

Richmond and Wandsworth Councils

Code of Conduct for Employees

**Created: October 2016
Last Updated: October 2021**



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Introduction

This Code of Conduct has been adopted by Richmond and Wandsworth Councils for their staff and it applies to all non-school based staff. School governors will be advised separately by their Director of Children's Services of a recommended document to apply in schools.

The Code refers to a range of other codes, procedures and guidance dealing with a number of items relevant to the way in which staff should conduct themselves. These are highlighted at the end of each appropriate paragraph or section.

All staff are asked to read carefully both this Code and also any procedures and guidelines which are relevant to their work. This is extremely important because of the requirement to abide by the provisions in this Code. Any alleged breach will be investigated as a possible disciplinary offence. If you are in any doubt about the contents or have any queries at any time on this Code or the related documents, you should always consult your manager, in the first instance.

1. Standards

- 1.1 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 with impartiality.
- 1.2 Specifically, there are a number of principles that exemplify the standards that are required. They are set out below. A number of these aspects are dealt with in more detail within this Code.

Honesty, Integrity, Impartiality and Objectivity

All employees must perform their duties with honesty, integrity, impartiality and objectivity.

Accountability

All employees must be accountable to the Councils for their actions.

Respect for Others

All employees must –

- (a) treat others with respect;
- (b) not discriminate unlawfully against any person; and
- (c) treat members and co-opted members of the Councils professionally.

Stewardship

All employees must –

- (a) use any public funds entrusted to or handled by them in a responsible and lawful manner; and
- (b) not make personal use of property or facilities of the Councils unless properly authorised to do so.

Personal Interests

- All employees must not in their official or personal capacity –
- (a) allow their personal interests to conflict with the Councils' requirements; or
 - (b) use their position improperly to confer an advantage or disadvantage on any person.

Declaring Interests

- All employees must comply with the Councils' requirements –
- (a) to declare interests; and
 - (b) to declare hospitality, benefits or gifts offered or received as a consequence of their employment.

Openness

- All employees must –
- (a) not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they
 - (b) are required by law to do so; and
 - (c) not prevent another person from gaining access to information to which that person is entitled by law.

Appointment of staff

An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative, friend or close personal associate without the express prior approval of their employing Director.

The term "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons.

"Partner" means a member of a couple who live together.

A "friend" can be described as someone who is well known to you and for whom you have feelings of liking, affection and loyalty. It is a closer relationship than simply being an acquaintance. For example, if you are both members of the same charity, club or association, this is not likely, on its own, to mean that you have a friendship.

If you take the answers to the following questions together, this might help you decide whether or not a friendship exists:-

- Do you meet often/regularly?
- Where do you meet?
- Do you regularly attend the same social functions?
- Do you meet at each other's houses?
- Are you close or connected in other ways?

In this paragraph "close personal associate" would include a person not employed by the Council with whom you have a close business connection.

Duty of trust

All employees must at all times act in accordance with the trust that the public is entitled to place in them.

Safeguarding

All employees must undertake their work in accordance with any requirements laid down (for their job) in support of the Councils' duties for safeguarding children and young people and also for safeguarding vulnerable adults.

Work location and Health and Safety

All employees must disclose their work location to their line manager, and ensure they are following the Health and Safety guidelines at all work locations. Employees need to ensure they are working in a location which is permitted by the Councils.

2. Whistleblowing

- 2.1 In parallel with this Code, the Councils also have an approved Code and Procedure which is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "blowing the whistle outside".

The Code has four aims:-

- To encourage the Whistleblower to feel confident in raising concerns
- To provide the Whistleblower with a confidential method of raising concerns
- To ensure the Whistleblower receives a response to their concerns and if not satisfied, is aware of how to take the matter further
- To reassure the Whistleblower they will be protected from reprisals or victimisation for Whistleblowing where they reasonably believe the disclosure to be made in the public interest.

- 2.2 The Whistleblowing Code is a means to deal with serious or sensitive concerns about matters such as the following:

- Fraud or financial irregularity
- Corruption, bribery or blackmail
- Failure to comply with legal or regulatory duty or obligation
- Malpractice or abuse of a client including improper discrimination or relationships with clients
- A miscarriage of justice.
- Endangering the health and safety of any individual or individuals.
- Endangering the environment.
- Unethical or improper conduct or conduct which breaches Council policies or falls below the standards which the Councils subscribe to e.g. breach of codes of conduct or Financial Regulations/Contract Standing Orders.

- Serious maladministration arising from the deliberate commission of improper conduct.
- Showing undue favour over a contractual matter or to a job applicant
- Concealment of any of the above.

They must follow the advice given in the Whistleblowing Code available on the Loop. This contains full details about what should be done by the employee.

3. Disclosure of Information

3.1 It is generally accepted 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. Other types of information may not be made available. It is essential that all employees are absolutely clear about which information they may have access to, as part of their job, can or cannot be made available for disclosure.

It is potentially a matter of serious or gross misconduct to withhold information that should be made available or to reveal information that is confidential. If in doubt, employees must speak to their manager, or the Corporate Complaints and Freedom of Information Team.

3.2 Employees should not use any sensitive 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.

3.3 Confidential information should also never be revealed to colleagues (except in respect of authorised work related activities), friends, neighbours or other persons in any circumstances e.g. through carelessness, by gossip or in a sincere but misguided attempt to provide help. If in doubt, employees must seek the advice of their manager, or the Corporate Complaints and Freedom of Information Team.

3.4 Any particular confidential information received by an employee from a councillor which is personal to that councillor and does not belong to the Councils should not be divulged by the employee without prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3.5 Intellectual property or copyright created during the course of Council employment shall remain the property of the Councils and must not be used by employees in a personal capacity without prior permission. If in doubt employees must speak to their manager.

3.6 Unless it is part of an employee's normal duties or authority has been given by the Head of Communications, no employee shall communicate either directly or indirectly with any journalist representing the press or broadcast media on issues involving the Councils, where it

could be interpreted that the employee was speaking on behalf of the Councils, or improperly divulging information gained in the course of Council employment. This includes producing written or oral material for publication or broadcast and appearing in person on television or radio. If authority is given, the Head of Communications will agree a brief with the employee which must be strictly adhered to.

4. Political Neutrality

- 4.1 Employees serve the whole of Richmond and Wandsworth Councils. It follows that they must serve all councillors and not just those of one or other Council or one or other controlling political group, and must ensure that the individual rights of all councillors are respected.
- 4.2 If employees are required to advise political groups they must do so in ways which do not compromise their political neutrality.
- 4.3 Employees, whether or not politically restricted, must follow every lawful policy/Code of the Councils and must not allow their own personal or political opinions to interfere with their work.

Note: The Councils are required to maintain a list of politically restricted posts. This is updated annually with effect from 1st April each year and subsequently reported to the Joint Staffing Committee.

5. Relationships

5.1 Councillors

- 5.1.1 Employees are responsible to the Councils through their management structure. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work.

Mutual respect between employees and councillors is essential to good local government. Close personal familiarity or association between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should, therefore, be avoided. A protocol on Member/Officer relations can be referred to for further information on the Loop.

5.2 The Local Community and Service Users

- 5.2.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Councils. For the benefit of groups and individuals served by the Councils, employees should always wear their Council ID Badge in the workplace and display it at other times e.g. when visiting clients unless specific instructions are agreed by the Head of Service confirming that this requirement is not appropriate in certain circumstances.

5.3 Staff who are Borough Residents

- 5.3.1 Where an employee is also a resident of either borough, he/she will have the right to raise individual concerns, as a recipient of a Council service, with ward councillors in the same way as any other local person.

However, when raising an issue which may have a direct or indirect link to the employee's work, it should be made clear to the councillor that he or she is an employee of the Councils. In addition, where such an issue is raised with a councillor, the employee must inform their manager.

5.4 Staff Involvement in External Organisations

- 5.4.1 All employees, whether or not they are a resident of either Borough, must exercise particular caution if they are considering joining an external organisation in either Borough with which either Council has a working relationship. This is because there could be a potential conflict of interest e.g. if the organisation is campaigning in relation to Council policy. If in any doubt, employees should consult their employing Director prior to joining such an organisation. They must also consult their employing Director if at any subsequent time they believe that there may be a potential conflict with the Councils' interests. These provisions apply to employees joining local organisations both in a private capacity and as employees of the Councils.

5.5 Contractors

- 5.5.1 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, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 5.5.2 Employees who engage or supervise contractors or have any other official contact or relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their employing Director. The employing Director should consider whether any further action should be taken and in every case shall send a copy of each such declaration to the Head of Human Resources who will place it on a central register.
- 5.5.3 Employees, who engage or supervise contractors or have any other official contact or relationship with contractors and who wish to use a Council contractor privately, must always seek prior approval from their employing Director.

References: (for 5.5.1 to 5.5.3)

1. Procurement Regulations
2. The Councils' Procurement Strategy
3. Officer Guide to Procurement

6. Staff Recruitment and Other Employment Matters

6.1 Recruitment and Relationships

- 6.1.1 Employees involved in staff recruitment/appointments should 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, without the express prior approval of their employing Director, be involved in an appointment where the applicant is a relative, friend or close personal associate.

The same approach should be adopted in relation to decisions relating to such matters as discipline, promotion or pay adjustments.

6.2 Involvement of Councillors in Individual Staff Cases

- 6.2.1 Employees may on occasions find themselves in disagreement with action that is being taken by the Councils or their manager. This may be on general matters concerning management of the Councils' business, on pay and conditions of service or on issues such as grievance or discipline.
- 6.2.2 For each of these situations the Councils, as employers, have clear procedures to be followed. For example, the grievance or disciplinary appeals procedures or the arrangements for joint consultation would be examples of the usual routes for dealing with such concerns. They are designed to ensure that all contributing factors are fully examined and taken into consideration before decisions are reached.

In the majority of procedures, for example recruitment procedures and those relating to disciplinary, grievance and capability codes, and for most staff, all aspects of the employment of officers is delegated to Chief Officers, with Members being expressly removed from involvement.

- 6.2.3 The equity of these systems must not be prejudiced by an employee raising an issue directly with a councillor in any way outside these procedures. It is strictly forbidden, for example to raise such matters during a councillor's visit to an establishment, or by correspondence with a councillor or by attending a councillor's surgery. A clear and intended breach of the proper procedure for resolving such issues will be regarded as a serious offence under the Disciplinary Code of Practice.
- 6.2.4 Where employees are unsure how to progress a matter, they should discuss differences with their manager or with their HR Business

Partner. Where employees remain unhappy with the action being taken, they should raise this with their staff or trade union representative.

6.3 Requirements to Disclose Relevant Criminal Sanctions

6.3.1 All job applicants are required to disclose relevant criminal convictions, as appropriate to the job applied for.

6.3.2 For existing employees, criminal sanctions may have an impact on certain jobs within the Councils. In relation to any of the matters specified below, if an employee is convicted of a criminal offence, is bound over at court, is cautioned by the police or is issued with a Penalty Notice for Disorder, and the matter is specified below as relevant to their work, there is a requirement to notify the employing Director within two weeks of the known outcome of the matter. Failure to do so will constitute a serious offence under the Employees' Disciplinary Code in addition to any disciplinary offence which the matter, treated separately, may constitute. Details of types of matter and their relevance to staff groups are shown in the table below.

Criminal Matter	Relevant Staff Group
Dangerous, reckless, careless, including drunk driving	Employees required to drive a vehicle (including all essential car users) or to operate mobile machinery and plant
Theft, fraud, dishonesty offences.	All employees
Actual, grievous bodily harm; other offences involving violence and/ or Sexual misconduct and/ or Abuse of drugs or alcohol.	Employees whose duties involve direct contact with children, old or vulnerable clients or members of the public
All offences resulting in a prison sentence of 3 months or more including where the prison sentence has been suspended	All Employees

6.3.3 Employees, who are informed by the police (or any other investigating agency such as a local authority or Her Majesty's Revenues and Customs) that they are to be prosecuted for a criminal offence relevant to their type of work (as described in paragraph 6.3.2 above), must, immediately they are charged, inform their employing Director.

7. Outside Commitments

- 7.1 All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Councils' interest. All employees above Scale 6 must obtain written consent to having, or taking up, any outside employment.

8. Personal Interests

- 8.1 Employees must declare in writing to their employing Director any financial interests* in the event of there being a potential conflict with the Councils' interests. The employing Director should consider whether any further action should be taken and in every case shall send a copy of each such declaration to the Head of Human Resources who will place it on a central register.
- 8.2 Employees must declare in writing to their employing Director any non-financial interests** including personal relationships in the event of there being a potential conflict with the Council's interests. The employing Director should consider whether any further action should be taken and in every case shall send a copy of each such declaration to the Head of Human Resources who will place it on the central register.
- 8.3 Employees should declare to their employing Director membership of any organisation, which
- (a) is not open to non-members;
 - (b) requires members to make a commitment of allegiance (whether by oath or otherwise) to the organisation; and
 - (c) includes a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the organisation in the event of there being a potential conflict with the Council's interests.

The employing Director should consider whether any further action should be taken and in every case shall send a copy of each such declaration to the Head of Human Resources who will place it on the central register.

Footnotes to paragraphs 8.1 to 8.3

***Financial Interests**

There can be no simple definition of what a "financial interest" is. The types of interest which would be relevant are listed below. However, the list is not intended to be exhaustive or inclusive. There may be other possible categories of interest.

Examples of possible financial interests:

- (1) A spare-time employment that you have to declare for income tax purposes.
- (2) Any contract for goods, services or works between the Council and you (or a firm in which you are a partner, or a body corporate of which you are a director or in the securities of which you have a beneficial interest).

(3) Land and buildings in which you have a substantial interest. This includes property from which you receive rent.

(4) Securities where you have a substantial interest, i.e. you own shares or other securities in a company with a nominal value of more than £25,000 which is active in either Borough.

Please note that:

- A. a financial interest need not only be something to your financial advantage. It could involve losses as well as gains;
- B. such interests should also include an interest of your relatives, friends or close personal associates; and
- C. if you are in any doubt, it is wise to err on the side of caution and declare the interest.

**** Non-financial Interests**

Private or personal non-financial interests are those which could reasonably be regarded as influencing an employee in a particular situation. They include the interests of family or friends and those arising from membership of, or association with, clubs, societies, trade unions, voluntary organisations, etc. It is not possible to give a clear-cut definition of what to include. However, a good test is to ask yourself the following question: "If other people knew the facts, might they reasonably think that I had an interest?"

8.4 Related Party Transactions - the following paragraph applies only to Chief (Hay Band) Officers.

8.4.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Local Authority Accounting requires that all local authorities show "related party transactions" as a note to the statements in the final accounts. All Chief Officers are required to complete a declaration once a year in accordance with instructions issued with the declaration form by the Assistant Director – Financial Management.

9. Equality Issues

9.1 All employees should ensure that policies relating to equality issues as agreed by the Councils are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness, equity and respect.

10. Separation of Roles during Tendering

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

- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 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.
- 10.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no favour is shown to current or recent former employees, their relatives, friends or close personal associates in awarding contracts to businesses run by them.
- 10.6 Employees should also consult the Procurement Regulations, paragraph 4.3 and 4.4.

11. Corruption

- 11.1 Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, service, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, or promoting the interests of any person or business in their official capacity. In such circumstances if any money, gift, service etc., is proved to have been paid or given to or received by an employee then such money, gift, service etc., is deemed to have been paid or given and received corruptly unless the contrary is proved.

12. Bribery Act 2010

Under the code of Conduct, staff must not act in any way that would contravene the Bribery Act.

There are four key offences under the Act:

- To offer, promise or give a bribe (Section 1)
- To request, agree to receive, or accept a bribe (Section 2)
- Bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business (section 6)
- A corporate offence of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation (section 7). This applies to local authorities where commercial companies are used to support a function or project and also where we trade in commercial terms. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

It is an offence for a person to offer, promise or give a financial advantage to another person –

- (a) with the intention of inducing that person to perform a relevant function or activity improperly; or
- (b) knowing or believing that the acceptance of the advantage offered promised or given in itself constitutes the improper performance of a relevant function.

Improper performance means that a person: failed to act in good faith; performed an activity impartially; or abused a position of trust.

References:

1. Procurement Regulations
2. The Councils' Procurement Strategy
3. Officer Guide to Procurement

13. Use of Resources

- 13.1 Employees must ensure that they use public funds and any other assets entrusted to them in a responsible and lawful manner and not use them for personal ends nor mix them with personal resources. They should strive to ensure value for money to the local community and to avoid legal challenge to the Councils. The Councils do allow limited use of the internet, email & mobile phones, the terms of use of these are covered in the codes of practice/policies outlined in section 12.3 below.
- 13.2 Employees should only use Council assets and resources for proper Council purposes and not for personal purposes. Employees are also required not to misuse Council services and, in applying in a private capacity for Council services including employment, must neither withhold material information nor make false or reckless statements. Where the misuse of or false application of Council assets, resources or services involves some dishonesty then this would represent a major offence under the Council's Disciplinary Code and is likely to result in dismissal in line with the zero tolerance regime outlined within the Council's Anti-Fraud and Anti-Corruption Strategy. The Council will also pursue culprits via the criminal courts and seek full redress for any financial loss.
- 13.3 Examples of assets, resources and services include employment, housing and council tax benefits, blue badge parking permits for disabled people, cash, payment cards, travel cards, housing accommodation, personal computers, email facilities, internet access, Council vehicles, flexitime claims, and claims for payment. There are specific Council codes that refer to the rules and regulations applicable to some of these resources and these are listed below and are available on the Loop.

- Flexible Working Code and Procedures
- Information Security Policy
- Information Security: Remote Working Policy

- Email Usage Policy
- Internet Usage Policy
- Acceptable Use of IT Facilities

14. Gifts, Hospitality or Other Benefits

14.1 Detailed guidance is contained in the Appendix to this Code on the approach to be taken in relation to the offer and receipt of gifts, hospitality or other benefits. All employees must read this Appendix with care. If in doubt about what is permissible, they must speak to their employing Director immediately.

15. Sponsorship – Giving and Receiving

15.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality set out in the Appendix apply. Particular care must be taken when dealing with contractors or potential contractors.

15.2 Where the Councils wish to sponsor an event or service, neither an employee nor any relative, friend or close personal associate must benefit from such sponsorship in a direct way without there being full disclosure to their employing Director of any such interest. Similarly, where the Councils through sponsorship, grant aid, financial or other means, give support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

16. Interpreting and Using the Code

16.1 In the case of Directors, the term “employing Director” in this Code shall be taken to mean “the Chief Executive”.

16.2 In the event of any difficulty or uncertainty arising on the operation or interpretation of any provision in this Code, the matter must be referred to the employing Director.

Appendix A

Gifts, Hospitality or Other Benefits

1. General Approach

1.1 Staff must treat with extreme caution any gift, hospitality or other benefit offered by people or organisations who are doing, or may be seeking to do, business with the Councils. Staff must avoid any possible obligation to an individual or to an external organisation that might, or could be perceived as, improperly influencing them in the performance of their Council duties.

- 1.2 The terms hospitality or other benefit include any food, drink, accommodation or entertainment provided freely or discounted. Hospitality or other benefit does not have to be completely free to be covered by the Councils' rules outlined below.
- 1.3 The Councils' general approach encourages staff to express their gratitude for such offers by politely stating that the Councils' rules do not permit acceptance. There may, however, be some occasions when it would be churlish to refuse an offer where this could cause offence.
- 1.4 This Code sets out the specific rules for accepting or declining such offers and the rules are based on the following principles. In particular, staff should be clear that the underlying criteria for acceptance requires that the gift, hospitality or other benefit must be:
 - in connection with official duties; and
 - of a modest level; and
 - justified in the public interest (e.g. by providing some benefit to the Councils, or by a member of staff representing the Councils in the community); and
 - given and received openly; and
 - able to stand any subsequent public scrutiny.
- 1.5 Staff should also be clear that they may be called to account for the decision to accept the gift, etc. Alleged breaches of the rules for dealing with gifts, hospitality and other benefits, including declarations, are matters that will be investigated as a possible disciplinary offence.

2. Exclusions from Acceptance and Declaration Rules

- 2.1 The following items may be accepted without prior authorisation and do not need to be declared:
 - Refreshments and working meals of a modest nature that are provided as an integral part of a business meeting at the business location.
 - Refreshments, meals or hospitality received as part of authorised attendance at an approved training event or conference.

3. Offers from Contractors, Developers and in Other Commercial Situations

- 3.1 Some staff have contact with contractors, developers, organisations and individuals who have, or may in the future have, a commercial relationship with the Council. This area requires extreme vigilance.
- 3.2 Apart from the exclusions noted in the preceding section, you must politely refuse any gift, hospitality or other benefit offered in these circumstances and reference to the Council's general approach should help to de-personalise the refusal. However, the alternative of making an anonymous donation to the Mayor's charity may be suggested. You must declare all offers irrespective of value and obtain prior approval to any proposed anonymous donation.

3.3 Meetings with contractors, developers and others who have, or may have, a commercial relationship with the Councils must only take place at business or meeting-orientated locations.

3.4 Gifts of diaries, calendars, pens and other promotional items bearing the name of a contractor may seem innocuous but are designed to promote their business interests above those of others. By displaying them you could lead competitors or indeed the public to question your objectivity. Such items are to be returned or discarded or transferred to a wholly unrelated back-office function of the Councils. You must declare all offers of promotional items valued at £5 and above.

4. Offers in Non-commercial Situations

4.1 A small number of staff as part of their official duties may have contact with non profit making organisations or may host foreign delegations visiting Richmond or Wandsworth. If the organisations or delegation members have, or may in the future have, a commercial relationship with the Councils, these contacts should be treated as in the preceding section. If on the other hand, the Councils are most unlikely to develop a commercial relationship with such organisations, tokens of appreciation may be accepted but must be declared and submitted for approval if their value is £5 or above. Modest tokens may be retained personally but other items should be retained/displayed/used by the relevant department. The acceptance of hospitality, in particular, must be based upon the principle that it would withstand public scrutiny e.g. by providing useful working benefits to the Councils or by enhancing the Councils' reputation through an employee representing the Councils in the local community or further afield.

5. Offers from Satisfied Customers

5.1 Such offers include those from customers who wish to offer a token of appreciation to a member of staff who has given particularly good service. Polite refusal should always be the first response and reference to the Council's general approach should help to de-personalise the refusal. If more than a few such offers are made each year in any service, consideration should be given to promoting positively an alternative method for customers to express appreciation (e.g. a commendation register). If it is clear that refusal has caused offence then you may either:

- accept and personally retain a gift of less than £5 in value without the need for declaration and approval; or
- accept a gift of £5 or more in value but only on behalf of the Mayor's Charity or other similar source within the Councils that more closely matches the intentions of the donor (e.g. Amenity Fund or School Fund). Otherwise the gift must be declined or sent back with a polite explanation of why it cannot be accepted. You must, however, declare the offer of a gift of £5 or more, whether accepted or rejected, and also obtain prior approval to the proposed onward donation.

- 5.2 Any member of staff who learns that they are to receive or have been left a bequest in their capacity as a member of staff should inform their employing Director immediately they become aware of this.

6. Gifts from Same Source

- 6.1 Whilst this code permits staff to accept gifts under £5 in value in non-commercial situations (sections 4 and 5), occasions may arise where gifts of this value are offered from the same source and, when taken together over a period of 12 months, their value exceeds the £5 threshold. When this arises, the declaration rules will apply.

7. How to make a Declaration and Request Approval

- 7.1 If you are offered a gift, hospitality or other benefit, whether accepted or not, you must complete the official declaration form, unless the offer is specifically exempt from declaration under this Code. The declaration and request for approval should always be made in advance of the proposed action unless no prior notice has been given of the offer.
- 7.2 The official declaration is available on the Loop. Ideally you should obtain a copy of the form electronically so that the completed declaration can be e-mailed on for approval.
- 7.3 You must complete the declaration section (including deletions where appropriate) giving precise information against each of the headings in order to explain fully the circumstances and nature of the offer and the action taken or proposed. 7.4 You should e-mail, or otherwise pass, your completed declaration to your Chief Officer for approval.

8. Approval

- 8.1 The Chief Officer, or Director for exceptional items, will review the declaration form for completeness and for compliance with the provisions of this Code. The Chief Officer/Director may either give his/her approval or may withhold approval and specify on the declaration form the further action required. The Chief Officer/Director will either forward the original e-mail (having completed the electronically attached declaration form) or pass the completed hard-copy form to the designated departmental registration officer and copy it to the officer making the declaration.

9. Registration and Review

- 9.1 The designated departmental registration officer will sequentially number each completed form received from the Chief Officer/Director and will securely maintain them in a register, bringing any controversial entries dealt with by a Chief Officer to the attention of the Director.

Each Director will carry out a periodic review (at least annually and more frequently if justified by the number of entries) of the departmental register to ensure appropriate and consistent treatment of gifts and hospitality. All departmental registers will be subject to audit.

10. Provision of Council Hospitality

- 10.1 Refreshments and working meals of a modest nature may be provided as an integral part of a business meeting on Council premises and are exempt from declaration.
- 10.2 Any other hospitality may only be provided from the Councils' budget in exceptional circumstances where it will protect or promote the best interests of the Councils. Staff may only provide such hospitality if they have first completed the official declaration form and it has been approved by their employing Director.
- 10.3 Approved hospitality provided by the Councils for visitors or for special events sometimes involves Council Members. Under all normal circumstances such hospitality is arranged by the relevant member of staff who should register it in the relevant departmental register.

11. Employing Director

- 11.1 Directors will seek approval from the Chief Executive (and in their absence the Director of Resources) for any gift or hospitality relating to them personally. The completed declaration form will be maintained in the departmental register of the Director concerned.

Appendix B - Unacceptable Behaviour

In line with the SSA's [code of conduct](#), all employees and others engaged by the organisation should be aware of what is required from them when dealing with other individuals. You should take the time to ensure you understand what types of behaviour are unacceptable.

You and your colleagues should be mindful of the [Council's values and behaviours](#) whilst at work. The focus of these values is on how we work together as a staff group, and we should ensure that nobody is treated unacceptably.

Everyone must –

Be Open – Being open means we share views openly, honestly and in a thoughtful way, and we should treat others with respect. We should be confident to raise issues of concern without fear of reprisal or intimidation.

Be Supportive – you should drive the success of the organisation by making sure that our colleagues are successful, this includes treating all colleagues professionally and non-discriminatory.

Be Positive and Helpful – You should listen constructively and help others see opportunities for resolving concerns and the way forward.

Unacceptable behaviour will not be tolerated to any extent within the SSA and should always be challenged appropriately. It is acknowledged this can happen at all levels of the organisation, including more senior staff challenging more junior staff and the other way round. Please see [Appendix 2A](#) for examples of what may be considered to be unacceptable behaviour.

Staff must treat colleagues with dignity and respect and should always consider whether their words or conduct could be perceived to be offensive. Even unintentional harassment or bullying is unacceptable. You must also not discriminate unlawfully against any person.

If you feel you are being subjected to unacceptable behaviour, we recommend you highlight and report it at the earliest opportunity, ideally if you feel able to with the person whose behaviour you feel to be unacceptable. In some instances, you may feel more comfortable, or it may be more appropriate for you to speak to your manager for advice as a first step.

This will hopefully enable the issue to be addressed before it becomes detrimental to working relationships with a view to finding a resolution and agreeing a more appropriate way of behaving moving forward. In many cases no further action will be needed when raising issues informally as a positive outcome, such as a change in behaviour or interaction, may provide a suitable resolution. Support from management and HR will be provided to you and anyone else affected.

Different ways to make unacceptable behaviour known to others:

- Ideally done directly in person to the individual/s involved
- In writing to the individual/s
- Through your line or another manager
- Via HR or your union representative
- Through the grievance procedure

In general, concerns are most effectively dealt with informally in the first instance, especially if they are raised at the time of the incident. Where appropriate, informal resolution is normally quicker and a better way for all parties involved.

Where the issue cannot be dealt with informally, we will address allegations promptly and confidentially. Where the issue is of a serious nature and it has been proven, it may be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct possibly leading to summary dismissal.

For anything of a serious and continued nature or if you feel you cannot raise the issue(s) directly with the individual/s causing you concern it is strongly recommended that you tell your immediate line manager about any incident involving unacceptable behaviour. If the issue relates to your manager, we recommend you tell your manager's manager or another senior manager that you feel comfortable speaking with

Setting standards of behaviour, clear communications channels and leading by example are key in deterring unacceptable behaviour. Allegations will be dealt with in an open, sensitive and consistent way.

Whilst working for the Councils we also expect the behaviour of our service users and customers to be acceptable towards you. If you feel that you have been mistreated by a member of the public or service user whilst at work, you should refer to the [Unreasonable Customer Behaviour Policy](#) for further guidance. This will give you the procedure for reporting these incidents and what the steps are to try and rectify these issues.

If you require any support during what can be a difficult time you can contact the [Employee Assistance Programme](#) via Workplace Options. You can also speak to the [Staff Equality Groups](#) if you feel that they will be able to support you.

Appendix 2A - Examples of unacceptable behaviour

Unacceptable behaviour includes:

- All forms of harassment, including sexual harassment (whether it is associated with a Protected Characteristic under the Equality Act 2010) – see [Appendix 2B](#).
- Unlawful discrimination (as defined in the Equality Act 2010) – see [Appendix 2B](#).
- Bullying (defined as behaviour from a person or group that's unwanted and makes you feel uncomfortable, including feeling frightened, less respected or put down or made fun of or upset).
- Using aggressive or extreme (offensive) language, threatening people, or repeatedly shouting.
- Making unreasonable demands.
- Maliciously gossiping about or criticising someone in their absence, which can include comments made on social media.
- Ridiculing or demeaning someone, or a group such as an ethnic group or disabled people. This can be both privately or publicly.
- Excluding or marginalising someone; refusing to engage with them appropriately.

This is not an exhaustive list.

Appendix 2B - Definitions of discrimination and harassment within the Equality Act 2010

Direct discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic. An example of associative discrimination might be a non-disabled employee who is discriminated against because of action they need to take to care for a disabled dependent. The protection by association could have implications in relation to requests for time off or flexible working, car parking requests for parents with disabled children, etc. Perceptive discrimination is direct discrimination against an individual because others think they have a protected characteristic. It applies even if the person does not actually have that characteristic.

Indirect discrimination

Indirect discrimination is when a condition, rule, policy or even a practice applies to everyone, but has a disproportionate impact on people with a protected characteristic.

Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. However, because of the overlap with sex and sexual orientation discrimination, for practical purposes, employers should assume the same protection will be given to people with these characteristics as for other protected characteristics. Third party harassment covers sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes us potentially liable for harassment of our employees by people (third parties) who are not employees (for example, contractors or external trainers).

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Owner of Document: Human Resources

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Please always refer to the Loop for the latest version of this document
