



If you can dream it...
Ysgol Bae Baglan

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Employee Code of Conduct

MONITORING AND EVALUATION OF POLICY

This policy will be reviewed annually.

Date passed by Governing Body: : Oct 18th 2023

Chairman.....*E.V. Latham*.....

Employee Code Of Conduct



Human Resources

APPROVED BY

Personnel
Committee

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	Contents	Page
1	Definitions	4
2	Confidentiality and Disclosure of Information	4
3	Political Neutrality	5
4	Declarations	5-6
5	Relationships	7
6	Corruption	7
7	Use of Financial Resources and Other Resources	7
8	Gift, Hospitality and Financial Inducements	8-9
9	Personal and Other Interests/Involvements	9
10	Additional Employment/Work	10-11
11	Recruitment and Selection of Staff and Associated Employment Matters	11
12	Declaration of Criminal Offences	12
13	Conduct Outside Work	12
14	Separation of Roles During Tendering	13
15	Sponsorship	13
16	Failure to Comply With the Code of Conduct for Local Government Employees	14
17	Application of Code of Conduct	14
18	Review	14

Appendices

A	Declaration/Authorisation of Acceptance of Gifts/Hospitality	15
B	Register of Business, Financial, Private, Personal and Other Interests/Involvements	16-18
C	Additional Employment/Work	19-20
D	Declaration of Officers Interest - Monitoring	21
E	Nature of Relationships	22-24

1. DEFINITIONS

- The Council – Neath Port Talbot County Borough Council
- Immediate Relatives – parent, spouse, partner, child, brother, sister, grandparents and parents in-law, including ‘step’ relatives.

2. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

- 2.1 Openness in the dissemination of information and decision-making should be the norm in the Authority. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Councillor, Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions.
- 2.2 The law requires that certain types of information must be made available to Councillors, auditors, Government departments, service users and the public, in certain circumstances.
- 2.3 All employees must familiarise themselves regarding which information the Authority is able to be open about, and is not able to be open about, and act accordingly.
- 2.4 Any information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required as required by the law.
- 2.5 Letters written to or by employees in their position as representatives of the Authority are the property of the Authority.

3. POLITICAL NEUTRALITY

- 3.1 Employees serve the Authority as a whole. It follows that 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 Some employees may be requested to advise political groups. If this is the case, they must do so in a manner which does not compromise their political neutrality as employees.
- 3.3 All employees, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Where employees are in politically restricted posts they must comply with any statutory restrictions on their political activities. Please refer to <http://www.lge.gov.uk/lge/core/page.do?pagelId=119739> for further information
- 3.5 All other employees must also consider whether they should undertake political activities outside these restrictions which may create a conflict of interest.

4. DECLARATIONS

You are required to make declarations in respect of Gifts and Hospitality, Interests and Additional Employment/Work, as part of your contract of employment.

For declarations:

- 4.1 of gifts and hospitality, you must use the form in Appendix A
 - Directors/Heads of Service – declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provided annually, at year end.
 - Accountable Managers - declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provide annually, at year end.
 - All other employees – declarations should be made as and when any instances arise.

4.2 of interest, you must use the form in Appendix B

- Directors/Heads of Service – declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provide annually, at year end.
- Accountable Managers - declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provide annually, at year end.
- All other employees – declarations should be made as and when any instances arise

4.3 of additional employment/work, you must use the form in Appendix C

Declarations must be completed by all employees as soon as additional employment/work arises.

Any declaration must be made as soon as is reasonably possible. In some instances this will mean declaring prior to or at the commencement of your employment

In other instances you will need to make a declaration during your employment, or when you change roles within the Council. Please refer to Appendix D, which outlines the process for making declarations, and also the monitoring process of these declarations.

Employees will need to declare the above with their Head of Service or Manager. Further details are outlined later in this procedure.

When a Head of Service needs to make a declaration, then the declaration must be made to their Corporate Director, or other Director in their absence, and any relevant authorisation obtained.

When a Director needs to declare something, then this must be made to the Chief Executive, or the Director of Finance and Corporate Services in his/her absence, and any relevant authorisation obtained.

When the Chief Executive needs to declare something, then this must be made to the Director of Finance and Corporate Services, or in his/her absence the Monitoring Officer, and any relevant authorisation obtained.

5. RELATIONSHIPS

Employees should deal with the public, Councillors and other employees sympathetically, efficiently, and without bias. Further guidance regarding the nature of relationships can be found in Appendix E.

6. CORRUPTION

Employees must be aware that it will be deemed, under the Bribery Act 2010, to be a criminal offence to offer, promise or give a bribe. It will also be an offence to request, agree to receive, or accept a bribe. This will constitute gross misconduct and place the employee at risk of criminal sanctions as well as disciplinary proceedings.

7. USE OF FINANCIAL RESOURCES AND OTHER RESOURCES

- 7.1 Employees must exercise due probity and responsibility in accordance with the Council's Financial Regulations, Contract Procedures and Accounting Instructions & Guidelines in the use of public resources.

They must ensure value for money at all times and seek to avoid legal challenge to the Council. Employees must ensure expenditure is authorised appropriately and obtain proof of spending in accordance with the Council's policies.

- 7.2 Resources must be used in accordance with Council requirements and not for any personal benefit or the interests of any political party or group

This will apply, for example, to the use of transport, secretarial assistance, stationary, equipment and information.

8. GIFTS, HOSPITALITY AND FINANCIAL INDUCEMENTS

- 8.1 On no account shall an employee accept any financial payment or other inducement from any person, body or organisation, e.g. contractors, developers, consultants etc, unless authorised by the Council. Section 117 of the Local Government Act 1972 makes it an offence for an employee of a Local Authority to accept any fee, gift, loan or reward whatsoever, other than his or her proper remuneration.
- 8.2 Employees must refuse any gift or hospitality offered to them or to them for members of their family. There may be exceptions for gifts which are of negligible value and are usually given to a wide range of people, e.g. pens, diaries, calendars etc. Any more substantial gift should be returned officially with a suitable letter unless specifically sanctioned by an appropriate senior manager.
- 8.3 All gifts offered (except those of negligible value as indicated above), whether accepted or refused, must be recorded within the Directorate and signed by the appropriate senior manager or Head of Service. If in doubt seek advice from your manager.
- 8.4 Normally, visits to exhibitions, demonstrations, inspection of equipment, conferences, business meals, social functions etc by employees in connection with their official duties will be at the Council's expense to avoid jeopardising the integrity of subsequent purchasing decisions. In some instances, however, it may be to the benefit of the Council to accept the hospitality of outside agencies, organisations or individuals, where representation serves the Council's interest. This will be a decision for the appropriate Head of Service to make. If it is decided to accept the invitation, the reason for the meeting and the form the hospitality takes must be declared. If in doubt seek advice from your manager.
- 8.5 When accepting or receiving authorised hospitality, employees and managers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 8.6 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where attendance has been authorised in advance and where the Council is satisfied that any purchasing decisions are not compromised.

- 8.7 If any employee is in any doubt over the offer of financial inducement, gifts or hospitality, they should refer the matter to their Manager.
- 8.8 The onus is on employees to declare offers of gifts and hospitality (see Section 4). If in doubt seek advice from your Manager.
- 8.9 The issue of gifts from service users is covered in Appendix E.

9. PERSONAL AND OTHER INTERESTS/INVOLVEMENTS

- 9.1 Interests or involvement which could conflict with the interests of the Council could be either financial and/or non-financial for example:
- ◆ Partnership in a business.
 - ◆ Work done for any person or organisation other than as an employee of the Council.
 - ◆ Serving as a member of a group, committee or board which may work in conflict with the Council.
 - ◆ Applications submitted by relatives or friends for consideration by the Council, i.e. tendering for work.
 - ◆ School Governor within the Authority.
- 9.2 If any employee has a personal interest in any matter which arises at any meeting where the employee is reporting or advising (or might be called upon to advise, or otherwise be able to influence) any Councillor(s) of the Council, or any third party, the employee must declare the interest, and take no part in the consideration or determination of the matter. Any such declaration made at an official meeting will be recorded in the minutes. If appropriate, arrangements should be made for another employee to attend and report and/or advise on the matter. An example would be involvement in a meeting regarding a school, which their son or daughter attends.
- 9.3 If an officer has a personal interest which could conflict with the interest of the Council, then they may only remain in the meeting and participate in the proceedings, if the person presiding at the meeting (having taken advice from the Monitoring Officer) is satisfied that to do so would be in the interest of the Council or local people.

10. ADDITIONAL EMPLOYMENT/WORK

10.1 For all additional employment or private work, outside of the work done as an employee of the Council, employees must obtain the written permission of the Council. Appendix C can be used to make a relevant declaration.

10.2 Employees should be clear about their contractual obligations to the Council and must not undertake additional employment, or involvement, which may conflict with or detract from the interests of the Council.

10.3 Where an employee is appointed as a Director of a company or a board or committee member of any other organisation, where the appointment or invitation to serve arises out of employment with the Council, then these must also be declared. These Directors must also declare any conflicts of interest, as and when these arise.

10.4 Employees need to be aware that any information they have gained in the form of intellectual property, copyright or work in any form which they have carried out or created and which has arisen from them undertaking their duties as an employee of the Council belongs to the Council and, therefore, cannot be sold or lent to any other person or organisation without the written permission of the appropriate Head of Service, in consultation with the Monitoring Officer.

10.5 If an employee is absent from their substantive role due to sickness then it is not ordinarily expected that the employee will be well enough to work in a second job. This is unless they provide a fit note and the nature of the illness does not impact on their capability to carry out the duties of their second post with the Council.

10.6 If it is found that the employee has worked in a second job whilst absent from the Council due to sickness then it may be considered gross misconduct and result in disciplinary action.

10.7 Employees with more than one post with the Council who are absent from one post may only remain working in the other post(s) if they provide a fit note and the nature of the illness does not impact on their capability to carry out the duties of their other post.

10.8 If the employee considers that the nature of his/her sickness is such that s/he

cannot work in one job, but can work in the second job (maybe because of differing physical demands) then the employee must contact their manager(s) to discuss this **before** proceeding to work in the second job.

10.9 The Council will not allow the employee to carry out work in a second job if it considers that doing so will impede the recovery time from the sickness, and hence delay the return to work in this organisation. Secondary employment includes running your own business, voluntary work, undertaking an official role (e.g. Justice of the Peace or Election duties) or receiving a profit from the pursuance of a hobby.

10.10 Employees must notify their manager that they have reported sick in their other position. In these circumstances, managers must seek advice from Human Resources.

11. RECRUITMENT AND SELECTION OF STAFF AND ASSOCIATED EMPLOYMENT MATTERS

11.1 The Council's Recruitment and Selection Code of Practice, and other relevant policies, must be applied when recruiting to any vacant post. This will ensure appointments are made on merit and the most appropriate person is recruited.

11.2 In order to avoid any possible accusation, or appearance of bias employees must not be involved in any selection process where they are related to an applicant or, have a close personal relationship outside work with the applicant.

11.3 Similarly, employees must not be involved in any decisions on discipline, grievance, promotion or pay for any employee who is an immediate relative, partner, friend or person in respect of whom the employee's involvement could reasonably be perceived to be prejudicial or biased.

12. DECLARATION OF CRIMINAL OFFENCES

12.1 All employees must declare any criminal offence for which they have been charged or prosecuted to their Head of Service, that is either reportable to their professional body or standards body, or which could either:-

- bring the Council into disrepute, or
- result in them being unable to undertake the role for which they are employed (e.g. a driving ban), or
- may result in a prison sentence

Upon receipt of this information, the Head of Service will review the impact of this information upon the contract of employment with a view to giving consideration as to what support, if appropriate or necessary, might be provided to the employee and whether the declaration requires further investigation to establish if there is a potential disciplinary issue. Where an issue may be potentially gross misconduct, a risk assessment must be undertaken to establish whether the employee should be suspended.

12.2 Failure to declare or accurately declare relevant offences will result in disciplinary action.

13. CONDUCT OUTSIDE OF WORK

13.1 All employees must ensure that their actions outside of work do not bring the Council into disrepute and do not impact upon their ability, be it perceived or otherwise, to undertake their role.

13.2 Inappropriate conduct outside of work, which is either illegal, improper, or unethical, will therefore breach the Employee Code of Conduct. Examples of such conduct may include the following, which is not meant to be a definitive list:-

- Inappropriate use of social networking sites in terms of relationships or comments.
- Drugs related offences.
- Giving inappropriate medical treatment to a child or protected adult
- Matters of a publicly sensitive and/or inappropriate nature, including abuse (physical, emotional, neglect or sexual), threats or violence.
- Hate crimes
- Theft and fraud

13.3 Such conduct could result in disciplinary action being taken.

14. SEPARATION OF ROLES DURING TENDERING

- 14.1 Employees involved in the tendering process and dealing with contractors must be clear on the separation of both client and contractor roles within the Council.
- 14.2 Some employees may have both a client and contractor responsibility and must be aware of the need for accountability and openness at all times.
- 14.3 Employees who are privy to confidential information on tenders or costs for either internal or external contracts must not disclose that information to any unauthorised party or organisation.
- 14.4 Further information confirming the requirements of employees, can be located in <http://intranet.neath-porttalbot.gov.uk/corporate/downloads/documents/Contracts%20Procedure%20Rules.doc>

15. SPONSORSHIP

- 15.1 Where an outside organisation intends, or wishes, to sponsor a Neath Port Talbot County Borough Council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Particular care must be taken by employees when dealing with contractors or potential contractors.
- 15.2 Where Neath Port Talbot County Borough Council wishes to sponsor an event or service neither an employee or any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Head of Service of any such interest.
- 15.3 Similarly, when 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.
- 15.4 Should any employee, his or her partner, spouse or relative(s) benefit from this sponsorship, this must be declared on the form.

16. FAILURE TO COMPLY WITH THE CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

- 16.1 Any contravention of this Code of Conduct could result (or be taken into account) in disciplinary proceedings.
- 16.2 Should there be a need to undertake an investigation into an employee's standard of behaviour it will be necessary to examine the Registers, (attached in Appendix 'A', 'B' and 'C'), and any evidence obtained from these sources may, together with any other information, be used to assist with the investigation.
- 16.3 In some instances, declarations or failure to declare, may need to be reported to the police

17. APPLICATION OF THE CODE OF CONDUCT

- 17.1 The Code embodies general standards of conduct for all employees of the Council. It is recognised, however, that arrangements will need to be made in Directorates to address specific circumstances encountered by employees.
- 17.2 The Register of declarations will be maintained by the secretary of each Director or the Chief Executive.

18. REVIEW

- 18.1 This Code of Conduct will be reviewed every 3 years by the Head of Human Resources and Head of Legal and Democratic Services.

Declaration/Authorisation of Acceptance of Gifts/Hospitality



Human Resources

Declaration/Authorisation of Acceptance of Gifts/Hospitality			
Name (please print)			
Employee Number			
Directorate			
Section 1 - Declaration			
Details of gift(s)/hospitality/invitation(s) offered			
Estimated value (if possible) of gift(s)/hospitality/invitation(s)			
Name and address of person/organisation making the offer			
Their relationship with the Council			
Offer accepted or gift/hospitality received Yes/No (delete as appropriate)			
I declare that the information given above is correct to the best of my knowledge and belief			
Signed		Date	
Section 2 - Authorisation			
Manager Comments			
Name (please print)			
Signed		Date	

Please return to your Director's Secretary

Register of Business, Financial, Private, Personal and Other Interests/Involvements

Human Resources



(To be completed by all employees where there needs to be a declaration, as outlined in this policy or there is a perceived/potential conflict of interest. Please refer to 9.2 of the Procedure.)

Register of Business, Financial, Private, Personal and Other Interests/Involvements	
Name (please print)	
Directorate	
Employee Number	
Section 1 – Declaration	
I hereby declare the following interests that may be relevant to or be likely to affect my employment with Neath Port Talbot County Borough Council. Please outline nature of the potential conflict of interest in the relevant box.	
1. Business Name and address and nature of additional business interests.	
2. Consultancy Name and address of Company, firm or other body or individual on behalf of whom consultancy is undertaken and nature of the consultancy, with an indication of frequency or volume of such work.	
3. Directorships Name and address and nature of business of each Company or other body of which you are a Director, with an indication of whether it is in a paid or unpaid capacity.	

<p>4. Partnerships</p> <p>Name and address and nature of business of each firm with which you are a partner.</p>	
<p>5. Interests in Land Within the Borough</p> <p>Address or description of land or property in which you have an interest, the nature of the interest and the use to which the land is put.</p> <p>Please note:</p> <ul style="list-style-type: none"> (a) Interests as a freeholder or leaseholder for a lease of 12 months or more should be declared; (b) Interests as an option holder or prospective purchaser should be declared; (c) Interests by which you are directly concerned in seeking planning permission or some other consent or decision of the Council should be declared; (d) You need not declare interests in land or property outside the Borough. 	
<p>6. Retainers</p> <p>Name and address of the organisation to whom you are engaged on a retainer basis and the nature of the retainer.</p>	
<p>7. Memberships/Associations</p> <p>List any organisation (including voluntary bodies) with which you have membership/ association, e.g. clubs and societies.</p>	

8. Relationships Outline any potential relationships issues where there may be a conflict of interest. See Section 9.			
9. Further Information/Any Other Declaration Please give any further information you may wish to record about your business, financial or personal interests.			
If in doubt as to whether there is a potential conflict of interest, then please speak to your Manager in the first instance.			
Employee Declaration			
I declare that the above information is correct to the best of my knowledge and belief.			
Signed		Date	
Section 2 - Acknowledgement			
Manager Comments			
Name (please print)			
Signed		Date	

Please return to your Director's Secretary and continue on a separate sheet if necessary

Additional Employment/Work

(A separate form must be used for each employment)

Human Resources



Details of Additional Employment/Work (outside your employment with the Council)

Additional Employment/Work Form

Employer	
Nature/Type of Business	
Number of Hours Worked (per week)	
Other Relevant Information	<p>Do you envisage a conflict of interests between this employment/outside practice and your employment with the Council? YES/NO (please delete as applicable) If YES – please outline below</p>

Section 1 – Declaration

Please Print Name			
Contact Number			
Service Department			
Job Title			
Payroll Number			
Signed		Date	

Section 2 - Authorisation			
Manager Comments			
Please Print Name			
Signed		Date	

If the total amount of work (in this Authority and Outside Employment) you undertake exceeds 48 hours per week, please refer to the Working Time Regulations 1998 <http://www.legislation.gov.uk/uksi/1998/1833/contents/made> and notify your manager.

Appendix D - Declarations of Officer's Interest – Monitoring

Authorisation and Maintenance

- Chief Executive to have his/hers authorised by the DOFCS/Monitoring Officer. CEX secretary to maintain the file.
- Directors to have theirs authorised by the CEX. Their secretaries to maintain the files.
- HOS to have theirs authorised by the Directors. Directors' secretaries to maintain their files.
- Accountable managers to have theirs authorised by HOS. Directors' secretaries to maintain their files.
- All other staff to have theirs authorised by HOS. Directors' secretaries to maintain their files.

Frequency of declarations

- **Directors/HOS** – Declarations should be made immediately when an instance arises and annually for any nil returns.
- **Accountable Managers** – Declarations should be made immediately when an instance arises and annually for any nil returns.
- **All Other Staff** – Must provide declarations as and when any instances arise.

Code of Conduct

- All staff to sign that they have read and abide by the Code of Conduct.
- The Code to be made prominent and easily accessible on the intranet.
- Regular reminders to be flashed up on the screen.

Monitoring by Internal Audit

- Check all Directors/HOS files on an annual basis.
- Check all accountable manager files on an annual basis.
- Check a sample of all other staff files on an annual basis.

APPENDIX E

NATURE OF RELATIONSHIPS

Councillors

1. Both Elected Councillors and employees are involved in public service. However, their respective roles are quite different:
 - Elected Councillors are responsible to the electorate;
 - Employees are responsible to the Chief Executive as Head of the Paid Service, and to their respective Corporate Directors.

Individual Elected Councillors are not permitted to give instructions to employees unless specifically authorised to do so by the Council, or by a Committee, or by the Executive.

An employee's job, where it is part of his/her duties, is to provide appropriate advice to elected Councillors with impartiality. Such advice must be given in an equitable manner, irrespective of the political nature of the elected Councillor concerned.

2. Mutual respect between employees and Councillors is essential to good local government and working relationships must be kept on a professional basis. Close personal familiarity between employees and individual Councillors can damage this relationship and prove embarrassing to other employees and Councillors.
3. Many employees necessarily acquire information during the course of their employment that has not yet been made public and is, therefore, still confidential. It is a betrayal of trust to disclose such information and you must never disclose or use confidential information for your own personal advantage or for someone known to you, or if to the discredit of the Authority, or anyone else.
4. Where an employee has a grievance about a matter relating to his/her employment, this should be pursued through the agreed

grievance procedure with trade union involvement as necessary - a direct approach to elected Councillors, which interferes with a formal process, is not permitted, and may result in disciplinary action.

5. In addition to the general principles detailed above, the following guidelines have been compiled with the purpose of establishing what does, and what does not, constitute acceptable behaviour:

Employees may

- give advice to elected Councillors, where such a requirement is part of their job, on professional and/or operational matters which are within the jurisdiction of their area of responsibility;
- respond to individual complaints or queries from elected Councillors and give relevant factual information relating to services with which they are concerned.

Employees must not

- let their personal or private interest influence their working relationships with elected Councillors;
- act in any way which may result in suspicions of improper conduct arising.

Local Communities and Service Users

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

Contractors

7. All relationships of a business or private nature with external contractors, or potential contractors, must be made known by employees to their Head of Service. Orders and contracts must be awarded on merit and in accordance with the Authority's Contract Procedure Rules, and no special favours should be shown to

businesses run by, for example, friends, partners or relations in the tendering process. No part of any community within the County Borough should be discriminated against.

8. Employees who engage or supervise contractors, or have any other official relationship with contractors, and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare such a relationship to their Head of Service.
9. See also Section 11 - Personal Interests.

Service Users

10. Employees who are in close contact with service users both in the community and residential settings may find themselves placed in invidious situations for a number of reasons. Where such circumstances arise, employees must not:
 - (a) accept presents in money or goods for themselves or members of their family;
 - (b) accept loans of money or goods to themselves or members of their family;
 - (c) enter into financial arrangements with the service user, e.g. by buying goods from the service user, or selling goods/services; similar restrictions also apply to the employee's family;
 - (d) assist with the preparation of a Will, or Deeds of Gift.

Adherence to these measures will assist employees to minimise any risk of accusation that undue influence has been exercised by an employee over a service user.