

**CHAPTER 11.4 - OFFICERS' CODE OF CONDUCT****11.4.1 Policy Statement**

The Council believes that it is essential for standards of conduct at work to be maintained to ensure delivery of quality services and also to protect the well-being of all its employees and clients/customers/service users. The following policy will make sure that all employees are aware of the standards set by the Council. The Council is committed to carry out its business in a fair, open and honest way

**11.4.1.1**

Full details are described in the "Policy for Conduct and Personal Behaviour". Managers also need to make employees aware of additional policy and guidance within their departments. This policy does not include the Code of Conduct for Members.

**11.4.2 Purpose**

The purpose of this policy is to establish, and encourage all employees to achieve, high standards of conduct at work, and to help provide a fair and consistent way of dealing with alleged failures to observe them.

**11.4.2.1**

All employees of Wokingham Borough Council are expected to give the highest possible standard of service to the public. Employees should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to councillors, fellow employees and customers/clients. Breaches of conduct and personal behaviour will be dealt with under the Policy and Guidance for Discipline.

**11.4.3 Scope**

The policy applies to all employees and temporary/casual workers of Wokingham Borough Council, Contractors, agency workers and volunteers with the exception of staff employed in schools (teaching and non-teaching). These latter staff are covered by a separate procedure.

**11.4.4 Equal Opportunities**

Our Equal Opportunity Policy reflects one of the Council's core values. All employees are entitled to fair treatment by others, and to be treated with respect and dignity. In return, they are expected to treat others in this way.

**11.4.5 Procedure Description**

The policy and procedure for conduct consists of the following components:

- a) confidentiality
- b) political neutrality;
- c) additional activities;
- d) conflict of interest;
- e) gifts and hospitality; and

- f) personal behaviour.

#### **11.4.6 Confidentiality**

In the course of their work, employees will have access to and be entrusted with confidential information in respect of the clients, business and finances of the Council and their dealings, transactions and affairs. Employees shall keep all such “confidential information” strictly private and confidential and under the terms of their contract shall not during or after the period of their employment, divulge to any person whatever or otherwise make use of, any such confidential information except:

- (a) in the proper course of their duties, or
- (b) unless the Council has decided to carry out the defence on their behalf, as necessary to defend an employee in any claim, suit or proceeding brought against them with respect to, arising out of, in consequence of, or in any way related to their employment.
- (c) In the event a court, litigant or governmental body requests or requires disclosure of anything protected by this sub paragraph, the employee from whom disclosure is sought shall immediately give written notice to the Council.

#### **11.4.7 Political Neutrality**

Employees provide a service to the Council as a whole. It follows they must treat all Councillors equally and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected..

#### **11.4.8 Additional Activities**

Employees who have more than one employment (either inside or outside the Council) should seek approval before undertaking another job, employees must also inform their “primary” manager of other work undertaken so that the total level of work undertaken can be monitored. . The policy does not bar all outside work, however, all employees must be clear about their contractual obligations and must not take outside employment that conflicts with or damages the Council’s interests or reputation

#### **11.4.9 Conflict of Interest**

The Council expects its employees to give the highest possible standard of service to the public and to avoid any situation where private and Council interests may conflict. Employees must declare in writing to their line manager any financial and/or non-financial interest that may potentially conflict or be seen to conflict with the Council’s interests.

#### **11.4.10 Gifts and Hospitality**

Employees must not accept any gift, inducement or reward, including hospitality, for showing favour or disfavour to any person or other organisation. It is the responsibility of the person receiving the favour to prove that it was not received dishonestly. All offers whether or not approved to be accepted must be recorded. Under the Bribery Act (2010) it is an offence to offer or receive bribes or improper inducements for any purpose.

**11.4.10.1** The Council defines bribery as ‘an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage’. An offer of a bribe or commission made by contractors, their agents or by a member of the public must

be reported to the line manager and Audit. Hospitality from contractors should also be avoided where employees/team are singled out for example Christmas lunch etc, this may be perceived as preferential treatment. However, managers may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc not exceeding the value of £25.

It is important that all offers are recorded including those that are offered and not accepted.”

#### **11.4.11 Personal Behaviour**

This policy is fundamental to the conduct of employees in the course of their duties. It is the Council’s policy that any employee who fails to observe the expected standards of behaviour and who impedes the service to our customers or brings the Council into disrepute, may be liable to disciplinary action.

##### **11.4.11.1**

The Policy and Guidance for Discipline will be initiated where any employee is found to be in breach of this Policy. If an employee is found guilty of gross misconduct he or she may face dismissal. Expectations with regard to personal behaviour are detailed in the policy under the following subject areas:

- |                                       |  |
|---------------------------------------|--|
| Absence from work                     | Poor timekeeping                         |
| Negligence                            | Refusal to obey a reasonable instruction |
| Social behaviour                      | Occupational Drivers                     |
| Alcohol/drugs                         | Smoking                                  |
| Health & safety                       | Fraud & Corruption                       |
| Private use of official facilities    | Security Compliance                      |
| Council Property                      | Deductions from Salary                   |
| Reporting arrests, prosecutions, etc. | False statements                         |
| Discrimination                        | Derogatory Statements                    |
| Harassment/bullying                   | Abuse of E-mail/Internet                 |
| Data Protection Policy and Guidance   |  |

## **CHAPTER 11.5 – OFFICER EMPLOYMENT PROCEDURE RULES**

### **11.5.1 Recruitment and Appointment**

#### Declarations

- a) The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.
- b) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Director or an Officer nominated by him/her.

#### **11.5.1.1**

##### Seeking support for appointment.

- a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- b) No Councillor will seek support for any person for any appointment with the Council.

### **11.5.2 Recruitment of Head of Paid Service, Directors, S151 Officer and Monitoring Officer**

Where the Council proposes to appoint any of the aforementioned and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- a) draw up a job description and person specification:
- b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) make arrangements for a copy of the job description and person specification to be sent to any person on request.

### **11.5.3 Permanent Appointment of Head of Paid Service, S151 Officer and Permanent or Interim appointment of Monitoring Officer**

- a) Executive will be informed of Personnel Board's decision and given opportunity to object to appointment then:
- b) Personnel Board make the recommendation to approve the appointment to Council

#### **11.5.4 Appointment of Directors and the Interim Appointment of the Head of Paid Service and S151 Officer**

- a) Executive will be informed of Personnel Board's decision and given the opportunity to object to the appointment then:.
- b) Subject to no objections, Personnel Board make appointment.

#### **11.5.5 Interim Appointment of Directors**

The Head of Paid Service will appoint on an interim basis a Director for a period not exceeding 12 months, pending permanent replacement.

#### **11.5.6 Other Appointments**

- a) **Officers below Director.** Appointment of Officers below Director (is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors. The exception to this is;
- b) **Assistants to Political Groups.** Appointment of an assistant to a political group shall be made in accordance with the Council's recruitment procedure and involve that political group in the selection process and decision.

#### **11.5.7 Disciplinary Process to be followed for the Head of Paid Service, Monitoring Officer and Section 151 Officer**

- a) **Suspension.** The Head of Paid Service, Monitoring Officer and S151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months. The decision to suspend will be taken by the Leader of Council in consultation with the remaining Statutory Officers and with advice from the Service Manager, Human Resources.
- b) **Final Decision.** A final decision on whether or not to approve a proposal to dismiss the relevant Officer will be taken by full Council who must consider:
  - (1) any advice, views or recommendations from an Independent Panel;
  - (2) the conclusions of any investigation into the proposed dismissal; and
  - (3) any representations from the Officer concerned.
- c) **Independent Panel.** An Independent Panel will be set up at least 20 working days prior to the relevant full Council meeting to investigate the alleged misconduct. Independent persons who have been appointed for the purposes of the Members' conduct regime under section 28(7) of the Localism Act 2011 will be invited to form an Independent Panel. The Independent Panel will be formed if two or more independent persons accept the invitations which should be issued in accordance with the following priority order:
  - (1) an independent person who has been appointed by the Council and who is a local government elector;
  - (2) any other independent person who has been appointed by the Council; and
  - (3) an independent person who has been appointed by another council or councils.

### 11.5.8 Disciplinary Process to be followed for other Director level positions

- a) **Suspension.** Other Directors may also be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months. The decision to suspend will be taken by the Chief Executive with advice from the Service Manager, Human Resources. The Chief will inform the Leader of Council.
- b) **Final Decision.** A final decision on whether or not to approve a proposal to dismiss the relevant Officer will be taken by Personnel Board who must consider:
  - (1) any advice, views or recommendations from the Investigating Officer;
  - (2) the conclusions of any investigation into the proposed dismissal; and
  - (3) any representations from the Officer concerned.
- c) **Investigation.** Internal Audit will conduct the investigation.

### 11.5.9 Disciplinary action for positions below Director level

Councillors will not be involved in the disciplinary action against any Officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time.

## **CHAPTER 11.6 – DELEGATED POWERS RELATING TO STAFFING MATTERS**

All the following delegated powers are subject to, and are exercised in accordance with the Council's Rules of Procedure and Contract and Financial Regulations and within the Council's policies and procedures and agreed budgets. This document applies to all non-schools Services.

Officers occupying a post with specific delegation as outlined below must decide to what extent they will assign in writing the powers delegated to them to another responsible Officer for whom they will always be accountable.

Any delegation made to a Director may also be exercised by the Chief Executive.

### **11.6.1 Directors**

The term "Director" relates to Officers who report directly to the Chief Executive; with the exception of the Head of Governance and Improvement Services and the Head of Town Centre Regeneration who also report directly to the Chief Executive but are Heads of Service.

### **11.6.2 Head of Service**

The term "Head of Service" (3<sup>rd</sup> tier) relates to Officers who report directly to Directors.

### **11.6.3 Budget Manager**

The Budget Manager has approval for staffing matters within budget.

### **11.6.4 Transacting delegations**

11.6.4.1 In all cases in the event that the Service Manager, Human Resources is not available a nominated Human Resources Business Partner will substitute.

11.6.4.2 Once a decision has been made in line with the appropriate delegation the decision should be transacted in accordance with the current procedures.

11.6.4.3 Any decisions that result in additional expenditure that exceeds currently agreed budgets has to be agreed by Executive via a Supplementary Estimate.

### 11.6.5 Delegations

All the delegations below are subject to being used in line with the relevant policy.

Subject	Level	Responsibility/Delegated Power
11.6.5.1 Terms & Conditions of employment	To determine changes to terms and conditions of employment of all non-teaching staff	Personnel Board – recommendations are in consultation with Chief Executive and Section 151 Officer  Recommendation must be made to Executive where there are budget implications  Process managed by Service Manager, Human Resources
11.6.5.2 HR Policy	New or revised policy with significant staff impact and/or budgetary implications	Personnel Board  Recommendation must be made to Executive where there are budget implications  Process managed by Service Manager, Human Resources
	New or revised policy due to statutory requirement	Chief Executive,  Inform Personnel Board  Process managed by Service Manager, Human Resources
	Revised policy to reflect best practice and/or process improvement with little or no staff impact and no additional cost	Director, Finance & Resources  Process managed by Service Manager, Human Resources
11.6.5.3 Appointment	Permanent Head of Paid Service (Chief Executive)	Executive to be informed of Personnel Board's decision and given opportunity to object to appointment then:

		Personnel Board make recommendation to Council Process managed by Service Manager, Human Resources
	<b>Interim Chief Executive, Permanent Directors &amp; Monitoring Officer</b>	Executive will be informed of Personnel Board's decision and given opportunity to object to appointment.  Subject to no objections, Personnel Board make appointment with the exception of the Monitoring Officer where Personnel Board will make a recommendation to Council.  Process managed by Service Manager, Human Resources
	<b>Interim Appointment of Directors &amp; Monitoring Officer</b>	Chief Executive – where it applies to internal competition and it is not likely to be more than 12 months before re-appointment.. In relation to the Interim Appointment to the role of Monitoring Officer the Chief Executive will make a recommendation to Council.  Process managed by Service Manager, Human Resources
	<b>All other Employees</b>	Budget manager - agree the recruitment and appointment of staff within budget and to create delete or change posts within budget and in line with HR Policy.
<b>11.6.5.4 Appraisals</b>	<b>Chief Executive</b>	Leader of the Council, Mayor, and Leader of the Opposition
	<b>All other Employees</b>	Line Manager
<b>11.6.5.5 Suspension</b>		
<b>11.6.5.6 Dismissal (excluding redundancy)</b>	<b>Chief Executive (Head of Paid Service) Director, Finance &amp; Resources (S151</b>	Personnel Board to carry out dismissal.  Full Council must approve dismissal and after representation from

	<b>Officer) Head of Governance &amp; Improvement Services (Monitoring Officer)</b>	<p>the Officer being dismissed which will constitute the appeal.</p> <p>Advice provided by Service Manager, Human Resources</p>
	<b>Other Directors</b>	<p>Delegated to Personnel Board by the Executive.</p> <p>HR inform Executive to give them opportunity to object to dismissal.</p> <p>Appeal heard by another Council Committee. Members with previous involvement must not be part of this committee, except to give evidence. Membership of the committee will reflect the political balance of the Council</p>
	<b>Heads of Service</b>	<p>Hearing and Dismissal: Director (with advice from HR Business Partner)</p> <p>Appeal: Chief Executive (with advice from Service Manager, HR)</p>
<b>11.6.5.7 Grievance (raising)</b>	<b>Chief Executive</b>	<p>Raises to and responsible for investigation: S151/Monitoring Officer <del>Statutory Officer</del></p> <p>Hearing: Independent Panel</p> <p>Appeal: Leader with Personnel Board. Any members with previous involvement must not be part of this committee, except to give evidence.</p> <p>Advice: Service Manager, Human Resources</p>

	<b>S 151 Officer Monitoring Officer</b>	<p>Raises to &amp; responsible for investigation: Chief Executive</p> <p>Hearing: Chief Executive</p> <p>Appeal: Leader who will send to Personnel Board for determination</p> <p>Advice: Service Manager, Human Resources</p>
	<b>All Other employees</b>	In accordance with the Grievance Procedure
93	<b>11.6.5.8 Grievance (against)</b>	
	<b>Chief Executive</b>	<p>Raises to &amp; responsible for investigation: Leader, with the support of Service Manager, Human Resources</p> <p>Investigated by: Independent Investigator</p> <p>Hearing: Leader</p> <p>Appeal: Personnel Board</p>
	<b>Directors &amp; Monitoring Officer</b>	<p>Raises to &amp; responsible for investigation: Chief Executive, with the support of Service Manager, Human Resources</p> <p>Hearing: Chief Executive</p> <p>Appeal: Leader who will send to Personnel Board for determination</p>
	<b>All other employees</b>	In accordance with the Grievance Procedure
<b>11.6.5.9 Redundancy</b>	<b>Directors</b>	<p>Chief Executive following consultation with Personnel Board and S151 Officer.</p> <p>Director at risk of redundancy has right to make representation to Personnel Board as part of consultation</p>

		Advice: Service Manager, Human Resources
	<b>All other employees</b>	<p><b>5 or less within budget</b> Jointly agreed by S151 Officer &amp; appropriate Director.</p> <p>Advice from HR BP or Consultant</p>
		<p><b>Above 5 within budget</b> <u>As above plus in consultation with Lead Member for HR/Chair of Personnel Board</u></p> <p><u>Advice from HR Business Partner</u></p>
		<p><b>Outside of budget</b> As above plus refer to section 11.6.4.3</p> <p>Advice from HR Business Partner</p>
<b>11.6.5.10 Early Retirement Discretions</b>	<b>Use of employer discretions where there are no enhancements under the LGPS Regulations 2013 &amp; Organisational Change Policy,</b>	<p>S151 Officer &amp; Director of appropriate Service.</p> <p>Advice from HR Business Partner</p>
	<b>Recommendations on augmentation of payments</b>	<p><b>Within budget</b> Personnel Board</p> <p><b>Outside budget</b> Personnel Board make a recommendation to Executive where there are budget implications. A supplementary estimate must be made by the relevant budget manager.</p> <p>Advice from HR Business Partner/HR Consultant</p>

	<b>Flexible Early Retirement</b>	<p><b>With no additional cost in line with policy</b> Budget Manager in consultation with Director of Service</p> <p><b>With additional cost still in line with policy</b> Budget Manager in consultation with Director of Service and S151 Officer. HR must inform Personnel Board</p>
<b>11.6.5.11 Structures</b> <i>Where this relates to a reduction in staffing numbers please see section 11.6.5.9</i>	To approve overall strategy for organisation and staffing structures.	Chief Executive and Lead Member
	To approve overall organisation structure.	Chief Executive and Lead Member in consultation with Directors (advice from Service Manager, Human Resources)
	To approve service level staffing structures that require a formal consultation period.	Director Advice from HR Business Partner or Consultant
<b>11.6.5 .12 Pay progression</b>	Chief Executive	<p>Recommendation: Leader of the Council Approval: Personnel Board</p> <p>Advice from Service Manager, Human Resources</p>
	Directors & Monitoring Officer	<p>Recommendation: Chief Executive Approval: Personnel Board</p> <p>Advice from Service Manager, Human Resources</p>

	Pay policy for Chief Executive, Directors & Monitoring Officer	Personnel Board with advice from Service Manager, Human Resources
	Dealing with salary and pay progression outside of the published pay scales	Chief Executive, appropriate Director and Section 151 Officer. Advice from Service Manager, Human Resources
	Dealing with salary and pay progression in line with published pay scales	In line with relevant policies
	Honorariums, Acting Up payments, High Mileage Allowance and Market Supplements	In line with relevant policies
	To accelerate salary increments within budget or withhold salary increments.	Budget Manager Advice from Human Resources
	Performance Related Pay	Refer to current scheme guidance
	Career Grade Progression	Head of Service

<b>11.6.5.13 Sick Pay</b>	Agree conversion of any period of sick pay entitlement from half to full pay.  Agree the extension of sick pay beyond the aggregate of full and half pay.	Budget Manager in consultation with Director
	Agree recovery of sick pay where employee has been off sick due to their own misconduct	Budget Manager in consultation with Director
<b>11.6.5.14 Leave</b>	<b>Annual Leave</b>  Carry over leave in excess of 5 days  Pay in lieu of leave instead of carry over  To authorise payment of outstanding leave on termination.	Line Manager, subject to compliance with Working Time Directive  Budget Manager & Director, subject to compliance with Working Time Directive  Budget Manager
	<b>Compassionate Leave</b>  Compassionate leave beyond provisions of policy	Budget Manager in consultation with Director

	<p><b>Sabbatical</b> (unpaid leave up to 12 months for personal/ professional development)</p> <p><b>Career Break</b> (unpaid leave for 1 – 3 years).</p> <p>Other shorter periods of Unpaid leave</p>	Budget Manager in consultation with Director
	<b>Other Unpaid Leave</b>	Line Manager
<b>11.6.5.15 Secondments</b>	To agree secondments outside and into WBC.	Head of Service
	To agree secondments within WBC	Budget Manager
<b>11.6.5.16 Political Activity</b>	To authorise “Political Activity” for post holders in politically restricted posts	Standards Committee
<b>11.6.5.17 Health &amp; Safety</b>	To ensure compliance with Health and Safety at Work Regulations and other legislation.	Chief Executive & Directors