



CORPORATE EMPLOYEE CODE OF CONDUCT

This Code applies to all employees excluding those contracted to work in schools.

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Human Resources

If you require further help in the interpretation of this policy you can contact HR Direct at hrdirect@devon.gov.uk.

For the current version please refer to: Corporate Users – [The Source](#)

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POLICY

1.0 Introduction

- 1.1 Devon County Council (Council) exists for the benefit of all the people of Devon and is accountable to them. The people of Devon are therefore entitled to expect the highest standards of conduct from all Council employees.
- 1.2 In local government today many employees and managers are acting as purchasers of services. Their relationship with providers, some of whom might be internal, requires a focus on objectivity, confidentiality and management practice.
- 1.3 This Corporate Employee Code of Conduct (Code) restates existing laws, policies and conditions of service to assist employees and managers in their day to day work. It also sets out the minimum standards that should apply and guidelines which will help maintain and improve standards and protect them from misunderstanding or criticism.
- 1.4 The Council reserves the right to take disciplinary action and/or legal action, against any employee who is in breach of this Code. In addition, a breach of this Code (e.g. in relation to the Bribery Act 2010) is likely to constitute a criminal matter for an individual. The Council may also face criminal liability for unlawful actions taken by its employees, or associated persons, in some circumstances.

2.0 Scope

- 2.1 This Code applies to all Council employees excluding those contracted to work in schools.

3.0 Standards

- 3.1 All employees are expected to give the highest possible standard of service to the public, service users, any organisation or agency who is involved in helping the Council to carry out its role and responsibilities and to other employees and Members.
- 3.2 Where it is part of their duties, all employees are to provide appropriate impartial advice to the public, service users, other employees and Members.

- 3.3 Employees are expected to cooperate with the Council's risk management procedures (e.g. in relation to the Bribery Act 2010).
- 3.4 Employees are expected to bring to the attention of their line manager any deficiency or impropriety in the provision of services. Without fear of recrimination, employees can report any impropriety or breach of procedures to Devon Audit Partnership (tel. 01392 382438) or email audit@devon.org.uk. The Council also has a "[Whistleblowing](#)" Policy. See also [The Good Practice Guide – Policy Statement on the Proper Conduct of Business Introduction](#).

4.0 Disclosure of Information

- 4.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, Government departments, service users and the public.
- 4.2 The Council itself may decide to be open about other types of information. Employees must be aware of the types of information which are open and which are not, and act accordingly.
- 4.3 Employees should not use any information obtained in the course of their employment for improper personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 4.4 Any particular information received by an employee from a Member or a fellow employee which is personal to that person and does not belong to the Council, should not be divulged by the employee without the prior approval of that person.

5.0 Political Neutrality

- 5.1 Employees serve the Council as a whole. It follows they must serve all Members not just those of any particular political party or group.
- 5.2 Some employees will be expected, within the Council's guidelines, to advise political groups. Employees have a duty to advise minority groups as well as controlling groups. They must do so in ways which do not compromise their political neutrality.
- 5.3 Employees, whether or not they are in a post which is politically restricted (as defined by the Local Government and Housing Act 1989), must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. (See [Politically Restricted Posts](#) for further information).

6.0 Relationships

6.1 Members

- 6.1.1 Employees are responsible to the Council through their senior managers. For some, their job includes responsibility to give advice to Members and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Members is essential to good local government.
- 6.1.2 Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members, and should therefore be avoided.

6.2 The Local Community and Service Users

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

6.3 Contractors

- 6.3.1 All personal relationships with contractors or potential contractors should be made known by the employee to his/her immediate line manager or the appropriate Council senior manager with responsibility for the contract.
- 6.3.2 Orders and contracts must be awarded on merit, by fair competition against other tenders, in accordance with financial procedures, and no favour should be shown to businesses run by, for example, friends, partners or relatives.
- 6.3.3 Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, should declare that relationship to their line manager or an appropriate Council senior manager.
- 6.3.4 See also 10.0 Bribery and Corruption.

7.0 Appointments and Other Employment Matters

- 7.1 All managers involved in the appointment of staff must be familiar with Council's [Recruitment Standards](#). When making appointments they must ensure that these are made on the basis of merit. It would be unlawful for any Council employee to make an appointment which is based on anything other than the overall ability of the candidate to undertake the work.
- 7.2 In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a personal relationship with the applicant outside work.
- 7.3 Where, for operational reasons, this is not practical, the employee concerned should make the relationship known to the rest of the selection panel, and seek further advice from an HR Adviser before any interviews are held.
- 7.4 Similarly, managers should not be solely involved in decisions relating to discipline, promotion or pay adjustments for any other employee to whom they are related or with whom they have, or have had, a personal relationship. In such cases advice must be sought from an HR Adviser.

8.0 Outside Commitments

- 8.1 Some employees have conditions of service which require them to obtain the Council's written consent before taking any outside employment.
- 8.2 All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests. If they have any doubts about engaging in other work they are advised to discuss the matter with their line manager.

9.0 Personal Interests

- 9.1 All employees must declare to their line manager, or an appropriate Council senior manager, non-financial interests that they consider could bring them into conflict with the Council's interests (e.g. an appointment as a school governor at a school maintained by Council, involvement with an organisation receiving grant aid from the Council or membership of a National Health Service Trust Board). A copy of this declaration must be forwarded to the County Solicitor.

- 9.2 Employees are required by law to declare any financial interests, whether direct or indirect, which could conflict with Council's interests.
- 9.3 In accordance with Standing Orders every employee holding a [politically restricted post](#), as defined by the Local Government and Housing Act 1989, is requested to provide information in writing to Council of any such matters which may create conflicting loyalties to Council duties, such as membership of the Freemasons.
- 9.4 Additionally, employees should declare to their line manager, or an appropriate senior manager, their 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.
- 9.5 See also Guidance on [Declaration of Business/ Pecuniary Interests to Officers](#).

10.0 Bribery and Corruption

- 10.1 All Council employees must be aware that it is a criminal offence for them as an individual to contravene the Bribery Act 2010 in their official employment capacity. (The Council may also face criminal liability for unlawful actions taken by its employees, or associated persons, in some circumstances).
- 10.2 The Bribery Act 2010 details four types of offence:
- 1) Bribing another person, which includes:
 - offering, promising or giving financial or other advantage to someone to induce them to perform a relevant function improperly or to reward them for performing the function improperly, and
 - offering, promising or giving financial or other advantage to someone where the briber knows or believes that the acceptance of the bribe would itself constitute the improper performance of a relevant function or activity.
 - 2) Receiving a bribe, which includes:
 - requesting, agreeing to accept or receiving financial or other advantage with the intention that a relevant function be performed improperly or as reward for the improper performance
 - performing a relevant function improperly in anticipation of requesting, agreeing to receive or accepting a financial or other advantage, and
 - requesting, agreeing to accept or receiving financial or other advantage where that in itself constitutes the improper performance of a relevant function or activity.

- 3) Bribing a foreign official, which is an offence that occurs:
 - where a person offers, promises or gives, directly or through a third party, financial or other advantage to a foreign public official with the intention of obtaining or retaining an advantage in the conduct of business.
 - 4) Failure of commercial organisations to prevent bribery. A commercial organisation is guilty of an offence:
 - if a person associated with it bribes another person intending to obtain or retain business or an advantage in the conduct of business for the organisation. The person making the bribe need not be prosecuted for this section to have effect which will apply if their actions would make them guilty of bribery.
- 10.3 If an employee is in any doubt as to whether or not a potential act constitutes bribery and/or corruption, the matter should be referred to his/her line manager, or an appropriate senior manager, in the first instance. (See also 3.4).
- 10.4 If an allegation is made, it is for the employee to demonstrate that any such rewards have not been obtained through bribery or corruption.
- 10.5 In addition, all employees must ensure that they use any public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community, avoiding legal challenge to the Council.
- 10.6 When using financial resources, due regard must always be paid to the Financial Regulations and Standing Orders of the Council (see [Constitution](#)).

11.0 Hospitality

- 11.1 An offer of hospitality should only be accepted, by an employee, if there is a genuine need to impart information or to represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. All such activity should be properly authorised by a senior manager and recorded.
- 11.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

- 11.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Council will allow employees to keep insignificant tokens such as pens and diaries etc.
- 11.4 Acceptance by employees of hospitality whilst in attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where a senior manager gives consent and where the Council can be satisfied that any purchasing decisions are not compromised.
- 11.5 Employees must be aware that hospitality may contravene the Bribery Act 2010 (see also 10.0 Bribery and Corruption).

12.0 Sponsorship

- 12.1 Where an outside organisation wishes to sponsor or is sought to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply.
- 12.2 Particular care must be taken when dealing with contractors or potential contractors.
- 12.3 Where the Council 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 the employee's line manager, or an appropriate senior manager, of any such interest.
- 12.4 Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.
- 12.5 Employees must be aware that sponsorship may contravene the Bribery Act 2010 (see also 10.0 Bribery and Corruption).

13.0 Communication with the Media

- 13.1 Communication with the media (e.g. television, radio and press) made by employees in their official capacity may be given only by personnel specifically authorised to do so, and fees received must be paid to the Council.

14.0 Social Media

- 14.1 When using social media, due regard must always be paid to the principles and expectations, as set out in the [Corporate Policy for Using and Participating in Social Media](#).

15.0 Equality Statement

- 15.1 HR Direct, as the first line of contact, will ensure that employees are able to access a copy of this policy.
- 15.2 The Council seeks to eliminate discrimination, advance equality and foster good relations.
- 15.3 The Council is committed to the principle of equal opportunities in employment regardless of a person's age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

16.0 HR Direct

- 16.1 Any queries or concerns with regards to this Code should be referred to [HR Direct](#), telephone number 01392 385555, email [HR Direct - Mailbox](#).

POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
24.4.2007	Policy re-formatted into new shell Policy document with bookmarks	P&S		
	Policy amended to accommodate the Bribery Act 2010 (section 10.0). Scope (2.0), Social Media (14.0), Equality Statement (15.0) and Helpdesk (16.0) sections added. Communication with Media (13.0) added to reflect Grey Pages clause 9.7. Cross reference to Guidance on Declaration of Business/ Pecuniary Interests to Officers added (9.5). Minor amendments also made throughout. Trade unions notified.	P&S	18 Nov 2011	
	Amend PDF for links and update HR Direct contact details.	HR Direct	12 July 2012	