

Part 4 – Officers' Code of Conduct

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all Officers of Thurrock Council, who must act at all times in accordance with that trust.
- 1.2 This code therefore aims to describe what is and isn't acceptable behaviour so that standards are maintained. In particular, all Council employees are required to adhere to the seven 'principles of public life' identified by the Nolan Committee and endorsed by the Committee on Standards in Public Life:

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

- 1.3 Where employees show particular commitment to upholding these standards they should receive due recognition and praise from their manager. Where they show a disregard for them, appropriate corrective or punitive action should be taken.
- 1.4 Employees are also required to act in accordance with the Council's scheme of delegation, legislation, the constitution and all relevant codes, protocols and standing orders; they should be familiar with and abide by Thurrock's policies and procedures.
- 1.5 Employees are expected to undertake all compulsory training and relevant training related to their roles and responsibilities.
- 1.6 This Code of Conduct is not an exhaustive list as it is impossible to provide a definitive list of what is or is not acceptable behaviour.

1.7 The following sections of this code describe how the above principles can be demonstrated by Council employees during their day-to-day work, and how they can be enforced by management.

1.8 If there are any doubts or queries about what is acceptable conduct, or about anything else in this Code, employees should raise them with their manager.

2. Scope

2.1 This code applies to all employees of Thurrock Council; workers engaged at the Council as part of a strategic partnership agreement; interim and agency workers. It does not apply to schools unless they have specifically chosen to adopt it.

3. Protocol for Reporting Concerns

3.1 Employees are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate manager, any significant shortcomings in the provision of an agreed service, or any impropriety, fraud or breach of procedure.

3.2 The Authority has a Whistleblowing Policy and Procedure which also enables staff to report confidentially any improper behaviour or action taken by an officer or manager.

3.3 Staff must not treat another officer of the authority less favourably than others because they have, intend to, or are suspected of doing anything in relation to reporting inappropriate behaviour.

4. Attendance and Timekeeping

4.1 Employees are expected to adhere to their contractual hours. They are required to know and comply with start and finish times (or adhere to flexible working arrangements, including Home Working) and operate time recording as required.

4.2 If employees are unable to attend work for any reason they must adhere to the procedure for reporting absence as detailed in the Managing Sickness Absence Policy. Employees on sickness absence must not undertake any other work, or carry out activities that could hinder their return to work, without prior authorisation from their Assistant Director.

4.3 Employees are expected to adhere to the requirements of the Managing Sickness Absence Procedure and to attend occupational health appointments as required.

5. Appearance and Personal Hygiene

5.1 The manner in which employees present themselves at work directly affects the Council's image, colleagues and the service. Employees' appearance should reflect this responsibility and emphasise their respect for the people they work with and the service they are providing.

5.2 Managers will determine the appropriateness of their employees' appearance in relation to local service requirements. If employees are unsure about the appropriateness of their appearance they should seek the advice of their manager. Staff are required to:

- comply with any uniform or dress code requirements

- be clean, tidy, and presentable and maintain personal hygiene at all times
- refrain from dressing in any way which could intimidate, cause offence or cause embarrassment to others, and which could undermine the image and reputation of the Council
- always wear uniform or protective clothing if these have been issued, or made available for particular tasks, and make sure that they are clean and in a good state of repair
- always have regard for the health and safety implications of what they wear – for example, the need for safe footwear, the risk of dangling jewellery or long fingernails
- dress in a way which is appropriate to the work they have to do

5.3 In relation to appearance, the Council is happy for employees to follow the traditions of their ethnic /cultural /religious background where this is safe, healthy and appropriate to the job.

6. Integrity

- 6.1 Employees must behave with honesty and integrity at all times and refrain from pursuing personal matters or private business/voluntary sector interests during their working hours.
- 6.2 Employees are expected to behave politely and reasonably to colleagues and to members of the public and to conduct themselves in a manner that reflects well on the Council. Unreasonable language, acts of violence, threatening behaviour or verbal abuse to colleagues, managers, service users, the public or elected members will not be tolerated.
- 6.3 Employees must perform their duties to the best of their ability, and understand that carelessness, negligence and lack of attention to service requirements is not acceptable.
- 6.4 Employees must comply with reasonable management instructions and work priorities.
- 6.5 Employees must not deceive the Council by withholding information, giving false information, or destroying, damaging or altering any records or documents without prior authorisation.
- 6.6 Employees who are in debt to Thurrock Council e.g. those who have council tax arrears are required to disclose details of their debt to their manager. Employees are required to adhere to any agreements reached for the repayment of such debts.

7. Disclosure of Information

- 7.1 Employees should, whenever appropriate, adopt an 'open government' approach by sharing information about how they do their work and how the Council operates.
- 7.2 It should be noted that the law requires that certain types of information should be available to elected members, auditors, government departments, service users and the public. Employees must not prevent others from gaining access to such information.
- 7.3 Employees should check, with their manager, what sort of information can and cannot be given openly and without specific authority.

8. Confidentiality

- 8.1 Employees must treat all information about employees, customers and service users with the utmost confidentiality and in accordance with the Data Protection Act 1998. This information must not be passed to anyone who is not authorised to receive it unless proper authority has been sought and granted.
- 8.2 Employees must take all reasonable steps to protect and safeguard confidential documents, particularly if they need to be taken outside the usual workplace.
- 8.3 Employees must not communicate directly with the media about their work, or matters concerning the Council, unless specifically authorised to do so by a chief officer.
- 8.4 Employees must seek the agreement of the appropriate Assistant Director before any information concerning tendering/procurement or best value exercises is released.

9. Use of Council Property

- 9.1 Council property should only be used for Council business and according to instructions. It must not be misused in any way that could undermine public confidence.
- 9.2 Employees should only remove Council property from Council premises if they are authorised to do so in accordance with any local procedure in operation, e.g. seeking prior permission, logging items out, signing for them.
- 9.3 Council property must be safeguarded while it is in employees' care, with any theft, loss or damage reported immediately.
- 9.4 Employees must adhere to the Information Security Policy and other policies covering the standards expected of computer users. Some examples of misuse are:
- installing or downloading unauthorised software, including screensavers
 - attaching any item or equipment without authorisation from ICT
 - surfing the internet for prolonged periods of time for non-work related items
 - accessing internet sites which could bring the Council into disrepute – this could lead to both disciplinary and criminal action
- 9.5 Staff must not make frequent or lengthy private telephone calls using either Council or private telephones. It is recognised that sometimes it is necessary to make occasional private telephone calls at work, but it is expected that this should normally be in exceptional situations.

10. Use of Financial Resources

- 10.1 This covers anyone with access to, or responsibility for, the Council's finances, and includes responsibilities such as the authorisation of payments to staff (timesheets, overtime, allowances etc); the award for contracts for equipment and services and the payment of benefits.
- 10.2 Officers must ensure that they use the public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and avoid legal challenge to the Council.

10.3 Employees must be conversant with the Council's financial regulations and financial standing orders. They must ensure that the financial procedures and practices for which they are responsible conform to the Council's regulations and are secure against theft and fraud.

11. Corruption and Proceeds of Crime

11.1 It is a criminal offence for an officer to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour.

11.2 If an allegation is made, it is for the officer to demonstrate that any such reward was not corruptly obtained

11.3 Officers must not show favouritism or give preferential treatment to friends, partners or relations in the allocation of Council services or benefits.

11.4 Officers must report to the Assistant Director of Law and Governance any dealings they become aware of where they suspect that the money involved may have been acquired through illegal practices, whether or not that money relates to a client's funds or those of any contractor or third-party with whom the Council may be involved.

12. Criminal Convictions and misconduct outside work

12.1 When applying to work at Thurrock Council prospective employees must declare any criminal convictions they have which are not exempt from the Rehabilitation of Offenders Act. See the Recruitment Procedure for further details.

12.2 If an individual is arrested or convicted of a criminal offence while employed at the Council this may or may not have a bearing on their employment status, depending on the nature and circumstances of the incident and the type of work they do.

12.3 Employees must notify their manager or Human Resources of any criminal action being taken against them, regardless of whether the alleged act took place during or outside working hours.

12.4 Employees must notify their manager or Human Resources if their conduct or activities outside work:

- may make them unsuitable for the job they are employed to do
- is of such a nature to cause potential damage to Thurrock Council's reputation
- could put other employees, service users or the community, at risk

13. Recruitment and other employment issues

13.1 Officers involved in recruitment must ensure that appointments are made on the basis of merit.

13.2 In order to avoid any possible accusation of bias, an officer must not be involved in making an appointment if they are related to, or have a close personal relationship with an applicant, in accordance with the Employment Rules in the Authority's Constitution.

13.3 Recruiting officers should be solely concerned with selecting the applicant who can best serve the Council. Political or personal preferences should not influence an officers' judgement. Officers must not canvass the support of colleagues for the appointment of a candidate, and should resist any attempt by others to canvass themselves.

13.4 Similarly, an officer must not be involved in decisions relating to discipline, promotion or pay adjustments which affect someone with whom they have a close personal relationship.

14. Hospitality

14.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council at a particular event.

14.2 Offers to attend purely social or sporting functions must be accepted only when they are for the benefit of the Council or in connection with a civic or courtesy visit.

14.3 All gifts and hospitality offered, whether accepted or not, must be recorded in a register of gifts and hospitality. For officers at or above the level of Assistant Director, a register is maintained by the monitoring officer. For all other officers a register is kept by the relevant Director.

14.4 When hospitality has to be declined, those making the offer must be courteously but firmly informed of the procedures and standards operating within the Council.

14.5 Employees must not solicit or accept personal gifts, other than ones of a token value such as pens and diaries. Any firm or individual who wishes to make a gesture of goodwill to the Council or its officers should be redirected to the Mayor's Charity Fund.

14.6 When receiving authorised gifts or hospitality employees must be particularly sensitive to timing in relation to any decisions which the Authority may be taking in connection with those providing the gift or hospitality. Hospitality which may compromise an officer's impartiality or have the perception of doing so must be declined.

14.7 Acceptance of hospitality at conferences and courses is acceptable where (i) it is clear that the hospitality is corporate rather than personal, (ii) the employee's manager gives consent in advance and (iii) the employee's manager is satisfied that any purchasing decisions are not compromised.

14.8 Where authorised visits are required to inspect equipment, meet with prospective service providers etc, officers must ensure that Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

14.9 Subsistence expenditure may be claimed in accordance with Council limits (see Travel and Subsistence Policy) when an officer is required to work away from their normal place of work or home at meal times.

14.10 These rates may only be exceeded with the prior approval of the Chief Finance Officer or the Chief Executive. In the case of approved overnight stays, reasonable accommodation expenses will be paid by the Authority.

15. Sponsorship

- 15.1 Where an outside organisation wishes to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.2 Where the Council wishes to sponsor an event or service neither an officer 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.
- 15.3 Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, officers must ensure that impartial advice is given and that there is no conflict of interest.

16. Political Neutrality

- 16.1 You serve the Authority as a whole. It follows you must serve all Members and not just those of the Majority Group, and must ensure that the individual rights of all Members are respected.
- 16.2 Staff may be required to advise Political Groups. They must do so in ways which do not compromise their political neutrality. Information communicated to a member of staff by a Political Group in confidence should not be communicated to other Political Groups.
- 16.3 Staff must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 16.4 Staff must not use their workplace to promote/further personal political issues.
- 16.5 Staff must not raise personal matters concerning their employment directly with councillors or make claims or allegations about other employees directly with councillors.
- 16.6 Employees must be aware of the political restrictions imposed by the Local Government and Housing Act 1989 on certain posts, and how the Council's constitution might affect their work. More information on this is in the Council's Constitution.
- 16.7 The Council has a Code on member/employee relationships for which staff who regularly come into contact with members should familiarise themselves with.

17. Other Employment

- 17.1 The Authority encourages voluntary work, public duties and activities in support of local community groups, and officer involvement in these areas is welcomed.
- 17.2 However, conditions of service require officers to obtain written consent from their manager before undertaking additional work with other employers. Employees may not:
- undertake such work if it conflicts with the Council's interests
 - use Council equipment, property or contacts in any such work
 - do any private work during your working hours with Thurrock Council

- undertake any private commitments or activities which may bring the Council into disrepute

17.3 Any goods or services of value which are produced as a result of an individual's employment with Thurrock will remain the property of the Council.

17.4 Employees may not make private gain from any work which may be associated with their employment with Thurrock without authorisation from their Assistant Director, in consultation with the Council's legal adviser.

18. Conflicts of Interest

18.1 Officers at or above the level of Assistant Director must provide written notification of any personal and financial interests which could bring them into conflict with the Council's interests. This should be submitted to the Council's monitoring officer annually, within 28 days of becoming aware of any new personal or financial interest or change to any personal or financial interest. The monitoring officer maintains a register for this purpose.

18.2 All other officers must declare to their director any personal or financial interest which could bring them into conflict with the Council's interests either when they become aware of such interests but, in any event, within 28 days of becoming aware.

18.3 Officers are regarded as having a personal interest in a matter if it affects the wellbeing or financial position of themselves, their relatives or their friends more than it would affect other people in Thurrock. Such an interest may be either financial or non-financial, examples being:

- acting as a school governor within Thurrock
- membership or involvement with an organisation receiving grant aid from Thurrock Council
- membership or involvement with an organisation or pressure group which may seek to influence the Council's policies
- any financial interests which could conflict with the Council's interests
- membership of any organisation not open to the public without formal membership and with a commitment of allegiance which has secrecy about rules of membership or conduct
- membership of any organisation which is involved with the Council in any formal way such as through any decision making process
- involvement with a corporate body involved in commercial dealings with the Council

18.4 Any disclosure of interest will be recorded by the employee's manager and reviewed by their Assistant Director at least annually.

18.5 Officers who are present at a meeting of the Council, such as a cabinet or committee meeting, when a matter in which they have a conflict of interest arises, should declare their interest and leave the meeting, unless the members specifically ask the employee to stay.

18.6 Any manager who receives a declaration of interest from an officer should seek advice from one of the following senior managers if they are at all uncertain about what action they should take:

- Chief Executive
- Director
- Corporate Director
- Chief Finance Officer
- Monitoring Officer
- Director of Human Resources, OD and Transformation

19. Officers and Members

19.1 Mutual respect between colleagues is essential to good local government. Close personal familiarity between colleagues can damage working relationships and prove embarrassing to others and must therefore be avoided.

19.2 Close personal relationships between officers working together or between elected members and officers may cause a perception of bias or favouritism. To avoid this problem, officers must declare to their manager:

- any close personal relationship with another officer in the same section or area of work
- any close personal relationship with an elected member

19.3 It is not possible to define exactly the range of relationships that would be considered as close or personal. Examples, however, would include a family or sexual relationship and/or regular social contact such as holidays or evening meals together.

19.4 The Council has adopted a protocol for member/officer relations, which can be found at Chapter 7, Part 5 of the Council's Constitution. Officers who have regular contact with members should read and understand this protocol.

20. The Local Community and Service users

20.1 Employees must ensure that service users and people in Council care are:

- given a courteous and efficient service in line with Council policies and standards
- not put at risk
- not used as a means for private gain for officers or others by, for example, the soliciting or accepting of bribes

21. Contractors

21.1 Any relationship of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager. Orders and contracts must be awarded on merit in accordance with the Council's Financial and Contracts Rules and Best Value and no special favour must be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community must be discriminated against.

- 21.2 If you 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 the contractors, you must declare that relationship at the earliest opportunity to your manager.

22. Separation of roles during tendering

- 22.1 If you are involved in the tendering process and are dealing with contractors you must be clear about the separation of client and contractor roles within the Authority. Senior officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 22.2 If you are employed in contractor or client units you must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 22.3 If you are privy to confidential matters on tenders or costs for either internal or external contractors you must not disclose those matters to any unauthorised party or organisation.
- 22.4 If you are contemplating a management buyout you must, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 22.5 You must ensure that no special favour is shown to current or recent former officers or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or managerial capacity.

23. Equality Issues

- 23.1 All staff have a duty to ensure that policies relating to equality issues, as agreed by the Council, are complied with in addition to the requirements of the law. All members of the local community, service users and colleagues have a right to be treated with respect, fairness and equality. The Council's Equal Opportunities Policy and Procedure provides further information.

24. Health and Safety

- 24.1 The Council has a legal duty of care for the health, safety and welfare of its employees. In addition all employees must take reasonable steps to protect their own health and safety and that of other people who may be affected by their actions or omissions at work. If employees are not sure what the safety procedures are or where to get protective clothing and equipment, they should talk to their manager, their service safety coordinator, or the corporate health and safety team. Further, detailed information can be found in the Council's Health and Safety Policy.

25. Smoking, Alcohol and Drugs

- 25.1 Employees must adhere to the Council's Smoke Free Policy. This policy covers all Council work, e.g. in clients' homes, rest and common areas and Council vehicles. The Council provides assistance and support in giving up smoking. Please contact Human Resources for more information.

25.2 Employees must not present themselves for work under the effects of, or recovering from alcohol, drugs or other substances, whether prescribed or otherwise. They should consult their manager if they feel that they, or a colleague, are unable to perform their duties for this reason.

26. Breach of the Code

26.1 A breach of this code of conduct by an officer may be regarded as a disciplinary offence and will be handled under the Disciplinary Policy and Procedure.

27. Gross Misconduct

27.1 Gross misconduct includes any conduct which amounts to a fundamental breach of the contract of employment and which destroys the trust and confidence the Council has in the employee and makes any further working relationship impossible. If substantiated following an investigation and a disciplinary hearing the employee would normally be summarily dismissed from the Council's service. Summarily dismissed is dismissal without notice or prior warnings.

Gross misconduct could be a serious breach of one of the standards listed above and some examples of Gross misconduct may be:

- i. Serious insubordination to a member of management including refusing to carry out reasonable instructions
- ii. Theft, fraud and deliberate falsification of records – for example, non-attendance at day release, use of Council time for non-Council activities, falsification of overtime or expenses
- iii. Fighting, assault on another person or threats of physical violence
- iv. Serious incapability while on duty due to drugs, alcohol or any other intoxicant, furthermore, trafficking in or the distribution of drugs or the possession or consumption of non - prescribed drugs or alcohol;
- v. Abusive and/or indecent behaviour
- vi. Serious or consistent infringement of health and safety rules and instructions
- vii. Serious breach of confidentiality or trust (NB the appropriate use of the whistleblowing procedure would not be a serious breach of confidentiality)
- viii. Serious negligence or carelessness, which causes or might cause unacceptable loss, damage or injury
- ix. Discrimination, harassment or victimisation against another person on the grounds of a 'protected characteristic'.
- x. Bullying
- xi. Failure to disclose changes to personal circumstances which affect an employee's capacity to carry out the requirements of their job
- xii. Serious and deliberate contravention of the Council' Constitution
- xiii. Behaviour which is likely to damage seriously the image and/or reputation of the Council, either inside or outside of work
- xiv. Loss, damage, misuse of equipment, property, assets or funds, through wilfulness, negligence or
- xv. Serious acts of dishonesty or abuse of position, such as improper use of an official position for private gain or the private gain of some other person, including soliciting or accepting bribes.

- xvi. Conduct at work likely to seriously offend decency
- xvii. Canvassing elected members of the Council for appointment, promotion or other personal advantage
- xviii. Committing a criminal offence or undertaking criminal activity, whether at or outside work, which is incompatible with an individual's continued employment with the Council
- xix. Serious breach of the Council's ICT User's Policy
- xx. Wilful unauthorised disclosure of information which is treated as exempt, or confidential under the Local Government Act 1972 or which may not be disclosed under the Data Protection Act
- xxi. Engaging in other work without prior management agreement during a period of sickness or unauthorised absence
- xxii. Engaging in activities which are inconsistent with a reason for absence and/or prejudicial to recovery while on sick leave from the Council
- xxiii. Maltreatment or serious failure to abide by practice standards in respect of people in the councils care or service users;

This list is neither exclusive nor exhaustive and there may be other offences of similar gravity which would also constitute gross misconduct. Therefore, the list can only be regarded as illustrative.