

Employee Code of Conduct

February 2013 (V7.0)

For all employees

The standards of behaviour that Ealing Council expects of you

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Why we have an Employee Code of Conduct

The purpose of this code of conduct is to help employees understand what is expected of them. It applies to everyone employed by the Council, covers general standards of behaviour relating to people, finance, contracts for work, political activity and safety at work.

There are a number of reasons why your conduct at work is important. The Government requires that all local authorities implement a code of conduct that sets a benchmark for appropriate standards of behaviour for public employees. In addition to this requirement Ealing is committed to providing the best possible services to all the people who live in the borough. Good conduct not only helps to promote good relations with customers and clients but also helps protect you and your colleagues (for example by not leaving individuals open to criticism or legal action).

This code of conduct is provided to everyone who is employed by the Council so that they know what is expected of them and are treated fairly. You are a valued and trusted employee so it is crucial that you understand how important it is to adhere to the standards of conduct set out in the code (and any related policies) as a breach of these standards could lead to disciplinary action. A serious, or repeated breach, could even lead to dismissal from the Council.

The Council operates within a complex legal framework. It maintains formal rules of procedure (found in part 4 of the Council's constitution), such as contract procedure rules and financial procedure rules, which you must follow. Your service head, or line manager will have access to these documents and can give guidance (they are also on the Council's intranet). There are also conditions of employment governing the terms on which you are employed. Please contact your manager if you are in any doubt about how your conditions of employment, taken together with the Council's policies, relate to this code of conduct. Alternatively, you can contact Human Resources using the Service Ealing Portal accessed via the intranet <http://serviceealing.com> or call Human Resources on extension: 9000, option 3. You may also seek advice and guidance from your trade union representative.

**Martin Smith
Chief Executive
Ealing Council**

1 General principles

As a good employer the Council recognises its responsibilities to its employees. The Council also has responsibilities to the community which it serves and therefore expects its employees to work to the highest possible standards. In performing their duties, employees are required to act with integrity, honesty, impartiality and objectivity. The Council's standards of behaviour are set out in this 'Code of Conduct'.

Compliance with the code is an explicit requirement within the conditions of employment of all Ealing Council employees (except school based employees where separate arrangements are in place). The matters covered in this code are fairly comprehensive but are not to be considered as being complete. Employees should assume that conduct or actions which are not specified but which are similar to those described, or relate to similar standards and principles to those set out in the code are also covered.

This code should be seen as complementary to any specific departmental procedures or standards of conduct. Similarly, professional employees are also bound by standards of professional conduct.

PLEASE NOTE

As an employee, you are accountable to the Council and you must therefore act in accordance with the principles set out in this code of conduct. You are required to discharge public functions reasonably and according to the law. If you do not comply with this code of conduct, the Council may take disciplinary action against you in accordance with the appropriate procedure. This may have serious consequences for you, including the possibility of dismissal from the Council.

The Council:

- expects your work, conduct, and integrity to be of the highest standard, since they directly affect:
 - the services that the public receives
 - the success of Council policies including meeting the Council's strategic goals and objectives
 - public confidence in the Council
- has set down the standards that it expects of you in this code of conduct
- makes this code of conduct available to all of its employees
- requires that you read (and if necessary seek clarification) and understand this code and then sign a declaration to that effect

You:

- within your first month with Ealing (or within a month of receiving this code):
 - should get to know the contents and meaning of the code
 - should ask your manager to explain anything that you don't understand
 - should take it up with your manager if you don't know how to comply, or have any difficulty in complying with any part of the code
 - may consult with your trade union representative for advice and guidance
 - must sign a declaration that you have received and understood this code of conduct at any time
 - should tell your manager (or the most appropriate manager) if you believe the services we provide fall short of the standards in this code
 - should tell your manager (or the most appropriate manager) about anyone else breaking the code and/or breaking the law. If in doubt about how to approach a sensitive matter, refer to the Council's confidential reporting procedure, the "whistle blowing policy", available on the Council's intranet or from Human Resources
 - should notify your manager or the appropriate person of any relevant matter as specified within this code

2 Working with people

Dealing with clients and customers

The Council exists to provide a range of services for the benefit of people living in the Borough. Members of the public are our clients and customers. The Council has stated that it will provide the best possible services to meet the needs of all of its customers and clients within the resources available, and treat them all with dignity and fairness.

To meet this objective the Council relies on you, when dealing with clients and customers:

- to be polite to members of the public at all times
- to give your full name when speaking or writing to members of the public
- to carry a valid identity card if you visit members of the public or clients in the course of your duties, and to ask the person to look at it when you arrive (don't wait to be asked to show it)

- to wear your identity card where it can be seen if you work in a main office complex (Perceval House, Ealing Town Hall , 301 Ruislip Road, and Acton Town Hall). Contact your manager if you need an identity card or you have lost it
- to be sure that the information you provide is accurate (if you are not sure about something it is better to say so)
- to respect confidential information given to you in the course of your work
- to avoid doing anything which would make the public doubt your motives or your integrity as a Council employee or would bring the Council into disrepute

Dress code

It is the Council's policy to maintain an image of a professional public service organisation, providing high quality services. Therefore the appearance of employees does matter, especially when they deal with members of the public. Employees are required to present a professional image at work at all times. Employees may follow the traditions of their ethnic /cultural /religious background provided they are safe and appropriate to the job. Where uniform or protective clothing has been issued employees are required to wear these.

Personal standards

Your personal standards of general behaviour must be high in dealing with employees, Councillors and with members of the public.

Public confidence and the Council's trust in you would be undermined if you:

- threaten, fight or assault anyone, or persist in verbal or non-verbal behaviour which would intimidate or offend anyone
- steal, take without authority or deliberately damage things that belong to someone else or to the Council
- use your position with the Council inappropriately to advance the interests of any other person or organisation with which you are associated, or show favour to any friends, family or personal contacts

Drugs and Alcohol

All employees must comply with the following rules:

Employees must **not**:

- report for duty seriously incapable due to drinking alcohol
- report for duty under the influence of illegal drugs

- be in possession of, consume, or supply any controlled drug (other than appropriately prescribed medication) in the workplace, or in any Council vehicle, or whilst on duty
- present an unprofessional image of the Council and/or perform duties to an unsatisfactory standard due to drinking alcohol during breaks or immediately before work
- drink alcohol whilst in the workplace, or in any Council vehicle, regardless of whether on duty at the time
- drink alcohol whilst at work/on duty, including when on call

Failure to adhere to the above will result in disciplinary action and may result in dismissal (see also section 8 misconduct)

If employees wish to celebrate a special occasion by drinking alcohol, in moderation, in the workplace, including during a lunch break or other rest period, the express permission of a Service Head must be obtained in writing in advance on each occasion.

NB: These rules are in addition to, and not instead of, any rules that apply to specific posts/ service areas. For example, some jobs (such as drivers of Council vehicles) have strict no drinking rules, including drinking alcohol during breaks, and for a certain period of time before going on duty. It is your responsibility to be aware of, and comply with, any such specific rules affecting your job.

General responsibilities at work

All employees are expected to work within the scope of their contract of employment, carrying out the reasonable instructions of their supervisors/managers, and to work to the requirements of the job.

Your contract of employment is essentially based on trust. That trust would be damaged if you:

- are not truthful and honest in your dealings with the Council, its clients and customers, your colleagues and your supervisor/manager
- seek to deceive the Council by withholding information, giving false information, or destroying, damaging or altering any records or documents without proper authorisation
- misrepresent the Council in your dealings with others or make any statement on behalf of the Council which you are not authorised to do (e.g. giving a reference for a colleague on behalf of the Council, making statements to the press or other media)
- fail to respect and uphold the conditions of employment of your fellow employees, or Council/departmental/human resources policies procedures and guidance

- commit any act of misconduct or breach of your employment terms

Equality and diversity policy

Ealing Council has an equality and diversity policy (available on the Council's intranet or from Human Resources). This provides a framework to ensure that the Council meets its statutory obligations and policy objectives to protect people from harassment, unfair discrimination or being treated unfairly: when applying for a job (by helping to make sure that we appoint the best applicants to vacant posts); as a Council employee or; as clients and customers seeking or receiving Council services. The policy provides a means to ensure that we positively promote equality of opportunity in all areas of the Council's activities as an employer and provider of services.

The Council therefore expects all of its employees to play a part in making sure that it meets its commitments, and ensures that Ealing is a pleasant place to work and provides high quality services fairly and equitably to the whole community. All employees are responsible for acquainting themselves with the terms of the policy.

All employees are required to treat colleagues and the public in a fair and equitable way, avoiding unfair discrimination in any form and anything that would demean, distress or offend other people. Remember that your colleagues may have different standards to you and may be offended or feel harassed by behaviour that you think is acceptable. The Council's dignity at work policy and guidance (dealing with bullying and harassment) and the Council's procedure for reporting and recording racist incidents are available on the Council's intranet or from Human Resources.

The Council takes these commitments very seriously and any deliberate act of discrimination or other serious breach of the policy by Ealing employees will be considered as an act of gross misconduct and will result in disciplinary action, possibly leading to dismissal.

Some examples of unacceptable behaviour are:

- displaying offensive sexist or racist material or wearing T-shirts or other clothing, badges or tattoos which convey an offensive message
- making racist comments
- persistent swearing, rudeness or non-verbal behaviour which intimidates or offends others
- making sexually suggestive or sexist remarks
- asking for "dates" after being refused
- pestering colleagues with personal matters
- making negative comments about a person's disability

You must not harass or discriminate against people you meet in the course of your work, particularly on grounds of:

- race/ethnicity
- nationality
- gender (including transgender)
- disability
- trade union activities
- religious beliefs or non belief
- sexual orientation
- marital status
- HIV status
- age
- political beliefs

Dealing with legal actions or claims against the Council

From time to time, the Council faces insurance or contractual claims, or legal proceedings in respect of some action by its clients or employees. The Council wishes to deal fairly and openly in these situations, but it is important that the Council's legal position, and that of its employees, is properly represented and not undermined.

To avoid compromising the Council you should:

- refer all letters or other communications about any legal claim against the Council to the Director of Legal and Democratic Services through your manager, unless it is your work responsibility to deal with correspondence about legal claims
- refer all claims on insurance matters to the Council's Insurance section
- not commit the Council to any action or admit liability for any incident which might result in a claim against the Council without express permission from your manager or the Director of Legal and Democratic Services

Dealing with Councillors

The elected Councillors collectively form the Council, which is the legal employer of all the employees who work for it. Certain principles therefore need to be observed in your dealings with Councillors, which will also help ensure you are not open to accusations of bias. The Convention on Working Relations (part of the Council's constitution) sets out the working relationship between Councillors and employees and is available on the Council's internet page.

In summary you should:

- be polite and professional in your dealings with Councillors and deal efficiently with all Councillors' enquiries, regardless of their political allegiances

- provide professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- report to your designated manager at once if a Councillor asks or pressures you to deal with a matter outside Council procedure or policy
- not try to influence Councillors involved in appointing employees or representatives
- not lobby Councillors on work issues when acting in a professional capacity or to advance a personal interest or those of others to influence decisions improperly
- avoid close personal relationships with Councillors as this can confuse the separate roles and get in the way of proper discharge of the Council's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment

Dealing with contractors, suppliers and consultants

If you are responsible for ordering and paying for goods, works or services you must ensure that you use public funds entrusted to you in a responsible and lawful manner. You must abide by the Council's standing orders, contract procedure rules and financial procedure rules. These documents are available on the Council's intranet. They apply to all employees who come into contact with external contractors, suppliers and consultants and particularly those involved in purchasing goods, or commissioning and approving works or services done by contractors and consultants.

It is also important to remember that no one has immediate authority to commit the Council to spending money other than that given under the Council's scheme of delegation.

For your own protection

- when ordering or paying for goods, works or services ensure all contractors or suppliers provide goods or services to the required standard and that the same standards apply to all contractors
- process payments for goods and services promptly
- ensure that goods or services are received if payment is being made
- do not pay or agree to pay a contractor any money they are not due

Safeguarding children and vulnerable adults

The Council has policies and procedures in place to protect children and vulnerable adults. These policies and procedures are also intended to protect employees in their contact and dealings with children and vulnerable adults from accusations of inappropriate behaviour. An employee who suspects or has information that the

conduct or behaviour of others is in any way inappropriate in relation to children and vulnerable adults must report their concerns immediately to their manager or by using the Council's whistle blowing policy.

The safeguarding policies, procedures and guidance adopted by the Council are:

- Ealing multi-agency safeguarding adults policy & procedures
- London child protection procedures (including the procedure for dealing with allegations against staff)
- Guidance for safer working practice for adults who work with children and young people

These documents are available on the Council's intranet.

Some service areas have local protocols which employees are required to follow when dealing with children and/or vulnerable adults. It is your responsibility to be aware of and comply with any specific local protocols that relate to your job.

3 Health and safety

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. Some employees, particularly managers, have specific responsibilities and these are detailed in both the Council's corporate and specific departmental safety policies and procedures. The Council's Corporate Health and Safety Policy and Handbook are available on the Council's intranet or from Human Resources.

The Health and Safety Handbook contains policies and guidance documents on health and safety, including the accident reporting procedure, visual display screens, violence to staff, HIV and AIDS, and smoking at work. Some departments have their own codes of practice as well. If you are not sure what the safety procedures are or where to get protective clothing and equipment, you must raise this with your manager.

You can also seek further advice and guidance from Human Resources or from your trade union safety representative.

You have a duty to help prevent accidents and injuries at work by being aware of the policies that apply to your work and complying with them at all times.

You must:

- comply with all instructions relating to health and safety and security procedures
- use the protective clothing and equipment the Council supplies to you

- follow all the health and safety codes of practice and policies which are relevant to your work
- comply with hygiene requirements
- at the earliest opportunity, report any hazards, defects, accidents or incidents that you become aware of to your manager or supervisor
- not interfere with, or misuse anything provided for health, safety or welfare
- avoid risk of injury or danger to yourself or others
- leave any Council building as soon as the fire alarm sounds and follow any instructions of the fire wardens and the person managing the incident
- inform the Council of any other work that you do which, when added to your Council working hours, would take your total working hours above 48 hours per week
- inform the Council of any medical condition you have which would be adversely affected by the work that you are employed to do
- not smoke in any Council premises or vehicles (if you would like more information or need help or support to help you stop smoking please contact Occupational Health, <http://serviceealing.com> or extn: 9000 option 3 (0208 825 9000) or the employee counselling service – contact details are available on the Council's intranet). The Council's smoking policy is also available via the above contacts.

Managers have some additional responsibilities set out in the Council and departmental health and safety policies and codes of practice.

These include:

- providing appropriate health and safety induction for all new employees
- carrying out a risk assessment for the activities undertaken by employees and ensuring that the risk assessment outcomes are implemented, are suitable and sufficient
- informing employees of the risks associated with the work being undertaken, and of the precautions that must be taken in order to prevent or reduce the risk of accidents and /or work related ill health

4 Hours of work and attendance

You are required to work the hours stated in your contract of employment and as determined by your manager.

Your contract of employment requires that you:

- be at work at the proper start time (unless you have prior agreement to arrive late)

- be at work during the 'core time' period(s) appropriate to your area of work (unless you have some previously authorised arrangement)
- agree with your manager any planned absence (for example a medical appointment)
- agree with your manager any annual, special, or flexi leave you want BEFORE you take any time off (except bereavement leave and emergency leave – see local conditions of service, available on the Council's intranet)

If you are absent due to sickness you are required to follow the Council's sickness absence reporting procedure (you should have received a copy of this when you started work). The procedure is detailed in the Council's local terms and conditions of employment (part 3, section 12, paragraph 12.1). Failure to follow this procedure may result in disciplinary action. The procedure is available on the Council's intranet or from Human Resources.

5 Honesty

The Council expects and trusts its employees to be honest in their work. The public are entitled to have absolute confidence in the trustworthiness and honesty of Council employees. Any action which breaches that trust or damages or undermines the public's confidence will constitute an act of gross misconduct and will result in disciplinary action possibly leading to dismissal.

To avoid any doubt arising about your honesty:

- report to your manager:
 - any attempts to bribe, threaten or otherwise inappropriately influence you
 - any offers of money or favours you get
- notify your manager and Human Resources if you may be involved in selecting someone you know personally outside work or are related to
- do not ask for or accept bribes or incentives of any sort. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. It also makes it an offence to request, agree to receive or accept a bribe.
- do not accept money or any other reward for the work you do for the Council, apart from what the Council pays you. In law it is presumed you are guilty of corruption if you accept money or any other reward from anyone who has, or might have contracts with the Council, unless you can prove otherwise. (There are limited exceptions to this rule where authorisation is obtained - please see section 6 below and the local conditions of service part 3, paragraph 6.3);
- avoid putting yourself in debt to someone where this would be likely to or could be seen to influence your work

- if you are aware of an employee or member of the public acting improperly consult your manager or another departmental manager. If this is difficult, then contact a member of the Audit and Investigation team for a confidential discussion (and/or refer to the Council's 'whistle blowing' policy, available on the Council's intranet or from Human Resources)
- follow any procedures you are given if your job involves handling or holding clients' money or other possessions
- hand in any lost property that comes into your possession
- always consult and follow the Council's financial procedure rules including any devolved procedures which are current at the time
- you must also be aware of and, where relevant, follow the Council's bribery and counter fraud policy which is available on the Council's intranet or from Human Resources. You also have a responsibility to report breaches or suspected breaches of this policy.

Any breach of the above requirements or any deliberate act of fraud or misuse of Council assets will be considered as gross misconduct and will lead to disciplinary action with the possibility of dismissal.

6 Conflict of interest

There may be occasions where there is scope for conflict between the Council's interests and your own. You must not allow your private interests or beliefs to conflict with your professional duty. You must not misuse your official position or information acquired in the course of your employment to further your private and personal interest or the interests of others. Private and personal interests include those of your family as well as those arising through membership of, or association with clubs, societies or other organisations, such as the Freemasons and voluntary bodies. It is important for conflicts of interest to be clearly seen.

To avoid any difficulties arising from a potential clash of interests you must:

- notify your manager in writing if you have links of any sort (including, but not limited to, as a director, company secretary, trustee, partner, shareholder, owner, contractor or employee) with an outside organisation which may:
 - receive (or are applying for) grants or other benefits from the Council, if you are involved in the grant allocation process or where this could create a conflict of interest

- work for the Council, or supply goods and services to it (or are tendering or preparing to do so)
- avoid becoming involved in any appointment (or application for appointment) to the Council's service, or any other decision relating to discipline, promotion and pay and conditions for any other employee or prospective employee to whom you are related or with whom you have a close personal relationship outside work (but if you are, report it to your manager and Human Resources). Similarly, should you apply for an internal post you must declare whether you have a close personal relationship with anyone on the appointing panel
- avoid acting as professional representative on behalf of a friend, partner, or relative, in their dealings with the Council. You are permitted to act as the 'representative' of a close friend, partner or relative who is the subject of disciplinary action or is pursuing a grievance under the Council's procedures, so long as this does not create a conflict of interest with your normal duties
- report to your manager and relevant department any regulatory applications you or anyone in your household or a close relative (parents/children/siblings) or anyone you have a close personal relationship with, makes to the Council e.g. planning application, licence and declare whether there is a connection/personal relationship between you and a member of staff within the relevant section dealing with the application
- report to your manager if you are, or become, a landlord within Ealing

You will be sent a declaration of interest form every year for you to complete, sign and return to your manager. However, should a conflict arise at any time you must report it to your manager immediately and not wait to receive the declaration form.

Gifts and hospitality

You are already paid for the work you do, but people may believe they will get better service or more favourable treatment if they provide additional payments or offer you favours: this is not the basis on which the Council delivers or purchases services (or goods).

You must:

- avoid putting yourself in a position where you could be thought to be acting improperly
- report to your manager any hospitality, favours or gifts you are offered or receive (you will be asked to declare any gifts and hospitality you receive on an annual basis as part of the Council's declaration of interest process, however, your obligation to make an annual declaration is, in addition to, and not instead of, your duty to report every individual matter immediately)
- return any gifts your manager says you may not keep
- not ask for a gift, tip, or Christmas box

- not accept gifts or favours from organisations or suppliers that the Council has dealings with (for example goods or services free or below the normal price)
- be aware of and where relevant follow the Council's anti-bribery and counter-fraud policy which is available on the Council's intranet or from Human Resources
- not accept unreasonable or undue hospitality. For example, don't allow an organisation or supplier that has dealings with the Council to pay for you to:
 - go to sporting events, the theatre, or any other entertainment
 - go away on holiday
 - make visits to inspect equipment or services where there may be a subsequent purchase by the Council
 - travel to a meeting, or go out for an evening, or stay in an hotel or other accommodation

Remember, the Council can reimburse any legitimate expenses incurred at work

This does not prevent you:

- accepting reasonable hospitality while you are working (such as a cup of tea or coffee, or other light refreshment) when visiting sites, offices or people's homes
- accepting an invitation which it is proper for you to take up as you will be representing the Council, such as at relevant courses and conferences (BUT you must check with your manager first)
- accepting a gift which:
 - is of token value (such as a calendar or inexpensive pen), and
 - is offered to you without your asking, and
 - your manager says cannot be seen to influence the way you do your work

Certain dispensations may be granted to employees according to their particular job roles and if your department has a 'hospitality register' you should comply with any relevant procedures. Your designated manager will tell you if any apply to you.

However, in all cases you should:

- make a record of all invitations to functions and report these to your manager
- make a record of all free services and goods you receive and report these to your manager

- consult your designated manager if in any doubt

Legacies

Members of the public or clients sometimes wish to express their appreciation of the services they have received by leaving money/gifts in their will. Such legacies can give rise to complaints from other potential beneficiaries, and to accusations that an employee has taken advantage of the situation to gain personal benefit.

If a client or member of the public suggests to you that (s)he intends to make a bequest to you should:

- explain the difficulty that may cause you and insist that people you meet through your work do not leave you things in their will
- report it to your manager

If you are offered a bequest from a member of the public forward details of the amount involved, the reason for the legacy and the service provided, to your designated manager before you accept it.

Private work

While undertaking your role, your work judgements may be questioned and conflicts can arise. It is important that you are, and are seen to be, working conscientiously and fairly for the Council and not leave yourself open to accusations of self-interest.

Private work includes being a director, company secretary, agent or advisor to a company or organisation, even where this is unpaid.

You may undertake paid or unpaid work for yourself or other organisations but there are some rules that you must follow.

You must:

- declare to your manager any private work undertaken (you will be asked to declare any private work undertaken on an annual basis as part of the Council's declaration of interest process, however, your obligation to make an annual declaration is, in addition to, and not instead of, your duty to report every individual matter immediately)
- ensure any private work is done in your own time and not:
 - during Council time
 - when you are on sick leave
 - when it is seen to be against the interests of the Council
 - when it may reduce public confidence in the Council

- when you are on extended leave or on a career break from your Council job
- not use Council property (including information which belongs to the Council) or equipment to do your private work (for example making phone calls, postage, photocopies or using computer systems)
- not use your position with the Council for private gain
- ensure that there is no conflict of interest
- get formal written permission from your designated manager before you take up any (paid or unpaid) private work for any person or organisation that supplies (or receives), or is tendering/applying to supply goods or services to (or from)
 - the Council
 - the Council's contractors
 - the Council's suppliers
- declare in writing to your designated manager any fees paid to you from outside bodies for work you do in the course of your job and on behalf of the Council (for example fees for a lecture or broadcast done in work time) and:
 - you must get permission in advance of undertaking such work and;
 - any such fees above a certain amount per annum must be shared with the Council in accordance with the local conditions of service (see part 3, paragraph 6.3) but;
 - you may keep any fees for lectures or other work that the Council does not pay you for, but you must have had permission and the work must be carried out in your own time

Remember that the responsibility to comply with these rules (or any others which may apply to your area of work or your specific job) and to volunteer any relevant information is yours alone.

7 Use of Council assets

Council assets comprise not only physical objects and financial resources but also computer data and information generally. We must ensure that we use the public funds entrusted to us in a responsible and lawful manner, ensuring value for money to the local community.

To avoid legal challenge to the Council, and to protect yourself:

- do not take anything that belongs to the Council (even waste food or material, unless properly authorised in advance)

- take care to avoid waste, loss or damage to Council property
- ensure you have permission (and suitable insurance) before you make private use of Council property or equipment and then only use it appropriately
- ensure you have permission from your manager before taking or using Council vehicles for private journeys (this includes journeys at lunchtime or between work and home)
- where intellectual property of the Council e.g. reports, designs, software developments has been created in the course of an employees normal duties, it remains the property of the Council and should not be passed on to third parties. Similar principles apply to copyright of Council publications
- you must not attempt to gain access to any information resource for which you do not have authorisation
- never use your own software on Council equipment
- never send or forward offensive written or visual material via the Council's e-mail service (neither internally nor externally) and always report it immediately to your manager if you receive one
- do not use the e-mail service for unnecessary e-mails or any which are not connected with your work and never send or forward personal 'e-mail shots' or 'chain e-mails'
- comply with the Council's contract procedure rules, e-mail, electronic communication , internet/ intranet acceptable use, information security, anti-fraud and corruption policies and financial procedure rules (copies are available on the Council's intranet)

8 Misconduct

Gross misconduct

Gross misconduct is the kind of act or behaviour that would destroy the trust, which is the basis on which your contract of employment is made and justifies the Council in dismissing you without notice. Such misconduct would mean that the Council would not be able to put its trust in you as an employee any longer.

If an employee is found guilty of gross misconduct, then the normal consequence will be dismissal without notice. Offences of the following nature (the list is not exhaustive) are likely to amount to gross misconduct.

- serious failure to comply with or operate the Council's equality and diversity policies. Examples include; serious acts of discrimination, harassment, or verbal abuse against employees, clients or members of the public on grounds of race, sex, disability, age, sexual orientation or religious beliefs; the display or circulation within the workplace of

any literature or material (such as pornographic or racist) materials via any medium that could offend other persons

- serious bullying or harassment
- serious infringement of the Council's health & safety policy, procedures or guidance
- serious failure to comply with or operate the Council's code of conduct e.g. holding unauthorised paid employment during paid Council time; conducting inappropriate relationships with vulnerable clients; not declaring a personal interest which may infringe the employee's impartiality
- serious negligence that causes or might cause loss, damage or injury
- bringing the Council into serious disrepute
- reporting for duty seriously incapable due to drinking alcohol
- reporting for duty under the influence of illegal drugs
- being in possession of, consuming, or supplying any controlled drug (other than appropriately prescribed medication) in the workplace, or in any Council vehicle, or whilst on duty
- serious failure to comply with or operate the Council's information systems and security standards e.g. gaining unauthorised access to passwords and breaches of the use of the email and internet policy including emails with pornographic attachments
- serious breach of financial procedure rules, contract procedure rules or other compulsory policy requirements
- unauthorised removal, possession, use or theft of property belonging to the Council, an employee, client or member of the public
- acts of violence including the assault of an employee, client, or member of the public during working hours or in connection with their employment of work
- falsification of qualifications or information to obtain employment with the Council or which are a statutory or essential requirement of employment or which result in additional remuneration
- deliberate falsification of records e.g. attendance sheets, timesheets, subsistence and expense claims etc
- acceptance of bribes or other corrupt or fraudulent practices
- defrauding the Council, or any other Council e.g. in relation to housing or Council tax benefit, grants and housing property

- disclosure of highly confidential matters to public sources or the deliberate unauthorised use or disclosure of any information or computer generated information from which a living individual can be identified (subject to the Public Interest Disclosure Act 1998)
- committing a criminal or civil offence at or away from work that renders the employee unsuitable to remain in the Council's employment or which may seriously damage the Council's reputation. Or where there are reasonable grounds to believe that a serious criminal offence has been committed which may be connected or unconnected with their employment

Other types of misconduct

Other types of misconduct are listed below (the list is not exhaustive). These will usually result in a sanction that is less than dismissal, but dismissal may sometimes be the result depending on the circumstances.

- **Attendance and time-keeping**

failure to comply with attendance and time-keeping requirements

failure to follow procedures for booking and returning from leave

persistent absence and/or excessive absence

- **Telecommunications related issues**

abuse of telephone, fax, e-mail or internet for personal reasons

inappropriate use of e-mail or internet (gross misconduct in serious cases)

recording conversations or meetings without having been given permission by the employee/manager concerned

- **Behaviour**

failure to follow a legitimate management instruction

prolonged time wasting

inappropriate behaviour towards a colleague, manager or a person in the care or charge of the Council or member of the public (gross misconduct in serious cases)

presenting an unprofessional image of the Council and/or perform duties to an unsatisfactory standard due to drinking alcohol during breaks or immediately before work

drinking alcohol whilst in the workplace, or in any Council vehicle, regardless of whether on duty at the time

drinking alcohol whilst at work/on duty, including when on call

- **Poor working practices**

failure to maintain proper records

failure to follow Council procedures e.g. financial regulations, safety standards

- **Malicious complaints/grievances made against another employee or manager** (gross misconduct in serious cases)
- **Other breaches of the Code of Conduct**

9 Council services - contracting out

If there are proposals to contract out (tender) any of the Council's services, strict rules are applied to ensure the highest standards of impartiality and integrity are maintained. Specific information may be sent to employees affected by potential tendering of services. The organisational structure will make it clear which employees belong to the 'client-side' and which to the 'contractor-side'. A contractor may make a legal challenge to the Council if it believes there is anti-competitive behaviour.

If you are involved in the potential contracting out of a service, whether on the client side or contractor side, you must ensure that competition between prospective contractors is fair and open and that all competing parties, both external and internal, are treated equally.

In particular:

- immediately notify your manager/supervisor if you are approached by a contractor or supplier seeking unauthorised information or preferential treatment
- avoid saying or doing anything that may lead a contractor to think you treat them more favourably or less favourably than others. Do not treat any particular contractor more harshly than another, nor give one contractor information not given to others
- ensure that any work you do in preparation for a proposed contracting out of a service has been properly authorised
- do not disclose to any contractor or other party any information about the bid or business details of another contractor or in house service
- do not commit the Council to any course of action which could increase the cost of contracting out, or in any way be detrimental to the interests of the Council whilst the contracting out proposal is being considered
- avoid unlawfully disrupting services while options for contracting out are being considered or pursued
- if you are a potential 'contractor-side' employee (including any support staff also subject to transfer) avoid playing any part in discussion or evaluation of options or bids

etc. on behalf of the Council, or negotiation with potential bidders: any contact the 'contractor-side' may need with potential purchasers shall be with the approval of and subject to any conditions imposed by the chief executive

- if you are involved in a 'management buy-out' proposal you must declare your interest and do any work on any tendering in these circumstances in your own time

10 Confidentiality

Data protection and disclosure of information

Council customers, certain suppliers (i.e. those who operate as sole traders or partnerships) and employees are entitled to protection of their privacy. In addition, the Data Protection Act 1998 imposes a legal duty on individuals. You must keep all personal data confidential, whether computerised or manually held, and comply with the law and Council policies.

If you work with computerised or manually held information systems (or receive information from such systems), high standards must be ensured with regard to data quality, ensuring that information about living, identifiable people is accurate, relevant, up to date, kept confidential and protected against unauthorised access. At Ealing these principles also apply to general disclosure of information, both manual and computerised.

Under the Data Protection Act 1998, the Council has to notify the information commissioner about all of its computerised systems that process personal data, and has to make sure that the information ('data') held is only used for the 'registered purpose' (that is the reason the Council collects and processes the data which has been entered on the data protection register). We may also need permission from the data subjects to use personal data in particular ways. You should acquaint yourself with the Council's general data protection policy (available on the Council's intranet) and any local data procedures. If you are in any doubt, check with your manager.

You are also entitled to know what information is held about you as an employee and correct any errors (there are some limited exceptions such as information related to current investigations). For example, Ealing has both computerised and manual human resources information systems and if you want to see what information is on your computer record or is held in your HR personal file you should notify the HR Shared Service Centre in writing (a request can be made on the Service Ealing Portal accessed via the intranet <http://serviceealing.com>).

The Council will sometimes carry out data matching exercises or provide data to national bodies for them to carry out data matching. In all cases, data protection and other legislation must be followed at all times.

You must:

- not improperly disclose, or use (directly or indirectly) any information (either about Council business, employees or members of the public) that you receive in the course of your work or allow others to do so
- not use data held by the Council for any purpose other than that for which it is registered to be kept and used
- ensure that all data is kept secure (i.e. locked away or protected by computer passwords) and that data on VDUs and paper files are not left within view of unauthorised persons
- not disclose or display information about other employees (e.g. sickness absence records, addresses or contact numbers) and any such data must only be accessed by authorised users for legitimate purposes
- not conceal any matter that it is your duty to report
- ensure you comply with access to information requirements that accompany the Council's standing orders if asked to supply information (available on the Council's intranet)

11 Trade union membership

The Council supports the system of collective bargaining and believes in the principle of solving industrial relations problems by discussion and agreement. For practical reasons only representatives of employers and employees can do this and this is how the contractual terms and conditions of employment are set for Ealing employees.

The Council is associated with other local authorities represented on the National Joint Council and Greater London Provincial Council for Local Government Services. It may therefore be advantageous for employees to belong to a trade union that represents them on the appropriate negotiating body. Trade union representatives are trained to represent their members' employment related interests with the Council. The Council encourages you to be a member of an appropriate trade union.

The Council recognises that some employees are also accredited trade union representatives and supports the legitimate activities of these accredited representatives. It also expects that they will work within the rules and codes of practice of the union concerned and the Council's trade union facilities agreement when operating in that capacity.

12 Breaking the law

Breaking the law either at or away from work could damage public confidence in the Council, or could make you unsuitable for the work you do. You need to consider carefully whether you should advise your

designated manager immediately if the police make any criminal charge against you or if you are convicted of a criminal or civil offence.

When applying for future jobs at Ealing or elsewhere, you will need to take care about disclosing any past criminal convictions in line with the Rehabilitation of Offenders Act 1974. In general, you do not need to disclose a conviction or charge if it is spent. If you are in any doubt, you should contact Human Resources or the employee counselling service in complete confidence. Contact details are available on the intranet.

However, in accordance with the Rehabilitation of Offenders Act 1974 you must disclose all convictions, cautions, reprimands and warnings, even if 'spent', when you are applying for a job where you are likely to be working:

- with children or vulnerable adults
- in a regulated position e.g. working in a school, children's home, nursing home
- in certain offices, employments and work eg operation of/ access to a database under section 12 of the Children Act 2004 containing sensitive information

If you fall into any of these categories, you are required to apply for a criminal records bureau (CRB) disclosure. The CRB website provides a comprehensive list of relevant categories http://www.crb.homeoffice.gov.uk/guidance/rb_guidance/eligible_posts.aspx.

Any information you give us about convictions will be kept confidential and will only be considered in relation to the job you are applying for.

You need to notify your manager in writing if:

- you are convicted of a criminal offence which would make you unfit for the job you do
- you are charged with a crime which (if convicted) would make you unfit for the job you do

Please note

Failure to disclose this information could in itself lead to disciplinary action leading to dismissal.

13 Civil rights

The Council recognises that employees who are NOT politically restricted by the Local Government and Housing Act 1989 (see below) may, in their own time, exercise their rights as citizens to lobby and campaign on issues including opposing Council policy.

However, if you speak as a private individual direct to the press, or at a public meeting, or where your remarks may be reported to the press, you should ensure that nothing you say

might lead the public to think you are acting in your capacity as a Council employee. Where you are speaking on behalf of a recognised trade union you should make this clear.

Elections

In the run up to local, parliamentary and European parliamentary elections, all activities of the Council and its employees are sensitive and employees must be very careful not to do anything which appears to promote or support any candidate or party. Adherence is not optional and any breach could result in conviction, surcharge or a challenge to the election itself.

To avoid potential difficulties:

- do not display election material in Council buildings or on Council vehicles
- clear any Council publicity you may be involved in or arrange (including photo-calls) with the head of communications
- deal with correspondence and enquiries and the provision of facilities and information fairly between candidates
- if you are in charge of a residential establishment and before allowing entry, consider the wishes of the occupants and ensure even handed treatment of all candidates who wish to canvass for support among residents
- have regard to more detailed guidance issued by the Director of Legal and Democratic Services at election times
- consult your designated manager immediately if you are not sure about any of the above

Politically restricted posts

You have the right to belong to a political party if you wish to. However, under the Local Government and Housing Act (LGHA) 1989 the holders of certain posts are disqualified from political activities.

The Act prevents an individual having any active political role either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for or holding elected office (e.g. Local Councillor, MP). They are also restricted from canvassing on behalf of a political party or a person who is or seeks to be a candidate. They are also prevented from speaking to the public or publishing any written or artistic work that could give the impression that they are advocating support for a political party.

The law applies to you if you are employed in a:

Specified post

- you are employed at Director level and above (as specified in s.2 of the LGHA 1989)

- you exercise delegated powers under section 100G(2) of the Local Government Act 1972
- you are employed as an assistant to a political group

Sensitive post

- you regularly give advice to committees or sub-committees
- you regularly speak for the authority to journalists or broadcasters

You should have been formally advised by letter, or within the documents given to you when you were appointed, if any of the above applies to you. The restriction applies at all times, not just near elections.

You may only apply for an exemption if you are employed in a Sensitive post. If you wish to apply for exemption or if you are unsure about your position on any of the above, obtain guidance from the Human Resources (extension 9000, option 3).

14 The media

The Council's public image and reputation is affected by how it is presented in the media. All employees are therefore required to observe certain rules when liaising with journalists.

All media enquiries MUST be referred immediately to the Council's media team in the Marketing and Communications Department (telephone: 020 8825 8686 email press@ealing.gov.uk and). This ensures that information given to the media is accurate and reflects the Council's view. No other Council staff are allowed to talk to journalists.

To ensure that the Council can respond to media enquiries at all times, the media team provides a 24-hour service 7 days per week including on Bank Holidays. It can be contacted outside normal business hours via the out of hours service 020 8825 5000.

If you are aware of an issue that will cause media interest, or are told that someone intends to contact the media about the Council or its services, you should immediately inform a member of the media team.

In particular:

- Never speak, write or give interviews to the media about Council business without the prior permission of the media team and their service head.
- Never publicise confidential information gained in the course of your work.
- Never maliciously undermine or bring the Council into disrepute by passing on material that is confidential and against the interests of the Council and its employees.
- Never highlight personal issues about your employment to the media.

- Never bring the Council into disrepute by expressing extreme views.

If there is something that the Council (or an employee) is doing that concerns you, you believe something is against the public interest or should be 'exposed' follow the Council's 'whistle blowing policy' that is available on the intranet or by contacting Human Resources.

15 Managers responsibilities

One of the Council's initiatives for improving efficiency is to delegate more responsibilities to managers and to encourage the use of initiative by managers generally.

This however can only take place within the framework of the Council's delegated powers, financial procedure rules, contract procedure rules, this code and agreed human resources and other policies and procedures.

Managers and their staff should pay particular attention to:

- complying with financial procedure rules, contract procedure rules and all Council policies
- the requirement for managers to observe the statutory, contractual and conditions of service rights of all Council employees and strict adherence to the policies on the recruitment of employees under their management
- only incurring expenditure or ordering goods and services which you are permitted to do by financial procedure rules and for which budgetary responsibility is delegated to you
- only taking decisions regarding managing employees for which the necessary authority is specifically delegated to you
- maintaining adequate records of any decisions taken under any form of delegated authority
- not entering into any trading arrangements with outside bodies without specific approval from your director
- data quality, ensuring data is accurate and, where necessary, kept up to date