



CODE OF CONDUCT **FOR** **EMPLOYEES**

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CODE OF CONDUCT FOR EMPLOYEES

This document outlines the standards of conduct expected from employee's non-compliance with this Code of Conduct. The Code cannot cover examples of every specific instance which may arise in the course of employment but sets out the general and in some cases the specific standards which are to be met by all employees.

The Code of Conduct applies equally to all employees irrespective of their role, grade, or status. Certain aspects of the Code e.g.; Political Restriction, will however have more particular relevance to senior or other designated employees.

Elements of the Code apply to employees who are seconded to other organisations and will be applicable to individuals seconded to Merseyside Waste Disposal Authority (The Authority).

Agency staff or staff engaged under partnership arrangements will be expected to be familiar with the content of this Code of Conduct and undertake their duties in compliance. For the purpose of this document the term "employees" is inclusive of these individuals.

Employees in the Local Government Service are bound by certain rules and regulations, in some instances, by legislation, in others by Conditions of Service and the Constitution and Procedure Rules, and all by the terms of their individual contract of employment.

Local Government is a public service, and it is important that every employee conducts themselves in a manner which is beyond reproach and can be defended in the face of public criticism.

1.LINKS TO ASSOCIATED PROCEDURES

The Code of Conduct has been developed to be used as a general guide and will have links to other associated procedures that may also regulate or guide the standards of conduct expected of employees. There are numerous procedures within Human Resources, Health and Safety, Finance, Information Technology, Service Standards, Authority Constitution and Procedural Rules, Procurement and Equalities that will have close links to this Code of Conduct.

2. STANDARDS

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Employees in Local Government are expected to give the highest possible standard of service when dealing with the public and other organisations. Where it is a part of employees' duties to provide advice to Elected Members or other employees this should be done appropriately and with courtesy and impartiality.

Employees should bring to the attention of their Director, Assistant Director or Section Manager any deficiency in the provision of a service which they feel could be properly eliminated or improved, any impropriety or any breach of procedure.

3. PROFESSIONAL STANDARDS

There is an obligation on all employees to adhere to rules and standards set by relevant professional bodies or institutions which govern the conduct of their members. Employees who are members of a professional body should offer advice and carry out their duties in accordance with the professional standards of appropriate body or institution. In some circumstances however, the Authority may determine its own standards which may complement or exceed those set by other bodies.

4. POLITENESS AND COURTESY

People generally respond positively to courtesy, and are more willing to co-operate. This can reduce tension and assist employees to do their job more efficiently. Being polite and courteous also reduces the risks of assault. It is expected that employees conduct themselves with politeness and courtesy when dealing with colleagues, partners, service users of Authority facilities and visitors to the Authority at all times.

5. IDENTIFICATION

Employees should wear identification badges at all times during working hours unless official exemption has been given due to the nature of their work. When answering the telephone employees should use the correct salutation in accordance with the Authority's customer care protocol.

When visiting on business employees should state who they are, where they are from, the purpose of the visit, and the expected or approximate duration of the visit. A warrant or right of entry documentation should be shown when required.

If possible or practicable employees should make arrangements in advance of visits especially where elderly or infirm clients are involved. Employees should always inform their manager, a colleague or appropriate person of the arrangements for outside visits in case of emergency.

In certain circumstances it may be necessary to ensure such visits are in the presence of another employee.

6. IMPLIED CONDITIONS OF THE CONTRACT OF EMPLOYMENT

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Implied terms in any contract of employment are those aspects of it which are not prescribed in some specific way or other (i.e. in writing or in some oral form) which are intended to be binding on both the employer and employee but which form part of the contract.

The main implied terms which affect employees are:

The Duty of Fidelity

The expected loyalty of employees to the employer in the carrying out of a 'contract' to ensure there is no deliberate or negligent actions or omissions which could damage the business prospects or reputation of the Authority or in any way bring the Authority into disrepute.

Such actions could include improper behaviour when on Authority business, using information obtained through employment with the Authority to benefit self/another organisation, or to damage the integrity of the Authority.

The Relationship of Confidence and Trust

Any conduct or action which is likely to destroy or seriously damage the relationship of confidence and trust which must exist between the Authority and its employees will be in breach of this term.

Conduct which brings the Authority into disrepute could include actions committed outside work which has a bearing on employment e.g. fraud or theft.

Duty of Care

Every employee has a duty of care towards the Authority.

Care in this instance is defined as the requirement for employees in their particular occupation to utilise their skills, ability and knowledge (for which they are employed) to the best interest of the Authority.

7. MANAGERIAL RESPONSIBILITIES

Managers at whatever level in the organisation, have particular positions of trust greater than employees without these responsibilities. Terms detailed or implied in their contracts of employment place additional emphasis on behaviour and responsibility. Managers should therefore, set an example to other employees in observing the rules and practices of the Authority.

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Obligation to Serve Faithfully

Managers are entrusted to exercise discretion and judgement when carrying out their duties.

When exercising discretion managers must have full regard to the Authority's legal obligations, Procedure Rules, rules of employment and expected standards of conduct and behaviour as they apply to their particular work area.

The contract of employment between Officer and the Authority is breached when managers commit or omit an act, not in the honest exercise of discretion or choice, but in order to disrupt or inconvenience the Authority's business.

Duty to Disclose

All managers are responsible for monitoring the conduct of employees under their control. Where there appears to be evidence of a serious breach of the contract of employment on the part of an employee or employees then managers have a duty to disclose such a breach to their relevant senior manager in order that the appropriate action may be taken.

8. CONFIDENTIALITY AND TRANSPARENCY

Employees who are responsible for information relating to customers and / or service users must maintain the confidentiality of such information. All paper and electronic information collected must be held in a secure and confidential environment and managed in accordance with relevant codes of practice.

Certain information must by law be open, e.g. under Section 100D of the Local Government Act 1972 and under the relevant statute or common law information must be made available to Elected Members, District Auditors and or the Public, There are also obligations to disclose information under the Freedom of Information Act 2000.

Employees who are requested to provide information to any of these parties, must seek clarification in the first instance from their manager who may refer the matter to the Authority's Legal Officer for advice.

9. POLITICAL NEUTRALITY

The Authority is the employer and requires employees to implement its policies.

This must be done equitably and employees must not allow personal or political opinions to interfere with the duty to implement the lawful policies of the Authority.

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Where employees are expected to advise Elected Members, they are required to conform to this Code of Conduct.

10. POLITICALLY RESTRICTED POSTS

Under the Local Government and Housing Act 1989, Local Authority employees holding politically restricted posts (as defined below) are disqualified from elected membership of any Council (other than a Parish Council), from being an MP or an MEP or to hold office in a political party. Neither must employees canvass at any election or poll and/or speak or write in public in a way which can be construed to affect public support for a political party.

The posts under this restriction are:

- a) The Chief Executive of Waste Disposal and Directors
- b) All posts graded at spinal column point 44 (or equivalent) salary and above;
- c) All posts which meet the duties-related criteria for determining a “sensitive” post irrespective of remuneration level. These posts are defined as those which;

-give advice on a regular basis to the Authority, to any committee or sub-committee of the Authority, to any joint committee on which the Authority are represented.

-speak on behalf of the Authority on a regular basis to journalists and broadcasters

Employees who wish to apply for exemption from these restrictions should formally consult both the Chief Executive and the Assistant Corporate Services Manager.

11. RELATIONSHIPS

Elected Members

Both Councillors and Authority Employees are servants of the public, and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Authority Employees are responsible to Merseyside Waste Disposal Authority. Their job is to carry out the Authority’s work under the direction and control of the Authority, the Chief Executive and, Committees and sub-committees.

Mutual respect between Councillors and Authority Employees is essential for good local government. Close personal familiarity between individual Councillors and Authority Employees can damage the relationship and prove embarrassing to other Councillors and Authority Employees.

It is important to realise that local government employees should not use personal relationships with Elected Members to influence or attempt to influence any decision

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making process of the Authority or to interfere with the proper implementation of Authority decisions. Nor should Elected Members use personal relationships with employees to interfere with or gain advantage over the proper running of the local government service.

In the case of the Chief Executive any relationships of the above type must be reported to the Authority.

Contractors and Suppliers

Relationships that exist or have existed between Officers with contractors or suppliers, or with potential contractors or suppliers, whether financial or non-financial must be declared. Contractors and suppliers must be dealt with in a fair and equitable manner and no advantageous, disadvantageous or prejudicial treatment given to individuals. This is in addition to the statutory responsibilities of all Authority Employees under the provisions of Section 117 of the Local Government Act 1972

Employees who engage or supervise contractors or suppliers and are involved with suppliers or contractors with whom they previously had or currently have a relationship in a private or domestic capacity must declare that relationship (as soon as they become aware of it), in writing to the Chief Executive.

Contractors and suppliers must not be used in a private or domestic capacity by any employee who has had or is having an official relationship with the contractor or supplier where the employee may benefit from that relationship. If any relationship becomes unavoidable, for example if the domestic relationship preceded the Authority's business relationship then the circumstances of the private or domestic relationship must be declared to the Chief Executive using the appropriate form i.e. Registration of Personal Interests.

Contractors and suppliers of the Authority must not be approached by employees in any capacity, to provide goods and services at preferential rates by virtue of employees' dealings on behalf of the Authority. This does not apply to employees purchasing goods or services at normal rates from Authority suppliers in their capacity as a member of the public.

Exceptions to the above are those organisations who have been approved or authorised by the Authority to offer preferential rates for their goods and services to all employees of the Authority.

Appointments/Promotion/Discipline

Appointments or promotions must be made in accordance with the Authority's Recruitment, Selection and Retention Policy. Employees involved in these processes must declare to their manager any personal, social or other relationship with any candidate over whom a decision is required. It is unlawful to make an

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appointment based on anything other than the ability of the candidate to undertake the duties of the post.

Candidates for all appointments are required to disclose on their application forms whether they are related to any Elected Councillor or employee of the Authority.

All employees graded above scp 28, or who receive a rate of pay in excess of that must disclose to their manager any relationship known to exist between themselves and any candidate for appointment with the Authority.

Similarly, irrespective of an employee's grade, caution and judgement must be exercised if they are involved or potentially involved in decisions relating to Human Resources Procedures which involve another employee with whom they have a personal, social or other relationship.

Management / Staff /Private Business Relationships

Given the wide range of skills of Authority employees, there may be occasions when employees carry out private work for other employees either on a voluntary or paid basis. This is generally, but not exclusively within technical or craft areas (e.g. bricklaying, joinery, plumbing, building drawings, gardening etc). The above of course is subject to employees complying with their obligations contained elsewhere within the Code of Conduct.

However, problems could occur if employees undertake work or activities of this kind for managers. Such relationships may influence a manager's judgement in relation to employment matters or be perceived by others as doing so.

Managers should therefore not have staff undertake private work for them.

12. DATA PROTECTION

Under the Data Protection Act 1998 employees have a legal obligation to safeguard personal data in their care and treat it in accordance with the provisions of the Act.

All personal information which is held and accessed in the course of employees' duties must be treated as confidential. It must not be disclosed to a third party without authorisation or permission of the party concerned. Employees must abide by the Authority's Data Protection policy and other relevant codes of practice in relation to data held about service users, employees or members of the public.

12. OUTSIDE COMMITMENTS / ADDITIONAL EMPLOYMENT

Employees graded above spinal column point 28 or who are above that corresponding pay level must not engage in other employment or engage in any other business without the express permission of the Authority.

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Ordinarily, employees graded below scp 28 do not have to seek permission to engage in other employment or other business. However, the Authority subscribes to the Working Time Regulations (1998, as amended) and will take an interest in the number of hours that employees work above those contracted to the Council. The Council's Working Time Policy statement requires employees to notify their manager of any additional work undertaken. Managers will be expected to monitor the number of hours employees work within this category and should bring any issues they feel appropriate to their own manager, Chief Executive or The Assistant Corporate Services Manager.

The Authority also has a duty of care to its employees and recognises that working excessive hours may be a contributory factor to employee's ill health and may have an adverse effect on their ability to perform their substantive duties at the Authority.

All employees irrespective of grade or status must not involve themselves in any organisation or business on a regular or casual basis, which carries out work on behalf of the Authority or on Authority property, nor must they hold any financial or business interest in any such organisation. In addition, if family are so involved then the family and business relationship must be declared to the Chief Executive using the appropriate form i.e. Registration of Personal Interest.

If clarification is required on this matter then advice should be sought from the Assistant Corporate Service Manager and if necessary discussed with the Chief Executive, and, the relevant Director.

Guidance is available at paragraph 22 of this Code of Conduct should employees seek to engage in outside commitments / additional employment.

14. REGISTRATION OF PERSONAL INTERESTS

Senior Officers (Director and above) must make an annual declaration of any personal interests they may have. Senior Officers will be expected to make a declaration annually, even if it is simply to formally state that they have no interests to declare.

In addition certain Senior Officers as deemed appropriate by the Chief Executive will also be expected to make similar declarations. These declarations will be from Senior Officers involved in the procurement function, dealing with contractors or suppliers or those involved in sensitive dealings with the public.

All employees irrespective of grade or status must declare to the Chief Executive any interest that could bring about conflict with the Authority's interests e.g. acting as a school governor or involvement with any organisation or pressure group which may seek to influence the Authority's policies, and/or seek funding grants.

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All employees irrespective of grade or status must declare any financial interests in organisations which could conflict with the Authority's interests.

Employees who are members of organisations not open to the public and which have secrecy about rules, membership or conduct, must declare this membership to the Chief Executive, using the appropriate form i.e. Registration of Personal Interest.

In the case of the Chief Executive any personal interests of the above type must be reported to the Clerk to the Authority.

Guidance is available at paragraph 22 for employees wishing to register a personal interest.

15. USE OF AUTHORITY PROPERTY OR FACILITIES

Employees must not remove or use Authority property or facilities for personal requirements or for the benefit of others where the work of the Authority is not involved.

Use of Authority buildings or property outside your normal duties and hours of work must be fully authorised and open to security.

Employees must not conduct business or work connected with an outside business or organisation during Authority time. Employees must not involve colleagues or request them to carry out such work.

16. COPYRIGHTS, DESIGNS AND PATENTS

Any inventions, creative design, writing or drawings which are produced as part of normal duties or as an obligation are the property of the Authority and must not be passed to outside organisations or persons.

Employees must not market or sell any invention, creative design, writing or drawing which has been produced or used during their period of employment with the Authority.

17. EQUALITY ISSUES

All employees have an obligation to ensure that they comply with the requirements of the law and Authority policies relating to equality and respect at work.

18. INVOLVEMENT IN THE TENDERING PROCESS

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Employees involved in the tender process for Authority services or in the procurement of goods and services should fully understand the current Authority's procedures and practices and be conversant with the Authority Procedural Rules. If employees are unclear, they should seek guidance from their manager.

Employees, when dealing with customers, suppliers, contractors and sub-contractors, must do so in a fair and impartial manner

Employees who are privy to confidential information on tenders or costs for either internal or external contractors or suppliers must not disclose that information to unauthorised parties or organisations.

You must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

If a contract in which you have a pecuniary interest, whether direct or indirect not being a contract to which you are yourself a party, comes before the Authority, you must give notice of your interest at the earliest opportunity on the appropriate form.

In the case of the Chief Executive any interest of the above type must be reported to the Authority.

19. CORRUPTION

It is a criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for providing or not providing anything or showing favour or disfavour in their official capacity to any person.

20. FINANCIAL RESOURCES

Employees who are responsible for financial resources of the Authority must ensure that they are used in a responsible and lawful manner, thus ensuring Best Value to the taxpayer and avoiding legal challenge to the Authority.

Employees must ensure that all Authority Standing Order and Procedural Rules are observed when handling or dispensing financial resources.

21. HOSPITALITY AND GIFTS

The circumstances surrounding the provision and receipt of gifts and hospitality area sensitive issue in all aspects of the public service. For obvious reasons employees should exercise extreme caution when offered any form of gift or hospitality

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connected to their duties. The following set out some guidelines but it is essential that employees seek the earliest clarification from their manager before acceptance if there is any doubt.

HOSPITALITY

Official Hospitality

Some Officers will be expected to attend official functions and events on behalf of the Authority and sometimes will accompany Elected Members. It is the norm that hospitality will be provided by the host and it is quite acceptable and proper that this reasonable hospitality be accepted and there is no requirement for the officer to declare it.

Hospitality at Conferences, Seminars / Training Courses

A part of some officers' professional duties will be to attend conferences, seminars, briefings etc. As part of the fee, which is usually paid by the Authority, hospitality will be offered in the form of lunches, dinners or receptions. Provided that this is an integral part of the event there is no requirement to declare this.

At certain events organisations may provide hospitality over and above that included in the fee. This hospitality may be open to all or by select invitation. As a rule employees should declare all hospitality offered over and above that included in the event fee albeit this may be in retrospect.

Day to Day Working / Hospitality

During officers' day to day business it is possible that an offer of hospitality will be made. This hospitality usually takes the form of refreshments. In these situations officers should exercise caution and professional judgement without causing offence to the other party.

Private / Recreational Hospitality

Hospitality may be offered to officers by organisations with speculative or established links to the Authority. This hospitality usually has a recreational base and includes golf events, football / rugby/ cricket games, theatre tickets, holidays, spa days etc., but could also extend to invitations to dinners and or events organised by institutions or consultants. This type of hospitality must be declined, and declared.

All declared hospitality or offers of hospitality will be recorded in the central register in the Corporate Services Section.

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Declaration of Hospitality

To declare details of hospitality you should complete form DA1 as soon as possible. The form is available from the Corporate Services Section.

Details of hospitality (accepted or declined) will be entered into a register which will be maintained by the Corporate Services Section Resources. The record of hospitality which is declared or declined should be sent to the Corporate Services Section. If possible a value of the hospitality should be provided. Employees should always inform their Line Manager accordingly.

Gifts to Employees

With the exceptions outlined below employees are not permitted to receive gifts in their capacity as employees of the Authority. These include gifts for work undertaken, speaking engagements, gifts from organisations with links to the Authority, gifts provided at seminars / conferences, competitions connected to the employees work, etc.

Promotional gifts of insignificant value (e.g. pens, diaries, key rings, calendars etc.) are acceptable and employees will not be required to declare these.

Individual employees or the section within which they work, may also receive gifts from current and former colleagues. These gifts are usually in the form of souvenirs, flowers, confectionery, wine etc. These gifts are acceptable and there is no requirement to declare them.

All other gifts should either be declined or where this is not practical, declared to the Corporate Services Section who will arrange for the gift to be donated to an appropriate charity. Acknowledgement will be sent to employees declaring the gift or item.

Employees are reminded in all cases that where there is any doubt then guidance should be sought from the Assistant Corporate Services Manager, Line Manager or Chief Executive.

In the case of the Chief Executive any uncertainty as to the acceptability or otherwise of offers of hospitality should be discussed with the Clerk and Solicitor to the Authority.

22. REGISTERING A PERSONAL INTEREST / APPLICATION FOR PERMISSION TO ENGAGE IN OUTSIDE COMMITMENTS / ADDITIONAL EMPLOYMENT

Employees registering an interest or applying for permission to engage in outside commitments or additional employment should do so on the appropriate form which is obtainable within the Employee Handbook, the Authority Intranet or from the Corporate Services Section.

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In all cases employees' applications to engage in outside commitments or additional employment will be considered by and commented on in the first instance by the Director and Section Manager. This will then be submitted to the Chief Executive who will approve or disallow the request. The decision will be relayed to the employee in writing. Until such confirmation is received no commitments should be entered into.

Employees registering interests will receive acknowledgement and notification of specific action required to be undertaken in accordance with this Code of Conduct.

23. RECONSIDERATION

If employees are dissatisfied with the response of the Chief Executive then they may write to the Chief Executive requesting reconsideration of the issue. This should include any further evidence that may assist the Chief Executive.



Code of Conduct for Employees

Registration of Personal Interests

Guidelines for Employees

The Authority cannot restrict nor would it wish to restrict members of an employee's family from being involved with organisations that conduct business or are associated with the Authority.

The purpose of a declaration in such an instance is to show transparency in the relationship between the Authority, the organisation and the employee. Where necessary, steps will be taken to ensure that the employee concerned is not involved in any Authority processes relating to the specified organisation. Employees should carefully read the Code of Conduct for Employees and seek guidance as necessary.

Employees who carry out any form of public duty e.g. elected member of another authority, serve on an N.H.S. Trust Board, act as a Justice of the Peace or school governor etc. must declare this fact. Similarly employees who are involved with any organisation which is sponsored by or receives donations from the Authority, or which sponsors the Authority must also declare these facts.

The aim of these declarations is not intended to restrict employees' personal life but to protect their interests as a Authority employee against any allegations.

Process

1. Obtain the Form from the communal drive/employee handbook or the Assistant Corporate Services Manager.
2. Complete the form and return it to the Assistant Corporate Services Manager.
3. If necessary Employees, Chief Officers or the Assistant Corporate Services Manager will see clarification of any information given.
4. Employees will receive written acknowledgement of their declaration with any advice for compliance with the Authority's Code of Conduct for Employees.

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Code of Conduct for Employees

Registration of Personal Interests

Use only one form per declaration. For further declarations, use a separate form. Please complete and return this form to the Assistant Corporate Services Manager.

Surname: _____ Forename(s) _____

Job Title: _____ Section _____

Name of organisation in which you have an interest:-

Nature of organisation:-

How are you connected to the Organisation?:-

If and how is the organisation related to the Authority?:-

Are you involved with any Authority processes that may involve the organisation?:-

Signed: _____

Date: _____

THANK YOU FOR DECLARING AN INTEREST

Chief Officer: _____

Date: _____

Comments:

Entered in the Authority's Register of Declaration of Interests.

Acknowledgement Sent: _____(Date)

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