

### Code of Conduct for Employees

#### 1. Introduction

The public is entitled to expect the highest standards of conduct from all Lancashire County Council employees, who must conduct themselves and Council business in compliance with the highest professional standards and in accordance with legislative requirements.

This Code of Conduct sets out the behavioural standards that must be upheld by employees of the Council.

#### 2. General Principles

The following general principles apply to employees of the County Council are embodied within the requirements of this Code.

#### Standards in Public Life

Employees serving the public must at all times practice and exhibit the following behaviours through the course of their work:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness; and
- Honesty.

#### Organisational Values and behaviours

The Council has developed a set of [values and behaviours](#) that employees are expected to demonstrate through the course of their work. These define a Lancashire County Council employee and underpin the specific requirements that are set out within this Code.

Employees may also be subject to other service specific or organisational values.

#### 3. Status of the Code

The Code sets out the minimum standards of conduct and forms part of the Council's terms and conditions of employment.

#### 4. Application of the Code

This Code applies to all employees of the Council, except those employed in schools (although the Code is recommended for adoption by schools).

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If you are in any doubt about any provision of this Code or what is expected or required of you, you must raise any issues you have with your line manager.

Inevitably some of the issues covered in the Code may affect senior, managerial and professional employees more than others but the principles apply to all employees. Non compliance with the Code may result in action being taken under the Council's Disciplinary Procedure (see section 7 below).

Any breach of professional Codes of Conduct, where these apply to employees as a result of their professional role, is unacceptable and may also result in action being taken under the Council's Disciplinary Procedure.

If you consider that other employees may be guilty of misconduct you have a duty to report this to your line manager or raise it through one of the other available policies or procedures (e.g. the Council's Whistleblowing Policy).

You must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

## 5. General Requirements as an Employee of Lancashire County Council

As an employee of Lancashire County Council you must and you are required to:

1. Fulfil the obligations placed upon you under the terms of your contract of employment, e.g.:
  - Be ready and willing to work as specified in your role profile.
  - Undertake your duties and responsibilities effectively, efficiently and diligently.
  - Conduct your work in a co-operative manner.
  - Attend work.
  - Be punctual in time keeping.
  - Be honest and trustworthy.
  - Obey reasonable management instructions.
  - Take care of yourself, your colleagues and others whilst at work.
  - Take care of Council property.
2. Adhere to the Council's Statement of Ethical Standards (Annex 1).
3. Adhere to all corporate and service-specific policies and procedures.
4. Demonstrate the Council's (and other organisational or service-specific) values and behaviours through the course of your work.
5. Follow any local rules laid down for your work location.
6. Familiarise yourself with, and follow, the Health and Safety rules that apply to your particular area of work/location, including compliance with the Council's Smoke-free Policy.

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7. Show respect for all people that you come into contact with in the course of your duties (e.g. the public, fellow employees, employees from other agencies, etc) and demonstrate continually whilst at work your commitment to ensuring equality and respect for all. Employees must not engage in any activity whilst in or outside of work that may be, or may be perceived to be, a hate incident or crime.
8. Demonstrate impartiality in respect of any decisions you take and advice you provide on behalf of the Council.
9. Maintain the confidentiality of any confidential information obtained in the course of your employment. You must not:
  - disclose information given to you in confidence by anyone, or information acquired that you believe is of a confidential nature;
  - use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way; or
  - give information to the media unless you are authorised to do so (see point 12 below regarding the arrangements in relation to contact with the media).
10. Follow the Council's policies/procedures governing:
  - Trade Union duties and activities (as appropriate for members of Trade Unions) and as set out in the Council's Facilities Agreement.
  - Your personal responsibility as an employee for reporting absence/changed circumstances, claiming payments/expenses/allowances, etc.
  - Use of facilities - at work, you may have access to facilities, such as office equipment, computers, telephones, transport, etc. These facilities are not intended for private use. Where some personal use is permitted, you must observe any corporate protocols, including the Internet, Email and Telephone System Acceptable Use Policy.
  - Your professional responsibilities in respect of the service provided to users and/or other customers.
  - Intellectual property (e.g. designs, programmes, drawing and inventions) - the ownership and copyright of work you produce for the Council will normally belong to the Council. Further guidance on this issue can be obtained from the Director of Corporate Services.
  - Outside employment - employees must not undertake any additional outside employment which is in conflict with the Council's interests/business. Employees paid above Scp 26 on the Lancashire pay spine, or equivalent, must seek permission prior to undertaking any additional outside employment.
  - Any managerial responsibilities you may have, including those relating to operational, financial and HR matters, and statutory obligations.
  - Membership of any organisation that is not open to the public without formal membership and which has a commitment of allegiance or secrecy about rules of membership or conduct.

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11. Use the appropriate lines of communication to express views/issues relating to your employment or the council's services (i.e. via your line manager).
12. Follow the Council's arrangements in relation to contact with the media. You must acknowledge and accept that as a Council employee all press enquiries concerning the business of the Council should be channelled through the Communications Service, who offer support and advice on all matters relating to the media.
13. Notify your line manager\* of any known or suspected breaches of the law or Council's policies, procedures and regulations, and co-operate with any investigation of such breaches. (\* If you feel unable to approach your immediate line manager on a specific matter, you should notify a more senior manager responsible for the area of the service in which you work or use the confidential whistleblowing line – 01772 532500)
14. Disclose to the Council as required on appointment, or at any time, any criminal charges/convictions and cautions in accordance with the provisions of the Rehabilitation of Offenders Act 1974. Being charged or in possession of a conviction or caution may not necessarily debar you from appointment or lead to disciplinary action. However, failure to disclose where required will be considered under the Council's Disciplinary Procedure and may result in dismissal.
15. If employed in a 'regulated activity' post, disclose to the Council on appointment, or at any time if you are subject to any ongoing investigation into any matter which may bring into question your suitability, if a referral has been made to the Independent Safeguarding Authority (ISA) and your application status is 'under consideration', 'minded to bar' or if you are 'barred' from working with children or vulnerable adults.
16. Serve all councillors equally (not just those of the controlling group), ensuring that the individual rights of all councillors are respected. You must not allow your own personal or political opinions to interfere with your work. Close personal familiarity between employees and individual councillors should be avoided. A protocol on councillor/officer relations is set out within the Council's [Constitution](#).
17. Undertake training courses and learning/e-learning modules as required by your job role or employment with the Council.
18. Notify your line manager of any personal relationship in or outside of work which may result in your honesty/objectivity/integrity being challenged in your role with the Council.
19. Disclose any known relationship between yourself and a candidate who has applied for a Council post where you are involved in appointing to the

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post. All appointments must be made on the basis of merit in line with the Council's Recruitment and Selection Policy and associated processes.

20. Notify your line manager of any change in your personal circumstances which could affect your ability to fulfil the role in which you are employed.
21. If supplied with a uniform or clothes/overalls for your role with the Council, you must wear these whilst carrying out your duties. All other employees are required to dress in a way that is appropriate to the work they have to do, as determined by their line manager or recognised conventions (e.g. smart clothes for court appearances, public meetings, etc).
22. Take care to ensure that your personal hygiene and also your personal appearance is appropriate having regard to the conventions of your workplace and internal/external working environment.

In addition to complying with the above, you are also expected to conduct yourself, both on and off duty, in a manner appropriate to and compatible with your employment with the Council.

## 6. Political Restrictions

Certain employees hold politically restricted posts that are defined in the Local Government and Housing Act 1989 as:

- specified posts, such as the Head of the Paid Service and the Monitoring Officer. These post holders are restricted without exemption or appeal; or
- posts that meet the duties-related criteria for determining a 'sensitive' post, unless the post holder appeals successfully against such a determination. These posts are defined as those that (i) give advice on a regular basis to the employing authority, or (ii) speak on behalf of the authority on a regular basis to journalists and broadcasters.

If you hold a 'politically restricted post' you are disqualified from membership of any authority, other than a parish or community council, from being a MP or MEP and are subject to prescribed restrictions on your political activity. Further information about political restrictions can be obtained from the Director of Corporate Services.

If the post you hold is politically restricted, your line manager will notify you of this on appointment.

## 7. Employee Compliance

Failure to comply with the standards of conduct set out under this Code may result in action being taken under the Council's Disciplinary Procedure, and could result in your dismissal from employment with the Council.

Further information about levels of misconduct can be found within the Council's Disciplinary Procedure.

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## Statement of Ethical Standards for Employees

### 1. Introduction

- 1.1 The County Council's reputation for acting with integrity is to a great extent measured by the way in which our employees conduct themselves with our customers, other organisations and each other. This statement sets out the ethical standards which must be upheld by all Council employees [1]. The standards are an important and integral part of the Council's [Code of Conduct for Employees](#) which sets all the standards of behaviour that the Council requires employees to comply with.
- 1.2 Our customers, the general public and external organisations are entitled to expect the highest standards of conduct from the Council and its employees. Public confidence in our integrity would be shaken were the least suspicion to arise that the Council or any employee could in any way be influenced by improper motives. Employees must therefore be aware that whilst social contact with persons who have business with the Council can be perfectly proper, care must be taken to ensure that contacts of this nature cannot be misconstrued.
- 1.3 Relationships such as kinship, friendship, membership of an association or club may give the impression to others that an employee might, when undertaking Council business, be acting from personal motives and have divided loyalties. The test is whether others would think the interest is of a kind to make this possible. Accordingly, where such relationships exist employees must be aware of their responsibilities under this Statement and, if they consider that any relationship might give such an impression, or if they are in any doubt, they must inform their line manager at once and, if necessary, make a formal declaration as required.

### 2. Application of the Statement

- 2.1 This Statement reflects relevant legislation and sets out the Council's expectations of all persons working for the Council. Whilst some of the issues addressed by this Statement are likely to affect senior, managerial and professional employees more than others, **all** employees and workers are covered by this Statement including those working in schools, employees seconded to other organisations or those working in companies wholly owned by the Council. The Statement applies to permanent, temporary and fixed-term employees and casual workers.
- 2.2 The Statement sets out standards that all employees must comply with. Council employees must conduct themselves at all times when undertaking Council business in accordance with the highest professional and ethical standards and the laws of all countries in which the Council does business.

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- 2.3 On appointment (and when otherwise required by the Council) employees shall be required to confirm their acceptance of the provisions of the Statement as a fundamental term of their contract of employment with the Council.
- 2.4 Non compliance with any of the provisions of this Statement will be regarded as misconduct and may result in action being taken under the Council's [Disciplinary Procedure](#). In some circumstances it may also result in criminal proceedings.
- 2.5 If you consider that other employees may be acting or have acted in breach of any of the provisions of the Statement then you **must** report this to your line manager or raise it through one of the other available procedures e.g. [whistleblowing](#).
- 2.6 You must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.
- 2.7 You must pay particular attention to these provisions if your role with the Council involves dealing with the award of any contracts by the Council or if you deal with any financial transactions, particularly where they are high value. You must also carefully consider the implications of any external activity that you may undertake (where that is permitted see paragraph 2.8) in addition to your employment with the Council.
- 2.8 You must not undertake any additional outside employment which is in conflict with your role as an employee. If you are paid above scp 26 on the Lancashire pay spine, or equivalent, you must seek permission prior to undertaking any additional outside employment – see [the Code of Conduct](#)

### **3. Anti-Bribery and Corruption**

- 3.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. This conduct is never acceptable.
- 3.2 It is not acceptable for you (or someone on your behalf) to:
- (i) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
  - (ii) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
  - (iii) accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;

- (iv) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided in return;
  - (v) threaten or retaliate against another employee who has refused to commit a bribery offence or who has raised concerns under these rules; and
  - (vi) engage in any activity that might lead to a breach of paragraphs (i) to (v) above.
- 3.3 The penalties for committing an offence under the Bribery Act 2010 can be serious. Failing to prevent bribery can result in a fine. Offences of giving or receiving bribes can result in fines and/or up to 10 years' imprisonment.
- #### 4 Gifts, Hospitality and Sponsorship
- 4.1 The acceptance/giving of any gift or hospitality by an employee from/to a person (customer, potential customer, supplier, family member of an employee or any other person), who has or may seem to have dealings with the Council can be viewed with suspicion.
- 4.2 Although such offers may be made in perfectly good faith, employees must not accept or make offers where any suggestion of improper influence might arise. A gift or hospitality must not be able to be construed as a bribe nor must it seek to influence any decision or be contrary to any laws or regulations.
- 4.3 Any gift or hospitality should only be accepted where you are satisfied that any purchasing, planning or other Council decisions are not compromised. You should not put yourself in a position where your own integrity and the integrity of the Council may be called into question.
- 4.4 Gifts and hospitality should not be offered to or accepted from any existing or potential supplier or customer during a procurement exercise.
- 4.5 You should only accept a gift or hospitality where it is reasonable and justifiable and is on a scale appropriate to the circumstances, for example:
- A gift with a token face value of up to £25 given by way of trade advertising to a wide range of contacts (e.g. calendars, pens, diaries);
  - The gift is not in the form of cash or securities;
  - The gift or hospitality is a one-off and not repeated on a regular basis; and
  - The gift or hospitality is given openly, not secretly.
- 4.6 You must seek prior approval, where possible, from your line manager before accepting any gift or hospitality that is estimated to be beyond a face value of £25.
- 4.7 You must declare all gifts and hospitality received or rejected that is estimated to be beyond a face value of £25. The appropriate form to make a declaration is available on the 'Gifts and Hospitality' [intranet site](#). The Director of

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Corporate Services will maintain a register of all declarations of gifts and hospitality. Your completed declaration form should be emailed within 10 days of the date of the gift or hospitality to:

[democratic.services@lancashire.gov.uk](mailto:democratic.services@lancashire.gov.uk). The register will be open to inspection by Heads of Service and other managers as appropriate. If you are seconded to an organisation then it is appropriate to use that organisation's forms and procedures in order to make this declaration.

- 4.8 You should always consider the benefit to you and the Council of declining a gift or hospitality. When a gift or hospitality has to be declined you should courteously but firmly inform those making the offer of the procedures and standards operating within the Council.

## **5 Financial, Personal and Pecuniary Interests**

- 5.1 You should disclose any financial or personal interests that you feel conflict or might be seen as conflicting with the Council's interests, for example:

- acting as a school governor within schools maintained by the Council;
- involvement with an organisation receiving grant aid from the Council;
- membership of another public sector organisation;
- membership of a body exercising functions of a public nature;
- involvement with an organisation or pressure group which may seek to influence the Council's policies;
- involvement with an organisation or company that is doing business with the Council e.g. as a director ;
- membership of a charitable body that has a relationship with the County Council;
- membership of the freemasons or any similar organisation.

- 5.2 Section 117 of the Local Government Act 1972 requires you to disclose any direct or indirect financial interest which you may have in any contract involving the Council. An interest is deemed to include a beneficial interest in a company, or partnership with, or employment by a person with such an interest. It extends to the interest of your spouse or partner. You must not accept any reward, fee, unauthorised commission, gift, present or payment for any work you perform for the Council other than your proper remuneration. Failure to declare such interests may be a criminal offence.

- 5.3 If you wish to declare any financial or personal interests you should submit a completed declaration form to the Director Corporate Services. The form is available on the [intranet site](#) and should be emailed to: [democratic.services@lancashire.gov.uk](mailto:democratic.services@lancashire.gov.uk) The register of interests will be open to inspection by Heads of Service and other managers as appropriate.

## **6. Compliance**

- 6.1 Failure to comply with the principles and steps set out in this Statement may result in action being taken under the Council's [Disciplinary Procedure](#) and can lead to dismissal. Examples include, but are not limited to:

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- (i) Failure to comply with the principles and steps set out in this Statement;
- (ii) Failure to report a suspected, or actual, instance of non-compliance with the principles and steps set out in this Statement;
- (iii) Failure to make, or falsification of, any declaration to the Council that the Statement requires you to make;
- (iv) Lack of attention or diligence on the part of managers that directly or indirectly leads to a breach of any provision of this Statement or a breach of the law;
- (v) Direct or indirect retaliation against an employee who reports an actual, or suspected, breach of the principles and steps required by this Statement.

6.2 In addition to any disciplinary action that may be taken a breach of any of the provisions of this statement may also amount to a criminal offence. Offences under the Bribery Act 2010 may result in imprisonment<sup>[1]</sup>. Breach of the provisions of this Statement may also amount to a criminal offence under the provisions of s.117 of the Local Government Act 1972<sup>[2]</sup>.

## **7. Amendments to the Statement**

7.1 The Council reserves the right to amend this Statement at any time as it thinks fit to ensure compliance with legislation or otherwise by giving employees not less than 28 days' notice of any change whereupon the provisions of the revised Statement will take effect as a fundamental term of the employee's contract of employment.

7.2 Should you require any clarification about the requirements of this Statement please contact your line manager. You can also obtain further advice from the Director of Corporate Services at: [democratic.services@lancashire.gov.uk](mailto:democratic.services@lancashire.gov.uk)

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<sup>[1]</sup> See paragraph 3.3

<sup>[2]</sup> See paragraph 5.2

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<sup>[1]</sup> For the purposes of this Statement "employee" is defined in paragraph 2.1