

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT

EMPLOYEE CODE OF CONDUCT

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EMPLOYEE CODE OF CONDUCT

PREFACE

The following Employee Code of Conduct incorporates the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001. Each extract from the Order is shown in bold italics, with an accompanying footnote.

The terms of appointment and conditions of employment of all Neath Port Talbot County Borough Council employees (subject to paragraph 2.1 below) are deemed to incorporate the entire Employee Code of Conduct, including by operation of law the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001.

Any breach of the Council's Employee Code of Conduct is a potential disciplinary offence, which will be dealt with in accordance with the Council's Disciplinary Procedure, and which can lead to the dismissal of the employee(s) concerned. A breach of the Code may also constitute a criminal offence.

POLICY STATEMENT AND GENERAL PRINCIPLES OF CODE OF CONDUCT

The public is entitled to expect the highest standards of conduct from all employees of Neath Port Talbot County Borough Council. The role of such employees is to serve the Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity¹. Public confidence in the Authority and in an employee's integrity would be shaken if the least suspicion were to arise that an employee could in any way be influenced by improper motives.

¹ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 1 - General Principles

EMPLOYEE CODE OF CONDUCT PROCEDURES AND PRACTICES

1. INTRODUCTION

- 1.1 Neath Port Talbot County Borough Council's reputation and the public's trust and confidence in its integrity are of vital importance. It must be seen to discharge its day to day responsibilities with openness and probity. This document is presented as a framework to make clear the standards of conduct expected of all employees.
- 1.2 This Code of Conduct is applicable to all employees of the Authority, except those who are directly employed by School Governing Bodies, and forms part of each employee's contract of employment.
- 1.3 Inevitably, some of the issues covered by the Code of Conduct affect senior, managerial and professional employees more than others, but the Code covers all employees.
- 1.4 *Employees work for the Authority and serve the whole of that Authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law².*

2. STANDARDS

- 2.1 All 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 with impartiality. *In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Authority's confidential reporting procedure, or any other procedure designed for*

² Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 2 - Accountability

*this purpose*³. The whistleblowing procedure is set out in the Council's Anti-Fraud, Corruption and Malpractice Strategy. Such reporting shall be without fear of recrimination. Employees must familiarise themselves with this procedure and should make relevant disclosure strictly in accordance with it.

- 2.2 The Council's Harassment at Work Policy states that harassment/bullying at work will not be tolerated and may lead to serious disciplinary action. All employees are expected to ensure that their behaviour is consistent with the Harassment at Work Policy.
- 2.3 There are some employees (Head of Paid Service; Monitoring Officer; Chief Financial Officer) whose separate statutory duty in certain circumstances may take precedence over Neath Port Talbot County Borough Council policy.
- 2.4 All employees must familiarise themselves with, and adhere to, the provisions contained in the Council's Anti-Fraud/Corruption and Malpractice Strategy – Whistleblowing Policy Document.
- 2.5 *Where a monitoring officer is undertaking an investigation in accordance with the Regulations made under Section 73(1) of the Local Government Act 2000, an employee must comply with any requirement made by that monitoring officer in connection with such an investigation*⁴.
- 2.6 All employees must also comply with any requirement made by the Monitoring Officer (Head of Legal Services) or any other relevant officers in connection with an investigation into fraud, corruption or malpractice.

3. **CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

- 3.1 *Openness in the dissemination of information and decision-making should be the norm in the Authority. However, certain information may be confidential or sensitive and therefore not appropriate for a*

³ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 9 - Whistleblowing

⁴ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 12 - Investigations of Monitoring Officers

wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions.

- 3.2 *Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information*⁵. The law requires that certain types of information must be made available to Councillors, auditors, Government departments, service users and the public.
- 3.3 All employees must familiarise themselves regarding which information the Authority is able to be open about, and is not able to be open about, and act accordingly.
- 3.4 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.
- 3.5 Any information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required as sanctioned by the law.
- 3.6 Letters written to employees in their position as representatives of the Authority are the property of the Authority.

4. **POLITICAL NEUTRALITY**

- 4.1 Employees serve the Authority as a whole. It follows that they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 4.2 Some employees may be requested to advise political groups. If this is the case, they must do so in a manner which does not compromise their political neutrality as employees.

⁵ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 10 - Treatment of Information

4.3 *All employees, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.*

4.4 *Where employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities⁶.*

4.5 Each employee who is currently subject to such political restrictions has been notified accordingly. Such post holders and all other employees must also consider whether they should undertake political activities outside these restrictions which may create a conflict of interest.

5. **RELATIONSHIPS**

5.1 *Employees should deal with the public, Members and other employees sympathetically, efficiently, and without bias⁷.*

Councillors

5.2 Both Elected Members and employees are involved in public service. However, their respective roles are quite different:

- Elected members are responsible to the electorate;
- Employees are responsible to the Chief Executive as Head of the Paid Service, and to their respective Corporate Directors.

Individual Elected Members are not permitted to give instructions to employees unless specifically authorised to do so by the Council or by a Committee or by the Executive.

An employee's job, where it is part of his/her duties, is to provide appropriate advice to elected Members with impartiality. Such advice

⁶ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 3 - Political Neutrality

⁷ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 5 - relations with Members, the public and other employees

must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.

- 5.3 ***Mutual respect between employees and Members is essential to good local government and working relationships should be kept on a professional basis⁸.*** Close personal familiarity between employees and individual Members can damage this relationship and prove embarrassing to other employees and other Members.
- 5.4 Many employees necessarily acquire information during the course of their employment that has not yet been made public and is, therefore, still confidential. It is a betrayal of trust to disclose such information and you should never disclose or use confidential information for your own personal advantage or for someone known to you, or if to the discredit of the Authority or anyone else.
- 5.5 Where an employee has a grievance about a matter relating to his/her employment, this should be pursued through the agreed grievance procedure with trade union involvement as necessary - a direct approach to elected Members is not permitted.
- 5.6 In addition to the general principles detailed above, the following guidelines have been compiled with the purpose of establishing what does, and what does not, constitute acceptable behaviour:

Employees may

- give advice to elected Members, where such a requirement is part of their job, on professional and/or operational matters which are within the jurisdiction of their area of responsibility;
- respond to individual complaints or queries from elected Members and give relevant factual information relating to services with which they are concerned.

⁸ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 4 - relations with Members, the public and other employees

Employees must not

- let their personal or private interest influence their working relationships with elected Members;
- act in any way which may result in suspicions of improper conduct arising.

Local Communities and Service Users

- 5.7 Employees should always remember their responsibilities to the communities they serve and to ensure courteous, efficient and impartial service delivery to all groups and individuals within these communities as defined by the policies of the Authority.

Contractors

- 5.8 All relationships of a business or private nature with external contractors, or potential contractors, should be made known by employees to their Corporate Director. Orders and contracts must be awarded on merit and in accordance with the Authority's Contract Procedure Rules, and no special favours should be shown to businesses run by, for example, friends, partners or relations in the tendering process. No part of any community within the County Borough should be discriminated against.
- 5.9 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, should declare such a relationship to their Corporate Director.
- 5.10 See also Section 8 - Personal Interests.

Service Users

- 5.11 Employees who are in close contact with service users both in the community and residential settings may find themselves placed in invidious situations for a number of reasons. Where such circumstances arise, employees must not:

- (a) accept presents in money or goods for themselves or members of their family;
- (b) accept loans of money or goods to themselves or members of their family;
- (c) enter into financial arrangements with the service user, e.g. by buying goods from the service user, or selling goods/services; similar restrictions also apply to the employee's family;
- (d) assist with the preparation of a Will, or Deeds of Gift.

Adherence to these measures will assist employees to minimise any risk of accusation that undue influence has been exercised by an employee over a service user.

6. **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

6.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in any appointment or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work⁹.

6.2 It is unlawful for an appointment to be made which was based on anything other than the ability of the candidate to undertake the duties and responsibilities of the post.

7. **OUTSIDE EMPLOYMENT**

7.1 Some employees are required to obtain consent from their Corporate Director prior to taking up an outside employment (i.e. those employees with a contractual rate of pay in accordance with or equivalent to NJC "Green Book" spinal column point 29 and above). All other employees are required to give notification in relation to any proposed outside employment (i.e. those employees below scp 29). No employee should undertake outside employment which conflicts with the Authority's interests.

⁹ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 11 - appointment of staff

- 7.2 The provisions contained in paragraph 7.1 above are applicable whether or not the outside interest is a position which attracts some form of payment.
- 7.3 In considering whether to grant consent, in relation to any employee, account will be taken of whether the outside employment:
- (i) conflicts with the Authority's interests, or
 - (ii) is, or may be, detrimental to the Authority's interests, or
 - (iii) may weaken public confidence in the conduct of the employee or the Authority.
- 7.4 A pro-forma for the purposes of declaring outside employment to their Corporate Director is shown in Appendix 1 to this document.
- 7.5 Failure to observe the requirements of these provisions, or any breach involving the preparation of plans or other work which may subsequently be the subject of Planning or Building Regulations approval, or which may in any way need to be considered or approved by the Council, will be dealt with as a very serious matter in accordance with the Authority's disciplinary procedure.

8. **PERSONAL INTERESTS**

- 8.1 *Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They 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. In particular, they must comply with:*
- ❖ *any rules of the Authority on the registration and declaration by employees of financial and non-financial interests,*
 - ❖ *any rules of the Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the*

Authority. Employees must not accept benefits from a third party unless authorised to do so by the Authority¹⁰.

Financial and Non-Financial Interests

- 8.2 Employees must declare to their Corporate Director details of any financial or non-financial interests which could conflict with the Authority's interests (see Appendix 2).
- 8.3 Section 117 of the Local Government Act 1972 provides:
- (a) that if an Officer (or spouse) has any pecuniary interest under the terms of the 1972 Act, in a contract which has been, or is proposed to be, entered into by the Authority (not being a contract to which he/she is a party), he/she must give notice to the Authority as soon as possible;
 - (b) that an Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration.

Any breach of the above provisions is a criminal offence. Notices under (a) above must be given to the Monitoring Officer (Head of Legal Services), with a copy to your Corporate Director (see Appendix 3).

“Secret Society/Organisation”

- 8.4 Employees should declare to their Corporate Director their membership of any organisation which:
- is not open to the public without formal membership and commitment of allegiance
- and
- has secrecy rules of membership or conduct.

[Note: All declarations which need to be made by Corporate Directors shall be made to the Chief Executive.]

¹⁰ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 8 - personal interests

8.5 A “secret society” is defined for the purposes of this Code of Conduct as follows:

“Any lodge, chapter, society, trust or regular gathering or meeting, which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter society, trust gathering or meeting”.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

8.6 Employees who disclose any interest under this Section should not then have any dealings with the subject matter of the disclosure.

9. **EQUALITY ISSUES**

9.1 *Employees must comply with policies relating to equality issues, as agreed by the Authority, in addition to the requirements of the law¹¹.* All employees are therefore required to familiarise themselves and to adhere to Neath Port Talbot County Borough Council’s policies on Equality of Opportunity in Employment and Equality of Opportunity in Service Delivery.

9.2 All persons residing, visiting or working within the County Borough, service users and other employees have a right to be treated with fairness and equity.

¹¹ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 6 - Equality

10. **SEPARATION OF ROLES DURING TENDERING**

- 10.1 Employees involved in any tendering process and dealing with contractors and other bodies, voluntary organisations etc or negotiation for the procurement of goods, services or utilities should be clear on the separation of client purchaser and contractor provides roles within the Authority, as appropriate. Employees who have both a client purchaser and contractor provides responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units, or similar, must exercise fairness and impartiality when dealing with all customers, suppliers and contractors.
- 10.3 Employees who have access to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Any employee contemplating a management buy-out should, as soon as he/she has formed a definite intent, inform their Corporate Director and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no special favour is 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.

11. **CORRUPTION**

- 11.1 Employees must be aware that it is a serious criminal offence for them 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.
- 11.2 If an allegation of corruption is made it is for the employee concerned to demonstrate that any rewards received have not been corruptly obtained.

12. USE OF FINANCIAL & OTHER RESOURCES

- 12.1 *Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so¹². Authorisation should be requested from their Corporate Director.*
- 12.2 All employees must strive to ensure that they obtain value for money on all occasions to avoid any legal challenge to the Authority.

13. GIFTS AND HOSPITALITY

- 13.1 The Code of Conduct (Qualifying Local Government Employees) states that employees *must comply with the rules of the Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Employees must not accept benefits from a third party unless authorised to do so¹³.*
- 13.2. Council's Employees are prohibited from accepting gifts other than those described in Section 13.3. hereafter. The same rules apply to other material benefits advantages and services which are also not to be accepted and are subject to the same rules as for gifts hereafter stated in 13.3. to 13.5.
- 13.3.1 Employees must not accept personal gifts from any source, other than insignificant items of token value, for example (but not limited to) pens, diaries, calendars, corporate ties.
- 13.3.2 Likewise token gifts given to participants at the end of official visits by or to the Council, at conferences or similar events are acceptable.
- 13.3.3 The same applies to modest gifts given by individuals to express gratitude for help given by employees in the proper performance of their official duties, including, for example (but not limited to) bunches of flowers, boxes of chocolates, a bottle of inexpensive wine and where

¹² Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 7 - Stewardship

¹³ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 8 - Personal Interests

refusal would needlessly upset or offend. However, repeated or costly gifts of this nature must be politely refused.

- 13.4. All offers of gifts, other than those of token value as described in paragraph 13.3.1, 13.3.2, 13.3.3. above, must be declared even when not accepted.
- 13.5. Apart from participating in any concessionary schemes arranged by trade unions or by the Council, employees must not avail themselves of the services of contractors or suppliers engaged by the Council where goods, labour, plant or similar are made available at cost, trade or discount prices. The only exception permissible is where such discounts are generally available to any member of the public.
- 13.6. In relation to the above an employee must ensure that no gifts, material benefits, advantages or services are accepted on the same basis as the above paragraphs by any person with whom the employee is living when he/she knows of such when same are given merely because of the employee's position as employee of the Council and must also declare offers of the same made in accordance with the above rules.
- 13.7. The Council accepts that a reasonable amount of hospitality and reciprocation is acceptable, and on some occasions entirely desirable part of Councils relations with other bodies, including private companies and potential development partners.
- 13.8. Generally it is acceptable for employees to receive hospitality which is in the nature of mere common courtesy i.e. working lunches, hospitality at conferences, seminars and similar events, provided the hospitality is open to all attending and not directed at individual employees and where it is also clear that purchasing decisions are not compromised. (See also 13.13. below)
- 13.9. Other generally acceptable hospitality include attendance at Civic Receptions, launches of partnerships where Council is one of the partners, opening ceremonies for projects in which the Council has been involved or other similar events that involve a partner, contractor or other organisation, when the level of hospitality is appropriate.

- 13.10. Attendance at purely social, sporting or similar functions can only be accepted when it is considered that Council's interests are served by attendance or it is appropriate for Council to be seen to be represented.
- 13.11. Employees who wish to accept any other hospitality than that referred to in 13.8. and 13.9. and specifically for purely social, sporting or similar functions mentioned in 13.10. must have the prior authorisation of their Director prior to accepting such hospitality
- 13.12. Directors consenting to the above, or employees accepting or offered hospitality, must consider at all times how the offer might be viewed by the public and should also be viewed in the context of the offer made, to whom it is made, for what purpose it is made, the benefit it would serve and the current relationship between the person company or body making the offer and the Council. The Employee must be mindful of the timing of any acceptance of hospitality in relation to decisions which Council may be taking affecting those providing the hospitality i.e. for example, whether a contractor has a contract with Council, is a tenderer or potential imminent tenderer for work for the Council or is currently seeking planning permission of Council for a development.
- 13.13. Where visits to view vehicles, equipment, any goods or service delivery or similar are required, or employees attend any demonstrations relating to same including software/IT demonstrations, employees must ensure that the cost of such visits are borne by the Authority to avoid jeopardising the integrity of any subsequent purchasing decision (but may nonetheless accept hospitality as referred to in 13.8. as it is unlikely that purchasing decisions will be thereby compromised).
- 13.14.1 An employee who accepts gifts, material benefits, advantages or services the acceptance of which is not prohibited by 13.1 to 13.6 above is not required to declare acceptance of same to his/her Director. Offers in excess of what is allowed for acceptance must be declared on Form A (referred to in 13.14 following) despite the fact that the employee is prohibited from accepting same.
- 13.14.2 Employees should also use Form A (Appendix 4(a) refers) to notify the Director of offers made in respect of hospitality which an employee is not able to accept under this Code even though the employee has refused the same. Form B (Appendix 4 (b) refers) must be used by employees in cases where prior authorisation is needed before

acceptance of hospitality other than that generally stated to be acceptable in the Code and employees must ensure that the relevant part of Form *B* is duly signed as authorised by the Director prior to any receipt of hospitality or attendance at any function. Forms must be completed contemporaneously and given to the Director as described.

13.14.3 A record of all declarations made and all hospitality authorised for acceptance in accordance with this Code, must be kept by the Director.

13.15 When hospitality has to be declined, those making the offer should be courteously, but firmly, informed of the procedures and standards operated within the Authority.

13.16 The same rules above apply to Corporate Directors save that the authorisation referred to in 13.11. and the record referred to in 13.14.3. shall be dealt with by the Chief Executive.

[**NOTE** for the avoidance of doubt the prohibition on the acceptance of gifts, material benefits, advantages, services or hospitality does not include such things given by Council to its employees hence receipt of these do not need to be authorised or recorded under this Code.]

14. **SPONSORSHIP**

14.1 Where an outside organisation intends, or wishes, to sponsor a Neath Port Talbot County Borough Council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Particular care must be taken by employees when dealing with contractors or potential contractors.

14.2 Where Neath Port Talbot County Borough Council wishes to sponsor an event or service neither an employee or any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Corporate Director of any such interest.

14.3 Similarly, when the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. **HEALTH AND SAFETY**

- 15.1 It is the duty of every employee to act reasonably and to observe all duties and responsibilities imposed by law and by Neath Port Talbot County Borough Council's corporate and directorate health and safety policies and procedures.
- 15.2 Every employee must take reasonable care for the health and safety of himself/herself and of other persons who may be affected by his/her acts or omissions.
- 15.3 Insofar as any duty is placed upon Neath Port Talbot County Borough Council, each employee will be required to cooperate insofar as is necessary to enable the Council to comply with such duties and/or requirements.

16. **DATA PROTECTION & OTHER REGULATORY ISSUES**

- 16.1 Employees shall show respect for the privacy of members of the public and the confidential nature of the information which the Council holds about individuals in the exercise of its functions. In particular employees shall not repeat information to any other person or body (whether within the Council or not) without proper authority.
- 16.2 Employees should familiarise themselves with, and adhere to, any guidance issued by the Council in relation to:

Information Technology Security
Confidentiality
The Security of Paper Files
Data Protection Legislation
Privacy Legislation
Information relating to the Access of Information
Internet Usage
Personal Use of Office Facilities and Equipment by Employees.

Also, where a member of the public has a legal right to access to information employees should respect that right.

17. **INTELLECTUAL PROPERTY - INVENTIONS AND PATENTS**

17.1. Intellectual property is a generic term that includes inventions, creative designs, writings and drawings. Various Acts of Parliament cover different types of intellectual property. If these are created by an employee during the course of his/her employment, then as a general rule they belong to the employer but the exceptions to the general rule stated below should be noted.

Inventions and Patents

17.2 Inventions made before 1st June 1978 are the property of the employer, if made in the course of that employer's employment. However, the Patents Act of 1977 states that after the 1st June 1978, inventions are only the property of the employer if:

- (a) they have been made in the course of the employee's normal duties; or
- (b) they have been made in the course of duties specifically assigned to the employee and where invention might reasonably be expected to result from the carrying out of his/her duties; or
- (c) it was made in the course of the employee's duties and at the time the employee had (because of the nature of his/her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

An employee's "normal duties" in Neath Port Talbot County Borough Council are those duties which are reasonably encompassed in the job outline or job description which the employee carries out during his/her working hours

18. **PROFESSIONAL INDEMNITY INSURANCE**

18.1 Professional indemnity insurance is provided for all appropriate employees but will not extend to costs or damage indirectly caused by or arising from:

- (a) fraud, dishonesty or a criminal offence committed by the employee except where the criminal offence is an offence under the Health

and Safety at Work Act, 1974;

- (b) any neglect, act, error or omission by the employee other than in the course of his/her employment;
- (c) liability in respect of surcharges made by the District Auditor or others made under Section 19 of the Local Government Finance Act 1982;
- (d) where any employee without the express permission of the Council admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of the resolution.

18.2 Neath Port Talbot County Borough Council undertakes not to sue (or join others in action as a co-defendant or co-prosecutor versus) an employee of the Council in respect of a negligent act, error or omission by the officer in the course of his/her employment, subject to the same exceptions as detailed in 18.1 (a) to (d) above.

18.3 This indemnity and undertaking is without prejudice to the rights of the Council to take disciplinary action against an employee in respect of any neglect, act, error or omission.

19. **REVIEW**

19.1 This Code of Conduct will be reviewed on a regular basis.

APPENDIX 1 (I)

OUTSIDE EMPLOYMENT

Name: _____ **Post:** _____

Directorate: _____

Contractual Hours: _____ ***per week/*per annum**

Contractual Pay: _____ ***per week/*per annum**

(*delete, as appropriate)

In accordance with the provisions of Section 7 of the Authority's Employee Code of Conduct, I wish to:

- (a) *notify you of my decision to undertake outside employment; OR
- (b) *seek your permission to undertake outside employment

(*delete, as appropriate)

Note: **Notification** is sufficient for employees whose contractual rate of pay is in accordance with, or equivalent to, "Green Book" scp 28 and below. **Permission** is required for those on scp 29 and above. In all cases, employees must not take up any outside employment which conflicts with the Authority's interests.

APPENDIX 1(II)

Details of Outside Employment

I ~~*consider/*~~do not consider that carrying out this outside employment will conflict with my employment with Neath Port Talbot County Borough Council.

(*delete, as appropriate)

Signed: _____ (employee) **Date:** _____

Corporate Director's comments:

Signed: _____ (Corporate Director)

Date: _____

APPENDIX 2

DECLARATION OF EMPLOYEE'S PERSONAL INTEREST/S

Name: _____ **Post:** _____

Directorate: _____

Nature of interest: (Please tick appropriate box)

Financial Non-Financial "Secret
Society"

[**Note:** If the nature of the financial interest (whether direct or indirect) falls within the remit of Section 117 of the Local Government Act 1972, an appropriate declaration must be made to the Monitoring Officer (Head of Legal Services) using the pro-forma shown as Appendix 3 to the Authority's Employee Code of Conduct]

Details:

How this relates to the Council:

Signed: _____ (employee) **Date:** _____

Received by: _____ (Corporate Director) **Date:** _____

Comments:

LOCAL GOVERNMENT ACT 1972
Section 117

**Disclosure by Officer of local authority of pecuniary interest in contract,
or proposed contract with the local authority**

To the Monitoring Officer, Neath Port Talbot County Borough Council

As required by the Local Government Act 1972, I HEREBY GIVE YOU
NOTICE:

*That I have [a direct] [an indirect] pecuniary interest in the following Contract
which [has been] [is proposed to be] entered into by the Council; namely:-

*My indirect pecuniary interest is based on the fact that⁽²⁾

Dated (Signed)
(Designation)

Delete any works in square brackets which do not apply.

-
- (1) Insert name of local authority
 - (2) Here state whether the officer, or his or her spouse, is a member of the company or other body with which the contract is made or proposed, or whether a nominee of the officer is a member of any such company or other body; or whether the officer, or his or her spouse, is a partner, or in the employment of a person with whom the contract is made, or proposed to be made (*see* Section 95 of Local Government Act 1972, printed overleaf)

APPENDIX 3 (II)

LOCAL GOVERNMENT ACT, 1972

Section 117

Disclosure by Officers of interest in contracts.

117 – (1) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority, that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he himself is a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of subsections (1) or (2) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) References in this section to a local authority shall include a reference to a joint committee appointed under Part VI of this Act or any other enactment.

LOCAL GOVERNMENT ACT, 1972
Sections 95, 97 and 98

Pecuniary interests for purposes of section 94

- 95 - (1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if
- (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
 - (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in other matter under consideration.
- (2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
- (3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

Removal or Exclusion of disability, etc.

- 97 - (1) The district council, as respects a member of a parish council, the principal council as respects a member of a community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the council or the Secretary of State may think fit to impose, remove any disability

imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.

- (2) The power of a council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
- (3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a district council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.
- (4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as a person who is liable under the Local Government Finance Act 1988 to pay an amount in respect of any community charge or in respect of council tax or would be so liable but for any enactment or anything provided or done under any enactment or as inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.
- (5) For the purposes of section 94 above, a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

- (6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on, any question with respect to it, without prejudice, however, to his duty to disclose his interest.

Interpretation of sections 95 and 97, 1958 C. 45.

- 98 - (1) In sections 95 and 97 above “securities” and “shares” have the same meanings respectively as in the Prevention of Fraud (Investments) Act 1958.
- (2) In section 95 above “public body” includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907.

(*currently £2,500, subject to alteration by order)

FORM A

EMPLOYEE CODE OF CONDUCT

**DECLARATION OF OFFERS IN EXCESS OF WHAT CAN BE
ACCEPTED UNDER 13. OF THE EMPLOYEE CODE FOR GIFTS/
AND/OR HOSPITALITY DECLINED**

Name: _____ Post: _____

Directorate: _____

Details of offer of gift (other than of a token value) and/or hospitality which an employee cannot accept under the Code:

(See Section 13 of Employee Code of Conduct for guidance)

Name of Person/Organisation who made offer: _____

Details of Offer: _____

Additional Information: (Include how where and when offer was made and the level of hospitality offered; the manner in which refusal of the offer was conveyed to person/firm etc.)

Signed: _____ (employee) Date: _____

Received by Corporate Director

Signed: _____ (Corporate Director) Date: _____

FORM B
EMPLOYEE CODE OF CONDUCT

DECLARATION/AUTHORISATION
OF ACCEPTANCE OF HOSPITALITY

Name: _____ Post: _____

Directorate: _____

SECTION 1 - DECLARATION

Details of hospitality which an employee wishes to accept in respect of which the express authorisation of Director(Chief Executive) is required prior to acceptance

(See Section 13 of Employee Code of Conduct for guidance)

Name of Person/Organisation providing hospitality: _____

Nature of Hospitality: _____

Venue and Date: _____

Additional Information - i.e. relevance of attendance appropriateness and level of hospitality expected etc.

Signed: _____ Date: _____

SECTION 2 - AUTHORISATION

Corporate Director's comments

Offer to be *accepted/*refused

(*delete as appropriate)

Signed: _____ (Corporate Director/Chief Executive)