

Standards of conduct policy (officers' code of conduct)

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Introduction

1.0 The Standards of Conduct Policy applies to all employees of North Yorkshire County Council including schools where the Governing Body has adopted this document.

1.1 Directors must also refer and comply with the Council's Directors' duties and conflict of interest document.

1.2 The public is entitled to expect the highest standards of conduct from all employees who work for North Yorkshire County Council. This Policy is aimed at ensuring that employees are aware of the standards of behaviour expected of them by North Yorkshire County Council / the School Governing Body.

1.3 Failure to observe the standard set out in this Policy and related documents will be regarded as serious, and any breach will render an employee liable to disciplinary action, which may include dismissal.

Standards

2.0 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties to provide appropriate advice to councillors and fellow employees, to do so with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

2.1 Officers are reminded of paragraph 2.1 within Part 2 of the National Agreement on Pay and Conditions of Service which is as follows:
"Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained".

2.2 It is the duty of each employee to report to the appropriate manager any breach of Policy or concern that the Policy is being breached.

2.3 North Yorkshire County Council and the School Governing Body are not prepared to tolerate malpractice or wrongdoing in the performance of their services. It is part of an employee's responsibility to report any malpractice or wrongdoing of which they are aware, or have serious suspicion of. For this purpose, employees can raise the issue in line with the [Whistleblowing Policy Statement](#).

Disclosure of information

3.0 The County Council believes that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The County Council itself may decide to be open about other types of information. Employees must ensure that they know what that information is and seek advice and guidance from line managers where this is not clear.

3.1 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who

might use it in such a way, other than in circumstances which have been agreed in accordance with 17.0 of this Policy and in the spirit of partnership.

3.2 Any particular information received by an employee from a councillor/governor which is personal to that councillor/governor and which does not belong to the County Council, should not be divulged by the employee without the prior approval of that councillor/governor, except where such disclosure is required by law.

Political neutrality

4.0 Employees serve the County Council as a whole. It follows that they must serve all councillors and not just those of the controlling group (if any), and must ensure that the individual rights of all councillors are respected.

4.1 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality.

4.2 Within the County Council structure, those employees who provide regular advice to Members of the County Council and make recommendations on policies and strategies, are deemed to be politically restricted. Please refer to the Politically Restricted Posts policy.

4.3 Employees, whether or not holding politically restricted posts, must follow every lawful expressed policy of the County Council/School and must not allow their own personal or political opinions to interfere with their work.

Relationships

5.0 Councillors / Governors

Employees are responsible to the County Council/Governing Body through its senior managers/leadership team. For some, their role is to give advice to councillors, governors and senior managers and all are there to carry out the Council/School's work. Mutual respect between employees and councillors/governors is essential to good local government/local management of schools. Close personal familiarity between employees and individual councillors/governors can damage the relationship and prove embarrassing to other employees and councillors/governors and should therefore be avoided.

5.1 Professional responsibilities and personal relationships

Employees should always remember their responsibilities to the communities they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within those communities.

Employees should disclose if they are working with anyone in a professional capacity who is a relative or with whom they have a close personal relationship with outside of work. The disclosure should be made to their line manager promptly for their consideration.

5.2 School based employees

It is important that all working relationships, and relationships between employees and pupils, are conducted in a professional manner.

It is an abuse of the professional relationship between an employee and pupil for the employee to:

- Enter into an improper association with a pupil
- Commit any acts against a pupil which are illegal
- Show undue personal favour or disfavour towards a pupil
- Endeavour to exert an undue influence on personal attitudes, opinions or behaviour which are in no way connected with the work of the school

Safeguarding of Pupils/Students

Employees within schools have a duty to safeguard pupils from:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect

The duty to safeguard pupils includes the duty to report concerns about a pupil to the Designated Senior Person for Child Protection.

Employees must ensure that they are familiar with the school's Child Protection Policy and Whistleblowing procedures.

5.3 Staff in CYPS and HAS

In addition to the standards in this policy, the [Children and Young People's Service](#) (CYPS) and Health and Adult Services (HAS) Directorates have additional policies outlining Professional Boundaries between staff and service users which staff are required to adhere to.

Contractors

6.4 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, and in accordance with the County Council's recognised procedures. No special favours must be shown to businesses run by, for example, friends, partners or relatives. No part of the local communities must be discriminated against. It is also recognised that certain internal services of the County Council operate on a trading basis and in these circumstances too the content of this paragraph will apply.

6.5 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship to their line manager or, in the case of a Head Teacher, the Chair of Governors.

Separation of roles during tendering

6.6 Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the County Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

6.7 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

6.8 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

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

Appointment and other employment matters

7.0 The County Council's Constitution requires any senior officers to disclose to their Director/Head Teacher (or, in the case of a Head Teacher, the Chair of Governors) any relationship known to them to exist between themselves and a candidate for an appointment, where they are aware of that application being made. The officer and the applicant are deemed to be related if they are husband and wife, or if either of them (or the spouse of either of them), is the brother or sister, son or daughter, grandson or grand-daughter, or nephew or niece of the other (or the spouse of the other).

7.1 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

7.2 Similarly, employees should not be involved in decisions relating to discipline; promotion or pay adjustments where they are related to an employee, or have a close personal relationship outside work with him or her.

7.3 All reasonable steps should be taken to ensure that employees are not line managed by someone with whom they are related or have a close personal relationship with outside of work.

7.4 Employees are required to report any conviction, Police caution (DBS posts only), Penalty Notice for Damage or Penalty Notice for Disorder, driving offence, civil offence, arrest, charge or summons in line with the County Council / School guidance, detailed in Appendix A of this policy.

Outside commitments

8.0 All employees, through their Statement of Particulars, have obligations to the County Council and (in relation to those staff working within a school) the school, and should not take outside employment or engage in activities which conflict with the County Council or School's interest.

8.1 All employees graded above Spinal Column Point 28 are required to obtain the consent of the County Council, via the appropriate Director/Head Teacher, to take outside employment.

8.2 No outside work of any sort, whether paid or unpaid, should be undertaken at the employee's place of work and the use of the Council or School's facilities (telephone, computer, photocopier, etc.) is forbidden. In Schools, prior permission from the school's management can be given to use such facilities and all costs must be reimbursed, where applicable. For representatives of recognised teachers' organisations, this will be in line with the Burgundy Book, Appendix III.

8.3 Employees must follow the County Council/School's rules on ownership of intellectual property or copyright created during their employment. In this respect, all patents, trademarks and other rights in any invention, device or concept (or any novel improvement or modification to an existing invention, device or concept) created or developed by an employee during the period of their employment shall belong to the County Council/School, subject only to any rights which may be acquired by an employee under the Patents Act 1988 (as amended), or any statutory modifications thereof.

8.4 The County Council/School shall be the legal and beneficial owner of the copyright in, and all other rights to, the results of the development of the application of all work produced by an employee during their period of employment.

8.5 Employees of the County Council/School, during their period of employment, must not make any approaches to any internal or external organisation which has dealings with the County Council or for which the County Council (or any Directorate or Section within it) provides a Service, with a view to soliciting and/or undertaking work for such internal or external organisation on a private basis either during their period of employment or thereafter. Nor should such approaches be made on behalf of another person or body.

Personal interests

9.0 Employees must declare in writing initially to the Assistant Director or Head teacher:-

(a) Any financial or non-financial interests that they consider could bring about conflict with the County Council's and/or School's interests, e.g. being involved in an official capacity with an outside organisation.

(b) any financial interest which could conflict with the County Council's and/or school's interests, e.g. work for which a fee is received.

(c) Employees must declare membership of any secret societies. The definition of "secret society" is as follows:

"Any Lodge, Chapter, Society, Trust or regular gathering or meeting which:

- Is not open to members of the public who are not members
- Includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance.
- Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct."

In the case of a Director/Assistant Director, such a declaration must be made to the Chief Executive/Director. In the case of a Head Teacher, the declaration must be made to the Chair of Governors.

9.1 Where employees (Band 12 and above) have declared an interest in regard to section 9.0(c) the detail will be kept in a register by the Council's Monitoring Officer or Head Teacher/Chair of Governors. The information is not available to the public but is accessible by other officers who have a 'need to know'.

Equality issues

10.0 The County Council is an equal opportunities employer and all employees are under an obligation to ensure that its policies relating to equality issues, plus those required by law, are complied with.

10.1 All members of the local communities, customers and other employees have a right to be treated with fairness and equity. Further information is available in the equalities section of the Intranet or within the relevant school policy.

Corruption

11.0 It is a serious criminal offence for employees corruptly to receive or give any gift, loan, fee, reward, or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

Gifts and hospitality

12.0 Both Council and school employees may from time to time, in the course of their work, encounter situations where individuals or organisations may offer gifts or hospitality. Whilst most are well meant and innocent, nationally there have been instances of benefits being offered and accepted for corrupt purposes to secure improper advantage. The rules which regulate the acceptance of gifts and hospitality by Council employee are outlined in the 'Gifts and Hospitality Protocol for Employees' document. School based staff should refer to their Head Teacher in regards to the School's practices on this matter.

Sponsorship - schools

13.0 Where an outside organisation wishes to sponsor a school activity or project, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality apply. They should only be accepted where the hospitality involved is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant.

Use of financial resources

14.0 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money for local communities and to avoid legal challenge to the County Council.

Complaints about malpractice

15.0 The Royal Commission on Standards of Conduct in Public Life, which reported in July 1976, recommended that local authorities should have clear channels for complaints about malpractice within the organisation, whether such complaints were made by members of the public, or by employees of the local authority. Any

complaints concerning alleged malpractice should be referred to the appropriate Director and employees can be assured that they will be investigated with strict impartiality. The Whistleblowers' Charter has been established for this purpose.

Social media

16.0 All use of social media and the internet on Council equipment is monitored and any misuse in relation to social media which is brought to the Council's attention, will be investigated and may result in disciplinary action.

16.1 Personal accounts set up by staff on social media, whilst unable to be influenced by the Council, are subject to the Standards of Conduct policy to ensure employees of North Yorkshire County Council do not bring the Council into disrepute.

16.2 Employees who use social media for recreational purposes must still adhere to this policy and must not do anything in their own personal time that would bring the Council into disrepute. Staff must not use Council E-mail addresses when using social media for their own personal use.

16.3 Employees must not divulge or comment on any information gained in the course of their work, and relating to any groups or individuals the Council provides a service to, on any social media outlet.

Contact with the press and media

17.0 Employees are not permitted to give reports or speak to the press and media, unless this is an aspect which is clearly required within their role, on matters relating to their employment within the County Council or school, County Council or school business or decisions of the County Council or Governing Body. Employees with this responsibility must guard themselves against declaring a view which is contrary to a position taken by the County Council or Governing Body and which may be deemed to be critical of that decision.

17.1 In the event of an industrial dispute involving Trade Union organisations, an elected representative of that Trade Union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that Trade Union organisation to respond, employees acting in a union capacity should exercise great care in presenting their response.

17.2 In all circumstances, employees are under a general duty of care to avoid, wherever practicable, a conflict of interest arising and should not undertake to criticise, damage or act in any way against the best interests of the School or County Council. Should this occur, then the employee will be subject to disciplinary action in accordance with the agreed procedures.

Talks to outside bodies, radio and television interviews, contributions to publications, etc.

18.0 Where an employee is invited to give a talk to an outside body, or participate in a broadcast, or contribute an article to a professional journal, or the like, on a matter related to their employment or on a personal interest which would be relevant to that employment, the following guidelines apply:

(a) Acceptance of such an invitation shall be at the discretion of the Assistant Director concerned. In the event of an Assistant Director wishing to follow this course of action, it shall be at the discretion of the Director and, in the event of a Director wishing to follow this course of action, the Chief Executive. In the event of a school based member of staff, acceptance of such an invitation shall be at the discretion of the Chair of Governors. Advice may be sought from the local authority if deemed appropriate.

(b) Unless an employee is officially representing the County Council or School, they should make it clear that they are speaking or contributing on a personal basis and that their views do not necessarily represent those of the County Council or Governing Body.

(c) Employees should avoid commenting on matters which could be regarded as contentious or sensitive so far as the County Council or school is concerned, especially in cases where what is said is being reported.

(d) Provided that an employee gives talks on relatively isolated occasions, they shall, at the discretion of the Director/ /Chair of Governors, be permitted:

- To retain any fee received (on the assumption that any preparatory work will have been undertaken in the employee's own time).
- To be absent for the purpose of giving the talk, interview etc, without the necessity of taking annual leave, if the invitation entails being absent during working hours.

18.1 When an officer graded over Spinal Column Point 28 wishes to undertake paid lecturing on a regular basis additional to their employment with the County Council, the application must be referred via the Director/Assistant Director to the Head of Human Resources.

Smoking/Smoking cessation

19.0 The County Council has a Smoke Free Workplace Policy which is incorporated into employees' contracts of employment. Employees are reminded that if found smoking (including e-cigarettes) in contravention of the policy, it will be regarded as a disciplinary offence. School based staff should refer to their individual School's policy.

19.1 Health & Wellbeing Services offer additional information to promote and support a healthy lifestyle and specific information regarding smoking cessation.

Appendix A

Directorate and School based staff
Declaration of Convictions, Arrests, Charges and Summons

Convictions Received During Employment

Employees are required to verbally report the following matters in a timely manner* to their Manager, Headteacher (or in the case of the Headteacher to the Chair of Governors), producing a copy of the court or police document, when available:

- Any conviction
- Any Police caution (DBS posts only)
- Any Penalty Notice for Damage
- Any Penalty Notice for Disorder

For those employees who drive on business at any time during their employment, this includes all motoring offences dealt with through the courts and penalty points on driving licences (whether awarded by a court or through fixed penalty notices).

The Manger/Headteacher/Chair of Governors will consider any possible effects of these matters on an individual's employment, discuss this with an authorised officer**/legal/HR as appropriate and take relevant action.

Arrests and Summons during Employment

Individuals may be arrested and summonsed in connection with a wide variety of possible offences which may or may not have an impact on their employment dependent on the nature of their posts and the nature of the alleged offence.

Where an employee has been arrested, or reported for summons, on suspicion of committing any offence this must be verbally reported to their Manger/Headteacher/Chair of Governors in a timely manner, producing a copy of the court or police document when available.

After having undertaken a risk assessment, taking advice as appropriate and recorded their decision (with reasons), the Manager/Headteacher/Chair of Governors should, in appropriate cases, put in place precautionary measures for the protection of the employee, service users, pupils/students, the school and the authority. Precautionary action may include restriction of duties, temporary redeployment, temporary change of workbase or, if none of these options are practicable, suspension with pay. Managers/Headteachers/Chair of Governors is responsible for consulting with authorised officers/legal/HR as appropriate and taking relevant action.

Following careful consideration of the available evidence, any action taken will be fair and reasonable in the circumstances.

Police Notification

For those employed in 'notifiable occupations' (chiefly those with access to children or vulnerable adults), the Police Service will notify employers of anything which comes to their attention which they believe to be appropriate for the employer to know about. This will essentially be to the health, safety and wellbeing of these

vulnerable groups and for the prevention of crime. It is the duty of staff and in their interests, to notify their Manager/Headteacher/Chair of Governors of any of the above listed occurrences at the first available opportunity, rather than to await the issuing of a police notification.

Civil Offences

In certain occupations, especially those that deal with children and vulnerable adults, employees need to be particularly aware of the requirements of occupational and professional codes of conduct as well as safeguarding guidance and workplace expectations.

Therefore, in occupations such as Family Support Workers, Education Social Workers, Youth Workers, Teachers, Teaching Assistants and others who work with young/vulnerable people it will be an expectation that such matters are reported.

Examples of civil offences are:

- Anti-social Behavioural Orders (ASBOs)
- Parenting Orders

Updating

Employees are required to verbally advise their Manager/Headteacher/Chair of Governors of any significant development (e.g. being charged with an offences following arrest, dates of court appearances), producing a copy of the court or police document, where available, so that the situation can be kept under review.

Failure to Report

Failure to report, in a timely manner*, any conviction, Police caution*** (DBS posts only), Penalty Notice for Damage or Penalty Notice for Disorder, driving offence (where required), civil offence (where relevant), arrest, charge or summons may render the employee liable to disciplinary action.

Retention of Date

Any declarations made will be recorded and filed in secure, restricted, confidential storage, with the employee's personal information, together with a record of any action taken by the Manager/Headteacher/Chair of Governors. The details of any conviction, arrest etc. will only be retained if the Authority/School has taken action as a result of the declaration.

*'In a timely manner' normally refers to the first attendance at work following the event. There may be exceptions to this e.g. where an employee is held in custody or takes pre-arranged leave immediately after the event, or in the case of schools where it is closed due to a holiday period. In such cases, the employee should contact his/her manager at the first opportunity in order to relate this information.

**An authorised officer is a manager who has been trained and authorised to make decisions on positive DBS disclosures.

***Police Cautions become 'spent' under the Rehabilitation of Offenders Act as soon

as they are issued. Certain occupations (including those which require DBS clearance) are exempt from the provisions of the Rehabilitation of Offenders Act.