

Proposed Amendments to Employees' Code of Conduct

The words in bold italics comprise the statutory Employees' Code of Conduct which is automatically incorporated into Employees' Contracts of Employment and will prevail in circumstances where there is any contradictory provision elsewhere in the Code.

General Principles

1. ***The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.***
- 1.1 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Flintshire employees are expected to show respect and courtesy in their dealings with the public, Councillors and fellow employees providing them with impartial and appropriate advice.

Accountability

2. ***Qualifying employees of relevant authorities work for their employing Authority and serve the whole of that Authority. Qualifying employees are defined as all employees of a relevant Authority unless exempted by statutory regulation, e.g. Teachers and Officers of Fire Authorities. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.***
- 2.1 Employees must report any impropriety or breach of procedure to their immediate manager, except where that relates to the conduct of the manager when it must be reported to the manager's manager. Managers should, in turn, report breaches to their manager. The Chief Officer shall notify the Monitoring Officer of the occurrence.
- 2.2 All employees are required to familiarise themselves with and comply with the Council's Financial Procedure Rules. Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary proceedings.
- 2.3 All employees responsible for advertising, awarding or managing contracts are required to familiarise themselves with and comply with

the Council's Contract Procedure Rules. Any employee who fails to observe Contract Procedure Rules may be subject to disciplinary proceedings. In addition, orders and contracts must be awarded on merit and no special favour should be shown in the procurement process to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

- 2.4 Employees involved in the procurement process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability.
- 2.5 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 2.6 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 2.7 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform their manager and withdraw from the contract awarding processes.
- 2.8 Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity. Employees should also refer to Paragraph 8 of this code of conduct.
- 2.9 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 2.10 Local Government Act 1972 117 - Pecuniary Interests - provides that if officers know that a contract in which they have a pecuniary interest is before the local Authority, they must give notice of their interest to the Authority. This does not, of course, apply to a contract with them in their own name because the Authority will then know of their interest. Section 117(2) forbids any officer "under colour of their office or employment to accept "any fee or reward" whatsoever other than proper remuneration.
- 2.11 *The Bribery Act 2010*

The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity. The Act also creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the foreign public official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

- 2.12 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Any offer of sponsorship should only be accepted if the appropriate Chief Officer has so decided. Particular care must be taken when dealing with contractors or potential contractors.
- 2.13 Any offers of sponsorship received by employees should be referred to their Chief Officer for decision.
- 2.14 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

Political Neutrality

3. ***Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold or the nature of the work they do), they must comply with any statutory restrictions on their political activities.***
- 3.1 Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

- 3.4 Political assistants appointed on fixed term contracts in accordance with the local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.
- 3.5 The Local Government and Housing Act 1989, Pt 1 contains provisions to stop 'twin-tracking' (where a senior local Authority employee is also an elected Councillor of another local Authority) and to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local Authority, other than a Town or Community Council (s(1)), from being an MP, MS or MEP and are subject to prescribed restrictions on their political activity (s(5),(6)).
- 3.6 The Local Government & Housing Act 1989 requires each Council to maintain a list of its politically restricted posts. These are posts which are:-
- (a) specified in the legislation, such as the Head of Paid Service, Chief Officers and their Deputies.
 - (b) those posts which have delegated powers to make decisions on behalf of the Council.
 - (c) those posts that regularly provide advice at Council, Cabinet or formal Committee or sub Committee meetings.
 - (d) those posts that speak on behalf of the authority on a regular basis to journalists and broadcasters.
- 3.7 The political restrictions are deemed to be incorporated in the contract of employment of every local Authority employee who holds a politically restricted post. If you are uncertain as to whether your post is politically restricted you should seek clarification from your immediate manager and, if uncertainty remains, contact the Democratic Services Manager.
- 3.8 The Local Government and Elections (Wales) Act 2021 allows employees who do not hold politically restricted posts to stand for election. If successfully elected, such employees must resign before taking up their position as councillor, though they are not required to give their full contractual notice (their resignation takes effect immediately). Guidance and advice will be offered to all employees standing for election to avoid contravening this code of conduct during their campaign.

Relations with members, the public and other employees

4. ***Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.***

5. Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

5.1 Councillors

Employees are responsible to the authority through its senior managers. For some their role is to give advice to councillors and senior managers, and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors in the workplace can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Where an employee is related to or in a relationship with a councillor this must be declared to the employee's manager.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and must ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

5.3 Other Employees

It is essential to the effective running of the Council that employees maintain appropriate professional relationships with other employees. Employees must be supportive, co-operative and respectful towards colleagues in all parts of the Council. As with councillors, close personal familiarity with other employees in the workplace can be embarrassing, and should therefore be avoided. Where an employee is related to or in a relationship with another employee this must be declared to the employee's manager.

5.4 Contractors

Orders and contracts must be awarded on merit, by fair competition and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the procurement process. No part of the local community should be discriminated against. Employees should also refer to paragraph 8 of this code of conduct.

If during the course of your work you are dealing with an external contractor with whom you have, or have had within the last 12 months, a business or private relationship you must immediately make your manager aware of that relationship.

Equality

6. Qualifying employees of relevant authorities must comply with

policies relating to equality issues, as agreed by the Authority, in addition to the requirements of the law.

6. 1 All local government employees must ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Stewardship

7. ***Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.***
- 7.1 All employees are required to familiarise themselves with the Council's Financial Procedure Rules and Contract Procedure Rules and know where they can inspect a copy of them. Any doubt concerning Financial Procedure Rules and Contract Procedure Rules should be raised with your immediate manager and, if the doubt continues, with the Finance Department
- 7.2 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

Personal Interests

8. ***Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:***
 - (1) ***any rules of their relevant Authority on the registration and declaration by employees of financial and non - financial interests,***
 - (2) ***any rules of their relevant Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority.***

- 8.1 In addition to the criminal offence under Section 117 of the Local Government Act 1972 concerning pecuniary interests (see paragraph 2.10 above) there are the following rules concerning personal interests.
- 8.2 Employees have a personal interest whenever a reasonable person would perceive a conflict between the employee's private affairs and the work the employee does for the authority. A personal interest can arise in a range of different circumstances as set out in the following paragraphs, including (but not limited to) the matters listed below:
- Dealings with someone with whom they are in a relationship
 - Dealing with friends, family or an organisation with which the employee is associated
 - Gifts or hospitality
 - Outside work including paid and non-paid roles
- 8.3 There would be a personal interest under 8.2 if in the course of the employee's Council work he/she would normally deal with a matter that would affect him/her, their family, a close personal associate, their property, or an organisation they are associated with. For instance, if in the course of the employee's work they would normally deal with a planning application affecting a relative's property or where the employee is involved in processing a payment to an organisation with which the employee is associated.
- 8.4 Wherever the employee has such a personal interest they should immediately draw it to the attention of their Line Manager who would normally decide that the employee should not be involved in dealing with that matter. This does not mean that the employee can not be trusted but is to protect both the Council's reputation and the employee's reputation against allegations of favouritism. In exceptional circumstances where the employee's skills can not be replicated the Manager may allow the employee to undertake the work but put in place other controls such as being copied into all communications.
- 8.5 The arrangements must be recorded in writing and communicated to all other employees who need to know what the arrangements are. Each Chief Officer should have a register to record all such declarations of interest and any consequential working arrangements promptly in it. It is the employee's responsibility to ensure their declaration of interest is recorded.
- 8.6 The Council has an online system which may be used for the reporting and recording of interests, and which gives guidance on when to declare an interest and how managers should handle such interests once declared.
- 8.7 Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course

of employment then, as a general rule, they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

8.8 Inventions and Patents

Inventions made before 1st June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1st June 1978 inventions are only the property of the employer if:-

- * they have been made in the course of the employee's normal duties; or
- * they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- * it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

8.9 Chief Officers, those Managers reporting directly to them and employees with delegated powers will be asked to voluntarily register their membership of all clubs, societies and organisations.

Section 9 – Gifts & Hospitality

9.1 In addition to the criminal offences covered by the Bribery Act 2010 referred to in paragraph 2.11 above there are the following rules concerning gifts and hospitality.

9.2 Employees must not retain personal gifts obtained, whether directly or indirectly, as a result of their work for the authority. The only gifts that employees are entitled to retain are insignificant items of token value such as pens and diaries. With any other gifts the employee should draw this to the attention of their Line Manager who may decide that rather than the gift being returned it should be forwarded to the Member Support Office as a donation to the Chair's charity. All offers of gifts should be recorded in the register maintained by the Chief Officers.

9.3 Offers of hospitality can only be accepted when authorised by Chief Officers or where covered by paragraph 9.4 below.

9.4 Unless specifically authorised by the Chief Officer hospitality can only be accepted when an employee is attending conferences or courses, launch events, award ceremonies and other events/functions organised by Council, partners or other public bodies at which the Council needs to be represented where it is clear the hospitality is being offered indiscriminately and the value of any such hospitality does not exceed £25.

9.5 When gifts or hospitality are declined those making the offer should be

courteous but firmly informed of the procedures and standards operating within the authority that require it to be declined.

- 9.6 It is the employee's responsibility to ensure that offers of gifts and hospitality are recorded in the appropriate departmental register.

Section 10 – Employees' Outside Work

- 10.1 All employees have conditions of service which require them to obtain written consent before they take on any outside employment. This includes:
- running a business that is related to an employee's work for the council e.g. a lawyer running a private law firm ; or
 - having any other work or employment outside of the Council that is related to the work carried out for the Council e.g. a licensing officer running licensed premises
- 10.2 Employees must not undertake outside work if their official work for the authority overlaps in any way with such outside work. It is irrelevant whether or not the outside work is paid for or not.
- 10.3 No outside work of any sort can be undertaken on Council premises or use Council facilities such as telephones or IT. Incoming correspondence or telephone calls relating to outside work are also not allowed.
- 10.4 Whilst an employee's right to a private life is respected that does not justify conduct which could reasonably be regarded as bringing the authority into disrepute or significantly and fundamentally affect the employee's ability to work for the Council.
- 10.5 There would be a breach of paragraph 10.4, for example:
- if an employee acts in such a way that when other employees or service users became aware of it they reasonably refuse to work or communicate with the employee; or
 - the employee works extremely long hours across both jobs to the detriment of their work for the Council; or
 - the employee is distracted in the performance of Council duties by the outside job.

Section 11 – Disclosure of Information

- 11.1 Flintshire supports the principles of open government and encourages employees to assist the public in obtaining public documentation in accordance with the rights contained in the Local Government Act 1972, the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

- 11.2 The Council's Constitution, available on the Infonet, contains Access to Information Procedure Rules explaining the legislation relating to these information rights. If an employee is uncertain as to whether information being sought should be disclosed the employee must seek advice from his/her Manager and, if uncertainty remains, the Manager can seek guidance from the Information Governance Manager.
- 11.3 Only employees with specific delegated authority may disclose to members of the public any information arising, documentation considered or events occurring at a time when a Council, Cabinet, Committee or sub-Committee meeting has decided to exclude the press and public from that part of its meeting.
- 11.4 Employees must not disclose personal data where this is not permitted under the General Data Protection Regulation. If in doubt seek advice from your Manager and explain to the person requesting the information the importance of complying with the data protection legislation. If the Manager is uncertain, advice is available from the appropriate member of the Council's Information Governance Team.
- 11.5 These rules apply not only to the press and public but also to requests from partner agencies or external bodies. Requests for information from councillors must be handled in accordance with the Council's Information Sharing Rules that are in the Constitution.
- 11.6 Where enforcing authorities such as the Police, Wales Audit Office or Health & Safety Executive are seeking information they may be doing so pursuant to statutory powers which they would quote. It is important to ensure that the request is being made by the regulatory body not an impostor. Legitimate bodies accept the need to produce written authority. If in doubt advice is available from the Council's Legal Department. Where such bodies are not using their statutory powers to obtain information then personal information should not be disclosed without ensuring it would not breach the General Data Protection Regulation.
- 11.7 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

Whistleblowing

12. ***In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper,***

unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant Authority's confidential reporting procedure, or any other procedure designed for this purpose.

Appointment of Employees

- 13. Qualifying employees of relevant authorities involved in the recruitment and appointment of employees must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.***
- 13.1 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 13.2 Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.
- 13.3 All candidates for any appointment under Flintshire County Council shall, when making an application, disclose in writing to the Authority whether to their knowledge they are related to any councillor or to a holder of any senior office under the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he/she shall be liable to dismissal. Every senior officer of the Authority shall similarly disclose to the Authority any relationship known to him/her to exist between himself/herself and a candidate for an appointment of which he/she is aware. The Chief Executive's office will keep a record of any such disclosure made.

Investigations by Monitoring Officers

14. Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

Publications, Broadcasts and Social Media

Publications and Broadcasts

- 15.1 Employees must not publish or authorise without the permission of their Chief Officer:
- i. the publication of any book or article by them, either alone or with others,
 - ii. the transmission of any broadcast which indicates that the writer is an employee of or connected with Flintshire County Council.
- 15.2 Similarly, employees must not, without permission from their Chief Officer, make any communication to a newspaper, journal or broadcaster in which there is any indication that they are an employee or otherwise connected with Flintshire County Council.
- 15.3 The Council has established a Communications team, which is responsible for all-official press releases and statements. Individuals who are asked by the media to make comments should refer such requests direct to that team.
- 15.4 The prohibitions in paragraphs 15.1 – 15.3 are not intended to restrict the right of employees to:
- i. conduct authorised activities on behalf of recognised trade unions; or
 - ii. make protected disclosures in accordance with the Council's whistleblowing policy/Public Interest Disclosure Act 1998
 - iii. conduct any campaign for election to public office

Social Media

- 15.4 The personal image you project in social media may adversely reflect on the image of the Council. We recommend you:
- i. use mature discretion in all personal communications when using social media.
 - ii. do not imply you are speaking for the Council when using social media for personal reasons. Never use the Council e-mail address, logos or other Council identification. Make it clear that what you say is representative of your personal views only. You should not say anything about councillors, colleagues, your managers or your workplace which is defamatory, untrue or

offensive. You must not use foul language. You must not say anything that could potentially bring the Council into disrepute or subject it to legal challenge.

15.5 Consider the use of privacy settings. Remember that everything you post:

- i. can go global within seconds
- ii. will stay public for a long time
- iii. can be republished on other websites or other social media sites
- iv. can be copied, used and amended by others
- v. could be changed to misrepresent what you said
- vi. can attract comments and interest from other people/the media

15.6 Please remember that everything you say in a personal capacity on social media sites is your responsibility. The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary proceedings and could lead to dismissal.

15.7 Any legal actions which might be brought against you as a result of what you post will be your responsibility and any financial consequences will be yours and yours alone.”

16 Information Technology and Data Security

16.1 Employees must ensure that they follow the Council's security procedures in relation to the use and storage of computers, and electronic data. Particular care should be taken to observe required procedures when using passwords and when logging on and off, especially when working with confidential records or sensitive material.

17 Standard of Dress and Appearance

17.1 There is a general expectation that dress will be appropriate to the nature of the duties, responsibilities and task being undertaken by the individual. The Council values and welcomes the ethnic diversity of its workforce and will take account of ethnic and religious dress requirements with sensitivity