

# Officers' Code of Conduct

## Contents

[Introduction](#)

[Status of the Code](#)

[Scope](#)

[Our Values](#)

[Equality, Diversity and Inclusion, and Human Rights](#)

[Climate and Environmental Considerations](#)

[Relations with Members of the Council, Public and Other Officers](#)

[Health and Safety](#)

[Prevention of Fraud and Corruption](#)

[Political Neutrality](#)

[Conduct in Public and Written Protests in the Public Arena](#)

[Use of Social Media Sites](#)

[Proper Use of Council Resources](#)

[Use of Technology, Electronic Devices, Internet and Email](#)

[Intellectual Property and Copyright](#)

[Confidentiality](#)

[Freedom of Information and Environmental Information Requests](#)

[Data Protection](#)

[Private Interests](#)

[Secondary Employment](#)

[Gifts and Hospitality](#)

[Involvement in Other Organisations](#)

[Company Appointments](#)

[Relations with Contractors or Suppliers](#)

[Appointment of Officers](#)

[Mandatory eLearning Modules](#)

[Raising Concerns at Work - Grievances and Whistleblowing](#)

[Investigations by the Council's Monitoring Officer](#)

[Trade Unions](#)

[Leaving the Council](#)

[Review of the Code](#)

[Appendix – Definitions and FAQ](#)

## Introduction

1. Every officer is vital to delivering the council's vision of being an employer, partner and place shaper of choice. An officer's role is to serve the council in delivering services to the local community, providing advice, and implementing its policies. In performing these duties, officers must act with integrity, honesty, impartiality and objectivity.
2. The Seven Principles of Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all people appointed to work in local government. All public office-holders are both servants of the public and stewards of public resources. [The Seven Principles of Public Life](#)
3. The public is entitled to expect the highest standards of conduct from all Oxfordshire County Council officers. Officers must act in accordance with the principles set out in this code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law for the benefit of the community that they serve.
4. Officers should ensure that their conduct:
  - a) is never influenced by personal gain;
  - b) does not give anyone reason to question their motives; and
  - c) is always in line with the council's policies and procedures.

## Status of the Code

5. The Officers' Code of Conduct sets out the minimum standards that apply. It may be supplemented and clarified by service specific guidance or professional codes, where necessary. The aim of the code is to lay down guidelines for council officers that will help maintain and improve standards and protect officers from allegations or criticism that are grounded in misunderstanding or confusion.
6. This code is not intended to cover day to day work conduct, performance or attendance issues which are covered by the relevant employment policies. Where the council has a policy or protocol that provides more detail on specific issues, the name of the policy or protocol is provided at the end of a section, along with a weblink to the full document(s) on the council's intranet.

## Scope

7. This code covers all employees, who are collectively referred to as officers throughout this code (except school employees who are subject to their own professional code of conduct and their school's board of governors), under a contract of employment with Oxfordshire County Council, and includes those who are permanent, temporary, part-time, or casual. The code also covers

agency workers and contractors working for, or on behalf of the council, though not directly employed by the council (including sole traders/individuals who are supplying their personal services but not deployed via a contract of employment).

## **Our Values**

8. The council's values underpin how officers serve the people of Oxfordshire and how they work and behave with each other.
9. These organisational values guide all dealings with colleagues, service users, partners, and the public. They are the foundation for every behaviour, decision and action.
10. The council's values are:
  - Always learning;
  - Be kind and care;
  - Equality and integrity in all we do;
  - Taking responsibility; and
  - Daring to do it differently.

## **Equality, Diversity and Inclusion, and Human Rights**

11. The council recognises the contribution that every officer makes, values individual differences, and encourages respect for all. There is a clear obligation on officers to ensure that any action they take falls within the Equality and Human Rights framework and is a proportionate response to the objectives they are seeking to achieve.
12. The Including Everyone: Equalities, Diversity and Inclusion framework sets out the council's approach to providing inclusive services and equitable support to its residents. From ensuring that colleagues and workplaces reflect the diversity of the communities they serve, to ensuring equitable and transparent access to services and information, the council ensures that the voices of its residents are heard and are central to the decisions it makes, and direction taken.
13. The council also recognises that all individuals have fundamental human rights and therefore adopts a right based approach to equality. Under the Human Rights Act 1998 officers have an obligation to ensure that service decisions are made with reference to a person's basic human rights such as the right to privacy and family life, the right to a fair hearing and the right not a suffer degrading treatment.

## Climate and Environmental Considerations

14. Officers must be aware of the council's ambition for its operations to be at net zero carbon emissions by 2030 and for the county to be net zero carbon emissions as early as possible in the 2040s. This impacts on ways of working and behaviours as the council and its officers strive to be leaders and positive examples in the community. It is the responsibility of all officers to conserve energy, reduce waste, prioritise sustainable travel options and consider sustainability when procuring goods and services. Managers have the responsibility to encourage and facilitate sustainability and carbon reduction within their teams.

## Relations with Members of the Council, Public and Other Officers

15. The council frequently works in partnership with other organisations, both in the public and private sector. It is therefore vital that all officers conduct themselves in an exemplary manner, aligned to the council's values, in all aspects of their work, and in particular:
  - a) Officers should deal with the public, members, and other officers sympathetically, efficiently, with courtesy and respect, and without bias;
  - b) Mutual respect between officers and members is essential to good local government, and working relationships should be kept on a professional basis. Close personal familiarity between individual members and officers can damage the principle of mutual respect, lead to suspicions of favouritism, and undermine public trust in the council, as such it should be avoided;
  - c) Where a close personal relationship exists between a member and an officer, such as an officer is related to a member, this must be declared to the line manager/Director in writing;
  - d) Officers should be aware of any potential conflict where they have personal relationships with other officers and should ensure this is declared to their line manager so that a risk assessment can be conducted;
  - e) Officers should always treat other officers with dignity and respect, creating an environment where bullying, harassment (including sexual harassment) and discrimination is not tolerated.

Further guidance and information can be viewed in the council's [Protocol on Member/Officer Relations](#) in the council's constitution, the [Dignity at Work Policy](#) and the [Conflicts of Interest - Declaring & Registering Interests Policy](#).

## Health and Safety

16. Officers must take reasonable steps to protect their own health and safety and that of other people who may be affected by their work and anyone with whom they come into contact at work. Some officers, particularly managers, have specific responsibilities and these are detailed in the council's safety policies and procedures.
17. Officers are expected to cooperate with and support managers in meeting their health and safety responsibilities, including reporting any health and safety problems or deficiencies, and any accident, incident, near miss or work-related illness, as soon as possible.

The Council's [Health and Safety](#) SharePoint provides further information.

## Prevention of Fraud and Corruption

18. Officers have an important role to play in relation to protection against fraud and corruption. Officers should report any concerns associated with the council's finances, resources and responsibilities, to their line manager or another senior officer. Concerns can also be reported directly to the fraud team at [fraud@Oxfordshire.gov.uk](mailto:fraud@Oxfordshire.gov.uk) or, if appropriate to [whistleblowing@oxfordshire.gov.uk](mailto:whistleblowing@oxfordshire.gov.uk).
19. Bribery is the act of offering money or other incentives to persuade somebody to do or not to do something, especially something dishonest or illegal. The Bribery Act 2010 makes it an offence for UK citizens and residents to pay or receive a bribe either directly or indirectly. This includes transactions that take place in the UK and abroad, and in both private and public organisations.
20. Officers must be aware that it is a serious criminal offence to corruptly 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. If an allegation is made, it is for the officer to demonstrate that any such rewards have not been corruptly obtained.
21. Where relatives or partners work for the council arrangements must be made to ensure that there are clear controls in place to manage and avoid any conflict of interest.

The council's [Anti-Fraud and Corruption Strategy](#), [Anti-Bribery Policy](#), [Conflicts of Interest - Declaring & Registering Interests Policy](#) and the [Gifts and Hospitality Policy](#) offer further guidance.

## Political Neutrality

22. Officers serve the council as a whole. It follows they must serve all members and not just those of any single political group and must ensure that the individual rights of all members are respected. Some officers may also be required to advise political groups. Officers must do so in a manner that does not compromise their political neutrality.
23. The Local Government and Housing Act 1989 placed restrictions on the political activities which some local authority employees could undertake. Politically restricted posts fall into two broad categories: specified posts and sensitive posts.

### Specific posts:

- a) Chief Executive;
- b) Statutory Chief Officers: Director of Children's Services, Director of Adult Social Services, Chief Fire Officer, Chief Finance Officer (Deputy Chief Executive (S.151 Officer)), and Director of Law & Governance and Monitoring Officer;
- c) Directors;
- d) Deputy Chief Officers, Deputy Chief Fire Officers (deputy and assistant directors);
- e) Officers exercising delegated powers (Constitution Part 7.1), through the Schemes of Delegation.

### Sensitive posts:

A sensitive post is one which meets one or both of the following duties:

- f) Giving advice on a regular basis to:
    - (i) The council itself, any committee or sub-committee of the council, any joint committee on which the council is represented; or
    - (ii) The Cabinet, any committee of the Cabinet; any member of the Cabinet who is also a member of the council;
  - g) Speaking on behalf of the council on a regular basis to journalists or broadcasters.
24. This restriction includes a prohibition on public acts in support of a political party such as canvassing and speaking or writing publicly in a personal capacity on subjects that are politically controversial, but other public protests can be made in the same way as other officers. If an officer is in any doubt, they should discuss any planned attendance at a protest with their line manager, in advance of the event.
  25. Whether or not the post is politically restricted, officers must not allow their own personal or political opinions to interfere with their work.

The [Protocol on Member/Officer Relations](#) in the council's Constitution offers further guidance.

### **Conduct in Public and Written Protests in the Public Arena**

26. Officers should always act in a manner that will not bring the council into disrepute and not harm its reputation, for example not expressing publicly personal views which conflict with the policies of the council or which damage the reputation of the council. If officers attend lobbies or rallies (including trade union meetings) they should not display abusive, inflammatory and/or inciteful posters or other material. If officers are unsure on this point, they should seek guidance from their line manager or trade union representative. Officers should not wear council uniforms/lanyards at public protests without the consent of their line manager.
27. If officers publicly express views as a trade union officer these should be clearly acknowledged as the views of the union so that there can be no confusion with the views of the council.
28. If officers wish to protest against council policy, they must not use the council's headed stationery or council email account, work time or council facilities to do so and if they write to the press or otherwise publicise their personal views, such as on social media, they must be careful not to imply that they are speaking on behalf of the council.

### **Use of Social Media Sites**

29. Social media plays an important role in engaging with residents, businesses, and partners, and can significantly help the council facilitate two-way communication with a broad group of key stakeholders.
30. Officers must not allow their professional and personal use of social media sites to become blurred; they need to be mindful of their duties not to:
  - a) Disclose council information without authority;
  - b) Take part in any political or public activity, which compromises or might be seen to compromise an officer's impartial service to the council and its stakeholders;
  - c) Make derogatory comments about the council, its policies or procedures;
  - d) Make derogatory comments about other council employees, councillors or stakeholders;
  - e) Continue to engage with others who become abusive or aggressive.
31. Once items have been posted to the Internet, it is very difficult to remove them, therefore great care must be taken before officers press the submit button.
32. If officers have any concerns, they should consult with their line manager for advice or authorisation.

33. It is important that officers are aware that submitting any content or comment to social media sites, whether in a personal or professional capacity, which is considered to be derogatory or inappropriate may result in formal action being taken against them.

The council's [Social Media Policy for Staff and Members](#) offers further guidance.

### **Proper Use of Council Resources**

34. The council is responsible for the efficient use of the public resources it controls including financial resources, equipment, electronic devices, and its staff. Officers must not use council premises, property, vehicles or other council facilities unless authorised to do so. All officers are responsible for the safe keeping and proper care of any council property or equipment that they use in the course of their work.
35. Officers must not undertake private work or activities during their council working hours or use council premises, property or facilities for private work or activities. Some facilities, such as photocopying, may be made available to officers for private use on agreed terms and with prior approval.
36. All officers have a duty to abide by the highest standards of probity in dealing with financial issues and adhere to the Financial Procedure Rules and Financial Regulations. Officers should assist the council in discharging its obligations to follow proper accounting practices and to secure best value. Officers must operate within the required accounting standards and timetables to ensure that all the council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
37. Officers are required to ensure that the council's Internal Audit Services and the council's external auditor are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work. Officers are obliged to provide the auditors with any information and explanations that they seek in the course of their work.

### **Use of Technology, Electronic Devices, Internet and Email**

38. Use of computers, laptops and other electronic devices is an important part of officer duties. Officers are required to become familiar with the rules relating to personal use of equipment, virus protection and the use of unapproved software, and the prohibitions on accessing or downloading offensive websites and material (including but not limited to discriminatory, racist, sexist, homophobic, transphobic, antisemitic, Islamophobic, pornographic or violent material).



39. Officers must only access council information that they have a business need to see and only use it for work purposes.
40. The council does not support working from or using council equipment abroad. In exceptional circumstances, there may be an urgent temporary need for officers to work remotely from outside the United Kingdom. A formal request must be made to the line manager for their consideration.
41. Officers may make personal telephone calls whilst at work, but such calls should be limited as much as possible. The council does allow for limited personal use of email and the internet whilst at work, providing that it is not excessive, does not interfere with officers' work activities and duties, and it is made clear that any message sent is not on behalf of the council.
42. Council equipment must not be used for any personal reason or reasons outside the performance of officers' council duties except where explicitly allowed by the [Acceptable Use Policy](#). The policy provides further guidance and requirements on the proper use of the council's ICT resources.

### **Intellectual Property and Copyright**

43. All creative designs, writings, drawings and inventions officers produce which are directly related to their employment as an officer remain the property of the council. Specific requirements may be set out in an officer's terms of employment, role profile or job description and those arising from an instruction from a manager or other authorised representative of the council.
44. Officers must also make sure that they do not breach the copyright held by others and in doing so expose the council to the risk of claims. Copyright allows the owner to prevent the reproduction in any material form of a substantial part of the copyright work.
45. Copies of materials may not be made unless officers have permission from the holder of the copyright. Officers can only photocopy copyright items if they are single copies for private study or research for non-commercial use.
46. Particular consideration and protection of intellectual property and copyright must be given to the use of new and emerging technologies, such as artificial intelligence, where these properties may be uncontrollably lost.

### **Confidentiality**

47. The council encourages transparency in the dissemination of information and decision-making. However, officers must respect the confidentiality of the information to which they have access at work and must not use it for personal gain or personal purposes, or share it with others who might use it in this way.
48. Officers must not tell anyone inside or outside the council who is not entitled to know for the purposes of their job, what takes place at council meetings held in

private or exempt sessions, nor about the contents of council documents or other information which are confidential or exempt.

49. These confidentiality provisions remain in place after officers have left the employment of the council.

## **Freedom of Information and Environmental Information Regulations Requests**

50. Officers must be aware of the council's requirements as a public authority with regard to disclosure under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Officers must comply with any requests received under the legislation to ensure that they are completed appropriately and within the statutory timeframes.

The council's [Freedom of Information Act and Environmental Information Regulations Policy](#) offers further guidance on Freedom of Information and Environmental Information Regulations requests.

## **Data Protection**

51. The Data Protection legislation (UK GDPR and Data Protection Act 2018) gives individuals certain rights and gives the council (and its officers) responsibilities for personal information. These responsibilities relate to ensuring that the information is:
- a) processed lawfully, fairly and in a transparent manner;
  - b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
  - c) adequate, relevant and limited to what is necessary in relation to the purposes for which the data are processed;
  - d) accurate and, where necessary, kept up to date;
  - e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
  - f) processed in a manner that ensures appropriate security of the personal data.
52. The legislation not only provides for data held in electronic format such as computer systems, mobile devices, phones and cameras, but also that held on 'relevant filing systems' such as manual filing systems, including paper.
53. Both officers and the council may be prosecuted if there is a breach of data legislation. If officers suspect that there is a problem, or they need advice they should consult their line manager or the Information Governance Officers.
54. Officers must not give confidential information about the council's customers to anyone unless they need it to help the customer or prevent serious harm to the

customer or others. Officers must ascertain the legal basis for sharing information, which may in some instances be the customer's explicit permission, before providing customer information to others.

55. Customers can exercise certain rights in relation to their personal data that is held by the council, such as access to their personal data, being informed that their personal information is being processed; request the council to correct, rectify, block or erase information that is regarded as wrong, and certain other rights relating to automated decision making.

The council's [Data Protection Policy](#) provides further guidance.

### **Private Interests**

56. Whilst an officer's private life is their own concern, they must not allow their private interests to conflict with their public duty. This includes, but is not limited to, misusing their official position to benefit themselves or others. In order to demonstrate openness and transparency in local government and to protect officers and the council from allegations, officers must declare and register any interests where there is an actual or potential conflict. Officers will also need to make a self-directed further declaration if a declaration made previously has materially changed.
57. On appointment, officers will be required to complete a declaration of interests form. If there are no interests that require them to be declared, then a nil declaration must be made by the officer, and saved on the employee electronic personnel file by the line manager.
58. Some interests must always be declared such as secondary employment, directorships in companies operating within the county of Oxfordshire, where a relative or partner is employed by the council, and membership of any organisation not open to the public without formal membership and requires commitment of allegiance, and which has secrecy about rules or membership or conduct. This is not an exhaustive list, please refer to the [Conflicts of Interest - Declaring & Registering Interests Policy](#) for further guidance.

### **Secondary Employment**

59. Officers must not be involved in work outside the council that could cause a conflict of interest with their council job responsibilities, or which makes use of material or information to which they have access because of their council position. Officers should not take on any outside work without first consulting their line manager and obtaining written consent.
60. Any paid employment other than with the council must be declared and registered as an interest.

61. Officers should not engage in:
- a) other work without first consulting with their line manager;
  - b) outside employment which conflicts with the council's interests or may bring the council into disrepute;
  - c) other work which may cause officers to exceed the 'Working Time Directive' (as implemented through [The Working Time Regulations 1998](#)) or which may put their health at risk.

The council's [Conflicts of Interest - Declaring & Registering Interests Policy](#) offers further guidance.

### **Gifts and Hospitality**

62. The general rule is that all gifts and hospitality should be tactfully and politely refused. In some situations, occasional small gifts or hospitality under £50 in value may be permitted unless this gives the impression of influence or reward. Officers should only accept hospitality if there is a commensurate benefit to the council. Frequent receipt (i.e. more than two in any three-month period) of gifts or hospitality of less than £50, must be reported to the line manager. Officers cannot accept any gift or hospitality over £50 in value without first obtaining the consent of their line manager and registering it.
63. The Chief Executive and directors have a key role in developing the profile of Place and delivering the council's ambition to be a partner and place shaper of choice. Where the Chief Executive and directors receive an offer of hospitality which supports the development of professional relationships with businesses/organisations within Oxfordshire, the Chief Executive will seek the approval of the Monitoring Officer before accepting, and the directors will seek the approval of their line manager, and ensure the facts are registered.
64. Officers should never invite or encourage a gift or hospitality, this includes those that are offered/received in a setting that is outside of the workplace but relate to, or could be perceived to relate to, a situation where impression, influence or reward is in play. If officers are in any doubt, they should seek the advice of their line manager in the first instance. Advice can also be sought from the Director of Law & Governance and Monitoring Officer, and Head of Legal & Governance Services and Deputy Monitoring Officer.

The council's [Gifts and Hospitality Policy](#) offers further guidance.

## **Involvement in Other Organisations**

65. Many of the council's objectives in becoming a place shaper and partner of choice are delivered by developing partnership arrangements with other public and private sector organisations or community groups. Officers may also be asked to take part in voluntary activity or offered a role in a voluntary organisation. In these situations, the following apply:
- a) It is important that officers clarify the role expected of them and whether they are acting in their own right or as the voice of the council;
  - b) If acting for the council, officers should clarify what authority is vested in them by the council and other partner organisations by checking with their line manager as to the extent of the participation or authorisation;
  - c) Liability for Oxfordshire County Council can arise from formal membership of external organisations, and officers should seek further advice from their line manager if they have reason to believe that any liability may arise;
  - d) If officers are acting on behalf of the council, then they are subject to this code.
66. In any event, officers should not accept any such voluntary role as a result of their employment at the council, without the express permission of their line manager.

## **Company Appointments**

67. **Council Company Appointments**  
In the course of employment officers may be offered an opportunity to work as a director of a company that the council has control of, or an interest in. In such circumstances, the council may make arrangements to provide officers with indemnity insurance for their director position, particularly where these relate to a company that the council has control of, because the opportunity to be appointed as a director arises due to the officer's status as an employee of the council.
68. As a director of a company, officers will have fiduciary duties to the company which could – potentially – conflict with the duties which are owed to the council. This is because, regardless of whether the council controls the company or not, it is a separate legal entity. Officers will need to appraise themselves of the relevant legal duties and seek appropriate training. In certain circumstances this may be arranged through or by the council.
69. Line managers will also need to give consideration to the officer's fiduciary duties if the officer is appointed as a company director, so that these are taken account of in their work for the council. For complete openness and transparency officers should declare any company appointments which occur

as a result of their employment with the council on their declaration of interest form in the usual way alongside any other interests.

## Relations with Contractors or Suppliers

70. It is the responsibility of all officers to ensure that, when administering council contracts, every contract made by or on behalf of the council complies with all United Kingdom legislation and as provided for in the council's contract procedure rules or other applicable procedures. Any officer who is authorised to carry out any of the council's contract functions must undertake all necessary training effectively to discharge this responsibility. Officers shall not commit the council to incur expenditure for the supply of goods, services, works or capital projects unless they are authorised under the services' Scheme of Delegation and financial provision has been authorised.
71. Officers must award contracts or orders on merit, and deal fairly with all customers, suppliers and contractors, to achieve best value for the council. The following considerations should be taken into account:
- a) Officers must tell their line manager and register in the Register of Interests any relationship they have with a contractor or supplier with whom they are also involved at work.
  - b) If friends or relatives are involved as potential suppliers, officers should not be involved in the selection process at all and they must not favour current or past officers or their partners, relatives or close associates when awarding contracts or orders to businesses for which they work.
  - c) If the council decides to outsource the supply of any goods or services and an officer or an officer and their colleagues are considering a management buy-out, they should discuss this with their line manager immediately and register it in accordance with the Conflicts of Interest – Declaring and Registering Interests Policy. Officers must not then take part in any such contract awarding process.
72. It is each officer's responsibility to follow the council's [Conflicts of Interest - Declaring & Registering Interests Policy](#).

## Appointment of Officers

73. If officers are involved in the recruitment and appointment of officers (including those that will be deployed through employment agency providers), they must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, officers must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other officer, or prospective officer, to whom they are related, or with whom they have a close personal relationship inside or outside work. Before officers begin to be involved in recruitment for the council they must attend in-house council training on relevant recruitment practice.

## Mandatory eLearning Modules

74. Officers are required to undertake the following eLearning as part of their induction:

- Acceptable Use of Information
- An introduction to Health and Safety
- Climate Action
- Data Protection
- Everyday Inclusion
- Safeguarding Adults Level 1
- Safeguarding for all: Children's Edition
- Sexual Harassment at Work
- Stay Safe Online
- Whistleblowing

Some service areas may have additional requirements specific to their service needs.

## Raising Concerns at Work - Grievances and Whistleblowing

75. The council is committed to the highest standards of openness, probity and accountability.

76. If an officer has any concerns arising from:

- a) their employment contract or employment in general there is a grievance procedure to be followed. Officers should raise any such issues with their line manager in the first instance or another senior officer;
- b) any other aspect of the council's operations, such as if they become aware of any activities that they believe are illegal, improper, unethical or in some other way inconsistent with this code, or the council's Constitution, policies and procedures, there is a procedure for these concerns which follows the requirements of the Public Interest Disclosure Act 1998.

77. A concern which is raised as a whistle-blow but does not meet the legal threshold will be considered, with the whistle-blowers permission, in accordance with the most suitable alternative policy, including but not limited to the Resolving Concerns Policy.

The council's [Whistleblowing Policy](#) and the [Resolving Concerns \(grievances\) Policy](#) provide further guidance.

### **Investigations by the Council's Monitoring Officer**

78. Officers must assist and co-operate fully with the council's Director of Law & Governance and Monitoring Officer where the Director of Law & Governance and Monitoring Officer, or another officer or third party on their behalf, is either conducting an:
- a) enquiry or investigation about the lawfulness of the council's actions under Section 5 of the Local Government and Housing Act 1989; or
  - b) investigation into a complaint against a member that has been referred to the Director of Law & Governance and Monitoring Officer under the Localism Act 2011.

### **Trade Unions**

79. Trade unions are separate organisations from the council with their own views and priorities. They play an important role in voicing the views of union members both internally within the organisation through the consultation machinery and publicly.
80. Elected trade union representatives have specific protection under employment legislation in recognition of the special role they undertake. The council also has facilities agreements with the major recognised trade unions that regulate time off and other facilities for elected representatives.

### **Leaving the Council**

81. After officers leave the council, they still have a duty not to disclose personal data relating to others or exempt/confidential/commercially sensitive/official/secret information that they have acquired in the course of their work at the council.

### **Review of the Code**

82. The Director of Law & Governance and Monitoring Officer will regularly review this code to ensure that it continues to be effective and up to date.



## Appendix

### Definitions:

**Relative** means parents, parents-in-law, step-parents, husband, wife or partner, child, son, daughter, step-son, step-daughter, child of a partner, brother, sister, sibling, brother-in-law or sister-in-law, aunts, uncles, nephews, nieces, grandparents, grandchildren or the spouse, civil partner or partner of any of the preceding, including non-binary forms of any of the preceding.

**Partner** means any person with whom an officer co-habits as a couple or akin to a spouse (and includes a same sex partner).

**Friend** means a person with whom the officer has such a close personal or business relationship that an objective observer who had knowledge of the relevant facts would reasonably regard it as likely to influence the officer's judgement on council business in relation to matters affecting that person.

**Close Associate** means someone with whom you are in close regular contact over a period of time, either socially or professionally, who is more than an acquaintance. It may be a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage.

## Frequently Asked Questions

### What would constitute an act of bribery?

An offence would be committed if for example:

- An officer requesting, agreeing to receive, or accepting an advantage in return for services;
- An advantage being secured with the “consent or connivance” of the manager;
- Officers agreeing to “fix” a procurement process or evaluation in the briber’s favour.

\*A “financial” or “other advantage” may include money, assets, gifts, hospitality or services.

### What is considered as ‘confidential information’?

Confidential information is defined as information unavailable to the public about a person or subject that an officer knows as a result of their role as a council officer.

Example 1 – If an officer has access to social care records for the purposes of their role, they should only share it with those necessary, in order to fulfil their functions as a council officer. Sharing personal data with others for personal purposes would constitute a breach of Data Protection obligations and this code.

Example 2 - As a result of an officer’s work with the council they learn that a certain residential development is planned and that the plan has not been made public. It would be improper for them to give this information to a friend or relative in the construction industry since the information is confidential, and was learned as a result of their job with the council and it is not available to the public.

### Doesn’t the Human Rights Act give me complete privacy at work?

It is correct to state that there is a right to a respect for home and family life and correspondence, but this is not an absolute right. Lawful interference is allowed if it is necessary to do so for the prevention or detection of crime, harm to others or the protection of the rights of others. Also in general terms, emails that are private, confidential and personal should not be viewed by an employer, except where there is a valid need to do so. However, such correspondence should not be conducted using a council email address.

### I have received a request from a member of the public for personal information to be released. What is my first step?

Officers should ascertain whether the requested information is the individuals’ own personal information or the personal information of another living person. Officers should discuss the request with their line manager and contact the Information Governance team for further guidance.

### What happens if I do not act within the Officers’ Code of Conduct?

Officers can be subject to formal proceedings.