

Part 5 – B

CODE OF CONDUCT FOR EMPLOYEES

CONTENTS

		Page
1	Introduction	3
1.2	Who is covered by the Code	4
2	General Conduct	4
2.1	General	4
2.2	Equality and Diversity	4
2.3	Attendance	5
2.4	Responsibilities of Managers/Supervisors	5
2.5	Responsibilities of all employees	6
2.6	Festivities/Celebrations	6
2.7	Appearance and Dress code	6
2.8	Personal Financial Affairs	7
3	Information and Communication Technology (Including e- mail and Internet use)	8
4	Gifts and Hospitality	8
4.1	Corruption	8
4.2	Acceptance of Gifts/ Register of Gifts	8
4.3	Hospitality	9
4.4	Legacies	11
4.5	Executorships	11
4.6	Misuse of Power/Job Role in Public Office	11
5	Use of Information	11
5.1	Rights of the Public	11
5.2	Use of Official/Confidential Information	12
6	Relationships with Members and with Other Officers	12
6.1	Managers relationships with their staff	13
6.2	Relationships with Contractors	13
6.3	Relationships – with children and young persons who are service users	14
6.4	Relationships – Vulnerable Adults	15
7	Conflict of Interest	16

7.1	Employment outside the Council	17
7.2	Publications, and Communication with the Media	18
7.3	Politically Restricted Posts	19
7.4	Involvement with Voluntary Organisations/Management Committees	20
8	Summary and Review	21
	Employee's Summary of the Code of Conduct	22

1. INTRODUCTION

- 1.1 The main purpose of this Code is to provide rules and guidelines on minimum standards of conduct that you are expected to observe while in the employment of the Council so as to maintain and promote public confidence in the Council.

It is not intended to restrict you in the general exercise of your civil rights as citizens, or residents of the Borough, nor rights to engage in legitimate trade union activities.

This code is intended to serve four other purposes:

Advice: to advise employees of circumstances where they should exercise particular care as to their conduct.

Caution: to caution employees about circumstances of conduct which are neither right nor wrong in themselves but where the exercise of individual judgment is necessary in order to maintain public confidence and the confidence of the employer. Failure to exercise caution could lead to outcomes necessitating disciplinary proceedings.

Information: to inform employees of some of the main provisions of their contract of employment and Council policies and procedures, which have a bearing on general conduct.

Instruction: to instruct employees of some of the main statutory provisions regulating the conduct of Local Government employees and regarding the standards of behaviour expected by the Council of its staff.

The public is entitled to expect conduct of the highest standard from local government employees. In recognition of this, and to avoid uncertainty in the matter, the Council has adopted this staff Code of Conduct, which sets out the guidelines to help maintain and improve standards. Equally, the Code is designed to protect employees from misunderstanding or criticism, which may be unjustly leveled at them. The Council therefore recommends this code to all employees. It is stressed that some of these provisions are cautionary rather than mandatory and represent advice about circumstances where experience has shown that employees may face difficulties.

Failure to heed the advice, exercise caution, or to comply with these instructions could lead to disciplinary action.

You are strongly advised to consult your Manager if you have difficulty understanding any of the provisions of this Code or how to comply with them.

The Code complements service-specific verbal or written rules & instructions and where applicable codes of conduct issued by professional bodies to which you may belong. The Council expects you to comply with service-specific instructions and professional codes applicable to you. Breaches of the code may result in action being taken under the Council's disciplinary rules.

1.2 Who is covered by the Code?

The Code applies to all Council employees without distinction of grade or status. The Council also expects that anyone it engages or contracts to carry out any of its functions will comply with the requirements of the code. These include:

- consultants and their employees
- contractors and their employees
- the Council's partners and their employees
- employees of other organisations who have been seconded to work for the Council
- agency workers

In the event that the Code is breached, consideration will be given to terminating the contract/arrangement between the consultant/ contractor/ outside organisation and the Council, and/or to seek compensation and, as appropriate, refer the matter to the police, or other relevant regulatory body.

The application of the standards of this code to agency workers does not alter the underlying legal relationship that agency workers are not employees of the Council.

The Code will apply to employees in maintained schools and is commended for adoption by governing bodies of all schools within the Borough.

2. GENERAL CONDUCT

2.1 General

Employees are required to comply with the Council's policies, procedures, codes of practice, standing orders, contract standing orders, financial regulations, work instructions and their own professional codes of conduct.

Employees are required to undertake their official duties and responsibilities in an efficient manner and should not willfully neglect their duties and responsibilities. Employees are also required to comply with the terms and conditions of service as laid down in their Contract of Employment.

The Council expects you to deal with each other in a courteous manner at all times i.e. with respect and in a polite and dignified manner. The same courtesy is applicable to Council Members, any persons from outside organisations and to members of the public.

2.2 Equality and Diversity

Merton is an equal opportunities service provider and employer. All employees have a responsibility to promote, comply with and operate the Council's agreed Equality and Diversity Policy and related policies, practices and procedures.

Employees must not discriminate against other employees of the Council, clients, customers or members of the public on grounds of race, colour, creed, age, ethnic or national origin, disability, gender, gender identity, gender

expression, sexual orientation, religion, belief, marital status or Trade Union membership.

2.3 **Attendance**

Regular and prompt attendance for work is a requirement of the employment relationship. Unauthorised absence or lateness is disruptive to customers and other employees and is not acceptable. You are expected to comply with the Council's attendance procedure.

2.4 **Responsibilities of Managers/Supervisors**

Managers and Supervisors should take all reasonably practicable steps to:

- Ensure that you have adequate, well-equipped working conditions.
- Ensure that you have a framework of supervision and support, including provision of enough work to keep staff busy but without allowing anyone to be overwhelmed.
- Ensure that you know what standards of work and conduct are required, and where you are meeting, exceeding, or failing in relation to those standards.
- Ensure that your learning and development needs are identified and, wherever possible within resources and Council business need, met.
- Ensure that your own conduct does not undermine your impartiality when called upon to consider a misconduct complaint against you.
- Keep up-to-date with legislation and with best working practice, and be both willing and able to pass on this knowledge.
- Ensure that the provisions of the Health and Safety at Work Act are complied with.
- Take responsibility for their own and your learning and development
- Ensure that the Departmental Register of gifts and hospitality is Maintained

2.5 **Responsibilities of all employees**

You must:

- Show respect for the public, Contractors/Suppliers, 'partners' and colleagues and behave in a way, which cannot reasonably cause offence to anyone.
- Maintain reasonable conduct consistent with the duties of your post and the fact that these are performed in the context of public service and consistent with the codes of conduct of any professional organisation of which you may be a member.
- Give mutual support, consideration and respect to other colleagues.

- Make a positive contribution to a climate of equal opportunities within which everyone can feel comfortable and valued and able to give of their best.
- Maintain commitment, including acting in good faith in relation to the policies and procedures that the Council has adopted.
- Maintain records, tools and equipment and work in an orderly way, taking responsibility for personal and section workplace space, and helping to maintain standards of workplace procedure.
- Observe the need for personal and workplace security, including issues of safety, confidentiality and discretion.
- Ensure that the provisions of the Health and Safety at Work Act (as amended or supplemented) are complied with.
- Show consideration for customers. In particular you should ensure that you behave courteously and helpfully at all times especially when working in front line services like residents' homes, leisure facilities, refuse, schools and libraries.

2.6 Festivities/Celebrations/Christmas Parties

You must understand that inappropriate behaviour and comments, particularly relating to: sex, gender identity, gender expression, sexual orientation, race, disability; religion or belief are not acceptable, and will not be tolerated. You are reminded to apply the same standards of conduct during work-related celebrations and festivities as if you were at work.

You must behave in a respectful way with each other at celebration events and remember you are still at work and the Council's conduct rules apply.

2.7 Appearance/Dress Code

The Council recognises that there are many styles of dress, but also recognises that it is important that you dress for work in order to give an appropriate image of the service you provide.

The manner in which you present yourself at work directly affects the Council's image, colleagues and the service. Your dress should reflect this responsibility and emphasise your respect for the people with whom you work, your

colleagues and the service users. Managers will determine the appropriateness of your dress in relation to the service and/or local circumstances/requirements.

In addition, you are required to:-

- be clean, tidy and presentable at all times.
- never dress in any way which could intimidate, or cause offence to the public and/or colleagues, 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 these are clean and in good repair.

The wearing of casual clothes for example Jeans; shorts etc may only be permitted on Fridays at the discretion of the local manager and the Head of Service.

Within this framework the Council will not exclude clothes worn for cultural or religious reasons unless there is a risk to health and safety.

2.8 Personal financial affairs

You must:-

- not conduct your personal finances in a way which results in Merton Council, or another public body, being defrauded (this includes claiming Housing Benefit to which you are not entitled; failing to register for Council Tax; claiming Council Tax discounts and exemptions as a Single Person, or occupying council property unlawfully)
- keep up to date with Council Tax, rent and service charges due to this Council – the Council will use any powers available to it to reclaim monies, including attachment of earnings.
- make proper arrangements to manage arrears, should they arise, and keep to agreements until accounts are cleared.
- not act for the Council in relation to your own affairs or affairs of your family or friends unless specifically requested to do so by a Manager who is fully aware of the situation.
- avoid being the subject of legal action, which may bring the Council into disrepute and/or undermine the relationship of trust and confidence between the employee and the Council.

You must notify the Council at the earliest possible opportunity if there is a possibility that you cannot maintain payment of Council tax, rent, service charges or other monies due to the Council as a resident.

3. Information and Communication Technology (Including Email and Internet Use)

The Council provides facilities to employees, trade unions and councillors to send emails, to access the Internet and the use of phones, for Council-related business purposes.

The Council has adopted a policy for internal e-mail use. Details about the rules in the policy can be found in the ICT Policy, which is available on the intranet. <http://intranet/departments/cs-index/cs-publications/it-reference/ict-policy>.

4. GIFTS HOSPITALITY AND CORRUPTION

4.1 Corruption

You must be aware that it is a serious criminal offence to receive or give any gift, loan, fee, reward or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity. This is treated as corruption.

Information

Prevention of Corruption Acts, 1906 and 1916

Under the Prevention of Corruption Acts, 1889 - 1916, it is an offence for you to solicit or accept any gift, loan, fee, reward or advantage if it is done as showing favour in any way in relation to the Council's business. Where it has been proved that you received money, gift or other consideration from a person holding or seeking to hold a contract with the Council, it will be seen as corruption unless proved otherwise. **This is very important to understand since it reverses the usual burden of proof in criminal cases.**

Local Government Act, 1972 (section 117)

Under the Local Government Act, 1972, it is an offence for you under cover of your office or employment to accept any fee or reward whatsoever other than your proper pay & benefits. The Council's legal opinion is that the acceptance of a gift is on the face of it an offence whether or not the donor expected any advantage.

Breaches of the above statutory provisions can lead to dismissal and also criminal prosecution.

4.2 Acceptance of Gifts/Register of gifts

- The offers of gifts to staff should be reported to Line Managers.
- The offer or acceptance of a substantial gift should be approved by your line manager and recorded in your departmental Gifts and Hospitality Register.
- The acceptance of gifts by you should only occur in limited circumstances, eg where refusal would cause offence/distress to a client, or where the gift is of low value (e.g. pens, mugs etc) and acceptance should be approved by the line manager.
- When considering whether it would be appropriate to accept you should ensure that no gift could be construed as a payment, bribe or other favour in respect of work performed for the council. The offering and the acceptance of bribes are criminal offences.
- You must not accept money and particular care should be taken when considering gifts from contractors; acceptance of any gift or hospitality in

the course of the award of a contract may constitute a criminal offence.

- You must not request or ask for any gifts, including tips, at any time of the year.

Advice and Information

You should take account of the need to promote the Council's image, when at work. Gifts or gratuities received or delivered should be returned to the sender with an appropriate letter stating the Council's policy on such issues. Where the nature of the gift makes it difficult to return it, e.g. perishable goods such as flowers or fruit, the responsible manager must identify an appropriate method of disposing of the gift.

- You must not accept any gift, whether or not substantial in value, unless it has been approved in advance by your manager. This does not apply to gifts between staff, for example, at Christmas or as leaving presents.

Information

The contents of departmental registers are reviewed regularly by Directors and reported by the Monitoring Officer to the Standards committee. These reports will include details of the recipient officer and the nature of any gift received. For this purpose a substantial gift is any gift considered to have a value of £25 or more

4.3 Hospitality

The offer and receipt of hospitality must be reported to managers. Managers must then report immediately to the Director, and complete the hospitality register in all instances via the respective Director/Director's PA. Where the Director is involved it should be reported to the Chief Executive) giving the following information:-

- Name of company or individual
- If the company/individual is seeking any permission or work from the Council
- The form of hospitality and location
- Whether it is in working hours; and
- Whether the offer was accepted

Advice and Caution

You are expected to exercise discretion in the acceptance of hospitality and ensure that your actions in no way undermine the confidence of Members, other employees and the public. This is very important in respect of offers of hospitality from contractors/consultants, voluntary or pressure groups, who carry out work on behalf of the Council, or, are seeking Council approval in certain areas (e.g. planning applications, grant applications).

The acceptance of hospitality must be strictly limited to occasions directly having relevant business purpose.

“Networking” has often been cited as a reason for acceptance of hospitality. It is recognised that keeping in touch with peers and contacts beyond the Council is important. However there is concern that “networking” could be used to justify a number of different types of hospitality – some appropriate for acceptance and others not so. For example, attendance at an awards dinner or professional seminar by a relevant officer might be regarded as appropriate for “networking”, whereas attendance at a race meeting or football match in the company of a contractor would however be difficult to justify. **It must be emphasised that you gain approval of your line manager, prior to acceptance.**

Examples of circumstance where the receipt of hospitality may be acceptable are:

- social occasions as the nominated representatives of the Council.
- drinks and basic hospitality at meetings held away from places of work, including the acceptance of basic working lunches etc if during lengthy meetings this is the most efficient use of time available (provided this does not occur in the context of the award or negotiation of any contract); and
- (with the agreement of your manager) a free place at a training event which is relevant to your job and which will permit the acquisition of training without any commitment to the provider.

Acceptance of hospitality in the latter two cases should be reported to and, if possible agreed in advance by, your manager but need not be recorded in the departmental register.

4.4 Legacies

- You must not accept any legacy related to or arising out of this work as an employee; you should disclaim the gift, in which case it would be treated as part of the residue of the testator’s estate.
- There may be occasions when members of the public (in receipt of Council services) may wish to show their appreciation of the services of the

Council and/or particular Council employees by leaving money/ gifts to them in their wills. If you are aware that you may be left money/gifts you must declare this to your Director, the relevant details including name of the individual concerned, the service that has been provided, the reason for the legacy (if known) and the amount involved. Service users should be discouraged from doing this if you are aware of this intention.

Information

The Council can accept legacies to support it providing local services, or for the benefit of the residents of their area or for educational purposes but not for the relief of poverty.

4.5 Executorships/Executor of Wills

- The Council has agreed not to accept any responsibilities as Executor of wills. Therefore, you have no authority to accept appointment as an Executor on behalf of the Council.
- You must declare to your Director if you have agreed to become an executor in a personal capacity for a will of a service user in receipt of the Council's services personally provided by that employee.

4.6 (Misuse of power/job role) in Public Office

You are reminded that the Courts are rapidly rediscovering an old claim against Council Officers called "misfeasance (misuse of power/job role) in public office". In brief, where you fail to carry out your duties in good faith and as a result damage (financial or otherwise) is caused to a person, that person will have the right to personally sue you. The matter can also be a criminal offence. This development requires that you should be very careful to follow Council policies, procedures and regulations.

5. Use of Information –

5.1 Rights of the Public

You must be aware that the public has a right to request to see certain information under the Local Government Act, 1972 and under the Freedom of Information Act 2000. In most circumstances these rights are related to reports and background documents. When receiving such a request staff should be careful to deal with it politely and helpfully. Further details on this area can be found at: - <http://www.merton.gov.uk/council/dp-foi/foi.htm>

5.2 Use of Official/Confidential Information

The classification of "confidential/closed" information should only be used when justified. Documents marked 'confidential' mean just that and you should be aware of the nature of such information and the consequences of disclosing it and any limited circulation relating to it. If in doubt, employees should consult their Director.

Misuse of confidential information for personal gain or the gain of relations, partners or friends, or other improper motives may lead to disciplinary action.

If you leave the Council's service, you should not use and/or reveal confidential information gained whilst in the employ of the London Borough of Merton. Such conduct may lead to legal proceedings.

Information that identifies another person falls under the Data Protection Act 1998. You must process personal data in accordance with both the law and Council policies.

The Data Protection Act gives individuals, including Council employees a right to access information the Council holds about them. Unlawful processing of personal data may lead to prosecution under the Data Protection Act.

6 Relationships with Councillors (Members) and with Other Officers.

- You must treat Members with respect. As you are also entitled to be treated with respect.
- If you consider that unreasonable Member pressure is being put on you to deal with a particular issue outside of established procedures and policies, this must be referred to your Director.
- You are not to approach Members direct about personal matters relating to your employment and conditions of service. Matters related to personal employment and conditions of service should be raised initially with the appropriate line manager and/or Departmental Human Resources Officer.
- Whilst a working relationship between you and Members has to exist to enable an effective, responsive service to be provided; the use of that relationship should not be abused.
- Close personal familiarity between you and a Member can damage this working relationship and may prove embarrassing to other employees and other Members.

All candidates for posts in the London Borough of Merton, whether they be existing employees, or not, are required to disclose whether they are related to an elected member, or are known to the elected member through activities external to the Council such as: local organisations, active in political parties, being neighbours or officers of the Council. In making such disclosures employees and their manager should be very careful to assess the situation so that there is no conflict of interest with the Council's business and integrity. Failure to disclose this will result in disqualification for the appointment and if appointed, liability to dismissal without notice.

Canvassing of Members of the Council by you in connection with any appointment or any matter relating to your job may lead to disqualification and disciplinary action.

6.1 Managers' relationships with their staff

- Close personal familiarity between managers and members of their staff can compromise efficient and proper working, and morale in the workplace. Where such a relationship occurs, the manager must bring it to the attention of her/his Director/Head of Service personally and in confidence.
- Further information on this can be found on the intranet under the “? Managing Relationships at Work June 2014– on the intranet.

6.2 Relationships with Contractors/Consultants

- All relationships of a business, private or personal nature with external contractors/consultants, or potential contractors, should be made known to the appropriate manager.
- Orders and contracts must be awarded on merit, by fair competition, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local

Advice

You should realise that there may be situations in your personal life that may have a bearing on your employment. The Council cannot direct relationships, but you must exercise judgement in your relationships with Members not to create potential compromising situations or conflicts of interests in relation to your personal life or private commercial transactions

community should be discriminated against.

- If you engage or supervise contractors/consultants or have any other official relationship with contractors/consultants and have previously had or currently have a relationship in a private or domestic capacity with contractors/consultants, you should declare that relationship to the appropriate manager. Details should be recorded in the ‘Declaration of Interests Register’ that is kept by Directors.

6.3 Relationships - with Children and Young Persons who are service users

- If you are involved with young people as part of your job, you will need to be aware that your employment imposes on you a general duty of care. It is necessary therefore to maintain an acceptable level of safety at all times.
- The physical proximity between you and young people may necessitate contact from time to time. Since the conduct of young people can occasionally become dangerous, physical intervention may be required which, inevitably, is a high-risk activity. Written guidance cannot anticipate every situation: the sound judgement of you at all times remains crucial.

- Corporal punishment is prohibited in schools, children’s homes, sure start centres, foster placements and in any Council building.
- The use of physical restraint of young people is prohibited except as an act of care not punishment and only in specific circumstances using specific methods but not otherwise.
- Close personal familiarity between you and children can compromise good discipline and may lead to suspicion and allegation of improper conduct.
- If you work with children and young people you must seek advice from your Head of Service about acceptable parameters.
- If you work with children and young people you must familiarise yourself with the Council guidelines “Physical intervention in the Management of Young People”.

All forms of abuse of children and young service users is prohibited. The Council takes the view that the following constitutes abuse.

- **Physical abuse**, including: hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions;
- **Sexual abuse**, including rape and sexual assault or sexual acts to which the young person has not consented, or could not consent, or was pressured into consenting;
- **Psychological abuse**, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks;
- **Neglect and acts of omission**, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating; and
- **Discriminatory abuse**, including abuse that is: racist, sexist, based on a person’s disability, sexual orientation, gender expression, gender identity and other forms of harassment, slurs, or similar treatment.
- **Financial or material abuse**, including: theft, fraud, exploitation, pressure in connection with wills, property or inheritance, or financial transactions, or the misuse or misappropriation of property possessions or benefits

6.4 Relationships with vulnerable adults

“A vulnerable adult” is a person of 18 years or over who is or may be in need of Council services by reason of mental or other disability, age or illness and who is unable to take care of him or herself, or unable to protect him or herself against abuse. Abuse may consist of a single act, or repeated acts.

All forms of abuse of vulnerable adults who are service users is prohibited. The Council takes the view that the following constitutes abuse:

- **Physical abuse**, including: hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions;
- **Sexual abuse**, including: rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent, or was pressured into consenting;
- **Psychological abuse**, including: emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks;
- **Financial or material abuse**, including: theft, fraud, exploitation, pressure in connection with wills, property or inheritance, or financial transactions, or the misuse or misappropriation of property possessions or benefits
- **Neglect and acts of omission**, including: ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating; and
- **Discriminatory abuse**, including abuse that is: racist, sexist, that based on a person's disability, sexual orientation, gender expression, gender identity and other forms of harassment, slurs or similar treatment. Physical restraint of vulnerable adults is prohibited except as an act of care and not an act of punishment.

7. CONFLICT OF INTEREST

“Conflict of Interest” is a shortened way of describing a conflict of personal interest and contractual duty.

Examples

The following are a few examples of the types of interests and influences which could cause a conflict on interest.

- You are a Benefit Officer and deal with benefit application of friends and family.
- You are an Environmental Health Officer and you carry out an inspection (or make decisions on an inspection) involving a restaurant owned by you, your friend or business associate.
- You are buying goods and services and those goods and services are supplied by a supplier owned by you, your friend, family or business associate.
- You have links with an agency and you are employing agency staff.

In all these examples you have a contractual duty to apply Council policy and procedures rigorously but there is a danger that your personal interest would influence your judgement in applying Council policy and procedures.

Some conflicts maybe unavoidable – however, you should always report them to your manager in advance. However public confidence is improved by showing that we have structures and processes, which show openness, sensitivity, challenge and accountability. You are required to implement and comply with these structures and procedures.

Public confidence is further improved by asking certain categories of staff to declare their interest in a written form to their Directors. Employees who are required to register their interest and fail to do so will be subject to disciplinary action.

Where an interest is declared the employee should take no further part in dealing with the matter in which an interest has been declared without specific clearance by their Director.

Under Contract Standing Orders all senior officers and officers involved in contracts should complete a declaration of interest form when they commence employment with the Council, even if there is nothing to declare. The declaration should be made where there is a change in circumstances but in any case every year.

You also have a duty to inform the Council if your spouse, or partner, or other family member, has an interest (direct or indirect) in any contract under

consideration by the Council.

Each Director is responsible for maintaining a register of any declaration given by an employee of the Council of a financial/monetary interest in a contract. These records are available for inspection in accordance with agreed procedures by any Member of the Council.

Information

a financial interest exists if:

- You or any friend, or relation of yours is a member of a company, or other body, with which the contract is made, or is proposed to be made, or which has a direct financial interest in the matter under consideration; or
- If you are a partner, or in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct financial interest in the matter under consideration. If you are married and living with your spouse or partner the interest of one is seen to be the interest of the other if known to the other. For the avoidance of doubt, married persons living together includes partners living together. This also applies to people in a relationship but not living together.

If you have any involvement with outside organisations relevant to your area of employment with the Council, you should not, have any involvement with the affairs of the organisation (i.e. processing, advising on grants etc.). You should declare if you, or your spouse or partner, have an interest in a voluntary organisation, which is being considered for a loan, or grant by the Council, or other ties of which you are aware.

7.1 Employment Outside of the Council

You must not undertake any paid, or unpaid, work if your official duties overlap with your proposed work in a way which will cause a conflict of interest

The Council actively supports unpaid service to voluntary, or other, organisations and welcomes this involvement in Community Affairs. However, it is important that your unpaid service does not affect your job, or the reputation of the Council.

If you are considering taking up additional paid/unpaid employment you must first seek the approval of your Director in writing before taking up the post. Consideration will be given to the effects of such employment on the Council's services and interests.

Private work should not be undertaken for any person, company or contractor who is known by you to have a contractual relationship with the Council, or who is seeking work from the Council.

You are required to be solely occupied during your normal working hours with the business of the Council. No outside or private work of any sort should be undertaken in the Council's normal working hours, nor on official premises - even after working hours. The use of Council facilities (e.g. telephone, PC, email photocopying, typing) or equipment for outside or private work is strictly forbidden as well as incoming calls related to outside/private work.

If you have your own business, or are considering setting up your own business, you must seek the approval of your Director. You should not work in those businesses during working hours.

7.2 Publications, Broadcasts and Lectures and Communications with the Media and Blogs

If you publish or authorise the publication of a book, or make any contribution to a book, which has no connection to your role at the council, you must indicate that the London Borough of Merton accepts no responsibility for the author's opinions or conclusions.

If you are acting as a spokesperson in either a personal capacity, or for outside groups, you should not bring the Council into disrepute by publicising material adverse to the Council or other employees. This is not intended to preclude Trades Unions from pursuing their legitimate industrial relations activities.

All personal information must be treated as confidential and must not be passed to anybody other than when the information is necessary to that person as an employee of the Council, or when proper authority has been obtained to do so from your Director.

Agenda papers must be treated as confidential until they have been published as a formal agenda. At this point they become public documents unless they are marked 'not for publication'. All agenda papers marked 'not for publication' are to be treated as such by you at all times, i.e. both before and after publication of a formal agenda.

If you participate in activities of outside organisations (e.g. professional bodies tenants' association, interest groups) you must not indicate you are representing, or acting, on behalf of the Council unless you have been specifically authorised to do so by your Director.

You must not invite any representative of the media on to any Council premises, unless you have been specifically authorised to do so by your Director and a member of the communications team.

All staff should consult the Communications Team on any media matter. The Communications Team in the Chief Executive's Department, is responsible for liaising with the media, and produce all official press releases and statements made by the council. If you are asked by the media to make comments, you must immediately refer these to the Communications Team and your Director.

If you are asked to give lectures either in your own, or Council's, time on a

subject connected with your official duties for the London Borough of Merton, should seek approval in advance from your Manager. Where the subject is not connected with your official duties no permission is required but should be conducted in your own time and should not be on a subject, which could represent a conflict of interest with your employment with the Council. Any fees received in an official capacity must be declared and paid into the Council's funds.

If you are asked to give lectures during the Council's normal working hours, which are not connected with your official duties, you will be expected to take annual or flexi leave. It is expected that any necessary preparation work for such lectures will be done - unless otherwise agreed - outside the Council's normal working hours.

"Blogging" is the practice of posting a personal diary on a website. The Council does not interfere with individual freedom of expression. However, the Council cautions if you produce a 'blog' which is not authorised and which may identify the Council, council client, Councillor or council officer in derogatory, or non-flattering terms, it will be treated as a disciplinary offence for bringing the Council into disrepute.

Disciplinary action will be considered against you, if you post damaging or offensive messages about other employees, Councillors or the Council on social networking sites such as Myspace, Facebook and YouTube.

7.3 Politically Restricted Posts

The Local Government and Housing Act 1989 puts restrictions on certain local government employees that prevents them from taking part in political activities.

Employees who are Chief Officers or Deputy Chief Officers, and employees who earn the equivalent of PO4 (SCP44) or more a year (excluding London Weighting allowance) or whose duties are considered to be "politically sensitive" (anyone who attends meetings to give advice regularly to members and/or who speaks regularly on behalf of the Council to press or media journalists) even if they earn less than SCP44 a year are prevented from taking part in certain political activities. Such employees are not allowed to:

- stand as a candidate for election as a councillor, Member of Parliament or Member of the European Parliament;
- hold office in a political party (although they can still be a member of a political party);
- canvass either at any election or poll on behalf of a political party or at any election or poll for a local authority, Parliament or the European Parliament; or speak or write publicly on matters of political controversy (i.e. they are not allowed to speak or write in public in a way which appears to encourage support for a political party).

The rules relating to speaking, or writing, publicly are determined by Central Government and the Courts.

7.4 Involvement with Voluntary Organisation Management Committees

You must not, within your official Council duties, serve as a full member of voluntary management committees. Full members are those who fulfil the organisation's criteria for membership, have been elected/appointed onto the management committee and have full voting rights.

You may serve in an official capacity as a co-opted member of a voluntary management committee provided that you have been authorised to do so. Co-opted members are those who do not fulfil the organisation's criteria for full membership but have been appointed onto the management committee because of some assistance and expertise they can bring to the organisation. Co-optees may or may not be able to vote depending on the terms of the organisation's constitution.

If you are serving in an official capacity as a co-opted member on a voluntary management committee and are allowed to vote by the organisation's constitution, you will vote in accordance with Council policy and will provide information to the relevant Director where issues of major policy or contentious issues arise.

You may serve in a private capacity on a voluntary management committee as either a full or co-opted member but you must not allow your private interest to conflict with your duty as a Council officer.

If you have any concerns about potential conflicts of interest you should discuss these with your line manager. The manager will, if necessary, seek advice/approval from the Director of your department and if the voluntary organisation is funded by Merton Council, the approval of the Director of the appropriate funding department.

Examples of possible conflicts of interest may include (but are not limited to):

- engaging in management committee work during Council time or using Council resources;
- serving as a member of a management committee while advising Councillors or other officers on issues related to that (e.g. funding, policy or procedural issues);
- discussing Council business/officers/Councillors in such a way as to unfairly or untruthfully put these in a negative light;
- promoting policies or practices through your position on the management committee which violate Council policies or practice (e.g. equal opportunities policies);
- providing sensitive or confidential information to the management committee obtained in your official capacity as a Council employee.

The responsibility for avoiding conflicts of interest lies with you. While not obliged to inform the Line Manager of your private participation on the management committee of a voluntary your behaviour will at all times be governed by the relevant provisions of the Contract of employment and the National Joint Council Conditions of Service for Local Authority Employees known as the Green Book.

8. Summary and Review

This code of conduct outlines the standards of behaviour expected of you whilst employed by Merton Council and it is important that you understand the implication of the Code for our work. If your standard of behaviour falls below that outlined in the Code, it could have a serious impact on the quality of services provided to Merton residents, or to the Council's image as a service provider and employer. Breaches of the Code could have serious consequences and may result in action being taken under the Council's disciplinary procedures, including the possibility for the contract of employment to be terminated.

Review

This document will be reviewed regularly with the involvement of all stakeholders.

Other policies that fall under this code include:-

Health and Safety Policy

http://intranet/guidance_on_the_corp_hsw_policy_2008.doc

Non Smoking Policy

<http://intranet/pdf-nosmokingpolicymar06.pdf>

Substance Misuse

To be included on completion of revised document

Data Protection Policy

http://intranet/data_protection_policy-4.pdf

ICT Policy

<http://intranet/it-policy>

Equality & Diversity

http://intranet/equality_diversity_policy_oct_2004-2.pdf

Attendance Procedure

http://intranet/attendance_policy_oct_2007.pdf

Staff Relationship Policy

http://intranet/managing_relationships_at_work_june_2014.doc

Employee's Summary of the Code of Conduct

Introduction

The code applies to all Council employees without exception. The Council also expects the same standards of behaviour from non-employees who are engaged (e.g. agency workers) or contracted by the Council

1) Equality and Diversity:

We expect – you to deal with our customers, 'contractors/suppliers', 'partners' and each other with respect, regardless of differences

You must– promote and comply with the Council's equality and diversity policy at all times in your work

2) Attendance

We expect – you to attend for work on time and have a good attendance record

You must– follow the Council's sickness reporting procedure

3) Dress code

We expect – you to be safely and appropriately dressed for your job

You must– make sure you are dressed to do your job properly and professionally

4) Personal finance

We expect – you to pay your council tax on time, and talk to your line manager if your personal finance could affect your work with the council.

You must – be honest (when claiming any benefit or personal entitlements)

5) Information Technology

We expect – you to use the Council's information technology systems in a professional and appropriate way to do your job

You must– follow the Council's ICT policy <http://intranet/it-policy> and if in doubt speak to your manager and/or the IT division

6) Telephone Use

We expect – you to follow the Council's ICT policy on the use of telephones for personal calls.

You must– only make personal calls from landlines and mobiles in an emergency or for urgent personal requirements.

7) Gifts and Hospitality

We expect – you to inform your manager if you are offered or provided with any gift or hospitality, as a result of your work for the Council.

You must– not accept gifts or hospitality, without the agreement of your Manager. Any gifts or hospitality offered or received should be recorded in the gifts/hospitality register, located with the Director's Personal Assistant.

8) Employment outside the Council

We expect – when you are being paid to work for the Council, you not to be doing any other activity for financial reward.

You must– speak to your Head of Service if you wish to undertake additional employment or business activity outside your contractual hours.

9) Conflict of interest

We expect – you to be honest at all times when applying Council Policy and Procedures.

You must– not let your personal interest influence you when applying Council Policy and Procedure and declare/report to your Director, all private interests you have that may conflict with your work for the Council.

10) Publications, broadcasts and communications with the Media.

We expect – you to treat all personal information as confidential and not to misuse any confidential information or forward it to any person unless proper authority has been obtained.

You must– contact the Communications team on any media matters before speaking to any representatives of the media and contact the Data Protection team for advice on information that may be divulged.

11) Disciplinary Rules

We expect – you to behave in a professional manner, maintaining a high standard of behaviour at all times complying with the Council's rules.

You must– be familiar with the Council's disciplinary rules and standards required of staff.

The Council's disciplinary procedure can be found on the intranet under http://intranet/disciplinary_oct_2007.pdf

"This summary code is explanatory only and the full details of the code can be found as an appendix to the disciplinary procedure. You must refer to the detailed version of the code at all times.