one and all onen hag oll

CORNWALL COUNCIL

Employee Code of Conduct

June 2015

People Management, Development and Wellbeing

Communities and Organisational Development Directorate

Aims and Objectives

The public is entitled to expect the highest standards of conduct of Council employees. The aim of this Code is to ensure that the rules and standards that the Council expects of its employees are clear.

Breaches of the standards set out in the Code will be dealt with through the Disciplinary and Capability Procedure.

Scope

The provisions of the Code will apply to all Cornwall Council employees, volunteers, agency workers, contractors, casual workers, consultants and anyone else who is providing a service on behalf of the Council in all activities in which they are engaged in the course of their employment, whether or not they take place at their normal place of work. This includes work-related functions that take place outside normal working hours such as leaving celebrations.

This Code does not apply to school-based employees or uniformed members of Cornwall Fire and Rescue Service for whom similar but separate provisions apply.

Version

This is the 2015 version of the Code.

Roles and Responsibilities

All Employees

It is the responsibility of all employees to read, understand and work in accordance with the Code of Conduct and to:

- Maintain conduct of the highest standard such that public confidence in their integrity is sustained
- To be fair and honest in all activities at work
- Incorporate and promote equality and diversity in all that is done
- Ask for clarification on any aspects of the Code when there is uncertainty

Managers – in addition to the above

- Role model the required standards of behaviour
- Reinforce the required standards of behaviour through appropriate communications with their teams
- Explain the provisions of the Code to promote understanding
- Coach, support and provide feedback to employees on their performance in relation to the required standards of conduct
- Take appropriate action at the earliest opportunity to deal with non-compliance with the standards of the Code

The Employee Code of Conduct

1. Public Concern

The public expects conduct of the highest standards from Council employees and their confidence would be shaken if the least suspicion arose that any employee might be influenced by improper motives.

2. Corruption

Employees who have public funds entrusted to them must use them responsibly and lawfully.

It is a serious criminal offence for employees to receive or give any gift, loan, fee, reward or advantage for acting or failing to act or for showing favour or disfavour to any person in their official capacity.

3. Private Purchasing

Employees must not use the Council's purchasing systems to purchase items for private use or to secure personal advantage. Employees are not entitled to receive any discount or advantage as a result of their employment with the Council unless this is expressly permitted by the Council, for example through corporate employee discount or voluntary benefit schemes which have been agreed for all employees.

4. Equality

Employees must ensure that they treat colleagues, service users, members of the public and Councillors fairly, impartially and with dignity and respect. Language and behaviour in the workplace must be conducive to productive and harmonious relationships.

5. Political Neutrality

Some employees may be required to provide information and advice to individual Councillors. In so doing, they must ensure that they remain politically neutral.

Employees who have been notified that they are employed in a role that is 'politically restricted' are prevented from becoming members of a local authority (other than parish councils), MPs or MEPs, from holding office in a political party and from canvassing, speaking in public or writing on party political matters.

In discharging their duties employees must follow every lawful policy of the Council and must not allow their own personal views or political opinions to interfere with their work.

6. Copyright

All records, documents and other papers relating to the Council's business which are made or obtained by employees in the course of their employment are the property of the Council. The copyright on all such original records, documents, papers (including copies and summaries thereof) belongs to the Council.

7. Patents and inventions

Any matter or thing capable of being patented under the Patents Act 1977 and which is made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties must be disclosed to the Council through the appropriate Head of Service. Subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

8. Committee procedures and contact with the media

Employees must not disclose to the public or media the contents of a confidential or exempt report made to a Committee or the Council. Where a Committee considers matters in confidential session, those proceedings, including all documentation before the Committee, must not be disclosed to members of the public unless required by law or expressly authorised.

Employees must not make statements on matters of policy to the media without consulting their Head of Service. They must also comply with the Protocol for staff engagement with the media.

9. Confidential Information

Employees will often receive written, oral and computerised information which is of a confidential nature. Employees must be aware which information in the Council's possession is classed as confidential and act accordingly. Information which is classed as confidential must not be disclosed except where there is a legitimate reason to do and not otherwise unless specific approval has been given by an authorised manager. If there is doubt about whether information can be disclosed, employees must consult their Head of Service or the Information Governance Team.

Deliberate disclosure of confidential information may be considered gross misconduct and may result in dismissal under the Council's Disciplinary and Capability procedure. It may also be a criminal offence and lead to criminal proceedings during and potentially after the employee's employment has ended.

10. Personal Information

Employees must not provide information held by the Council about customers, members of the public or personal information concerning other employees without their consent. Exceptionally, such information may be

disclosed where it is allowed in law, where it is necessary to co-operate with the investigations of official agencies and in the provision of confidential employer references.

Employees must maintain the confidentiality of all personal information about service users, employees, and others that they have access to in the course of their employment.

Deliberate disclosure of personal information may be considered gross misconduct and may result in dismissal under the Council's Disciplinary and Capability procedure. It may also be a criminal offence and lead to criminal proceedings during and potentially after the employee's employment has ended.

Record Keeping

Employees are responsible for making accurate and relevant records of their dealings with service users and others, and for keeping them so that they can be accessed by themselves and by colleagues if this is appropriate or necessary.

All documents and other information in the possession of employees during the course of their employment remain the property of the Council. Employees are responsible for the security, retention and disposal of all information which they hold and this must be supplied to the Council on request. If removed from Council premises, employees must ensure that all confidential and personal information is kept secure at all times and is returned to Council premises for retention and disposal. In order to prevent a continuing liability, on leaving employment with the Council, employees must return all confidential and personal information to their manager.

11. Financial dealings/prejudicial interests

If, during the course of their employment, an employee has access to confidential information regarding the viability of an organisation, which could increase or decrease the share value of the organisation if the information were to be in the public domain, the employee is not permitted to buy or sell shares or other securities in that organisation. This is to prevent an employee making a personal profit using privileged work-related information.

Employees must complete the Employee Declaration of Interests form (Form 1) and submit to their Head of Service on an annual basis (every January). This provides notification of any financial interest or dealings they or any person living with them, any close member of their family or any close friend or business associate may have in any business which may have a relationship or contract with the Council. Employees should refer to the Relationships at Work Policy for further information and guidance. If any employee wishes to become involved in any such business they must first receive the written permission of their Head of Service.

12. Relationships

12.1 Personal Relationships

Employees must declare to their manager any situation where their impartiality, objectivity, or honesty may be compromised due to their being related to or having a close personal relationship with someone at work. The Relationships at Work Policy gives a definition of 'close personal relationships' and should be referred to for further information and guidance.

Employees who marry, register a civil partnership or form close personal relationships during employment in the same work areas will not be expected to move to separate work areas unless circumstances arise which make such a change appropriate. If, in the opinion of the Head of Service or Corporate Director, a person has a close personal relationship which is likely to prejudice discipline or be detrimental in any way to the interests of the Council or the public, they may be transferred to another role.

12.2 Councillors

Mutual respect between employees and Councillors is essential to good local government. Employees are required to observe the Protocol on Member/Officer Relations. The Protocol is part of the Council's Constitution.

12. 3 Local Community and Service Users

Employees have responsibilities to all residents of and visitors to Cornwall and must ensure courteous, efficient and impartial service delivery to all groups and individuals within Cornwall as defined by the policies of the Council.

12.4 Contractors/Procurement

Orders and contracts must be awarded impartially and on merit through fair competition in accordance with the Council's Contract Procedure rules and such other procedure rules and legal provisions as apply. Employees whose work involves the procurement, appointment or supervision of contractors must disclose any former or current private or official relationship with relevant contractors to their Head of Service. When a conflict of interest is disclosed, the Council reserves the right to remove the employee from any areas of direct or indirect involvement in the matter concerned.

13. Confidential reporting procedure (Whistleblowing)

The Council is committed to the highest possible standards of openness, probity and accountability, and expects employees who become aware of activities which they believe are illegal, improper, unethical or otherwise inconsistent with this Code to report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 (and Enterprise and Regulatory and with the Council's Whistleblowing Policy.

The Employment Handbook on the intranet contains further guidance and the full Whistleblowing Policy.

Employees must ensure that public interest and assets are protected by reporting immediately to their line manager or alternative contacts as named in the Whistleblowing Policy, any concerns about dishonesty or impropriety which they suspect has occurred or is likely to occur. Initial enquiries will be made which may result in a formal investigation. Concerns or allegations which fall within the scope of specific procedures (for example Safeguarding) will normally be referred for consideration under those procedures. If an employee makes an allegation which it transpires is frivolous, malicious or for personal gain, the Council will treat this as a serious matter which may lead to disciplinary action.

Employees must not make any public statements in any capacity whatsoever about matters covered by the Whistleblowing Policy until they have exhausted that Policy, unless such a disclosure is allowed for within the Policy. Employees must assist in any investigation or hearing into suspected misconduct.

14. Health and Safety

The Health & Safety at Work Act 1974 places a duty on employees, whilst they are at work, to take reasonable care for the health and safety of themselves and others. Consequently employees are legally bound to comply with all safety rules and instructions set by the Council. The Corporate Manslaughter and Corporate Homicide Act 2007 has created new responsibilities for senior managers to ensure that there are safe working practices and safe premises. The Council will ensure that all senior managers who come within the purview of the Act receive appropriate training to discharge their responsibilities.

15. Attendance

Employees must comply with the Council's rules and requirements regarding attendance.

16. Private Trading

Employees are not permitted to carry out private trading in relation to goods, services or any form of intellectual property (including the posting and distribution of private trading literature) on the Council's premises nor may they do so elsewhere whilst on Council duties. Employees are permitted to advertise the sale of private goods or goods wanted on the 'Trading Post' intranet site, subject to complying with the related terms and conditions.

17. Other employment

Employees must not allow their private interests to come into conflict with their work. Employees must devote their whole time service to the work of the Council and may not engage in any other business or take up any

other additional employment without the written permission of their Head of Service.

This does not preclude employees from undertaking additional work outside their working hours providing that it does not impact on, distract them from or conflict with their Council work and is subject at all times to written permission being granted. Regardless of the seniority of the post, all employees who undertake additional work (either paid or voluntary) must notify their line manager in order to ensure compliance with the Working Time Regulations 1998.

18. Information security – Disclosure of Information.

Employees must positively prevent information misuse and ensure the accuracy of information by:

- Protecting information against unauthorised access
- Assuring the confidentiality of stored information
- Maintaining the integrity of information
- Meeting all current regulatory, legislative and Council Policy requirements in relation to Information Governance
- Ensuring that Flexible Working/Worksmart and remote access policies and procedures are followed when undertaking mobile/home working
- Producing, maintaining and testing business continuity plans or facilitating such actions where not their direct responsibility but requested to assist
- Providing and making available relevant information and security training for other employees or assisting with such actions where not their direct responsibility but requested to assist
- Preventing improper use of office equipment
- Limiting the use of electronic mail and internet to those uses permitted by the Council's related policies and procedures.

19. Alcohol, drugs and other substance misuse

The Council takes the health and well-being of employees seriously and wishes to minimise problems at work arising from the effects of alcohol and drugs (whether prescribed or illegal). Employees are encouraged to make themselves familiar with the Council's Alcohol and Drugs Policy.

Employees are encouraged to seek appropriate advice in relation to alcohol, drugs and other substance misuse and may contact the occupational health team in this respect.

Where the behaviour or performance of employees falls below expected standards and presents a risk to colleagues, services users, members of the public or others due to alcohol, drugs or other substance misuse, this will be addressed under the Disciplinary and Capability Procedure or through such other measures as are appropriate to the circumstances.

Employees have a duty to report any problems associated with their ability to drive, use equipment or perform other work related tasks and must not

drive or use such equipment whilst their judgment and/or physical ability may be impaired by the use of alcohol, drugs, medicines or fatigue.

20. Fidelity – commitment and loyalty to the council

In addition to their express terms of employment, employees have common law duties implied into their contracts of employment. These duties require the employee to obey lawful and reasonable instructions, serve the employer personally and faithfully, exercise reasonable care and skill in carrying out their work, abide by the law as established by Parliament and the Courts and not to disclose confidential information after the employment ends. Breaches of these terms could, if proven, lead to disciplinary or legal action being taken against the employee.

21. Appointment of employees and other employment matters

Employees involved in the recruitment and appointment of employees must ensure that these are made on the basis of merit. Employees must not be involved in decisions relating to appointment, promotion, pay, discipline or grievance where the person is a relative, partner or close personal friend. If such a situation arises they must advise their manager.

The canvassing of any Councillor in connection with an application for employment with the Council will automatically disqualify the candidate from consideration for employment with the Council. In accordance with legislative requirements, employees must take care that they are not open to a charge of unlawful discrimination in their recruitment or employment practices.

Where the Monitoring Officer is undertaking an investigation into any allegation of misconduct by a Member, employees must comply with any requirement made by the Monitoring Officer in connection with such investigation.

22. Safeguarding

The Council has a statutory duty to ensure the safety and welfare of children, young people and adults at risk. All employees who, during the course of their employment, have direct or indirect contact with children or adults at risk, or who have access to information about them, have a responsibility to safeguard and promote the welfare of children and adults at risk. The Safeguarding Policy is available via the intranet or the employee's manager and compliance with it is mandatory.

23. Conduct and performance

Standards of conduct and performance are determined by senior management. The Disciplinary and Capability Procedure lists the circumstances which are likely to be regarded as gross misconduct. The examples given, which are neither exclusive not exhaustive, are as follows:

- Theft, fraud, deliberate falsification of records
- Physical violence
- Damage to Council property
- Being under the influence of alcohol or illegal drugs at work
- Serious negligence
- Serious insubordination or refusal to undertake a management instruction
- Misuse of the Council's information particularly deliberate disclosure of confidential or personal information
- Misuse of the Council's facilities including unauthorised use of computer, communications or information services systems
- Conduct which is likely to discredit or be prejudicial to the interests of the Council
- Serious breaches of Health and Safety procedures
- Serious bullying or harassment of any individual
- Unlawful discrimination or harassment on the basis of age, disability, ethnic or national origin, race, gender reassignment, marriage/civil partnership, pregnancy/maternity, religious beliefs, sex or sexual orientation
- Serious breach of confidence (subject to the Public Interest Disclosure Act 1998)
- Hate crimes/incidents
- Domestic Abuse/Sexual Violence
- Acceptance of bribes or any other corrupt or dishonest practice

24. Personal Use of Social Media by Employees

Employees must not assume that their comments on social media will remain private.

Employees must ensure that, in their use of social media, they do not make comments about other employees, councillors or the Council that are or could be perceived to be derogatory, abusive, damaging to the individual's or the Council's reputation or amount to harassment, even where such comments are made outside working hours. They should be mindful that such comments could give rise to legal action.

Employees must ensure that no information is made available that could provide a person with unauthorised access to the Council's confidential information and they must refrain from recording any confidential information regarding the Council on any social networking website.

The Council will take action to prevent misuse of social networking sites as the Council as employer may be vicariously liable for the acts of an employee in certain circumstances. The Council will consider what action to take to address any malicious, untrue or otherwise inappropriate allegations which may circulate on social media sites.

25. Personal appearance

The Council expects employees to observe a standard of personal appearance which is appropriate to the nature of the work undertaken, follows operational requirements and which portrays a professional approach which the public will have confidence in. Employees are expected to observe a high standard of cleanliness and personal hygiene.

26. Use of Council property and facilities – Stewardship

Council assets and facilities, including stationery, tools, personal computers, laptops, machinery, photocopiers, vehicles, offices, car parks must only be used for official Council business and not for personal use unless permission for their private use is obtained from the appropriate manager. Use of Council telephones, either desk or mobile phones must be used in accordance with the Telephone Policy.

This restriction also applies to computers, software and data, which must not be used for private purposes or removed from the premises, without the express or prior consent of the appropriate manager or where permitted in accordance with the Council's related policies or procedures. The overriding consideration must be that of common sense, so that the situation can never arise whereby suspicion is aroused that an individual has taken advantage of their position as an employee of the Council for personal benefit.

All Council resources must be used with care to avoid wastage, loss or damage. All Council property must be returned on leaving employment or if transferred/promoted into a role in which it is not required.

27. Notification of Criminal Investigations and other required disclosures

The Employee Code of Conduct places a general obligation on all employees to disclose information which is relevant to their capability, capacity and suitability to carry out the duties and responsibilities for which they are employed. This general obligation applies irrespective of the role undertaken by the employee and is not limited to information which relates to a conviction, caution, reprimand or warning. For employees undertaking roles for which a criminal record disclosure is required there is a specific obligation on them to disclose any convictions, cautions, reprimands or warnings that they receive in the course of or which are relevant to their employment.

In all cases a failure to disclose relevant information or the deliberate withholding of such information is likely to amount to a breach of trust and confidence and has the potential to lead to the termination of employment. All such instances will be subject to an appropriate investigation during which the Council may wish to instigate a criminal record disclosure check to assist the investigation process.

For the avoidance of doubt an employee must immediately inform their manager in writing, if during their employment with the Council they are:

- Advised that they are under investigation for a criminal act (including road traffic offences)
- Arrested in connection with a criminal act
- Notified that criminal charges are being considered against them
- In receipt of a summons to appear before a Court of Law for an alleged offence
- Found guilty and convicted of any offence
- Receive a police caution
- Are involved in any other matter which it would be reasonable to think would impact upon their role and or professional standing
- Employees who are required to drive as part of their duties must also declare any penalties received in connection with motoring offences.

Failure to disclose this information may be treated as a disciplinary offence.

28. Personal Interests, Hospitality and Gifts

This information is intended to provide a clear process for registering personal or financial interests, and for recording all gifts and/or hospitality offered to, as well as those accepted by, employees.

There is an increasing expectation that the Council will be transparent, open and accountable in all its activities. The public must be satisfied that every effort is being made to limit the opportunity for favouritism, collusion or priority treatment.

Employees must not, at any time, allow their private interests or beliefs to conflict with their public duty as an employee of the Council. Employees are required to serve the whole of the Council and must act, and be seen to act, in the public interest at all times. Failure to register a conflict of interest can give the impression that employees are not acting in the public interest but serving a particular individual or organisation.

Failure to declare a gift, hospitality or interest could ultimately lead to disciplinary action or even criminal prosecution.

Additionally, employees must not misuse their official position or information acquired in the course of their employment to further their private interests or the interests of others.

What is a conflict of interest?

A conflict of interest is a conflict between an employee's private interests or the private interests of others, such as their spouse/partner, close family or close friends and their official responsibilities as a person in a position of trust, as an employee of the Council.

A conflict of interest may arise when employees are required to deal with a friend or family member in the normal course of their employment at Cornwall Council and there is a risk that the employee's involvement could be viewed as an opportunity for favouritism or corruption.

A conflict of interest may also arise, for example, from an employee's membership of a particular club, sports association, or school. In such a case the employee and their friends or family may not stand to gain or lose financially, but their interests or well-being can be affected by a decision which involves or affects these bodies.

Further, a conflict of interest may also arise when an employee's private interests might be advantaged or disadvantaged by a decision or action which taken or to be taken by the Council. Although employees may be sure that they would not allow such private considerations to affect the performance of their duties, the public perception of impartiality is just as important. In other words, employees must always view their actions objectively by someone not involved in the matter and in adopting this view they must always consider how the public would perceive their actions. Employees should not, therefore, play any part in any decisions or actions on the part of the Council that impact or might impact upon them personally. There will be exceptions to this such as officers dealing with the statutory setting of council tax or dealing with changes to or the introduction of employment related policies and procedures. Even in those situations the responsible Head of Service will need to ensure that appropriate safeguards are in place and observed.

A financial interest can also create a conflict of interest if it is one where an employee or their family or friends stand to gain or lose financially if that interest is affected by a decision of the Council. For example, ownership of a house, owning shares in a company, the employee's spouse or partner's employment or a friend's position as an employee of a firm tendering to provide architectural or building services to the Council.

It is not possible to set out every example of when a conflict of interest may arise but if employees have any doubts at all they must address their concerns to their manager or Head of Service and whenever employees have such a conflict of interest they must act in accordance with this Code.

Some Services may have more stringent rules and regulations. Employees must check with their manager if there are any other rules or conditions which are applicable to them. The Relationships at Work Policy gives further details and guidance on conflicts of interest due to personal or family relationships.

What if there is a conflict of interest?

As part of the employee's induction to the Council, they will be required to complete an 'Employee Declaration of Interests' form (Form 1 attached) setting out their principal interests, which will be held by the Head of Service. Every employee must advise their manager of any change in any

such interest as soon as possible, after becoming aware of such a change. The onus is on the employee to tell the manager and complete and return the Employee Declaration of Interests form to their Head of Service. The Chief Executive, Corporate Directors and Heads of Service must also complete the Employee Declaration of Interests form and return it to the Monitoring Officer.

If a conflict of interest arises between a private interest and a decision which employees may be asked to take in the course of their job, they must notify their manager, in writing, as soon as possible and, where appropriate, request that the matter be handled or the relevant decision and any future involvement in the matter be undertaken by another employee.

As an example, if a person applies for a vacancy and that person is known to an employee who may be involved in the recruitment process or if a person or business tenders for a contract and that person or business is known to an employee who has the potential to be involved in the shortlisting or final selection process, the employee must declare this as an interest.

Only in the most extenuating of circumstances can an employee process a work related transaction for someone known to them, for example the Licensing Officer or Land Charges Officer (usually where there is no possible alternative person). In all such circumstances the transaction must be overseen and authorised by a manager with no conflict of interest in the matter.

Heads of Service, Corporate Directors and the Chief Executive must also have decisions counter-signed by a more senior officer, (or the Monitoring Officer in the case of the Chief Executive) in circumstances where a conflict of interest may arise.

Married couples, co-habiting couples or couples in a civil partnership who both work for Cornwall Council are expected to register this as a Personal Interest. Any other family members who work for the Council must also be declared.

Employees must declare in writing any financial interests which could conflict with the Council's interests, in particular employees must disclose any financial interests in a contract or proposed contract with the Council as soon as the interest arises.

Resolving conflicts of interest

When a conflict of interest arises and the manager and Head of Service are notified, there are several courses of action which may be taken.

- The manager or Head of Service may decide that the conflict is so minor that it is simply noted and the employee continues to perform their normal duties

- The conflict may preclude the employee from undertaking a one-off task but would still in general allow them to continue in their current role

- It is possible that the nature of the conflict of interest is so significant that the employee cannot reasonably continue to perform the majority of the duties of their role. In such a case, the Council will need to consider one of the following courses of action:
  - Provision of temporary assistance
  - Rearrangement of duties
  - Redeployment.

Consequences of a failure to declare an interest

Deliberate failure to declare a relevant interest or to notify a Head of Service of a change in any declared interest is a breach of trust with the Council as employer and can lead to disciplinary action and in extreme cases may result in a termination of employment.

It is not possible to provide a complete list of the circumstances which may lead to disciplinary action. The following are examples of conflicting private interests, which may justify disciplinary action and/or termination of employment if not properly dealt with by the employee:

- Membership of an organisation whose objects or activities conflict with the Council's commitment and statutory duty to promote good relations between different racial groups or vulnerable citizens;

- Seeking or acceptance of employment with an organisation which is seeking a contract with the Council, for example where an officer whose job comprised the procurement of IT accepted a post with a computer software provider which was currently tendering for a substantial software contract;

- Failure to advise that the employee is standing as a political party or other candidate for election to public office where the employee is the holder of a politically restricted post with the Council;

- If the employee is elected to Cornwall Council (though they may be a parish councillor) this will result in termination of employment as an employee of the Council cannot also be a Cornwall Councillor;

- Failure to declare an interest in a contract (other than a contract of employment) which has been or is proposed to be entered into by the Council is a criminal offence. This includes contracts between an employee's husband/wife, partner or civil partner or other close family member and the Council and also contracts the Council has with any partnership, company or other body in which they have an interest.

Administration

All employees must complete an Employee Declaration of Interests form in the first week of employment, as soon as the need arises in relation to an interest not already registered and on an annual basis (every January) thereafter. If there is any doubt as to whether an interest or potential interest must be declared, the Head of Service must be consulted.

It is the responsibility of Heads of Service through line managers in their Service to ensure that all their employees complete the Employee Declaration of Interests form at the appropriate times.

All employees must declare as soon as possible if there are any relevant changes to personal circumstances, for example, if they marry, co-habit or enter into a civil partnership with a colleague who works for Cornwall Council or a relative becomes a Councillor.

The Chief Executive, Corporate Directors and Heads of Service must also complete an Employee Declaration of Interests form upon joining, as soon as the need arises in relation to an interest not already registered and on an annual basis (every January) thereafter and submit to the Monitoring Officer who will maintain a register for these officers.

The Monitoring Officer must declare any interests, gifts and hospitality to the Chief Executive.

Employee Declarations

All Heads of Service must maintain a register of Employee Declarations for employees in their respective Services.

The Registers held by the Heads of Service are open to inspection at any time by the Chief Executive, the Monitoring Officer, the Section 151 Officer, Internal Audit or the Audit Commission and are subject to appropriate scrutiny by the Standards Committee. No other person can inspect a declaration without the employee's prior consent although anonymised responses to freedom of information requests may be provided.

Hospitality and Gifts

With the exceptions listed below, employees must refuse any personal gift offered to them by any person or body that has any significant financial or other business connection with the Council. In monetary terms, this is any gift or combination of gifts valued at over £25.
If employees are in any doubt, they must refer this to their line manager immediately. Examples include contractors, outside suppliers, persons applying for planning or other permissions, persons involved in negotiating property deals, etc.

Exceptions to this requirement are:

a) A modest gift of a promotional nature given to a wide range of people, such as calendars, diaries and other articles which are of use in the office and can be considered to form part of the general mailings of a company; and

b) A modest gift where refusal would cause needless offence and the giver is not seeking a business decision but merely wishes to express thanks for service, advice or co-operation received, for example a box of chocolates or a bottle of wine.

An employee must not on any occasion accept the offer of money from any organisation, person or person's estate that has or seeks dealings with the Council.

At all times employees must consider if the gift is so significant that a member of the public may think that their judgment when dealing with the matter would be prejudiced by the gift.

Employees must only accept offers of hospitality valued at over £25 if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions must only be accepted when these are part of the life of the community or where the Council should be seen to be represented. Acceptance must be properly authorised in advance by the appropriate manager and recorded.

When hospitality has to be declined those making the offer must be courteously but firmly informed of the procedures and standards operating within the Council. When receiving authorised hospitality, employees must be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Employees must record details of all gifts and/or hospitality offered, as well as those declined, by completing an Employee Declaration of Gifts and Hospitality form (Form 2 attached). If in doubt about the appropriateness of accepting particular offers, employees must refer to their line manager for further guidance.
Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees must ensure that the Council meets the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

The following are examples of unacceptable offers or invitations:

- Holidays, including accommodation and travel arrangements;
- Hotel vouchers, theatre tickets, free travel, etc;
- Use of a company flat or hotel suite; and

- Where the person or body offering the hospitality has a matter currently at issue or in dispute with the Council.

Process for Declaring Gifts/Hospitality

Where an employee:

- Receives a gift or hospitality of a value greater than £25 or in other cases where they consider it advisable to do so; or
- Refuses a gift or hospitality of a value greater than £25 or in other cases where they consider it advisable to do so

the employee must complete the Employee Declaration of Gifts and Hospitality form which must then be passed to the relevant Head of Service.

The Head of Service must review all Employee Declaration of Gifts and Hospitality forms and arrange for the information to be recorded on a register for their Service.

The Chief Executive, all Corporate Directors and Heads of Service must also complete an Employee Declaration of Gifts and Hospitality form which must be passed to the Monitoring Officer.

The Monitoring Officer's will be passed to the Chief Executive.

Gifts received and registered and what should be done with them will be determined by the Head of Service, and also entered in the Register.

Employee Declarations

All Heads of Service must maintain a register of Employee Declarations for their respective Service areas. The Registers are to be available for inspection by the Chief Executive, the Monitoring Officer and Internal Audit. It may only be viewed by the public as required by law.

Summary

In summary, if a gift is received or hospitality is accepted, unless it is of a value of less than £25, it must be notified to the Head of Service who must enter it on the Register. Any gift or hospitality offered may be refused and, unless of a value of less than £25, the refusal must be notified and registered. Gifts received and registered and what should be done with them will be determined by the Head of Service, and also entered in the Register.

Further Advice

Advice must be sought from the line manager, Head of Service, or the Monitoring Officer if an employee is in any doubt as to the interpretation of this Code.

Breaches and non-compliance

Any instance of a breach of this policy which comes to the Council's attention will be investigated and appropriate action taken. This may include action under the Council's disciplinary procedures.

Evaluation and review

This Code will be subject to regular review and will also be reviewed in the following circumstances:

- Where new legislation is published or existing legislation is updated.
- Where new guidance is published or existing guidance is updated.
- Research, monitoring or auditing suggests that a review may be required.

For the avoidance of doubt the Employee Code of Conduct does not form part of your contract of employment.

Prepared by: **Simon Mansell/Sandra Johnson**

If you would like this information in another format please contact:

Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY

Telephone: **0300 1234 100**

Email: **enquiries@cornwall.gov.uk**

www.cornwall.gov.uk

Please consider the environment. Only print this document if it cannot be sent electronically.

Form 1

Cornwall Council

Employee declaration of interests

Private and Confidential

All new employees must complete and sign this form within the first week of employment and then as required to notify their Head of Service of any interests which need to be declared.

The form will also need to be updated and resubmitted by all employees annually, every January, even for nil returns.

Name …… **Service** ……

Post held …… **Section** ……

		Yes	No	If yes, please indicate their name, their relationship to you, their role and in which Service they work
1.	Do any members of your family work for Cornwall Council? (please include partners, common law wife/husband, civil partners)			
		Yes	**No**	**If yes, please provide more information on the personal interest**
2.	Do you have any personal interests which you consider gives rise to or may create a conflict with the Council's interests?			
	If you indicated 'Yes' to Question 2 and there is any risk of your involvement being viewed as an opportunity for favoritism or corruption, you must obtain written agreement from your Corporate Director for this position to continue. Please attach this confirmation to this form.			

Form 1

		Yes	No	If yes, please provide more information
3.	Do you or any person living with you or any member of your family or a close personal friend have any interest in a business or contract which is or may become a business relationship with the Council?			
	If you indicated 'Yes' to Question 3 you must obtain written agreement from your Corporate Director for this position to continue. Please attach this confirmation to this form.			
		Yes	**No**	**If yes, please provide more information**
4.	Do you have any financial interests which could conflict with the Council's interests?			
		Yes	**No**	**If yes, please provide more information**
5.	Do you have any other interests which you wish to declare?			

Signature of Employee: …… Date: ……

Signature of Head of Service: ……..…..…… Date: ……

Once completed, please pass this form to your Head of Service (or appropriate senior officer for all employees at Head of Service level or above) for recording and retention.

Form 2

Cornwall Council

Employee declaration of gifts and hospitality

Private and Confidential

All employees must complete this form on the offer or receipt of a gift or hospitality (even if declined where the value is at least £25)

Name ..... **Service** .....

Post held ..... **Section** .....

		Details	**Value**	**Donor**
1.	Please declare details of any gift/s received and their value			
2.	Please declare details of any gift/s refused and their value			
3.	Please declare details of any hospitality received and its value			
4.	Please declare details of any hospitality refused and its value			

Signature of Employee: ..... Date: .....

Signature of Head of Service: ..... Date: .....

Once completed, please pass this form to your Head of Service (or appropriate senior officer for all employees at Head of Service level or above) for recording and retention.