### **4.1 Health and Safety**

- 4.1.1 The Council aims to promote good healthy and safe working amongst its staff. You have a responsibility to contribute to safe working environment. Failure to do so may put you, the public or other staff at risk.
- 4.1.2 Have the responsibility to co-operate with supervisors and managers to achieve a healthy and safe workplace and to take reasonable care of themselves and others. Whenever an employee, supervisor or manager notices a health and safety problem which they are not able to put right, they must straightaway tell the Line Manager. They may also tell a Safety Representative if there is one.
- 4.1.3 An employee of Warwick District Council whilst out of the office, on site, must comply with the safety requirements of any contractor whilst on their premises. If any employee identifies safety standards which are below those required by Warwick District Council, that employee will first bring them to the attention of the senior person at that location and if the condition is not immediately rectified, advise their supervisor within Warwick District Council of their intention not to proceed further until rectification has taken place.
- 4.1.4 Where the employee considers there is possible danger to themselves, they must not proceed further, until the situation, equipment, or machinery has been rendered safe.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

4.1.5 Each member of the staff should have particular regard to Sections 7 and 8 of the Health and Safety at Work etc Act 1974 which places responsibilities upon every individual as an employee.

### **4.2 Sickness Absence**

4.2.1 You must follow the Council's Sickness Absence Policy. You must never claim sick leave when you are not sick.

### **4.3 Hours and attendance**

4.3.1 Integrity in attendance at your place of work and reporting absences is critical to the success of Council services. Poor attendance and time keeping increases costs, reduces service levels and undermines the reputation of you and the Council. You should not accrue amounts of flexitime credit or time off in lieu, outside the levels in the relevant policies, unless agreeing this with your line manager first.

4.3.2 You must:

- (a) comply with the time keeping requirements of your job;
- (b) be in your place of work and working when you should be;
- (c) ask your supervisor/manager if you need to take time off (for example, for a doctor's visit);
- (d) agree with your manager any leave or time off you want in advance.

### **4.4 Working honestly and with integrity and impartiality**

4.4.1 We expect you to perform your duties and use the Council's money and resources with honesty and be able to demonstrate that at all times. It is a criminal offence for you to give, receive or ask for any gift, reward or advantage for work done in your official capacity. As an officer you should ensure that these approaches are recorded in line with Gifts and Hospitality procedure and that you retain a copy of the necessary declaration for your own records.

4.4.2 As a Council employee, you are expected to meet the highest standards of conduct and integrity. These high standards must equally apply, and be seen to apply, in your conduct and relationships with the public. There should be no reason to suspect you are seeking opportunities for private gain. You must not undertake any private commitments or activities that may reasonably be considered to bring the Council into disrepute or impair your performance or detrimentally conflict with the Council's interests.

4.4.3 Certain posts within the Council are legally designated as politically restricted. This means that as a postholder you would be debarred from any form of political activity as this would be seen to produce conflicts of interest. A list of these posts is included in the Staff Handbook and covers all staff that are paid on salary point 44 or above. The Handbook

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

also tells you what restrictions are placed upon you if you are in this category. You should familiarise yourself with these. You should discuss any concerns you have with your Head of Service, the Deputy Chief Executive or the Monitoring Officer.

4.4.4 The relationships that the Council has with its partners, contractors, consultants, community groups, suppliers and others, must be managed so that there can be no suspicion of corruption or dishonesty with public money. The Council may require you to complete a declaration of related party transactions and this information could be disclosed in the annual Statement of Accounts.

4.4.5 You must:

(a) not act corruptly and you must avoid any actions that could be interpreted in this way by others

for example:

- do not ask for or accept bribes or inducements of any sort;
- never seek or take any reward or favour for providing Council services apart from your pay;
- do not take a reward from anyone who has, or might have a contract with the Council, or work in partnership with it.

(b) report to your Head of Service, as soon as possible, any offers of money, favours, gifts or hospitality you are offered or receive (even if you refuse them). You will be expected to record any gifts or hospitality offered or received, in the Service register;

(c) return any gifts and refuse any hospitality your Head of Service says you cannot accept;

(d) never ask for or accept a gift or tip or 'Christmas box', because:

- you are already paid for the work you do;
- people may believe they will get better service if they tip well and worse if they do not;
- this is not the basis the Council delivers services.

(e) not use any influence to get people you meet through your work to leave you things in their Will;

(f) report to your Head of Service if people you meet through work leave you things in their Will;

(g) comply with the Council's Codes of Financial Practice and Procurement Practice. If your job includes making payments or

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

letting contracts, you should make sure you understand the Council's rules;

- (h) never obtain Council property or money when you are not lawfully entitled to it (this includes subletting Council property without authority);
- (i) not act fraudulently and you must report any suspicion or evidence of fraud you may have. Fraud happens when someone gets some benefit (usually money or property) through deception, for example:
  - falsifying documents to claim pay, bonus or sick pay
  - claiming housing benefit (and similar benefits) to which you are not entitled
- (j) serve the people of the District honestly and deal honestly with the Council. For example:
  - never wilfully withhold any payments owed to the Council (like rent or Council Tax);
  - never make fraudulent claims for public money (like housing benefit or income support).
- (k) you must inform your line manager in writing of all work undertaken outside of your employment with the Council and declare any actual or potential conflicts of interest between your work, other colleagues and outside activities of yourself and close family.

If your employment with the Council is paid on scale point 32 (or equivalent) and above, you must have written permission from your Head of Service, or if you are a Head of Service CMT, prior to commencing any additional employment.

All such work should be recorded on Appendix 2 to this document and issued to your Head of Service who will retain it on your personnel file.

You must ensure that any outside work does not adversely affect your work with the Council and that it does not create a conflict of interest with the Council. Your prime loyalty should be to the Council.

- (l) never do private work when you are claiming time for working for the Council.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- (m) never abuse your position with the Council to benefit yourself, your family, your friends or any outside organisation or political party. If you live in the District you must not use your working relationships to influence matters such as planning applications or enquiries.
- (n) respect Council property or equipment. Take care not to waste, lose or damage it. Do not use Council property and equipment for your own personal benefit. You should use the Council's equipment in accordance with the Council's rules, codes and policies.
- (o) obtain written permission for any private use of Council equipment, whether at home or in the Council's offices at home, as agreed by your manager for use on Council business.
- (p) fill in accurately and honestly any document, form or record your managers need for work. Never destroy, damage, alter or falsify any such document or record.
- (q) not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a member of your family or any person with whom you have a close association.

### 4.4.6 You should:

- (a) do nothing that could be seen as likely to bias your work, your decisions or your impartiality. Therefore you must be fair and impartial in dealing with all customers, competitors, suppliers, contractors, sub-contractors, partner organisations and sponsors
- (b) be careful about pursuing an association with someone who may benefit from your work for the Council. For example, it is unwise to allow yourself to become indebted to someone who may wish to benefit from your work or position in the Council.
- (c) seek prior approval from your Head of Service if you are asked to give lectures, or wish to publish material, inventions or patents, that are related to the work you do with the Council.

### 4.4.7 You must advise your Head of Service in writing if:

- (a) you have links with a group whose aims might be in conflict with Council policy, or involvement with an organisation receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence the Council's policies. This also applies to membership of any organisation not open to the public, with commitment of allegiance and which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others;
- (b) you have, or develop a relationship with someone, that might be seen to lead to a potential conflict of interest. This is only necessary where there is likely to be a conflict of interests but could include being someone's landlord, being in debt to someone, having a close

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

personal relationship with a Councillor, client, customer, service user, employee or contractor;

- (c) you are offered a job with a competitor organisation, or one we are in partnership with;
- (d) you or your close relatives hold any Directorships or positions of influence in any companies linked with the Council.

### **4.5 Gifts and Hospitality**

- 4.5.1 Whenever possible you should always decline, politely, any gifts or hospitality offered to you as a result of your work as an officer. When this is not possible, without causing offence you may accept the gift or hospitality but discuss it with your line manager.
- 4.5.2 Even if you decline or accept an offer you must record all gifts and hospitality considered to be equal to or above the value of £10 that are offered to you in the course of your duties for the Council. These include those from Councillors, contractors, other public bodies, consultants or others with whom you have a business relationship.
- 4.5.3 A register is kept by Chief Executive for recording gifts/hospitality, their value, the person or organisation offering them and whether they were accepted. A form for registering these is attached as Appendix 3 to this document.
- 4.5.4 If you are not sure about how to react to such offers you should seek advice from your line manager or Head of Service.
- 4.5.5 You must:
  - (a) declare any gifts or hospitality in a timely and accurate manner;
  - (b) raise any concerns about a potential gift or offer of hospitality with your manager as soon as you become aware of it.

### **4.6 Working with sensitive information**

- 4.6.1 We expect you to use sensitive information properly and to have due respect for confidentiality. Information gathered while working for the Council, whether held electronically or by other means, should not be used for commercial or personal gain or otherwise misused.
- 4.6.2 You must:
  - (a) not knowingly disclose information given to you in confidence by anyone, or disclose information acquired that you believe is of a confidential nature, without the consent of the person authorised to give it, or unless you are required by law to do so;
  - (b) not knowingly prevent another person from gaining access to information to which that person is entitled by law;



## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- (c) know what information the Council treats as confidential (if in doubt, check with your manager);
- (d) know who is entitled to have access to what information;
- (e) be responsible and professional in using and allowing access to personal information on clients, customers, staff and others;
- (f) use personal information in line with the principles of the Data Protection Act;

Such data must:

- be obtained lawfully and fairly
  - be held only for specified and lawful purposes
  - be relevant and just sufficient for those purposes
  - be used or disclosed for no other purpose
  - be accurate, up to date, and kept only as long as is necessary
  - be held securely to prevent unauthorised access or tampering
  - be available for inspection and correction by the person it is about
  - not be transferred to countries outside the European Economic Area without adequate protection and without written assurance in line with legal requirement following approval from the Data Controller.
- (g) report to your manager anyone, whether another member of staff, a member of the public or a Councillor, who attempts to put pressure on you for access to information to which they are not entitled.

### **4.7 Working within the law and the Council's Constitution**

- 4.7.1 The Council expects you to work within the law. Council powers are set by a framework of laws and regulations. In order for its decisions and actions to be held to be reasonable in law, the Council must carry out its business in a way that is rational, proper and fair. Unlawful or criminal behaviour at, or even away from, work may result in a loss of trust and confidence in the employee or the Council.
- 4.7.2 You must inform your Head of Service in writing immediately if you are charged with or convicted of any crime whilst you are employed by the Council (this includes outside of your working hours). The Council would then need to consider whether this charge or conviction could reasonably be considered to bring the Council into disrepute or makes you unsuitable to carry out your job. This includes, for example:

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- submitting false or fraudulent claims to the Council or other public bodies (for example, income support, housing or other benefit claims);
- breaching copyright on computer software or published documents;
- sexual offences, which may render you unfit to work with children or vulnerable adults;
- crimes of dishonesty that render you unfit to hold a position of trust.

4.7.3 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Whilst you should have a general awareness of the Constitution the areas that you are expected to have a good knowledge of are the Code of Financial Practice and Code of Procurement Practice. The Code of Financial Practice provides the framework for managing the Authority's financial affairs and applies to every member and officer of the Authority and anyone acting on its behalf.

4.7.4 Breaches of financial rules are taken seriously and the Head of Finance is responsible for reporting breaches of these rules to the Council and/or Executive.

4.7.5 You must:

- (a) have an understanding of the Code of Financial Practice that is appropriate to your job;
- (b) complete any financial work in accordance with the Code of Financial Practice;
- (c) inform your Head of Service, the Head of Finance or the head of Internal Audit immediately if you become aware of a breach of the Code of Financial Practice or if you suspect a breach may have occurred.

## **4.8 Working with Councillors**

4.8.1 Councillors expect staff to contribute to proper and effective working relationships with them. You serve the Council as a whole – all Councillors – and not just those of any particular group. You must ensure that the rights of Councillors are respected. You must maintain political neutrality at work and be seen to be impartial.

4.8.2 Close personal familiarity between individual Councillors and officers can damage this relationship and give rise to the appearance of improper conduct. Generally, a close relationship between a Councillor and member of staff is incompatible with the high standards of public life that the Council is promoting. If such a relationship exists or begins to

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

develop you must discuss this as soon as possible with your Head of Service or your line Manager.

### 4.8.3 You must:

- (a) serve all Councillors impartially and professionally, not just those of a particular political group;
- (b) do nothing to disrupt Council meetings;
- (c) dress and behave with appropriate formality at official events and meetings;
- (d) deal with Councillors' enquiries efficiently and within the agreed timescales;
- (e) disclose to your Head of Service any family, business or close personal relationships with Councillors;
- (f) report to your Head of Service any time a Councillor asks or pressures you to deal with a matter outside of Council procedure or policy;
- (g) not seek to influence Councillors prior to any appointment;
- (h) not canvass Councillors on individual employment-related matters for which there are Council approved procedures (for example, in matters of recruitment, discipline, unsatisfactory performance, terms and conditions of employment);
- (i) report any claims or allegations about other staff to an appropriate manager, and not to Councillors;
- (j) do not take advantage of your status as a Council employee to gain privileged access to a Councillor to advance your interests or views as a resident of the District. This is especially important in matters such as planning applications and enquiries.

### 4.8.4 You should:

- (a) not permit your own personal or political opinions or preferences to interfere with your work or working relationships with Councillors;
- (b) report to your Head of Service if you have concerns that a Councillor's conduct or treatment of staff is inconsistent with Council policies.

4.8.5 Extensive guidance to members and officers of the Council in their relations with one another is set out in the Member-Officer Protocol, and the Employee Code of Conduct should be read in conjunction with that protocol.

## **4.9 Managing contact with the Media**

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

4.9.1 The Council expects staff to promote the policies and reputation of the Council and act as ambassadors. Contact with the press and media is conducted through the Media Team. This protects individual employees from unwanted media attention and allows the Council to manage its reputation properly. Relations with the media require specific skills and expertise and staff should not discuss Council business with the press without their Head of Service's prior permission, unless you act as spokesperson for one of the Council's recognised trade unions in pursuit of legitimate industrial relations activities.

4.9.2 You must:

- (a) get permission from your Head of Service to speak, write, or give interviews to the media;
- (b) never bring the Council's name into disrepute in any other way through the press and media;
- (c) never bring the Council into disrepute by publicising material that is confidential, or against the interests of the Council, or its employees;
- (d) do not leak information to the press and media;
- (e) refer enquiries from the press to the Media Team in the first instance.

### **4.10 Reporting Improper Conduct – The Confidential Reporting Policy**

4.10.1 We are committed to preventing any malpractice, fraud, corruption and any other actions that are illegal or not in the best interests of the Council's customers. The people of the District expect and deserve the highest standards of public service and we rely on all staff to play their part. You have a duty to report any reasonable suspicions of malpractice, fraud, poor practice or illegal activities. We have a duty to act on any information from whistle-blowers and to protect you if you speak out.

4.10.2 All managers have an absolute duty to act on employees' concerns. Failure to do so will be a disciplinary matter. Victimising staff that raise concerns or deterring someone from speaking out about fraud or abuse will be treated as a serious disciplinary offence. The detail of this is included with the Council's Disciplinary Policy.

4.10.3 The Council will:

- (a) take you seriously when you come forward and act swiftly to tackle any impropriety;
- (b) do everything possible to support you and protect you from reprisals;
- (c) do everything possible to protect your confidentiality;
- (d) tell you what action is being taken.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

4.10.4 You must:

- (a) know what practices are acceptable and which are not (as set out in this Code) – check with your manager if you are unsure;
- (b) report immediately any irregularities, malpractice, illegal or fraudulent activity, or any abuse or suspected abuse, either of staff or customers;
- (c) report any matters that you feel have not been properly dealt with immediately;
- (d) provide any evidence or relevant information you have;
- (e) report any concerns about corrupt or improper conduct by others to your line manager, in the first instance. If you do not feel able to approach your line manager, you should report your concerns to your Head of Service or the Chief Executive, the Council's Monitoring Officer or the Audit and Risk Manager.

You also have the right to raise concerns about financial malpractice with the Council's External Auditors;

- (f) never abuse this process by raising allegations that are known to you to be unfounded. This will be considered as a disciplinary matter.

### **4.11 Gross misconduct**

4.11.1 The Council will apply this Code consistently and fairly. It is a public document and is distributed to all staff. Any breaches of the Code may result in disciplinary action.

4.11.2 Some breaches (known as gross misconduct) would be serious enough to justify the Council in dismissing staff for a first offence, and without notice. The examples of gross misconduct below are given so that you can judge what would compel the Council to dismiss you. This is not a complete list, since the circumstances of each case are different.

4.11.3 These are examples were the Council will consider dismissing you for gross misconduct:

- (a) conceal any matter you should report in line with Council Policies;
- (b) disclose any matter you should keep confidential;
- (c) succeed in getting a job by lies or deception;
- (d) commit serious acts of discrimination or harassment;
- (e) threaten, fight with or assault anyone;
- (f) steal or take or damage things that belong to someone else;

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- (g) seriously demean or offend the decency of others;
- (h) act in a way that resulted, or would have resulted, in injury or danger to yourself or others;
- (i) never do private work when you are claiming time for working for the Council;
- (j) breach financial regulations or standing orders;
- (k) refuse to make or abide by an agreement to repay any debt you owe to the Council;
- (l) break a law at/or away from work which makes you unsuitable for the work you do or damages public confidence in the Council;;
- (m) obtain Council services, property or money by fraud (for example, falsify timesheets);
- (n) submit false or fraudulent claims to the Council or other bodies (for example, income support claims, housing or other benefit claims);
- (o) ask for or accept bribes, gifts or favours;
- (p) disrupt Council meetings;
- (q) discriminate against another person, in conflict with the Council's Equal Opportunities Policy; and
- (r) make offensive comments or posts on social media sites.

**NB: This list is not exhaustive**

### **4.12 Working with External Organisations**

4.12.1 Members of staff become involved in external organisations from time to time. This can result from being appointed by the Council as its representative or by other means.

4.12.2 Staff must be careful about any conflict of interest that may result. These can often occur where an officer's role overlaps with the interests of another organisation.

Particular care is needed in relation to executive positions in external organisations such as trusteeships, or various offices such as Chairman, Treasurer or Secretary.

4.12.3 The Council's protocol on partnerships and other external organisations provides advice for the conduct of members and officers when representing the Council on external partnerships and other organisations.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

4.12.4 The Council's policy is for such executive appointments to be avoided where there is any possibility of a conflict of interest. Staff must take advice from their Head of Service if they are in doubt.

### **5. Guidance notes on the declaration of pecuniary and personal interests**

#### **5.1 Introduction**

5.1.1 The Code of Conduct covers all employees working under a contract of employment within Local Government, including session workers and casuals. Some of the issues covered by the Code may affect senior, managerial and professional employees more than it will others.

#### **5.2 Advice**

5.2.1 You are advised not to maintain outside interests that are to the detriment of your work with the Council or conflict with your employment with the Council.

5.2.2 If you are in doubt as to whether or not you have specific outside interests which should be declared, you should contact your manager in the first instance or your Head of Service. If you do not wish to discuss these issues with your manager, you should contact the Human Resources Unit.

5.2.3 Shareholders (Part B, Question 1.2 of the declaration form) – you are only required to declare shareholdings that could be directly related to your work, for example, shareholdings that provide a measure of control of a company which has dealings with the Council, or shareholdings, the value of which might be affected by Council work in which you are involved.

5.2.4 Grant Aid/Professional Bodies (Part B, Question 1.3 of the declaration form) – where you are involved either yourself in the running of a group or organisation as a Committee member, or involved in the decision-making process, then you should declare this only if it has a clear impact on your area of work and conflicts with the Council's interests. If you are in any doubt about this you must discuss it with your manager.

5.2.5 Membership of Clubs, Associations and Societies (Part B, Question 2 of the declaration form) – this includes special interest societies, charities, groups that are grant-aided by the Council and pressure groups. These need only be declared where there may be a direct impact on your area of work. You must declare membership of organisations not open to the public, with commitment of allegiance, which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others.

5.2.6 Professional Bodies (Part B, Question 3 of the declaration form) – if you are asked to do work and intend to use information relating to the Council for a group or organisation of which you are a member, you should declare your membership.

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- 5.2.7 Housing Association/Tenants' Residents' Association (Part B, Question 5 of the declaration form) – if you are a Committee member of a Council Tenants' or Residents' Association, you should declare your membership where there may be direct impact on your area of work.
- 5.2.8 Trust(s) (Part B, Question 6.2 of the declaration form) – if you are a member of a charitable Trust or have any other interest you only need to declare it where there may be a direct impact on your area of work.
- 5.2.9 Recruitment of Relatives (Part V, Question 7 of the declaration form) – the term “associated with” includes spouse, partner, close family members, e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.

### **5.3 Completing the Declaration Form**

- 5.3.1 Please read the Code of Conduct carefully and consider whether you have any external interests that may need to be declared. If you are in any doubt about whether you should declare a specific matter, it is recommended that you declare it.
- 5.3.2 **New Employees and those accepting new Contracts of Employment:**

All newly appointed staff and existing staff accepting new contracts of employment will be required to complete a declaration of interests form as a condition of appointment.

This requirement will be publicised in the recruitment documentation sent to applicants. All staff will be required to declare interests before taking up their posts.

### **5.4 Completed Declaration Forms**

- 5.4.1 Once you have completed the Code of Conduct declaration form, it will be reviewed by the Head of Human Resources. The information you give is strictly confidential.

Heads of Service will be made aware of anything of relevance in the declaration and ensure that any declaration made will not be used inappropriately. Completed forms will be kept on personal files.

### **5.5 Failure to declare/follow the Code**

- 5.5.1 If you fail to return a declaration form, it will not, in itself, constitute a disciplinary offence. However, should a relationship or other issue emerge which was relevant and this has not been declared as set out in this Code, non-declaration might be taken as evidence of misconduct or gross misconduct in a disciplinary situation.
- 5.5.2 Failure to follow the Code in any aspect may also be raised in disciplinary action taken against you for a breach of the Council's rules or procedures.



## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

- 5.5.3 The above instances may constitute a criminal offence under the Local Government Act 1972; criminal sanctions may apply where an abuse of position has occurred as a result of a Council contract or where an employee or his/her relatives have gained pecuniary advantages.

### **5.6 Inspection of Information**

- 5.6.1 Your declaration form will not normally be open for inspection to anyone, other than the relevant member of CMT/Head of Service/Human Resources Unit. However, a senior manager may need to check a declaration form should either your membership of an organisation emerge or should there be suspicion that a relationship or other issue has emerged which is relevant to your duties and is contrary to the Code of Conduct.
- 5.6.2 By completing a declaration form, this will not in itself represent any form of sanction or approval by the Council of the contents of the declaration.

### **5.7 Amending Declaration Forms**

- 5.7.1 If your circumstances alter and you wish to amend or review a declaration form, or view your personal file, please contact the Human Resources Unit.

### **5.8 Confidentiality**

- 5.8.1 The information given on the declaration form is given in the strictest confidence and must not be divulged inappropriately by CMT, Heads of Service or Human Resources Staff. Inappropriate divulgence may result in disciplinary action being taken.

**EMPLOYMENT COMMITTEE MINUTES (Continued)**

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**Committee for Standards in Public Life:**

**The Seven Principles of Public Life (Revised January 2013)**

<b>Principle</b>	<b>Revised description</b>
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**CODE OF CONDUCT FOR EMPLOYEES OF  
WARWICK DISTRICT COUNCIL:**

**Declaration form**

- (i) This form must be completed by all new employees on joining the Authority.
- (ii) This form must be completed and signed by all employees in politically restricted posts. Other staff must complete this form if there is any matter which they are required to declare.

Please read the Code of Conduct for Council Staff and associated Guidance Notes on the declaration of pecuniary and personal interests before completing this form.

**Please print clearly in black ink**

**Name:** \_\_\_\_\_

**Work Address:** \_\_\_\_\_

**Section:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**PART A**

**1. Employment**

1.1 I am/will be employed by the Council as:

(If you have more than one job in the Council, please list all those jobs)

1.2 I also work as:

Employer's name and nature of business:

1.3 I am also self-employed as:

I trade under the following name(s):

## EMPLOYMENT COMMITTEE MINUTES (Continued)

### **PART B: Personal Interests of Employee**

#### **1. Financial interests**

##### **1.1 Directorships: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

I, or my close relative, (e.g. wife, husband, partner, parent, child) hold the following Directorships in the following company(ies):

##### **1.2 Shareholdings: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

I, or my nominees, own shares in the following company(ies):

##### **1.3 Grant Aid/Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

I have recently applied or intend to apply for a grant on my own behalf from the Council.

Yes / No

If 'YES' specify nature and amount.

A group or organisation in which I am involved in the running (and in the decision-making process) has applied for and/or intends to apply for a grant from the Council.

Yes / No

If 'YES' specify nature, amount and your position in group/organisation.

#### **2. Clubs, Associations and Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

I have a personal interest in or membership of the following club(s), association(s) or society(ies) which has the potential to conflict with the interests of the Council:

**EMPLOYMENT COMMITTEE MINUTES (Continued)**

**3. Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

I am involved in the decision-making process of the following body(ies):

(Please state name and nature of any professional body/bodies in which you are a member).

**4. Select Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

I have a personal interest in/or membership of the following society(ies):

(Please state name and nature of any select society(ies) in which you have a personal interest/membership).

Please state in what capacity you are a member:

**5. Housing Association: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

5.1 I am a member or office holder of a Housing Association with properties in the District.

Yes / No

If 'YES' specify name(s), registered office(s) and capacity(ies):

5.2 I am a member or office holder of a Tenants'/Residents' Association in the District.

Yes / No

If 'YES' specify name(s) of Association(s):

**EMPLOYMENT COMMITTEE MINUTES (Continued)**

**6. Other Interests: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.**

6.1 I, or my partner, are associated with a limited company or unincorporated business.

Yes / No

Specify nature of Association(s):

6.2 I am involved in the decision-making process of a charitable Trust

Yes / No

If 'YES' specify which Trust(s) and nature of relationship with the Trust(s):

6.3 I have another interest which may impact on my work.

Yes / No

Please specify:

The Council encourages voluntary work, public duties and activities in support of the local community and employee involvement in these areas is welcomed and supported.

6.4 I have been appointed by a Government Minister as a member of a statutory undertaking(s) or other body(ies) which is constituted in order to discharge or assist in discharging a statutory function.

Yes / No

If 'YES' specify body(ies):

6.5 I am a Councillor in a Local Authority.

Yes / No

If 'YES' specify which authority and office/title held:

## **EMPLOYMENT COMMITTEE MINUTES (Continued)**

6.6 I am a co-opted member of a Local Authority Committee(s), Sub-Committee(s) or similar body.

Yes / No

If 'YES' please specify:

6.7 I am a member of a school governing body and/or am on the controlling body of a parent/teachers association(s).

Yes / No

If 'YES' specify which association(s):

6.8 I am a Board member of a Hospital Trust/Health Authority.

Yes / No

If 'YES' specify Hospital Trust/Health Authority:

6.9 I serve as a Magistrate.

Yes / No

If 'YES' specify which Court:

## **7. Recruitment of Relatives**

**Are you related to, or have an association with, a Member of the Council or anyone working for the Council? The term 'associated with' includes spouse, partner, close family members e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.**

Yes / No

If 'YES' specify name(s) and work area(s):



**EMPLOYMENT COMMITTEE MINUTES (Continued)**

**Declaration**

Please see Guidance Note for Staff re: inspection of information (Paragraph 6).

I declare that I have read the Code of Conduct for Council Staff and associated Guidance.

Notes on declaration of pecuniary and personal interests and to the best of my knowledge and belief, the answers given above are truthful, accurate and complete. I undertake to inform my Head of Service of any change to these answers within 28 days of that change taking place.

**Signed (Employee):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signed (line manager):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**When completed, please return this form to HR.**

\_\_\_\_\_

**FOR OFFICE USE**

**Date received:**

**WARWICK DISTRICT COUNCIL  
REGISTER OF HOSPITALITY, GIFTS OR EMPLOYEE INTERESTS**

Officer's name	
Service Area	

**HOSPITALITY AND GIFTS**

Date	
Received from	
Given to or received by	
Type of gift/Nature of Hospitality	
Action taken (e.g. Accepted/Refused/Passed to charity/etc.)	
Relevant circumstances/comments:	

**APPROVAL**

Signature of Employee	
Signature of Head of Service, Deputy Chief Executive or Chief Executive	
Date	

**When completed, please return this form to the Chief Executive's Office.**

\_\_\_\_\_

**FOR OFFICE USE**

**Date received:**