

Officers' Code of Conduct

Accountability

1. The public is entitled to expect the highest standards of conduct from all Council officers. Your role is to serve the Council in delivering services to the local community, providing advice and implementing its policies. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.
2. You are accountable to, and owe a duty to, the Council. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law for the benefit of the community that you serve.

Status of the Code

3. The Code sets out the minimum standards that apply. It may be supplemented and clarified by directorate guidance where necessary. The aim of the Code is to lay down guidelines for Oxfordshire County Council officers that will help maintain and improve standards and protect officers from misunderstanding or criticism. The rules often set a higher standard than might be set in the private sector. All up to date policies and protocols indicated in *italics* after each section, can be found on the Council's intranet.
4. Where the Council has a policy or protocol that provides more detail on specific issues, the name of the policy or protocol is in *italics* at the end of a section.

Who the Code Covers

5. This code covers **all employees** (except school staff who are subject to their own professional code of conduct and their school's board of governors) under a contract of employment with Oxfordshire County Council, and includes permanent, temporary, part-time, casual and agency staff.

Key Points

6. There are 3 key points to remember in all that you do. **Ensure your conduct:**
 - is never influenced by personal gain;
 - could not give anyone reason to question your motives;
 - is always in line with the Council's policies and procedures.

The Council's Constitution

7. The Council has certain powers and duties that are set out in a formal document, the Constitution. The Council must act under the Constitution and the law; otherwise it will be acting *ultra vires*, that is, beyond the scope or in excess of its legal power or authority. While you may not use the Constitution in your day-to-day work it is a useful reference for all matters relating to the

composition of the Council, rules about members and committee meetings, financial and procurement procedures and other issues of relevance to officers.

The Constitution

Values

8. The Council is committed to living out its values. These are:

We do the best we can for residents:

This means we:

- work together in a supportive and honest way
- strive to find the best solutions
- are open to change and doing things differently

9. The Cabinet has also agreed that the promotion of equality and social inclusion is a corporate commitment standing alongside and integrating with our values. This is supported by the Council's Comprehensive Equality Policy.

Relations with Members of the Council, Public and Other Officers

10. The Council frequently works in partnership with other organisations, both in the public and private sector. It is therefore vital that all officers conduct themselves in an exemplary manner in all aspects of their work, in particular:
- Mutual respect between officers and members is essential to good local government, and working relationships should always be kept on a professional basis;
 - You should avoid close personal familiarity with individual members as this could prove embarrassing to other officers and members;
 - You should deal with the public, members and other officers sympathetically, efficiently, with courtesy and respect and without bias.

Further guidance and information can be viewed in the Council's *Protocol on Member/Officer Relations* in the Council's Constitution.

Prevention of Fraud & Corruption

11. Officers have an important role to play in relation to protection against fraud and corruption. You should report any concerns, associated with the Council's finances, resources and responsibilities, to your Line Manager or another senior officer.

12. Bribery is the act of offering money or other incentives to persuade somebody to do or not to do something, especially something dishonest or illegal. The Bribery Act makes it an offence for UK citizens and residents to pay or receive a bribe either directly or indirectly. This includes transactions that take place in the UK and abroad, and in both private and public organisations.
13. You must be aware that it is a serious criminal offence for you to corruptly 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 officer to demonstrate that any such rewards have not been corruptly obtained.
14. The Council's *Anti-Fraud and Corruption Strategy* and *Bribery Act Policy* offer further guidance.

Political Neutrality

15. You serve the Council as a whole. It follows you must serve all members and not just those of any single political group, and must ensure that the individual rights of all members are respected. Some officers may also be required to advise political groups. You must do so in ways that do not compromise your political neutrality.
16. Politically restricted posts fall into two broad categories: specified posts and sensitive posts.

Specific posts:

- Chief Executive;
- Statutory Chief Officers, (Director of Children's Services (DCEF), Director of Adult Social Care (DASC), Chief Fire Officer, Chief Finance Officer (CFO) and Monitoring Officer;
- Non-statutory chief officers reporting directly to the Chief Executive;
- Deputy chief officers (deputy directors)
- Officers exercising delegated powers (Constitution Part 7.2), through the Schemes of Delegation (Powers).

Sensitive posts:

A sensitive post is one which meets one or both of the following duties:

- Giving advice on a regular basis to:
 - The council itself, any committee or sub-committee of the council, any joint committee on which the council are represented; or
 - The cabinet, any committee of the cabinet; any member of the cabinet who is also a member of the council;
- Speaking on behalf of the council on a regular basis to journalists or broadcasters.

17. This restriction includes a prohibition on public acts in support of a political party such as canvassing and speaking or writing publicly in a personal capacity on subjects that are politically controversial, but other public protests can be made in the same way as other officers.
18. Whether or not your post is politically restricted, you must not allow your own personal or political opinions to interfere with your work.
19. The Council's *Protocol on Member/Officer Relations* in the Council's Constitution offers further guidance.

Conduct in Public and Written Protests in the Public Arena

20. You should always act in ways that will not bring the Council into disrepute and not harm its reputation, for example not expressing publicly personal views which conflict with the policies of the Council or which damage the reputation of the Council. If you attend lobbies or rallies (including trade union meetings) you should not display abusive posters or other material. If you are unsure on this point you should seek guidance from your Line Manager, or trade union representative. You should not wear Council uniforms at public protests without the consent of your Line Manager.
21. If you publicly express views as a trade union officer these should be clearly acknowledged as the views of the union so that there can be no confusion with the views of the Council.
22. If you wish to protest against Council policy you must not use the Council's headed notepaper, work time or Council facilities to do so and if you write to newspapers or otherwise publicise your personal views you must be careful not to imply that you are speaking on behalf of the Council.

Equality and Human Rights

23. There is a clear obligation on you to ensure that any action you take falls within the Equality and Human Rights framework, and is a proportionate response to the objectives you are seeking to achieve. The Equality Policy sets out how the Council and members of staff will approach their responsibilities for ensuring that all residents in Oxfordshire have a fair access to services and equal life chances. The Council also recognises that all individuals have fundamental human rights and therefore adopts a right based approach to equality. Under the Human Rights Act 1998 you have an obligation to ensure that service decisions taken are made with reference to a person's basic human rights such as the right to privacy and family life, the right to a fair hearing and the right not a suffer degrading treatment.

Proper Use of Council Resources

24. The Council is responsible for the efficient use of the public resources it controls including financial resources, equipment and its staff. You must not use Council premises, property, vehicles or other Council facilities unless authorised to do so. You must not do work that is not Council work of any sort in Council premises or by using Council equipment or materials, or during the Council's time. Some facilities, such as reprography (photocopying), may be made available to officers for private use on agreed terms and with prior approval.
25. All officers have a duty to abide by the highest standards of probity in dealing with financial issues. You should assist the Council in discharging its obligations to follow proper accounting practices and to secure best value. You must operate within the required accounting standards and timetables to ensure that all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
26. You are required to ensure that the Council Internal Audit Services and the Council's external auditor are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work. You are obliged to provide the auditors with any information and explanations that they seek in the course of their work.

Use of Technology, Telephones, Internet and Email

27. Use of computers may be an important part of your duties. You should be familiar with the rules relating to personal use of equipment, the prohibitions on accessing or downloading racist, sexist, pornographic or violent websites or material, virus protection and the use of unapproved software.
28. Officers may make personal telephone calls whilst at work but such calls should be limited as much as possible and payments made for use.
29. The Council does allow for limited personal use of e-mail and the internet (if you have reasons to be connected for work purposes), providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the Council. The Council's *Acceptable Use of ICT Policy* provides further guidance and requirements on the proper use of the Council's ICT resources.

Intellectual Property

All creative designs, writings, drawings and inventions you produce which are directly related to your employment remain the property of the Council. Specific requirements may be set out in an officer's terms of employment, job description and those arising from an instruction from a manager or other authorised representative of the Council.

Copyright

30. It is your responsibility to ensure that copyright is not breached when making copies from newspapers and other materials:
- Copies of newspaper materials may only be made by council employees within the conditions of the Newspaper Licensing Agency;
 - Copies of other materials may not be made unless you have permission from the holder of the copyright, and you can only photocopy copyright items if they are single copies for private study or research for non-commercial use.

Environmental Considerations

31. You must be aware of the Council's objective to protect the environment and you are required to consider sustainability issues when undertaking your duties, including the procurement of goods and services. In particular you should seek opportunities to improve and promote energy conservation, advocate recycling and waste minimisation, reduce pollution and support positive Council initiatives to improve the environment. You should limit travel on Council business to that which is unavoidable and walk, cycle or use public transport if possible.

Raising Concerns at Work - Grievances and Whistleblowing

32. The Council is committed to the highest standards of openness, probity and accountability.
33. If you have any concerns arising from:
- (a) your employment contract or employment in general there is a grievance procedure to be followed. You should raise any such issues with your Line Manager in the first instance or another senior officer;
 - (b) any other aspect of the Council's operations, such as if you become aware of any activities that you believe are illegal, improper, unethical or in some other way inconsistent with this Code, or the Council's Constitution, policies and procedures, there is a procedure for these concerns which follows the requirements of the Public Interest Disclosure Act 1998.
34. The Council has *Whistleblowing Policies* for the public and for staff.

Confidentiality

35. Openness in the dissemination of information and decision-making should be the norm in the Council. However, you must respect the confidentiality of the information to which you have access at work and you must not use it for personal gain or pass it on to others who might use it in this way.

36. You must not tell anyone inside or outside the Council who is not entitled to know for the purposes of their job, what goes on at Council meetings held in private or exempt sessions, nor about the contents of Council documents which are confidential or exempt (unless requested under the Freedom of Information Act and an exemption applies).
37. Officers must be aware of the Council's requirements with regard to Freedom of Information and Environmental Information Regulation requests and comply with them so that requests are completed appropriately within the statutory timeframes.

Data Protection

38. The Data Protection Acts give people certain rights and give the Council (and you as a Council officer) responsibilities for personal information. These responsibilities relate to:
 - Getting information fairly
 - Registering new uses of the information
 - Making sure there are enough details but not too many, and that details are accurate, up to date and not kept for longer than necessary
 - Allowing people (whose details the Council holds) access to their files and the right to correct or delete incorrect information; and
 - Ensuring personal and confidential information is kept safe.
39. The legislation not only provides for data held on computer systems, but also that held on 'relevant filing systems' such as manual filing systems.
40. Both you and the Council may be prosecuted if there is a breach of this law. If you suspect there is a problem or you need advice please consult your Line Manager or your data protection representative.
41. You must not give confidential information about the Council's clients to anyone unless they need it to help the client or prevent serious harm to the client or others. If possible you should get the client's permission before giving information about them to others.

Private Interests

Whilst your private life is your own concern, you must not allow your private interests to conflict with your public duty by misusing your official position to benefit yourself or others. In order to demonstrate openness and transparency in local government and to protect yourself and the Council from accusations of bias, you must declare and register certain interests if an actual or potential conflict arises with regards to a Council decision or policy. You will also need to make a further declaration if a declaration you made previously has materially changed.

42. Some interests must always be declared such as membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

Policy on Declaring and Registering Interests

Gifts and Hospitality

With regards to gifts and hospitality, for you as a Council employee, the rules are quite different to those of employees in private industry. The rule is that all gifts and hospitality should be tactfully refused. In some situations, occasional small gifts or hospitality under £50 in value may be permitted unless this gives the impression of influence or reward. Frequent receipt (i.e. more than two in any three month period) of gifts or hospitality of less than £50, must be reported to your Line Manager. You cannot accept any gift or hospitality over £50 in value without first obtaining the consent of your Line Manager and registering it. In any event, you should never invite or encourage a gift or hospitality and, if you are in any doubt, seek the advice of your Line Manager. Further guidance is contained in the Council's *Gifts and Hospitality Policy*.

Secondary Employment

43. You should not take on:
- other work without consulting with your Line Manager;
 - outside employment which conflicts with the Council's interests or may bring the Council into disrepute;
 - other work which may cause you to exceed the 'Working Time Directive' or which may put your health at risk.

*Constitution – Protocol for Employees working part-time and/or temporarily for or providing consultancy to, other bodies or councils
(NB: includes secondary employment).*

Involvement in Other Organisations

44. Many of the Council's objectives are delivered by developing partnership arrangements with other public and private sector organisations or community groups. You may also be asked to take part in voluntary activity or offered a role in a voluntary organisation. In these situations the following applies:
- (a) It is important that you clarify the role expected of you and whether you are acting in your own right or as the voice of the Council;
 - (b) If acting for the Council, you should clarify what authority is vested in you by the Council and other partner organisations by checking with your Line Manager as to the extent of your participation or authorisation. Liability can arise from formal membership of external organisations, and

you should seek further advice from your Line Manager if you have reason to believe that any liability may arise;

- (c) If you are acting on behalf of the Council, then you are subject to this Code.
45. In any event, you should not accept any appointment, be it on a school governing body or with any other public organisation without the express permission of your Line Manager.

Constitution – Protocol for Employees working part-time and/or temporarily for or providing consultancy to, other bodies or councils

Relations with Contractors or Suppliers

46. It is the responsibility of all officers to ensure that, when administering Council contracts, every contract made by or on behalf of the Council complies with all relevant European Union and United Kingdom Legislation and as provided for in the Council's Contract Procedure Rules or other applicable procedures. Any officer who is authorised to carry out any of the Council's contract functions must undertake all necessary training effectively to discharge this responsibility. Officers shall not commit the Council to incur expenditure for the supply of goods, services, works or capital projects unless they are authorised under the Directorates' Scheme of Delegation and financial provision has been authorised.
47. You must award contracts or orders on merit, dealing fairly with all customers, suppliers and contractors, to achieve best value for the Council including the following considerations:
- You must tell your Line Manager and register in the Register of Interests any relationship you have with a contractor or supplier with whom you are also involved at work.
 - If friends or family are involved as potential suppliers, you should not be involved in the selection process at all and you must not favour current or past officers or their partners, close relatives or associates when awarding contracts or orders to businesses for which they work.
 - If the Council decides to outsource the supply of any goods or services and you or you and your colleagues are considering a management buy-out you should discuss this with your Line Manager immediately and register it in accordance with the Declaration of Interests policy. You must not then take part in any relevant contract awarding process.
48. It's your responsibility to follow the Council's *Policy on Declaring and Registering Interests*.

Appointment of Staff

49. If you are involved in the recruitment and appointment of staff you must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, you must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other officer, or prospective officer, to whom you are related, or with whom you have a close personal relationship outside work. Before you begin to be involved in recruitment for the Council you must attend in-house Council training on relevant recruitment practice.

Comprehensive Equality Policy and Recruitment Charter

Investigations by the Council's Monitoring Officer

50. You must assist and co-operate fully with the Council's Monitoring Officer where the Monitoring Officer is either carrying out an:
- enquiry or investigation about the lawfulness of the Council's actions under Section 5 of the Local Government and Housing Act 1989; or
 - investigation into a complaint against a member that has been referred to the Monitoring Officer under Section 28 of the Localism Act 2011.

Trade Unions

51. Trade unions are separate organisations from the Council with their own views and priorities. They play an important role in voicing the views of union members both internally within the organisation through the consultation machinery and publicly.
52. Elected trade union representatives have specific protection under employment legislation in recognition of the special role they undertake. The Council also has facilities agreements with the major recognised trade unions that regulate time off and other facilities for elected representatives.

Leaving the Council

53. After you leave the Council, you still have a duty not to disclose personal data relating to others or exempt/confidential information that you have acquired in the course of your work at the Council.

Employee Indemnity

54. The Council will, (subject to the exceptions set out in the Statement of Employee Indemnity) indemnify you in respect of any liability and claims made against you and will not itself make claims against you for any loss or damage occasioned by neglect, act, error or omission committed by you in or about the pursuit of your duties on behalf of the Council while acting within the scope of your authority.

55. The indemnity will not apply if you, without written consent of the Council, admit liability or negotiate a settlement of any claim falling within the scope of this resolution. The indemnity will not protect you from disciplinary action, if appropriate.

Statement of Employee Indemnity

Use of Social Media Sites

56. Social media sites provide communication opportunities of reaching out to the council's stakeholders and others worldwide; as an officer of the council you are bound by the values of – integrity, honesty, objectivity and impartiality.
57. You must not allow your professional and personal use of social media sites to become blurred; you need to be mindful of your duties not to:
- Disclose council information without authority;
 - Take part in any political or public activity, which compromises or might be seen to compromise your impartial service to the council and its stakeholders;
 - Make derogatory comments about the council, its policies or procedures;
 - Make derogatory comments about other council employees, councillors or stakeholders;
 - Continue to engage with others who become abusive or aggressive.
58. Once you have posted items to the Internet, it is very difficult to remove them, great care must be taken before you press the submit button.
59. If you have any concerns consult your Line Manager for advice or authorisation.
60. It is important that you are aware that submitting any content to social media sites, whether in a personal or professional capacity, that is considered to be derogatory or inappropriate may result in disciplinary action taken against you.

Social Media Policy and Guidance

Review of this Code

61. The Monitoring Officer will regularly review this Code to ensure that it continues to be effective and up to date.

Frequently Asked Questions

What would constitute an act of bribery?

An offence would be committed if for example:

- An officer requesting, agreeing to receive or accepting an advantage in return for services;
- An advantage being secured with the “consent or connivance” of the manager;
- Officers agreeing to “fix” a procurement process or evaluation in the briber’s favour.
- NB A “financial” or “other advantage” may include money, assets, gifts, hospitality or services.

How do you define ‘confidential information’?

Confidential information is defined as information unavailable to the public that you know as a result of your job as a Council officer. For example, as a result of your work with the Council you learn that a certain residential development is planned and that the plan has not been made public. It would be improper for you to give this information to a friend or relative in the construction industry since the information is confidential, you learned it as a result of your job with the Council and it is not available to the public.

Doesn't the Human Rights Convention give me complete privacy at work?

It is correct to state that there is a right to a respect for home and family life and correspondence but this is not an absolute right. Lawful interference is allowed if it is necessary to do so for the prevention or detection of crime, harm to others or the protection of the rights of others. Also in general terms, emails that are clearly private, confidential and personal should not be viewed by an employer.

What is meant by using Council resources for your own purposes?

Examples are that you should not use Council letter head or postage for personal letters, use a Council vehicle for personal trips, ring your mother in Australia from work without permission, operate a business in Council time, or promote products or facilities in order to gain a personal advantage.

A company doing business with the Council has offered me and my husband free tickets to the opera, can I accept?

This hospitality would be over £50 in value and would need the consent of your Line Manager and to be registered in the gifts and hospitality register whether it were to be accepted or refused. If there was any suggestion of influence or reward it should not be accepted under any circumstances and irrespective of the value. Every time a Council officer accepts a gift or hospitality from someone who does business with the Council an ethical problem and even possibly a criminal offence may occur. It does not matter whether the gift is in the form of money, a CD player, a discount not offered to all other officers, dinner at a local restaurant or a trip, or anything else.

I have received a request from a member of the public for personal information to be released. What's my first step?

You should talk to the Data Protection Act Representative for your Directorate. Their names are set out in the Corporate Data Protection Manual.

My wife has a cleaning company and there is a Council facilities maintenance contract being tendered in which she wants to bid. How does that affect my employment with the Council?

You should immediately notify your Line Manager as you may have a conflict of interest. If you were employed in procuring those services, then you cannot be involved in the contracting process in respect of that contract. The Council must act and be seen to act without bias. In certain cases depending on your job with the Council and the circumstances, the Council would need to review whether you could continue to be employed with the Council.

Can I go on a protest march against government foreign policy?

The Council supports all citizens' rights to free speech at all times but you must not behave in a way that could bring the Council into disrepute or harm its reputation. For example you should not carry an abusive placard or give an inflammatory speech expressing views that conflict with or damage the Council's reputation.

I want to join the Ramblers' Society, why is that relevant to my job with the Council?

It may be of no relevance, but it would need to be declared in the register of officers' interests if it was a private interest that a decision of the Council might affect. For example, if the Society was concerned with a particular conservation issue and you were working in the Environment and Economy Directorate in a decision-making role concerning conservation issues. On your appointment, or if a new policy or decision by the Council changes the position or your job changes, then you may need to make a declaration or a further declaration.

I am suspicious that one of the clients where I work is being abused, what should I do?

The Raising Grievances and/or the Whistleblowing Procedure sets out the procedure that should be followed. You may wish to raise the issue with your Line Manager in the first instance.

What happens if I don't act within the Code?

You can be subject to disciplinary proceedings.

I have interests in a number of local companies, what is the position with these?

You would have to declare and register in the register of officers' interests, shareholdings of over £25,000 (nominal or face value of shares) in each company. If you were employed doing work for any company as a second job, then you would need to consult with your Line Manager.