

EMPLOYER AND EMPLOYEE RESPONSIBILITIES

PART 1 – INTRODUCTION

- 1.1 This code is designed to help employees understand the working relationship between themselves, their line managers, colleagues, councillors and above all the members of the public to whom we deliver a service.
- 1.2 It is intended to be a short reference guide, with greater detail on many of the issues being available within the [Human Resources \(HR\) Pages](#).
- 1.3 The code does not apply to school employed staff, but in all other areas of the Council's operation it does aim to give a consistency of approach.
- 1.4 The Council is publicly accountable and frequently works in partnership with other organisations, both in the public and private sector. It is therefore vital that all staff conduct themselves in an exemplary manner in all aspects of their work and show no bias whatever their personal views may be.
- 1.5 This code sets out some of the areas where issues can arise. The code is designed to protect staff, but where it is broken, the Council may take disciplinary action resulting in dismissal and in some cases may even refer the matter to the police for prosecution.
- 1.6 There are 3 key points for members of staff to remember in all that they do :-
- Ensure their conduct could not give anyone reason to question their motives
 - Ensure their conduct is never influenced by personal gain
 - Ensure their conduct is in line with the Council's policies
- 1.7 Any queries about any of the issues covered in this code should be raised with your line manager.

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**PART 2 - WHAT WARWICKSHIRE COUNTY COUNCIL EXPECTS OF
ITS EMPLOYEES**

2.1 STANDARDS OF SERVICE

- 2.1.1 You must provide the highest standards of service at all times. You must treat the public, councillors and colleagues fairly, efficiently, politely and in line with our policies. You must not allow your personal or political opinions to interfere with your work.
- 2.1.2 You must use Council resources responsibly, and always give value for money. If you know of someone who is not maintaining these standards or has not followed the code, you must report this to your line manager.
- 2.1.3 All members of the public have the right to be treated equally by you and should not be discriminated against on the grounds of age, disability, gender reassignment, pregnancy, maternity, race, religion or belief, sex, sexual orientation, marital/civil partnership status. You have a responsibility to ensure that the Council's equal opportunities policies are adhered to in all your work activities.

2.2 PERSONAL INTERESTS

- 2.2.1 You must declare any interest which you have which could conflict with the Council's interests or affect your judgement as an employee. Such interests may be financial, business related, ownership of property, family interests, membership of external bodies or any other factor that could be construed as a personal interest.
- 2.2.2 For those with network access, the Staff Register of Interests is held centrally within the Employee Self Service part of the [HRMS System](#). For those without network access it will be necessary to complete a [Staff Register of Interests Declaration Form](#) and submit one copy to your line manager and one to Corporate HR (as directed on the form).
- 2.2.3 The register is subject to rigorous review by Risk and Assurance Services (Audit). You will be asked on a regular basis to confirm that your entry on the register is correct. Failure to disclose an interest could result in disciplinary action being taken against you.

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2.3 RELATIONSHIPS

- 2.3.1 Your personal relationships with councillors, colleagues and members of the public and other organisations must not lead to any suspicion that could affect your work.
- 2.3.2 You should not be involved in the recruitment, promotion, pay, benefits, training or discipline of anyone who is a relation, partner, or with whom you otherwise have a close personal relationship outside of work. If the situation is unavoidable, you should declare such an interest to your line manager and ensure that you are seen to be fair.
- 2.3.3 All officers of the Council are required to be politically neutral while at work. Very senior officers or those that regularly brief councillors are “[Politically Restricted](#)” in that they may not participate in any formal political activity. Your job description will confirm whether or not you are politically restricted. Do remember that the controlling political group may change during the course of your employment, and it is important that you show no bias or personal preference, whatever your personal beliefs may be.

2.4 COMMITMENTS OUTSIDE WORK

- 2.4.1 In accordance with your Terms of Employment, you must seek the permission of the County Council if you wish to engage in any other business or take up any additional appointment. This in practice will mean obtaining the permission of your line manager.
- 2.4.2 Such permission will not be unreasonably withheld, but due regard must be given as to whether the combined [Working Hours](#) of the jobs will regularly exceed a combined total of 48 hours per week. If that is likely to be the case then your line manager will be justified in ensuring that the County Council's employment receives priority by refusing or withdrawing such permission.
- 2.4.3 In any case, you must not be involved in any outside activity or work that could cause a conflict of interests with your responsibilities to the Council, or which makes use of knowledge or information which you have access to because of your position. If you are in any doubt at all, you should not engage in any such activity before first seeking the express permission of your line manager.
- 2.4.4 You must not undertake private work of any sort in Council premises or by using Council equipment or materials. Any product or material which you design in the course of your employment remains as Council property, with the Council automatically having a claim to copyright over it.
- 2.4.5 If you are asked to take part in voluntary activity or offered a role in a voluntary organisation, it is important that you first clarify the role expected of you and whether you are expected to act in your own right or as the voice of the Council.

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- 2.4.6 Liability can arise from formal membership of external organisations, and you should seek further advice from your line manager if you have reason to believe that any liability may arise.
- 2.4.7 In any event, you should not accept any appointment, be it on a school governing body or with any other public organisation without the express permission of your line manager.
- 2.4.8 Apart from the above, your off-duty hours are not the Council's concern unless by your activities you bring the reputation of the Council into disrepute. You must never put yourself in a position where your duty and private interests conflict, or where public confidence would be weakened.

2.5 **PROPER USE OF COUNCIL RESOURCES**

- 2.5.1 The Council is responsible for the efficient use of the public resources it holds. That includes financial resources, equipment and the staff who work for the Council. There are legal requirements in place concerning the use of resources. ‘
- 2.5.2 You should ensure that you comply with all legal requirements and standards set down in the following documents. Your line manager can tell you more about them.

[Cost Centre Manager's Guide'](#)
['Contract Standing Orders'](#)
['Financial Regulations'](#)

2.6 **IMPROPER USE OF EQUIPMENT AND INFORMATION**

- 2.6.1 You must respect the confidentiality of the information to which you have access at work. This includes respecting the interests of your colleagues and of the general public who you serve. If you do not, you may lose your job.
- 2.6.2 You must not use any information to which you have access at work for personal gain or pass it on to others who might use it in this way.
- 2.6.3 You should not tell anyone outside the Council what goes on at Council meetings held in private or the contents of any confidential Council document.
- 2.6.4 You must not give confidential information about our clients to anyone who does not need to know it, unless it is required to help the client or prevent serious harm to the client or others. If possible you should get the client's permission before giving information about them to others.

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2.7 ACCEPTING GIFTS AND HOSPITALITY

- 2.7.1 Your conduct should never lead anyone to question your interests. So you must be careful not to show by your behaviour that you may be influenced by any [Gifts or Hospitality](#). This is important both to maintain the Council's reputation and because you could be prosecuted.
- 2.7.2 It is a criminal offence to demand or accept a gift or reward in return for allowing yourself to be influenced as a local government employee. If you are accused of this offence, you will have to prove that you did not favour or discriminate against anyone.
- 2.7.3 You should not accept gifts unless they are small gestures or adverts such as calendars or diaries. Full Guidance on what can be accepted is included in the [Gifts or Hospitality Guidance](#)
- 2.7.4 Think carefully before offering or accepting hospitality. Consider how it could affect your relationship with the other person, how it might be viewed by councillors, the public and other employees and whether you could justify it as being in the public interest.
- 2.7.5 Any gift or invitation for hospitality should be recorded in the corporate Gifts and Hospitality Record which can be accessed via HRMS Self Service. Line managers can print off a record form for any staff who are not on HRMS Self Service and a separate process exists for its approval and recording > [Gifts Manual Recording](#)
- 2.7.6 Any refusal of hospitality should also be recorded in the corporate Gifts and Hospitality Record.
- 2.7.7 Other offerings may be more disguised. Avoid any arrangement where goods or services are offered to you free of charge or below the market price and which could be seen as a means of gaining our approval. It is especially important that all offers of gifts and hospitality are courteously refused where they come from a potential supplier who is currently engaged in the tendering/contract process.
- 2.7.8 You must not take personal advantage of any discount arrangements we have with our suppliers unless we have made special arrangements for all our employees. You should not accept any offers to benefit personally from those arrangements that may have been made as result of your position.
- 2.7.9 There are also occasions when as an officer of the Council you wish to offer hospitality. Such offers should follow the same sensible rules in considering the perceptions of the general public, especially where that hospitality includes other employees of the Council e.g. small celebrations of success for team achievement.

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- 2.7.10 Where hospitality is extended to employees of the Council, it should not normally be further extended to the partners of such employees. However occasions such as long service awards or other appreciations of service, where partners are invited to share the celebrations, are good examples of exceptions to this rule. If in doubt, always speak to your line manager.

2.8 SERVICE USERS - GIFTS AND LEGACIES

- 2.8.1 You should always avoid the acceptance of personal gifts from service users.
- 2.8.2 You should never, under any circumstances, accept valuables belonging to a service user or monetary gifts.
- 2.8.3 Where unavoidable, any gift that is given to you must be declared as soon as is reasonable practicable and details recorded in the Gifts and Hospitality Register including the date that the gift was given and its approximate monetary value.
- 2.8.4 You should never become involved with the making of service users' wills or with soliciting any form of bequest or legacy from a service user. You should never agree to act as a witness or executor of a service user's will, nor become involved in any way with any other legal document.
- 2.8.5 If a service user does need help with making a will then you should refer them to an impartial or independent source of legal advice, such as the local Citizens Advice Bureau which will hold lists of local solicitors.
- 2.8.6 If you are left a legacy you must declare it to your line manager. If the legacy is over £50 then it must be approved by your Head of Service before it can be accepted.
- 2.8.7 Failure to declare a gift, the accepting of a gift, the involvement in a will or attempting to solicit money or items through a service user's will or legacy will be considered a disciplinary offence.
- 2.8.8 You should never borrow money from, lend money to, sell or dispose of goods belonging to service users.

2.9 RELATIONS WITH CONTRACTORS OR SUPPLIERS

- 2.9.1 You must award contracts or orders on merit and in line with Council procedures. Tell your line manager about any relationship you have with a contractor or supplier with whom you are also involved at work.
- 2.9.2 You must not try to influence the awarding of contracts or orders to any contractor or supplier. Equally you must not favour current or past employees or their partners, close relatives or associates when undertaking business with the companies for which they work.
- 2.9.3 You must be fair when dealing with all customers, suppliers, other

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contractors and sub-contractors.

- 2.9.4 If you, or you and your colleagues are considering any alternative form of service delivery, a management buy-out, staff mutual, social enterprise activity etc you should tell your line manager and Head of Service immediately. You must not then take part in any relevant contract awarding process.

2.10 SPONSORSHIP

- 2.10.1 If an outside organisation wants to sponsor one of our activities, follow the rules about accepting gifts and hospitality set out above. Be particularly careful when dealing with existing or potential contractors.
- 2.10.2 If the Council provides support to the community or an organisation, make sure that there is no conflict of interest involved. For instance you must never try to influence a sponsorship decision in favour of a specific venture that you, your partner or any other relative or close friend are involved in, no matter how worthy the cause.

2.11 PROCUREMENT AND PARTNERSHIP ARRANGEMENTS

- 2.11.1 Many of the Council's objectives are delivered by developing partnership arrangements with one or more organisations. These organisations may be other public sector organisations, private sector companies, voluntary organisations or community groups.
- 2.11.2 It is important that if you participate in such a group, you are clear as to the authority invested in you by the Council and the other partner organisations.
- 2.11.3 You should always check with your line manager as to the extent of your participation, and as usual show no bias and ensure that all decisions are based on achieving best value for the Council.

2.12 DISCLOSURE AND BARRING SERVICE CHECKS

- 2.12.1 Everyone who works for Warwickshire County Council, both employees and volunteers, may be required to undertake a [Disclosure and Barring Service \(DBS\) check](#) (formerly Criminal Records Bureau (CRB) check) due to the nature of the work they do.
- 2.12.2 If your job requires a DBS check, then it will be stated in your job description. If relevant, a DBS check will be made both before you take up your post and on a regular basis thereafter.

2.13 DECLARATION OF CRIMINAL CONVICTIONS

- 2.13.1 You are required to inform your line manager if you are ever cautioned, charged with, or convicted of a criminal offence. Please note this includes all motoring offences other than those dealt with by fixed penalty notices.
- 2.13.2 Your line manager will be required to carry out an assessment in conjunction with an HR Advisor to see whether any action, including formal disciplinary

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action, should be considered in the light of the changed circumstances.

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PART 3 - USING INFORMATION TECHNOLOGY

Computers are an important part of most employees' duties and must be used in line with Council practice and the law. This includes the Data Protection Act 1998, the Computer Misuse Act 1990 and the Copyright, Designs and Patent Act 1988. You must not use or introduce unapproved software in any circumstances.

A breach of any of the requirements in this section may lead to disciplinary action

3.1 USING INFORMATION TECHNOLOGY – THE LAW

3.1.1 Data Protection Act 1998

Data Protection laws cover information which relates to a living person. Basically, the Data Protection Acts give people certain rights and gives us (and you as our employee) responsibilities for personal information. These responsibilities relate to:

- Getting information fairly
- Registering new uses of the information
- Making sure there are enough details but not too many, and that details are accurate, up to date and not kept for longer than necessary
- Allowing people whose details we hold access to their files and the right to
- correct or delete incorrect information: and
- Security measures to protect personal information

The legislation not only provides for data held on computer systems, but also that which is held on "relevant filing systems". Such systems are where systems are structured by reference to individuals or criteria relating to individuals. As such, a manual personnel filing system will be included by the Act, but a collection of names for the purposes of identifying who has attended a particular training course will not.

Both you and the Council can be prosecuted if this law is broken, so if you suspect there is a problem or you need advice please consult your line manager or your Data Protection Officer. Further advice can also be found here > [Data Protection Act](#)

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3.1.2 **Computer Misuse Act 1990**

The Computer Misuse Act 1990 introduced penalties for using computers without permission. If you have a right to use a computer and the information on it, and you use both only for their intended purposes, you are unlikely to have any problems. However, if you use someone else's security ID and password to gain access to a computer, you will be breaking the law. Even switching on a computer when you know you should not be using it could be an offence.

3.1.3 **Copyright, Designs and Patents Act 1988**

The Copyright, Designs and Patents Act 1988 makes it an offence to copy computer programmes (software) and other literature without proper approval from the owner of the copyright. The penalties for breaching copyright regulations can be severe for both Council and employee.

3.2 **USING INFORMATION TECHNOLOGY – COUNCIL PRACTICE**

3.2.1 **Computer Viruses**

Computer viruses are commonly a set of computer instructions hidden in a programme which can corrupt and damage computer files and disks.

If you knowingly introduce any virus, or associated/similar threats, you are committing a criminal act under the Computer Misuse Act 1990.

You must adhere to the Council's [Malicious Code Policy](#) and procedures on virus protection.

3.2.2 **Password Protection**

You must not disable any password protection that has been applied to Council computers, mobile telephones or other IT devices such as Blackberries.

Password protection is applied both to limit the value of the item if it is lost or stolen, and to prevent unauthorised access to our systems and information.

Passwords must conform in structure with the corporate [Password Guidance](#) and must not be shared or disclosed.

3.2.3 **Personal Use of the Council's Computers, Telephones, Internet and E-Mail Facilities**

Staff may make the occasional personal telephone call whilst at work but such calls should be limited to urgent calls only.

The Council's [E-mail, Instant Messaging and Internet Code of Practice](#)

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allows the occasional and reasonable personal use of e-mail and the internet provided that:

- It does not interfere with the performance of the employee's duties
- It does not incur additional costs for the Council nor interfere with the running of its business.
- It is not used to access, retain or distribute material of an illegal, sexual or offensive nature.
- It is not used in connection with any private commercial business or any other activity, which conflicts with the interests of the Council.
- It is not used in a way which breaches the Council's misconduct, equal opportunities or bullying and harassment policies.
- It does not bring the Council into disrepute.

The Council expects you to recognise that the telephone, computer, e-mail and internet facilities are provided for business use.

As stated, occasional personal use is acceptable, but activities such as playing games, watching television or movies, frequent social networking, making and/or receiving excessive personal calls or emails during working time are not.

What constitutes reasonable and occasional personal use will depend on the particular context in which use takes place. However you should always bear in mind that detailed records of telephone and computer usage are available to line managers and can provide compelling evidence when the misuse of facilities is suspected.

3.2.4 Use of Personal Portable Devices

The same guidance applies to the excessive use of personal portable devices, (mobile phones, smart phones etc) for non work purposes during working time, as to using the Council's equipment.

3.2.5 Social Networking

You should be aware that postings on social networking sites can be accessible to a very wide audience and can remain available for a very long period of time.

You should therefore take great care not to post anything that may be considered offensive, disrespectful or discriminatory towards the Council, managers, staff, clients or even associated people such as partner organisations or contractors.

It must be borne in mind that it will not be an acceptable excuse to claim that such postings are private i.e. even if it can be shown that they have been made from a personal device and in your own time.

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PART 4 - WHAT YOU CAN EXPECT FROM WARWICKSHIRE COUNTY COUNCIL AS YOUR EMPLOYER

4.1 STAFF DEVELOPMENT

- 4.1.1 The Council recognises that delivering quality services can only be achieved by developing staff to their full potential and providing them with the relevant knowledge, equipment and authority to carry out their duties.
- 4.1.2 The Council values all forms of learning. As well as providing formal induction and training for staff, the Council will provide development opportunities by way of secondment, on the job learning, special projects, acting up arrangements and mentoring whenever possible and appropriate.
- 4.1.3 It is important that the Council builds in the capacity to provide training to meet its service needs and each Service is responsible for developing an overall training plan. You will agree your own individual training plan with your line manager.

4.2 BUSINESS AND SERVICE PLANNING

- 4.2.1 The Council is committed to a systematic approach to performance management. The objectives of the Council are set out in the [Corporate Business Plan](#). This corporate document is supported by Service Unit plans which your line manager will be able to tell you more about.

4.3 THE APPRAISAL PROCESS

- 4.3.1 All staff are expected to actively participate in a formal appraisal process, whereby work targets are set at the beginning of the cycle and reviewed mid-way and at the end of the cycle.
- 4.3.2 Training needs are also assessed during the appraisal process to ensure you have the relevant skills to carry out the duties required of you and to identify further areas of learning that will benefit both you and the organisation. For more information on this, you should ask your line manager.

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4.4 MANAGEMENT AND DIRECTION

- 4.4.1 Line managers will provide leadership and guidance to staff in order to jointly deliver quality services to the public. This means setting clear work goals that reflect Service and Council objectives.
- 4.4.2 They will also provide regular and timely feedback on performance to ensure all staff fully understand what is expected of them.

4.5 COMMUNICATIONS

- 4.5.1 Quality services are dependent on staff understanding their role within the Council and effective communication. The Council will ensure you are kept fully informed of major issues likely to affect you and your work and will take every opportunity to listen and consider your views.

4.6 RECRUITMENT AND SELECTION

- 4.6.1 Job vacancies within the Council are normally open to internal and external advertisement, except in circumstances such as re-organisation where redeployment or ring fencing may be used to avoid redundancy situations.
- 4.6.2 Interview panels are properly trained and will give full feedback to all candidates who request it. Guidance on recruitment and selection can be found on the following pages > [Recruitment and Selection](#)

4.7 TERMS AND CONDITIONS OF EMPLOYMENT

- 4.7.1 The Council is a single employer and abides by national terms and conditions. Where local practice has been negotiated, your line manager will make details available to you. Your contract of employment will confirm your terms and conditions.
- 4.7.2 The main groups of employees are :
- Staff employed under the NJC terms for local government
 - Management Band staff
 - Teachers
 - Youth Workers
 - Soulbury
 - Firefighters

4.8 JOB DESCRIPTIONS

- 4.8.1 You will be provided with a job description and person specification, which

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sets out your principal accountabilities and skills needs. This is intended as a guide to your role and is not an exclusive list of tasks.

- 4.8.2 Additionally you will have work related targets to meet each year. You should do all that you can to meet the expectations of the organisation and in return expect management support in developing your ability to do this.

4.9 **TRADE UNION MEMBERSHIP**

- 4.9.1 The Council, as your employer, supports the system of collective bargaining in every way and believes in the principle of solving employee relations problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and employees.

- 4.9.2 If collective bargaining of this kind is to continue and improve for the benefit of both, it is essential that the employees' organisations should be fully representative. The Council is associated with other local authorities on the [Local Government Association](#).

- 4.9.3 It is equally sensible for you to join a trade union representing you on the appropriate negotiating body and you are encouraged to do so if you feel it is appropriate. A list of Recognised Trade Unions/Professional Associations can be found on the following pages > [Trade Unions](#)

4.10 **HEALTH AND SAFETY**

- 4.10.1 The Council, as your employer, has a duty under the law to ensure, so far as is reasonably practicable, your health, safety, wellbeing and welfare at work.

- 4.10.2 The Chief Executive may delegate many of the responsibilities to Strategic Directors, Heads of Service, and line managers. However, the Chief Executive retains the overall accountability and responsibility.

- 4.10.3 All employees must play their part in achieving the highest possible standards of health and safety and rigorously comply with all aspects of the [Health and Safety Policy](#) as it highlights the Council's vision for health and safety and everyone's role in achieving this. As an employee, you have legal duties as well. You must:

- Follow the training you have received when using any work items provided
- Always use safety/protective equipment that is supplied
- Take reasonable care of your own and other people's health and safety who may be affected by what you do.
- Co-operate with your line manager on health and safety.
- Inform your line manager of any health and safety risks.

- 4.10.4 Health and Safety law posters are displayed on notice boards within your building/work area. You must report all accidents, incidents, near misses and

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dangerous occurrences that happen as a result of your work.

- 4.10.5 WCC has its own in-house Health, Safety and Wellbeing Team. The health and safety advisors are available to provide advice, support and guidance on health and safety legislation and its implementation within WCC. For further information and access to health and safety policies, refer to the [Health and Safety Pages](#).

4.11 **EQUALITY OF OPPORTUNITY**

- 4.11.1 The Council is committed to providing equality of opportunity. Consideration for employment or promotion will be dependent on ability alone and will take no account of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation or marriage/civil partnership status as contributory factors. Indeed, specific attention will be given to positive action to ensure the community we serve is reflected within the workforce.
- 4.11.2 Where a 'Genuine Occupational Requirement' exists (for example, a particular gender or racial background is essential due to the personal services to be delivered) this will be made clear in the advertisement and supporting documentation.
- 4.11.3 The Council will not tolerate discrimination or harassment in any form and will take disciplinary action against those employees engaged in any form of discrimination or harassment or bullying. The Council has a range of policies and procedures in support of this commitment and they can be accessed via the following link : [Equality and Diversity Legislation and Policies](#)
- 4.11.4 From 1 October 2011 no employee will be compulsorily retired by the Council because they have reached the age of 65 years unless that retirement can be objectively justified. If you need further advice contact the HR Advisory Service.
- 4.11.5 The Council has a positive attitude to the employment of people who have disabilities and in making employment or promotion decisions will make 'reasonable adjustments' to accommodate particular needs. Indeed the Council operates a [Job Interview Guarantee Scheme](#) to those disabled people who meet all the essential criteria in the person specification. ([Two Ticks](#))

4.12 **WORKING TIME**

- 4.12.1 The Council operates in a customer-orientated market and the pattern of working hours may need adjustment from time to time to meet the needs of those customers. Where this is necessary, full consultation will be undertaken with staff.
- 4.12.2 The Council acknowledges that flexible working patterns and practices which

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recognise work/life balance are particularly essential to those employees with care responsibilities or disabilities. However the Council's [Flexible Working Policy](#) and the [Flexible Working Intranet Pages](#) provide further information on how flexible working practices can be considered for other staff when it is practical to do so.

- 4.12.3 Details of maternity, paternity, special leave, job sharing and flexible hours are all available in the [Family Friendly Guide](#).

4.13 REDEPLOYMENT

- 4.13.1 Where organisational changes are proposed, employment issues will be the subject of consultation with individual members of staff and the recognised representing trade unions or professional associations.

- 4.13.2 The Council will take all reasonable steps to find alternative employment for anyone who is displaced from their job in the process of such change. Full details are available on the intranet under [Redeployment](#).

4.14 DIFFERENCES AND CONCERNS

- 4.14.1 The Council has a range of objective policies, agreed with the trade unions to resolve any differences that may arise between employer and employee or employee and other employees.

- 4.14.2 Details of all such procedures are included on the intranet with the main ones being :-

[Grievance Procedure](#)

[Disciplinary Procedure](#)

[Whistleblowing Code](#)

[Bullying and Harassment Procedure](#)

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