Code of Employee Conduct

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If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

This policy sets out the terms reached by those participating in the Council's Consultation and Negotiation Framework. Although this policy has not been endorsed by the NASUWT trade union, it remains applicable to all employees.

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Code of Employee Conduct

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		• Change in terminology from 'vulnerable adults' to 'adults at risk'. • Standards of appearance section updated to reflect removal of formal dress code • Added that employees must follow same rules and processes as members of the public • Added more information regards to accessing confidential and personal information about others • Further Guidance from KCSIE

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1. Introduction

Solihull Metropolitan Borough Council (Solihull Council) recognises that the way in which employees carry out their day-to-day work is critical in delivering high quality services. This Code of Employee Conduct has been written to outline how Solihull Council employees and other individuals who work for the Council should behave, that they should conduct themselves in a manner conducive to maintaining good working relationships with colleagues, customers, suppliers and service users.

The public is entitled to expect the highest standards of conduct from all employees and workers of Solihull Council. Solihull Council has an expectation that all employees will commit to what the Council is seeking to achieve and be an integral part in delivering services to the local community. In performing these duties employees are required to demonstrate the Solihull values by being ambitious, open, honest and keeping our promises.

This Code of Employee Conduct is consistent with the 7 principles of public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Failure to comply with this Code could result in disciplinary action being taken and in certain circumstances could result in an employee's contract being terminated.

The Code of Employee Conduct is applicable to employees and workers who work in the Council work places ,schools or work from home or in a hybrid way.

2. Purpose

This code specifies the standards of conduct, behaviour, responsibilities and actions expected of Solihull Council employees who are essential for undertaking the Council's business, ensuring a safe and efficient workplace and maintaining good employment relationships.

This policy applies to:

- All employees including School based employees (employed by the Local Authority)
- Workers engaged from other organisations to undertake the work of the Council e.g. suppliers, Council partners, contractors, consultants, agency workers and those on secondments from other authorities/organisations.
- Volunteers and individuals on work experience placements undertaking work for or on behalf of the Council.

Elected members, non-elected and co-opted should be aware of this code, but must comply with the 2019 Members' Code; the Solihull Metropolitan Borough Council Code of Conduct for Elected Members.

This code should also be used in conjunction with other professional codes of conduct and practice. Employees who belong to a professional body, for example the Department for Education and Teaching Regulation Agency for teachers, and Social Work England standards of conduct, performance and ethics for health and social work practitioners, must ensure that they adhere to the standards.

Although this code sets out some of the areas where issues can arise, it cannot cover every situation, but will be subject to reasonable interpretation in situations not specifically included. The code is designed to make sure that employees understand what is expected of them and the possible consequences of failing to comply with the required standards. Where individuals have been engaged by the Council but are not employees e.g. agency staff, contractors, they are nevertheless required to comply with the spirit of the code. Any action which might be taken in response to a breach will depend on the precise nature of their working relationship with the Council.

Where practical, a link has been included to some of the policies and procedures referred to in this document. For other policies and procedures or in cases where links are no longer available, please access the Council's Intranet or contact your line manager.

3. Scope and responsibilities

- **Employees and those undertaking work on behalf of the Council**

It is your responsibility as an employee or worker to maintain the highest standards of conduct. All staff are expected through agreed procedures and without fear of

recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service or breach of procedure. members of staff must not engage in an activity which actively undermines the work of the Council. This does not detract from employees' rights to engage in lawful protest or constructive discussion.

Employees on National Joint Council, Joint Negotiating Committee and Soulbury terms and conditions of employment must be familiar with the behaviours, leadership and core qualities as detailed in the Performance and Development Review Framework.

As an employee of Solihull Council, you are in a position of trust within the organisation and it is essential that you do not breach this trust and confidence.

If you work with children, young people or adults at risk of harm (*see definition in Appendix 3*) you are in a position of power and trust in relation to these service users. There is potential for exploitation and harm to these "at risk" groups and you have a responsibility to ensure that you do not abuse this trust by using your position to gain access to information or resources for your own or others' advantage, nor do you use your position to cause harm to a child, intimidate, bully pupils or use it to form inappropriate relationships. This includes ex pupils. You must maintain professional boundaries. It is your responsibility to report abuse of a child, young person or adult as soon as it is witnessed.

Where concerns are raised, employees should refer to the Council's Safeguarding Policy. Any allegations against employees will be handled in line with the practice guidance on 'Managing Allegations Against Employees in a position of trust in respect of children or young people' and in accordance with the policy and practice as provided by the Solihull Local Safeguarding Children's Partnership and Solihull Safeguarding Adults Board (SSAB) procedures and expectations.

If an employee has a safeguarding concern about a colleague which does not meet the threshold as set out in the Managing Allegations policy, it is still critical that the concern is shared with an appropriate person to minimise any risk of abuse and enable us to identify concerning behaviour early. Please refer to section 6.7 on reporting 'low level' concerns.

The above explanation of scope and responsibilities for employees (and others engaging in work on behalf of the Council) applies to activity both inside and outside of work.

- **Line manager**

It is a line manager's responsibility to ensure that all employees are informed of, and clearly understand, the Code of Conduct and their own responsibilities. It is also their responsibility to ensure that any breach of the Code is dealt with promptly using the appropriate procedure and to consult Human Resources for advice, where appropriate.

- **Recognised Trade Union representatives**

It is the responsibility of trade unions to be familiar with the code and act as a point of contact for employees.

- **Human Resources**

It is the role of Human Resources to advise and support on the application of the code and the process for handling any breach of it together with the updating of the Code of Conduct.

4. Management of information

Solihull Council recognises and accepts that an environment of openness and trust creates the best working relationships.

As part of your role with the Council, you may have access to various systems that hold confidential and personal information about others. This includes respecting the interests of colleagues, who may also be SMBC residents, and of the general public. You must not access any confidential information unless there is a business reason to do so. All such systems record usage for audit trail purposes and any access without a legitimate business reason can lead to the matter being investigated under the Disciplinary policy.

You must not use any information obtained in the course of your employment, which is not available to the public, for personal gain or benefit, nor should you pass it on to others who might use it in such a way. This is privileged information and should be treated as such.
Any particular information received by an employee from an Elected Member, which is personal to that Elected Member and does not belong to the authority, must not be divulged by the employee without the prior approval of that Elected Member, except where such disclosure is required or sanctioned by law.

There are legal obligations by which you are governed in relation to privacy and security whilst you are processing personal information relating to any living individual. If you have any doubt as to whether or not disclosure is appropriate, even in response to an apparently legitimate inquiry such as a police investigation or request for information under the Freedom of Information Act or UK General Data Protection Regulations, you should speak to your line manager. In cases of doubt, contact the Information Governance Team before releasing any information. Further details can be found on the Information Governance pages of the Council's Intranet.

You must decline any approaches or offers made asking for information which is, or could be detrimental to, or help others to gain a contract, grant or any other advantage from the Council and/or its employees e.g. a potential contractor could offer a financial reward or incentive for information leading to the award of a contract. Approaches or offers of this kind must be declared to your line manager without delay.

If you work with children, young people or adults at risk of harm* (*see definition in Appendix 3*) you may have access to sensitive information about them. You should never use this information to intimidate, humiliate or embarrass the individual. Access to information should only take place, when necessary in the course of performing your role. Confidential information should never be shared with another person except in certain circumstances, for example, when abuse is alleged or suspected. In these cases, you have a duty to pass on information without delay to those designated with child/adult protection responsibilities. If you have any doubt about whether to share information, you should seek guidance from your manager.

5. Communication

Communication between employees and service users especially children, young people and adults at risk, by whatever method, should take place within clear and explicit professional boundaries. Employees should also refer to the relevant code of practice for their profession (e.g. Code of Practice for Social Workers, Teachers Standards for teaching staff etc). This includes but is not limited to the wider use of technology such as mobile phones, text messaging, e-mails, digital cameras, videos, webcams, social media, websites and blogs.

You should not share any personal information such as personal contact details with a child, young person or adult at risk, nor should you request, or respond to, any personal information, other than that which might be appropriate as part of your professional role or agreed with your manager, parents/carers or somebody holding responsibility. You should ensure that all communications are transparent, open to scrutiny and in line with the policy of your service.

5.1 Use of email, the internet, video conferencing & social networks

You should ensure that you understand and comply with the Council guidelines and expectations for the use of its electronic communication facilities, in particular internet access, email, mobile and landline telephones, video conferencing, social networking, software licensing and use of these facilities.

It is recognised that a number of employees participate in social networking. However, this must not be allowed to interfere or conflict with your job and the business interests of the Council.

To maintain confidentiality and to protect the Council's reputation, if you use social networking websites that include, but are not exclusive to Facebook, Twitter, Instagram, Tik Tok, Snapchat, WhatsApp, Teams and Skype, you should:

- Not use Council systems to access these sites for personal use during working hours.

- Staff working within schools should ensure that they do not communicate with pupils or parents through private social networking sites even on educational matters, but use official sites sanctioned by the school.

- Take care not to allow your interaction on these websites to cause offence or damage working relationships between colleagues, employees, contractors, clients and at risk groups and the reputation of the Council e.g. by ensuring that nothing posted can be linked to or assumed to involve your role within the Council.
- Ensure that you have appropriate security settings in place at all times so that you can place appropriate restrictions on who views your page to comply with the above.
- Ensure that any conversations that employees make in a personal capacity through social media **do not:** bring the Council into disrepute; make any defamatory comments about colleagues or service users; breach confidentiality or do anything that could be considered discriminatory against, or bullying or harassment, of any employee or service user.

For further information on internet access, please access the Social Media Policy, Electronic Communications Policy, Video Conferencing guidance, Keeping information safe pages.

5.2 Recordings

The Council expects that the audio or visual recording of a meeting or conversation during the course of employment will take place only with the consent of all those present. Where a request is made to make a recording, it will be considered on a case-by-case basis taking into account relevant considerations, for example where the recording of a meeting may be a reasonable adjustment related to an employee's disability. The Council will reserve the right to request a copy of the recording. The Council does not permit covert recording under any circumstances. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal. This is on the basis that we expect employees to be open and honest and to treat colleagues with dignity and respect, and making secret recordings undermines trust between individuals. Anyone making such recordings in contravention of this would also be personally responsible for any breach of Data Protection legislation.

5.3 Contact with the media

Any enquiries from the media on work-related matters should be referred to the Communications Team. It is Council/school policy that Council officers should **not** be quoted in the press or act as a Council/school spokesperson.

6. Safeguarding service users

6.1 Physical contact

There are occasions when it is appropriate and proper for employees to have physical contact with service users in particular children, young people and adults at risk, but it is crucial that this is done in ways appropriate to your professional role. You should be aware that even well intentioned physical contact could be misconstrued by the child, young person or adult , an observer or recipient of information regarding the event.

You should be prepared to explain your actions and accept that all physical contact could be open to scrutiny. You should be mindful and respectful of the individual's preferences and culture regarding physical contact.

For further information relating to this, please refer to the Department for Education guidance on 'Keeping Children Safe in Education'. Staff working in schools should also refer to the school's physical restraint policy and current government guidance.

6.2 Social contact

Employees should not seek to establish social contact with service users in particular children, young people and adults at risk, for the purpose of securing a friendship or to pursue or strengthen a personal relationship. This applies to employees during and outside of their role and/or their normal working hours. If a service user seeks to establish social contact or if this occurs coincidentally, you should exercise professional judgment in making a response, but should always discuss the situation with your line manager and complete a declaration if appropriate. There will be occasions when there are social contacts between service users and staff, where for example they are part of the same social circle. These contacts, however, will be easily recognised and openly acknowledged. Where you identify a potential conflict of interest, you should seek guidance from your line manager to protect the interests of all parties.

It may be necessary and appropriate for those working directly with children, young people and adults at risk to undertake visits away from their office base and the person's home address. However, these visits must never take place at the staff member's own address or at any other location that may be inappropriate or could disadvantage or exploit the service user.

For further information, please refer to the Department for Education guidance on Keeping Children Safe in Education.

Employees who have personal connections with students outside school (e.g. relatives, neighbours, members of local community/sports/religious/political etc.), will need to be particularly mindful to maintain relationships/boundaries which do not compromise professional standards and responsibilities. Activities which may lead to disciplinary action being taken include the following:

- Sexual relationships with a student/pupil
- Sexual advances or sexual innuendo
- Socialising with or engaging with students in your own, personal time, unless authorised by the Head Teacher or in the case of the Head teacher, the Chair of Governors
- Failure to adhere to professional boundaries, e.g. sending or storing images of students or engaging in private written or electronic communication with them, sharing personal contact details, sharing what is reasonably considered as too much personal information about you/your family/your personal life, engaging with students through social media, chat rooms, messenger devices, blogs, personal e-mail, text/multimedia message or video call

- Providing personal loans, lending money or goods to students/pupils
- Borrowing goods or money from students/pupils
- Asking students/pupils to carry out paid or unpaid private work or services
- Knowingly purchasing from or selling an item to a student directly or through an auction or selling website
- Allowing unauthorised and/or unsupervised usage of School property or facilities.

There will be times where an employee is working one-to-one with a student/pupil, and this is acceptable. Staff need to understand that this means that they may be more vulnerable to allegations being made against them. For this reason, it is important that employees:

- Avoid meeting on a one-to-one basis in secluded areas of the respective academy;
- Ensure that the door of the room is open or that there is visual access into the room;
- Inform the line manager and/or colleague of the meeting, preferably beforehand;
- Report to their line manager, if the student becomes distressed or angry.

Staff should clearly not discuss matters relating to a colleague with students. This covers professional and private issues.

Employees must not store student telephone numbers on their phone for safeguarding reasons. Staff will be issued with work phones, e.g. when going on school trips.

6.3 Intimate care

All children, young people and adults at risk have a right to privacy and dignity when contact of an intimate nature is required. A care plan should be drawn up for all children, young people and adults at risk who require intimate care on a regular basis.

6.4 Transporting pupils

It is inappropriate for employees to offer lifts to a child, young person or adult at risk outside of their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/ carers. There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parent/carers or those with parental responsibility at the earliest opportunity. If employees are transporting a child, young person or adult at risk during their normal working hours, this must be authorised by the employee's line manager. Employees should also ensure they are insured to use their vehicle for business purposes. Employees should refer to the Driving at Work Policy.

Any employee transporting a child, young person or adult at risk, or acting as a guide for such as part of their role, will be required to have an enhanced DBS (Disclosure and Barring Service) check.

6.5 Childcare Disqualification Regulations

In accordance with the Childcare (Disqualification) Regulations, anyone who is disqualified under the Regulations is prohibited from undertaking relevant work in a relevant setting, including a school.

Where applicable, all new appointments, including new volunteers, will be required to complete a Declaration Form and their Disclosure and Barring Certificates will be checked against the list of offences in the Regulations.

In some circumstances, a disqualified person can ask Ofsted to waive their disqualification to enable them to undertake relevant work. More information can be found in the Childcare (Disqualification) Regulations guidance notes.

6.6 Tutoring of school pupils

- **Independent tutoring**

  Teachers, who undertake tutoring on a self-employed basis, should ensure that they do not tutor children from their own classes, as this will create a conflict of interest. You must also inform the Headteacher if you undertake the tutoring of children within a Solihull school and always ensure you have the parents'/carers' consent. If the school has its own policy, you will need to ensure you comply with it (and complete a declaration).

- **One-to-one tuition**

  The above paragraph does not apply where tutors employed by the Authority or a school are undertaking tuition under the one-to-one tuition programme, where pupils and tutors are identified by the school.

6.7 '**Low level' safeguarding concerns about a colleague**

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child/young person/adult at risk does not meet the threshold set out in the Managing Allegations policy. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working with children or adults may have acted in a way that:

• is inconsistent with the staff Code of Conduct, including inappropriate conduct outside of work, and

• does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

• being over friendly with children or an adult in our care;

• having favourites;

• taking photographs of children/adult on their mobile phone;

• engaging with a child/ adult on a one-to-one basis in a secluded area or behind a closed door; or,

• using inappropriate sexualised, intimidating or offensive language.

It is crucial that any such concerns, including those which do not meet the allegation/harm threshold, are shared responsibly with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect employees from potential false allegations or misunderstandings. Whilst the concern may seem very minor and a one-off, the behaviour may form part of a pattern that is putting children or adults in our care at risk or (without intervention) may develop into such a pattern. Or the behaviour may have been innocent, but the member of staff may need to be given guidance to understand why it was inappropriate and should not happen again.

Low-level concerns about a member of staff should be reported to the designated safeguarding lead or deputy. Where a low-level concern is raised about the designated safeguarding lead, it should be shared with a senior manager or Headteacher/Principal.

All low-level safeguarding concerns should be recorded in writing in line with the Managing Allegations policy in Appendix 4.

6.8 **Issues in your personal life that may affect your role**

All organisations that provide services to children, young people and adults at risk must ensure that staff are competent, confident and safe to do so. Similarly, anyone who comes into contact with children, young people and adults at risk in their work has a duty of care to safeguard them and to promote their welfare.

The vast majority of adults who work with these groups act professionally and aim to provide a safe and supportive environment for children and young people. However, sometimes these individuals will have an issue that arises in their personal life which may be relevant to their role at work.

Examples of issues that may be relevant at work and should be disclosed to your line manager in the strictest confidence are where:

- your child has been the subject of child protection enquiries by children's social care (often referred to as S47 enquiries or investigations)
- your child has a child protection plan
- you have been the subject of a criminal investigation in relation to offences against children

- you have been arrested, cautioned or convicted in relation to offences of violence
- you have difficulties with drug or alcohol misuse or other issues which might impact on your ability to do your job safely
- there have been allegations of abuse against a member of your household, or a person closely associated with you.

Please also refer to the Council's Safeguarding policy and Managing Allegations policy.

7. Criminal charges, cautions and convictions

Whilst an employee of the School / Council you must immediately advise your Head teacher/line manager if, **for any reason**, you are:

- arrested
- issued with a penalty notice for disorder (e.g. for a public order offence)
- charged with, cautioned or convicted of a criminal offence

Some minor traffic offences (including those associated with fixed penalty notices) will normally be exempt from this **except** where driving is a requirement of your role. While such proceedings will not necessarily affect employment, the School/Council needs to be sure that there are no implications for its clients, reputation, and service delivery or in relation to the role undertaken. If you are in doubt as to whether you need to inform Solihull Council, you should speak with your line manager in the first instance. Failure to notify Solihull Council, if you are arrested, issued with a penalty notice, charged with, cautioned or convicted of a criminal offence, could result in disciplinary action being taken which could lead to dismissal. Please refer to the Council's Disclosure Policy.

8. Health and safety at work

It is the duty of every employee, whilst at work, to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work. You must familiarise yourself with the Council's Health and Safety Policy and safe methods of work (including risk assessments) for your particular area of work.

You must also follow the identified control measures and safe practices identified with your work/job and report to your manager and/or health and safety officer without delay, defects, malfunctions, hazards, accidents, incidents, 'near misses' and anything thought to be dangerous.

Employees should refer to the Corporate Health & Safety Policy.

9. Standards of appearance

Employee's work attire should be appropriate to the type of meeting and workplace they are attending on that day. As guidance, it is suggested that employees wear business casual in the workplace and casual dress if working at home, however this will depend on the individual's job role, and the nature and attendees of the meeting.

For face-to-face and virtual meetings with service users/clients/members of the public, employees should present a professional image of the Council.

If an employee has a designated uniform or wears protective clothing for their job, they should continue to follow the guidance given for their job role.

The Council recognises and, embraces the diversity of cultures and religions of its employees and will take a sensitive approach when this affects any uniform requirements or expectations of dress. Any questions about appropriate dress or uniform should be referred to the line manager.

10. Relatives and close personal relationships within the workplace

If you are related to, in a relationship or close friendship, with another employee of Solihull Council, in order to avoid any possible accusation of bias you should not be directly involved in their appointment, promotion, discipline, appraisal or other employment decision including approval of expenses. If this situation arises, you must disclose this to your line manager and complete the declaration form (Appendix 4) and seek the advice of your Human Resources Advisor. This will protect you from unfair accusations of bias from those who may perceive a conflict exists.

Where you work in close proximity with service users, elected members or other employees to whom you are related or have a close personal connection, you must maintain a strictly professional relationship at work.

You should protect yourself from allegations of favouritism by declaring any business or personal relationships in relation to contractors, suppliers or elected members. This should be done at the earliest opportunity. For relationships with contractors or, suppliers this could be as part of the tendering process or at the earliest time when it becomes apparent that a conflict will arise. This should be disclosed on the declaration form (Appendix 4).

11. Bequests / Legacies

Employees who work closely with and/or care for at risk people as a part of their duties may be left a bequest in the will of the person they have looked after or be offered a gift, financial or otherwise. Employees must refuse to accept the legacy/bequest regardless of its size or value if it is as a consequence, of their employment. Employees must also report the legacy/bequest to their line manager and complete the online declaration form. A charity could be suggested as an alternative. Any conversation of this nature must be reported to your line manager. Where staff work closely with "at risk" people they should NEVER be involved in assisting their service

users in the making of a will. Employees should also refer to any local or industry specific professional standards applicable to their role.

12. Gifts, inducements, hospitality and sponsorship

If you are involved in buying goods and services, or providing services to service users, you must be careful to do so objectively. Employees must not accept any commission, discount, allowance, direct or indirect profit, inducement, payment, perk or benefit in connection with any professional work undertaken, other than any fee recoverable on behalf of the Council.

12.1 Gifts

Minor gifts are sometimes part of the normal courtesies of life: a client, supplier or contractor may offer a modest gift, especially at Christmas or as a token of appreciation, and in an office situation, simple items such as diaries and calendars are often distributed as advertising matter.

Token gifts up to a value of £50 may be accepted but should be reported to your line manager. Typically, this might include chocolates, biscuits, calendars, pens etc. Items or vouchers/gift cards over £50, special discounts, rewards or preferential treatment should be refused.

In situations where an item is posted to you, or refusal is difficult or might offend, you must notify your line manager who will decide on the appropriate course of action.

If you receive a gift over the value of £50, you must notify your line manager as soon as possible (and within 14 days) and this must be recorded on the declaration form (Appendix 4) Gifts which are received and which are passed on or donated to a third party, such as a charity (e.g. the Mayor's Charity), should still be recorded along with details of where they have been passed on to.

Employees must consider whether it is appropriate to accept even token gifts e.g. when dealing with regulatory, commissioning or procurement matters where it would usually be inappropriate to receive any gift from involved parties. If in doubt, employees should consult their line manager. Gifts of cash must **not** be accepted under any circumstances.

When alcoholic gifts are given, employees should be mindful of the Drugs, Alcohol and Substance Misuse policy and ensure , when giving or receiving alcoholic gifts that they are kept in secure areas and not opened on Council premises.

12.2 Hospitality

Offers of hospitality, even if of a seemingly minor nature, must be treated with particular caution as they can leave both individuals and the Council open to all manner of allegations or impropriety. The timing of offers of hospitality, e.g. in relation to purchasing, the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. You must not accept any benefits offered in return for a specific decision or at any time during a contractual award. Accepting hospitality must be justified in the public interest i.e. when there is a genuine need to represent the Authority. Employees must inform their line manager of an invitation or offer of hospitality before it is accepted.

If you receive hospitality over the value of £25, you must notify your line manager as soon as possible (and within 14 days) and this must be recorded on the declaration form. Hospitality offers which are passed on or donated to a third party, such as a charity, should still be recorded along with details of where they have been passed on to.

Any conversations that take place with external organisations about contractual issues should take place in a formal setting and employees should be mindful of how casual meetings can be perceived by others for example, a senior Council employee being seen out having coffee with independent or voluntary sector organisation employees/trustees when we should be having a formal contractual relationship.

12.2.1 Hospitality and business entertainment

The Council's success will, in many respects, depend on the quality and value of the services we purchase and provide. If you are involved in buying or providing services for the Council, you must be careful to do so objectively. You must not allow your decisions to be influenced by inappropriate entertainment or gifts that vendors or contractors may offer. Similarly, you must not attempt to influence vendors or contractors through inappropriate entertainment, irrespective of the value.

12.2.2 Meals, entertainment and hospitality records

Meals, entertainment or other hospitality i.e. invitations, extended or received, must serve a legitimate business purpose. All invitations extended or received must be recorded in a diary or personal register for your manager to review and for Audit purposes.

12.3 Sponsorship

Where an outside organisation wishes to sponsor any activity or the Council wishes to sponsor an event or service, advice should be sought from the Communications Team. The basic principles relating to personal interests and the acceptance of gifts or hospitality apply as in the sections above.

12.4 Employees in Adult Social Care Services

Due to the complexity and sensitivity of the relationship between providers of care services and vulnerable service users, their carers and families, the general principle is that staff should not accept gifts of any kind. However, it is recognised that a refusal may offend or distress the giver, therefore gifts of less than £25 in value may be accepted. These gifts must be reported to the line manager. Gifts of cash must **not** be accepted under any circumstances.

13. Declaration of interests

Any potential interest should be declared on the declaration form Appendix 4.

Employees should declare certain interests, as follows:

- Pecuniary interests in contracts under Section 117 LGA 1972 (including the interest of a spouse or partner);
- Relationships with contractors and potential contractors;
- Non-financial interests which you consider could conflict with the Council's/ School's interests;
- Financial interests which could conflict with the Council's/ School's interests; and
- Hospitality which can be accepted under circumstances set out in the code, but must be authorised and recorded.
- Membership of any organisation that could conflict with the Council's/ School's interests.

Where the Council sponsors an event or service, you, your partner, spouse or relative must not benefit from the sponsorship. You must seek guidance from the Head of Service if you are involved with an event or service, which the Council proposes to sponsor.

Where the Council gives support in the community, through sponsorship, grant aid, financial or other means, you should ensure that impartial advice is given and, no conflict of interest exists.

Employees dealing with contracts will be required to make an annual declaration of interests, including nil returns if they have no interests to declare and typically, these groups will include: Procurement Officers, Contract Managers Commissioning Managers. In addition, senior officers including all Directors and Heads of Service will be required to make an annual declaration.

All new employees will be required to read the Code of Conduct as a mandatory part of their induction when joining SMBC/ School and, where necessary, must complete a declaration form. New employees should consult their line manager if unsure as to what potential conflicts they should disclose in their new role.

Existing employees should keep their manager informed of any change of circumstance that gives rise to a need to update their declaration, including completing the required declaration form to record this.

14. Personal purchases

You should be aware of possible conflicts of interest when purchasing goods or using the services of firms which have contracts with the Council/School. You should neither seek, because of your position, nor accept, because of an organisation's dealings with the Council/School, preferential rates, reductions or any other favourable treatment in the purchase of goods and services. This does not apply to generally available schemes or discount schemes arranged by the Council/School for all staff.

Solihull Council/ School business purchase cards must not be used for private purchases under any circumstances and any errors in card use must be declared immediately to the Head teacher.

15. Equality and diversity

All members of the community, service users and other employees have a right to be treated fairly and with dignity and respect. You must ensure that you are aware of and comply with the Council's/School's Equal Opportunities Policy, together with the Dignity at Work and Grievance Procedures

Conduct at all times must be consistent with the behaviours outlined in the Performance Development Review Frame work and the Teachers Standards.

Appropriate conduct is also an important element in ensuring that the Council meets its statutory equality duties and, you have a responsibility to ensure you have an understanding of what this means in practice.

16. Smoke-free environment

Employees are not permitted to smoke or vape whilst on duty or representing the organisation. Staff are only permitted to smoke whilst off duty and away from school premises or grounds. You are not allowed to smoke or vape within Solihull Council buildings including schools, workplaces, grounds and vehicles and should refrain from smoking or vaping during video conferencing calls if working in a hybrid way. Please see the No Smoking Policy for further details.

17. Drugs and alcohol

You must familiarise yourself with the Council's/ School's policy on Drug, Alcohol and Substance Misuse Policy, particularly in relation to the restrictions placed on you in connection with undertaking **any** work related activity where you have consumed or are under the influence of alcohol, unlawful drugs or any prescription drugs that have not been prescribed.

Employees are obliged to conduct themselves in a responsible, and professional manner at all times, including at external events, such as work-related functions, or in any capacity when representing the Council in any way.

Public funds should not be used to purchase alcohol at any Council/School events or meetings without the express approval from either the Head Teacher or Chair of Governors. Employees need to appreciate and be sensitive to the possible public perception around alcohol consumption and duly consider whether this constitutes an appropriate usage of taxpayers' money.

18. Driving at work

All persons who drive on behalf of the Council/School for business purposes, whether as an essential or casual part of their employment, must adhere to the Driving at Work Policy and the Travel, Subsistence & Personal Expenses Policy.

You are personally responsible for ensuring that you are:

- Legally qualified to drive and have a valid and current driving license
- Insured to drive and have adequate and appropriate insurance cover
- Medically fit to drive
- Driving a safe vehicle and where appropriate have a valid MOT

If you are using your own vehicle for any business-related activity, you must ensure that you have appropriate insurance cover for business use. You must inform your line manager of any change in circumstances e.g. health deterioration, loss of driving licence, etc. You must also ensure that you are complying with legislation particularly with regard to the use of hand-held electronic devices.

Employees who operate vehicles for and on behalf of the Council/School should also refer the Transport Operational policy.

19. Overseas travel on official business

Any overseas travel on official business must be approved by the Head Teacher/Chair of Governors before the travel is booked.

20. Political neutrality

Employees must not allow their own personal or political opinions to interfere with their work and should be politically neutral in the advice provided to service users.

In accordance with the Local Government and Housing Act 1989 (as amended by the Local Democracy, Economic Development and Construction Act 2009), some posts within Solihull Council are designated as politically restricted and restrict the political activities of local authority employees. These are:

- Specified posts in Section 2 of the Local Government and Housing act 1989 (LGHA)
- Considered 'sensitive' by virtue of their duties.

This is to prevent individuals from having any active political role either in or outside the workplace. If your post is considered to be politically sensitive in accordance with statutory provisions e.g. officers who regularly advise any member panel or committee or speak publicly on behalf of the Council for instance to the media, your political activities, e.g. becoming an elected member, will normally be restricted unless it can be shown that such a restriction would be unreasonable.

20.1 Political neutrality and personal interests.

If your post is politically restricted, you must register any personal interests within 28 days of taking up your appointment where such an interest could give rise to accusations of partiality in decision-making and working practice. Please see section 11.

These personal interests are:

- Your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company you have an interest in, as above.
- Any land or property in the authority's area in which you have a beneficial interest. This includes any land or property you own in full or part and if any matters relating to this or the neighbouring areas are identified in respect of any dealings with the Council, its partners or contractors then you should declare this.
- A prejudicial interest, where a matter affects your financial interest or relates to a licensing or regulatory matter in which you have an interest and where a member of the public could question your impartiality in acting in the public interest.

A holder of a 'politically restricted' post may seek to exempt their personal interests from the register of interests if they consider for instance that having this information on record might put themselves and others at risk. In such cases the employee should discuss this with their monitoring officer.

20.2 Political neutrality and prejudicial interest

A prejudicial interest is considered to be a matter which affects the holder of a 'politically restricted' post's financial interest or related to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.

A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more peripheral interest, where for instance approval for a licence may affect a body with which the employee has a personal interest or will affect him or her personally.

Such an employee with a prejudicial interest should declare such an interest on the online declaration form. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

21. Private work, second jobs and voluntary activities

You should not enter into any commitments to undertake paid or unpaid secondary employment or voluntary activities where this could have a conflict of interest with Council business, interferes with, or is likely to interfere with your ability to do your job.

The Council will not unreasonably withhold permission for an employee to work in a second occupation, however, if you do have a second job you must advise your line manager to formally declare the arrangement and hours worked.

If you take a second job, you should be aware of the Working Time Regulations and ensure you comply with them; not working more than an average of 48 hours per week unless you choose to. There is at present the facility to opt out. This needs to be in writing and kept on your personal file. In addition, minimum rest breaks must be observed when considering your total working pattern across different jobs. This dictates that a rest break of 11 hours must occur in any 24-hour period and a minimum of 1 day's rest (24 hours) in any 7-day period. You cannot opt out of minimum rest breaks. **It is the Council's policy that you must take a lunch break of at least 30 minutes every day if working more than a six-hour day**.

A conflict of interest may apply where you have a job with Solihull Council and are then undertaking other work (paid or voluntary) which is impacting upon your ability to perform your role or fulfil your contract with Solihull Council, through tiredness and lack of concentration.

Where the second job may be considered a potential conflict of interest and/or where the hours of both roles would equate to an average of 48 hours a week or more, the employee must complete the (form in Appendix 4) to declare details of the second job and confirm they have management approval as soon as possible.

You must not undertake any form of private work for any individual, organisation, department or establishment which otherwise would be undertaken as part of your normal duties or by the service area in which you work.

You may not become a trustee or board member of any organisation which receive any form of funding from the Council unless you have the express consent of a Director and you must complete a declaration form to declare the details.

Council/school premises, equipment or other resources must not be used to undertake private work without prior permission.

You must not undertake any form of paid work when suspended from work, during times when you would normally be required to work for Solihull Council or when on sick leave unless this is part of an agreed rehabilitation programme with your line manager.

22. Whistleblowing

Solihull Council encourages any employee, those working for or on behalf of Solihull Council, volunteers or service users to come forward if they have a genuine concern about malpractice or impropriety that is believed to be in the public interest, including but not limited to mismanagement, bribery, fraud and health and safety failures within the Council. Concerns should be raised without fear of reprisal and should initially be raised with your line manager or directly with the Head of Audit.

For further details please refer to the Whistleblowing Policy.

The Council takes this issue very seriously and will investigate and address any problems. All reasonable steps will be taken to respect your confidence and protect you from possible reprisals. However, any frivolous, malicious or mischievous use of the Whistleblowing Policy will be dealt with through the Disciplinary Procedure.

23. Anti-fraud arrangements

All employees have a responsibility to protect public funds and must act honestly and in accordance with policies and procedures. The Council has a zero-tolerance stance towards fraud and corruption.

The Council will participate in local and national data matching exercises and employee data will be shared with relevant bodies for the prevention and detection of crime. Please refer to the Counter Fraud and Corruption Strategy.

Under the Council's Financial Regulations, all Internal Auditors and Investigator staff have rights of access to all records, assets, personnel and premises. They are authorised to obtain such information and explanations, as they consider necessary to discharge their responsibilities. As such, Council staff may be interviewed, without notice, by Audit Services staff during the course of their duties. Failure or refusal to assist Audit staff with their enquiries may result in disciplinary action.

24. Conduct and performance

Unacceptable behaviour and/or failure to maintain satisfactory standards of conduct or performance will lead to action being taken against you under the appropriate Council policy or procedure. This includes specifically complying and abiding by Council policies and procedures. You must therefore ensure that you understand the requirements of this code and any terms and conditions, rules, standards and requirements that apply.

Please also refer to the expected behaviours in the Performance Development and Review Framework.

24.1 Misconduct

Is the term used for a breach of the Council's/School's codes and procedures, which do not in the first instance, lead to dismissal, although if further misconduct takes place it could do so.

24.2 Gross misconduct

Is serious misconduct, which may lead to dismissal without notice (summary dismissal) for the first offence, under the Disciplinary policy, or legal action if necessary.

For examples of misconduct and gross misconduct, please refer to the Council's/School's Disciplinary Policy. The list cannot take into consideration the surrounding circumstances which might exist. Repeated misconduct and/or other misconduct, where the surrounding circumstances are of a very serious nature, may also be treated as gross misconduct.

For employees who are dismissed on grounds of gross misconduct, the Disclosure and Barring Service and/or relevant professional body may need to be informed, in order to make the necessary decision about barring, depending on the employee's role.

25. Conduct outside work

An employee's behaviour outside of work is generally considered to be their own concern. However, there are situations where the boundaries between work and social activities overlap. A social event which takes place outside of working hours or is in a setting outside of the workplace, can be genuinely considered as an extension of employment for example an office party, client functions, team building events and leaving parties. As a result, where employee misconduct occurs during these situations, the Council/School may apply the disciplinary procedure to such misconduct.

There may also be other instances where an employee's conduct outside work is cause for concern. Local Government employees are public servants and as such, the

public expects a high level of trust. Employees should follow the same rules and requirements that also apply to members of the public. Any employee breaching these requirements may invoke the disciplinary procedure, for example, not being honest in their dealings with the Council or knowingly claiming any benefits that they are not entitled to.

Employees must carefully consider their conduct outside of work. Inappropriate conduct outside work which might damage public trust, causes or is likely to cause reputational damage or brings the Council into disrepute will be investigated under the Disciplinary Policy.

26. Identification (ID) badges

Employees are expected to wear their staff ID badge on a corporate branded lanyard at all times and ensure the security of the Council's premises with the appropriate use of and storage of any keys and key fobs. If an employee misplaces/loses their ID badge, key or key fob, they must report this immediately to their line manager. If keys/fobs/ID badges are found unattended, these must be immediately handed into the main reception who will seek to inform the member of staff, if identifiable.

Where staff have visitors on site, it is their responsibility to ensure that the visitors are escorted at all times and should wear a visitor's pass. Visitors must be escorted back to Reception upon leaving to sign out.

Employees must not wear their uniform or ID badge when not at work. When on a lunch break for example, the ID badge should be removed or hidden from view. On leaving the School, employees are required to return all items on termination of their contract of employment on their last day of work. This is to maintain the integrity of the Council's corporate image by minimising the risk of the Council being misrepresented and also to protect employees from public attention e.g. during high profile media cases involving council employees.

27. Further information

If you require further information or advice you should speak to your line manager first. If you are uncomfortable about this, or if you are still concerned, you should contact one or more of the following:

- Human Resources
- Head teacher/Chair ofGovernors
- If you belong to a Trade Union or professional association, contact your local representative.
- Audit Services

Appendix 1

Doing the Right Thing – 'Quick Test'

Policies and guidance cannot cover every circumstance. Therefore, a 'quick test' is provided to help you make decisions about appropriate business conduct. If your contemplated action makes good business sense, and you can answer yes to the following 'quick test' questions, you can feel comfortable in proceeding.

- Is the action legal?
- Is it right and honest and does not deceive or mislead?
- Is the action within the terms or the spirit of these standards, our policies and our brand?
- Does it avoid creating a sense of obligation?
- Can I justify this to my manager?
- If I belong to a professional body, does it comply with its codes?
- Would I feel comfortable reading about it in the press?

Appendix 2

Frequently Asked Questions

Q1. Why do we need to have a Code of Conduct?

A1. It is important that all employees are aware of the standards of behaviour expected by Solihull Council and that these standards are systematically and fairly applied. Employees also need to be aware of the potential consequences of not adhering to the Code.

Q2. What happens if I breach the Code?

A2. Failure to observe the code of conduct could lead to action being taken under the Council's Disciplinary Policy. This does not preclude appropriate action being taken against an employee under other Council procedures for reasons other than misconduct, for example unsatisfactory performance, which would be dealt with under the Capability Policy. Please refer to both procedures for the detailed process involved and the potential outcomes. Any breach of the code by agency staff must be referred to the agency to be dealt with.

It is not possible to cover all situations which may occur at work. Neither is it possible to state that any single incident of misconduct will always attract the same penalty, bearing in mind such factors as mitigation, previous conduct and personal circumstances.

Q3. How do I know if I am using the internet and email in the correct way?

A3. There are guidelines in the Code of Conduct. However further information and guidance is available to you in the Information Security policy you should also make yourself aware of the Electronic Communications Policy, Video Conferencing Guidance and Social Media Policy.

Q4. What do I do if I am offered a gift by a supplier or a customer?

A4. A gift of less than £50 can be seen as a 'token' gesture, for example, diaries or calendars are acceptable. However, if the gift is valued at £50 or more you should refuse it. In a situation where a refusal might be difficult or considered offensive then you should consult your line manager who will decide on the appropriate action.

Q5. My mother-in-law is on the Board of Directors for one of Solihull Council's/School's potential contractors, what do I need to do?

A5. This would constitute a conflict of interest, if you are involved in the process of awarding contracts or had any influence with the contract. If you have such a relationship, you should declare this personal interest by completing an online declaration form.

Q6. I have become involved in a close friendship with a team member who I manage. Can I continue with my normal management role?

A6. You should not be involved in any disciplinary, appraisal or any other employment decision for an employee with whom you have a personal relationship or close friendship. You also need to be aware that professional boundaries must be kept. If there is any disruption in the workplace or obvious favouritism, action could be taken under the appropriate Council procedure. If you have any doubts, please contact your line manager, Head teacher or Human Resources for advice.

Q7. One of the young people I work with has asked for my personal mobile number and email address. What should I do?

A7. You should not give your personal mobile phone number or email address to a young person unless there is a specific need which has been agreed with your line manager, the Headteacher, parents or carers. However, this would be a rare occurrence. If the young person insists in their request, you should speak to your line manager.

Q8. I work with adults who can display extreme behaviours. How should I deal with such a situation?

A8. Initially you should try to diffuse the situation. If this is not possible then you may need to consider physical intervention. Any physical intervention should be based upon a risk assessment (either formal or 'dynamic' – on the spot) and be in the service-user's best interests. It must be reasonable, proportionate and considered absolutely necessary. If physical intervention is used, you must record and report the situation as soon as possible according to local arrangements.

Q9. I use social networking sites a lot in my own time, and I am regularly contacted to be a 'friend' to pupils and families with whom I work with within schools. What should I do?

A9. You need to check your security settings to make sure only those people you wish to have access to your web pages can see them. You should decline the 'friend' requests of pupils/families you work with and maintain a strictly professional working relationship. If you are unsure, you should speak with your line manager.

Q10. I work as a contractor and my cousin has asked me for a job as a cleaner for whom I would be the line manager for. Can I recruit him?

A10. If there is a vacancy, then it would need to be advertised. Your cousin can choose to apply for the post, but as he is a relative, you should not be involved in the recruitment and selection process to ensure a fair process and avoid any conflict of interest.
If your cousin is appointed by another manager, and you are his line manager, you must maintain a strictly professional relationship at work and you must not be involved in any employment decisions, for example, appraisal, pay decisions, etc. You should also refer to the Safer Recruitment and Selection Policy.

Q11. If I go to the school's Christmas party and get drunk, what business is it of Solihull Council/the school?

A11. As an employee of Solihull Council if you partake in activities linked with work, then it can be genuinely classed as an extension of your employment and, we would expect you to conduct yourself appropriately. If your behaviour was influenced by alcohol and you behaved in an inappropriate way this could result in disciplinary action being taken.

Q12. As well as my Council role, I work as a cleaner within a number of schools; do I need to inform each school that I am working somewhere else?

A12. You must inform your line manager and the Headteacher of each school of the number of hours that you work at that school and the total hours that you work per week. If this exceeds 48 hours per week, you will need to complete a declaration form and sign an 'opt out form'. You also need to consider your work life balance and your health if you are working an excessive number of hours.

Appendix 3

Definitions

Working with children or adults at risk of harm - confidential Information

This refers to information about children, young people, adults at risk of harm or their families which is sensitive and is only known by that person because of the job that they hold.

An adult at risk of harm is is anyone aged 18 and over who:

- Receives any form of health care
- Lives in residential accommodation including sheltered housing
- Receives domiciliary care
- Receives support, assistance or advice to help them live independently
- Requires an assistant in the conduct of their own affairs
- Receives a direct payment
- Is an expectant / nursing mother in residential accommodation provided by the LA or NHS
- Receives any service or participates in activity provided specifically because of age or disability
- Is detained in lawful custody
- Is on probation

APPENDIX 4

Declaration of Potential Conflict of Interests Form

DATA PROTECTION
FAIR PROCESSING NOTICE

All information supplied on this form may be held and used as follows:

The form requires the line manager to complete Sections 4-5 and to notify you of any further action which may be required. The line manager will need to retain a copy of the form to document the decision made. The information provided may be shared with Human Resources if further advice is required. Details of your declaration will be held centrally and will be subject to inspection by auditors. The information you provide may be shared with third parties such as other Local Authorities, the Department of Work and Pensions (DWP) and HMRC if required.

For further information about how we use your information please refer to the Council's Data Protection Policy on the Intranet and Privacy Statement on www.solihull.gov.uk.

The SMBC Code of Employee Conduct requires that a formal declaration is required with respect to the arrangement of private work, second jobs and voluntary activities. This form is also for declaring non-financial or financial interests under the Council's Code of Conduct, including interests which by law you are required to declare under Section 117 of the Local Government Act 1972.

Please complete this form if you feel you have an interest that may relate to your work with the Council and could result in a conflict or potential conflict of interest. **Please discuss your declaration with your manager before filling this form.** For further information, please see the Code of Employee Conduct, section 19.

Section 1 - Personal Details	
Name:	Directorate/School:
Job Title:	Division:
Work contact number:	Email:
Section 2 - Type of Interest to declare / Hospitality or gift received	

Section 3 - Explanation of Potential Conflict of Interest / Declaration of gift or hospitality
Please provide as much detail as possible and explain why you consider this is (or could be) interpreted as a conflict of interest (continue on a separate page, if necessary). Please include the start date.

For gifts/hospitality received, please include the date, value and details of the gift/hospitality.

I confirm that the above information is true and accurate and contains all relevant details to the best of my knowledge.

Name:	
Signature:	
Date:	

Please forward this form to your line manager and keep a copy for yourself. Your manager should complete Sections 4-5 and notify you of any further action which may be required.

Section 4
Line manager to complete the following sections.

Name	Directorate/School
Job Title	Division
Work Contact number	Email

Section 5 - Has this declaration been approved? Yes/No

Please explain what action you have taken in light of this form being submitted to you (continue on a further sheet if necessary).

I confirm that the above information is accurate and contains all relevant details. I also confirm I have notified the employee concerned of further action they must undertake (delete if not appropriate).

Name:	
Signature:	
Date:	

Please place this form on the employee's personal file.

APPENDIX 5

Process for Declarations

1. **Annual Declaration Reminder** Communication to all employees
   a. 'Identified'** post holders complete annual declaration
   b. Employees read Code of Conduct and make declaration where appropriate

2. Employee identifies **change in circumstances** during the year & the need to declare an Interest / Conflict / Gift / Hospitality / Second Job as per Code of Conduct

3. **New Starter** reads Code of Conduct as part of induction on Learning Pool and makes declaration where appropriate

Employee Discusses / Informs Line Manager

Line manager considers further action / safeguard / opportunities

and

Employee completes an online Declaration Form

Form sent Line Manager, Employee and Audit Services via shared email to declarations@solihull.gov.uk

Audit Services consider further action / opportunities and further notification needed. e.g. Director

Audit Services log on Declarations Register

Further action is required

No further action is required

Declarations log viewed by external audit annually

Identified Posts

- Contract Managers, Procurement Officers, Commissioning Officers,
- JNC officers and Heads of Service
- Other posts as deemed appropriate by the Head of Service / Assistant Director