



Code of Employee Conduct

Code of Employee Conduct and Ethical Conduct

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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 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 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 'live the Solihull brand' by being open, honest, approachable and keeping promises.

This Code of Conduct is consistent with the [principles of public life](#); selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership.

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

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, for ensuring a safe and efficient workplace and for maintaining good employment relationships.

This policy applies to:

- Employees - All employees including school based employees and those seconded to other authorities/organisations.
- Workers engaged from other organisations to undertake the work of the Council e.g. suppliers, Council partners, contractors, consultants and agency workers.
- Volunteers undertaking voluntary work for the Council/schools.

Elected members, non-elected, co-opted and Members of Parish Councils should be aware of this code, but must comply with the Members' Code; the Solihull Metropolitan Borough Council Code of Conduct for Elected Members dated July 2007.

This code should also be used in conjunction with other professional codes of conduct and practice. Employees who belong to a profession must ensure that they adhere to the standards of their professional body, for example the GTCE code for teachers, GSCC's Code of Practice for social care workers.

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 never the less 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. Other policies and procedures are available on the Intranet or via your line manager / head teacher where you do not have internet access.

3. Scope and Responsibilities

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

It is your responsibility as an employee to maintain the highest standards of conduct. Employees 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. Employees must not engage in an activity which actively undermines the work of the Council and/or schools. This does not detract from employees rights to engage in lawful protest or constructive discussion.

Employees on NJC and Soulbury terms and conditions of employment must be familiar with the leadership and core qualities as detailed in the Performance and Development Review Framework and for school non teaching staff, as detailed in the Performance Review Framework for Support Staff in Schools and Settings.

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. If you work with children, young people or vulnerable adults you are in a position of power and trust in relation to these service users. There is potential for exploitation and harm to these vulnerable groups and you have a responsibility to ensure that you do not abuse this trust by using your position to gain access to information 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. You must maintain professional boundaries. It is your responsibility to report abuse of a child, young person or vulnerable adult as soon as it is witnessed. Any allegations against employees will be handled in line with the practice guidance on [Link: Managing Allegations Against Employees - Children and Young People \(CYP\)](#)

School staff can access this policy through [Solgrid Extranet](#) (username and password required) and should also familiarise themselves with school safeguarding and child protection policies.

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 / Headteacher**

It is a line-manager's / head teacher's responsibility to ensure that employees are informed of and clearly understands 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. Confidentiality / Treatment of Information

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

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 a councillor, which is personal to that councillor and does not belong to the authority, must not be divulged by the employee without the prior approval of that councillor, 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 or Data Protection Acts, you should speak to your manager / head teacher. In cases of doubt contact the Information Governance Team before releasing any information. Further details can be found on the [Corporate Performance, Policy and Information Division](#) 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 for information leading to the award of a contract. Approaches or offers of this kind must be declared to your line manager / head teacher without delay.

If you work with children, young people or vulnerable adults you may have access to sensitive information about them. You should never use this information to intimidate, humiliate or embarrass the vulnerable person. 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 / head teacher. For school staff, please also refer to the school's Confidentiality Policy.

5. Communication

Communication between employees and service users especially children, young people and vulnerable adults, by whatever method, should take place within clear and explicit professional boundaries. This includes but is not limited to the wider use of technology such as mobile phones, text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs. You should not share any personal information such as personal contact details with a child, young person or vulnerable adult, 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 recorded in line with the recording policy of your school / service.

5.1 Use of E-mail and the Internet

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

Regarding non-schools based staff, for further information please refer to the [Electronic Communications Policy and Guidance](#).

For school based staff refer to the above policy and guidance where adopted by the Governing Body or your school's Electronic Communications Policy.

5.2 Social Networking

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

To maintain confidentiality and to protect the Council's / school's reputation, if you use social networking websites which include, but are not exclusive to Facebook, Myspace, Bebo and Friendster, you should:

- Not use Council / school systems to access these sites for personal use during working hours and for teachers during directed time. Teachers accessing these sites during their own time should ensure that pupils are not present.
- Staff in schools using materials from these sites for lessons, e.g. YouTube, should check the materials beforehand to ensure they are appropriate and suitable for the intended audience.
- School staff should ensure that they do not communicate with pupils through private social networking sites even on educational matters, but should use official sites sanctioned by the school.
- Take care not to allow your interaction on these websites to damage working relationships between employees, contractors, clients and vulnerable groups and the reputation of the Council.
- Ensure that you have appropriate security settings in place so that you can place appropriate restrictions on who views your site to comply with the above.

For further information on internet access, go to [Electronic Communications Policy and Guidance](#).

For schools, guidance can also be found in the [Solihull Schools E-Safety](#) document.

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 vulnerable adults, 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 or vulnerable person, 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.

For further information relating to this please refer to the Department for Children, Schools and Families (DCSF) guidance on 'Safer Working Practice for Adults who work with Children and Young People in Education Settings'. School staff should also refer to their own 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 vulnerable adults, 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 manager / head teacher. 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 / head teacher to protect the interests of all parties.

It may be necessary and appropriate for those working directly with children, young people and vulnerable adults 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.

When arranging home visits this should be in accordance with the 'Code of conduct for Home Visits by Officers'.

For further information please refer to the Department for Children, Schools and Families (DCSF) guidance on 'Safer Working Practice for Adults who work with Children and Young People in Education Settings'.

6.3 Intimate Care

All children, young people and vulnerable adults 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 vulnerable adults who require intimate care on a regular basis. School staff should refer to the ['Guidance on Developing Personal Care in Schools'](#) or their own school policy.

6.4 Transporting Pupils

It is inappropriate for employees to offer lifts to a child, young person or vulnerable adult outside of their normal working duties, unless this has been brought to the attention of the line manager / head teacher 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/ head teacher and parent / carers or those with parental responsibility at the earliest opportunity. If employees are transporting a child, young person or vulnerable adult during their normal working hours, this must be authorised by the employee's line manager / head teacher. Employees should also ensure that they are insured to use their vehicle for business purposes. Employees should refer to the Driving at Working Policy (Non-Schools) or Managing Driving at Work Policy for Schools Based Staff

Any employee transporting a child, young person or vulnerable adult of acting as a guide for such, will be required to have an enhanced CRB (Criminal Records Bureau) check.

6.5 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 be a conflict of interest. You must also inform your head teacher if you undertake tutoring of children within your school and always ensure you have the parents' / carers' consent. If your school has its own policy on this you should comply with the school policy.

- **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.

7. Standards of Appearance

For guidance on the [required dress code](#), non-school based staff should refer to Solihull Council's guidance. School based staff should refer to the guidance that applies within the particular school on standards of appearance, as agreed in consultation with trades unions.

8. Relatives and Close Personal Relationships Within the Workplace

If you are related to or in a relationship 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 a situation arises in which you feel you may be in such a position, you should seek the advice of your manager / head teacher / Human Resources. 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.

9. Bequests / Legacies

Employees who work closely with and / or care for vulnerable 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. As a general rule staff should not accept bequests from customers. For further details please refer to Appendix 2 on 'Rules for staff in respect of receipt of gifts and bequests by staff from customers'.

10. Gifts, Inducements, Hospitality and Sponsorship

If you are involved in buying goods and services, or providing services to customers, 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.

Minor gifts and hospitality 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. As a guideline, any gift or hospitality with a value of £25 or more is highly unlikely to be viewed as a 'token'. With the exception of these 'tokens' and any special schemes (e.g. travel or discount schemes) arranged by the Council, all gifts, vouchers, fees, special discounts, rewards or preferential treatment must be refused. In situations where refusal is difficult or might offend you must inform your line manager / head teacher who will decide on the appropriate course of action. Employees must consider whether it is appropriate to accept even token gifts e.g. when dealing with regulatory 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 / head teacher.

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 e.g. 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.

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

- **Non-School Based Employees**

If you receive hospitality or a gift over the value of £25 you must notify your line manager within 28 days by completing the form in Appendix 3. Gifts which are received and which are passed on to a third party, for example a charity should still be recorded along with details of where they have been passed onto.

- **Employees in Schools and Settings**

Unless there is a conflict of interest, under normal circumstances it will not be necessary for school based staff to declare those gifts received from pupils except where the individual value is over £25. Gifts received on a regular basis or of any

significant value must be reported to the head teacher. Gifts over the value of £25 should be declared on the form in Appendix 3 and the form provided to your head teacher within 28 days of receipt of the gift.

- **Employees in Adult Provider 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 £10 in value may be accepted. These gifts must be reported to a line manager and recorded in a Record Book set aside for this purpose.

Gifts of cash or gift vouchers/tokens may not be accepted under any circumstances.

10.1 Hospitality and Business Entertainment

The Council's success will, in many respects, depend on the quality and value of the services we buy and provide. If you are involved in buying services for the Council or providing services to customers, 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 customers may offer. Similarly, you must not attempt to influence vendors or customers through inappropriate entertainment, irrespective of the value.

10.2 Meals, Entertainment and Hospitality

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's review and for audit purposes.

11. Declaration of Interests

Employees should declare certain interests via the form in Appendix 3 as follows:

- 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 interests;
- Financial interests which could conflict with the Council's interests; and
- Hospitality can be accepted under circumstances set out in the code, but must be authorised and recorded.

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

Employees dealing with contracts should make an annual declaration of interests, including nil returns if you have no interests to declare.

12. 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. You should neither seek, because of your position, nor accept, because of an organisation's dealings with the Council, 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 for all staff.

Solihull Council business purchase cards must not be used for private purchases.

13. Equality and Diversity

All members of the community, customers and other employees have a right to be treated fairly and with dignity. You must ensure that you are aware of and comply with the Council's [Equality and Diversity Scheme](#) and [Equal Opportunities Policy](#), together with the [Dignity at Work Policy for schools](#) and [Dignity at Work Policy for non schools](#).

Conduct at all times must be consistent with the behaviours outlined in the Council's [Performance Development and Review Framework](#) and in the [Performance Review Framework for Support Staff in Schools and Settings](#).

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

14. Smoke-Free Environment

Employees are not permitted to smoke whilst on duty or representing the organisation. Staff are only permitted to smoke whilst off duty. You are not allowed to smoke within Solihull Council buildings including schools, workplaces, grounds and vehicles. Please see the [No Smoking Policy](#) for further details. School based staff can access this Policy through [Solgrid Extranet](#)

15. Drugs and Alcohol

You must familiarise yourself with the Council's policy on [Drug, Alcohol and Substance Abuse](#). Particularly in relation to driving, the operation of machinery and that your ability to undertake your duties is not impaired by the misuse of any substance. School based staff can access this policy through [Solgrid Extranet](#)

16. Driving at Work

All persons who drive on behalf of the Council for business purposes, whether as an essential or casual part of their employment, must adhere to the [Driving at Work Policy](#). School based staff should refer to [Managing Driving at Work Policy for Schools Based Staff](#)

You are personally responsible for ensuring that you are:

- Legally qualified to drive and have a valid and current driving licence
- 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 / head teacher of any change in circumstances e.g. health deterioration, loss of driving license, etc. You must also ensure that you are complying with legislation particularly with regard to the use of hand held electronic devices.

17. Overseas Travel on Official Business

Any overseas travel on official business must be approved by the chief executive before the travel is booked. In the case of school staff, approval must be gained from the head teacher and Chair of Governors, for head teachers' approval must be gained from the Chair of Governors.

18. Political Neutrality

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

Some posts within Solihull Council are politically restricted and restrict the political activities of local authority employees, where they 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 restriction would be unreasonable.

18.1 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 12.

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.

18.2 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 license 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. 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.

19. Private Work, Second Jobs and Voluntary Activities

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

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 would be 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.

If you have a second job and are unsure of whether there is a conflict of interest, please speak with your line manager / head teacher. A conflict of interest may apply where you have a day job with Solihull Council and are then undertaking evening work (paid or voluntary) which is impacting upon your ability to perform your role with Solihull Council, through tiredness and lack of concentration.

You must not undertake 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.

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

You must not undertake private 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.

20. Whistle-blowing

Solihull Council encourages any employee, those working for or on behalf of Solihull Council, volunteers or service users who have a genuine concern about malpractice or wrong doing within the Council to come forward without fear of reprisal to voice these concerns. You should raise such concerns initially with your line manager / head teacher or directly with the Head of Internal Audit.

For further details please refer to the [Whistleblowing Policy](#). School based staff can access this policy through [Solgrid Extranet](#)

The Council takes this issue very seriously and will investigate and address any problems genuinely raised, 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 Whistle-blowing Policy will be dealt with through the Disciplinary Procedure.

21. Anti-Fraud Arrangements

All employees have a responsibility to protect public funds and must act honestly and in accordance with policies and procedures, including the Council's Anti-Fraud and Corruption Policy.

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 [Anti-Fraud and Corruption Policy and Strategy](#). School based staff can access this policy through [Solgrid Extranet](#)

22. Criminal Charges, Cautions and Convictions

You must immediately advise your line manager / head teacher if you are arrested and bailed, charged with, cautioned or convicted of any criminal offence whilst an employee of the Council. Traffic offences or fixed penalty charges are exempt from this except where driving is a requirement of your role. While such proceedings will not necessarily affect employment, the Council needs to be sure 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 / head teacher in the first instance. Failure to notify Solihull Council, if you are arrested and bailed, 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.

23. 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 lead 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](#). School based staff should refer to their School's Health And Safety At Work Policy.

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 / school 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.

- **Misconduct**

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

- **Gross Misconduct**

Is serious misconduct, which may lead to dismissal without notice (summary dismissal) for the first offence.

For examples of misconduct and gross misconduct please refer to the Disciplinary Procedure. 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 teachers who are dismissed on grounds of gross misconduct, this will be reported to the GTC and / or the Independent Safeguarding Authority (ISA), which could result in the teacher being barred from working with children or teaching. Social workers who are dismissed on grounds of gross misconduct will be reported to the GSCC and ISA.

Further information can be found in the [Council's Disciplinary Procedure](#) or the [School's Disciplinary Procedure](#).

25. Conduct Outside Work

An employee's behaviour outside of work is generally considered to be their own concern. However, there are various situations where the boundaries between work and social activities overlap and a social event which takes place outside of working hours or in settings outside of the workplace, can be genuinely classed as an extension of employment. For example an office party, client functions, team building events and leaving parties may all be considered as an extension of employment. As a result, where employee misconduct occurs during these situations, the Council 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. Therefore, conduct outside work which might damage this trust, will be investigated under the Disciplinary Procedure and each case considered on its merits.

Employees must be careful to ensure that their conduct outside of work does not bring the Council into disrepute. Inappropriate conduct outside of work that damages, or could potentially damage the Council's reputation will normally result in disciplinary action being taken.

26. Further Information

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

- Internal Audit
- Human Resources
- If you belong to a Trade Union or professional association contact your local representative.

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 Procedure. 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 Procedure. Please refer to both procedures for the detailed process involved and the potential outcomes which might follow a breach of the Code of Conduct.

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. Nor 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 you should make yourself aware of the Electronic Communications Policy and Guidance and the relevant policies within schools.

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

A4. A gift of less than £25 can be seen as a 'token', for example diaries or calendars are acceptable. However, if the gift is valued at £25 or more (or £10 or more in Adult Provider Services), you should refuse it. In a situation where a refusal might be difficult or considered offensive then you should consult your line manager / head teacher who will decide on the appropriate action.

Q5. *My father in law is on the Board of Directors for one of Solihull Council'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 Appendix 3.

Q6. *I have become involved in a close relationship 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 for which you have a personal relationship. 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 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, head teacher, 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/ head teacher.

Q8. I work with vulnerable 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 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, but am regularly contacted to be a 'friend' to pupils whom I teach within my school, 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 'friends' requests of pupils and maintain a strictly professional working relationship. If you are unsure, you should speak with your line manager / head teacher.

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

A10. If there is a vacancy then it would need to be advertised. Your niece can choose to apply for the post, but as she is a relative you should not be involved in the recruitment and selection process as it would be considered a conflict of interest.

If your niece is appointed by another manager and you are her line manager, you must maintain a strictly professional relationship at work and you must not be involved in any employment decisions, for example, appraisals, pay decisions, etc. You should also refer to the Council's Recruitment and Selection policy.

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

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.

Q13. I work as a cleaner within a number of schools; do I need to inform each school that I am working somewhere else?

A13. You must inform the head teacher of each school that you work for a number of schools and the total hours that you work. If this exceeds 48 hours per week, you will need to sign an 'opt out form'. You also need to consider your work life balance and your health if you are working this number of hours.

Definitions

Confidential Information

Is information about children, young people, vulnerable adults or their families which is sensitive and is only known by that person because of the job that they hold.

A vulnerable adult is an adult 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 assistant in the conduct of their on 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 of disability
- Is detailed in lawful custody
- Is on probation

'Rules for Staff in Respect of Receipt of Gifts and Bequests by Staff from Customers'

Employees who work closely with and / or care for vulnerable 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. As a general rule staff should not accept bequests from customers. Where a customer offers to name a member of staff in their will it is important that this is discouraged. A charity could be suggested as an alternative. Any conversation of this nature must be reported to your line manager.

Where a customer does make a bequest this must be reported to your line manager immediately. Prior to acceptance of any bequest you must receive written approval from your director. The director will consider whether the bequest can be accepted in whole or in part or whether the sum should be donated to charity or refused.

Where staff work closely with vulnerable people they should NEVER be involved in assisting their customers in the making of a will.

Hospitality/ Declaration of Interests Form

The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

Declaration of Interest or Interest of Person from Whom Gift/Hospitality Received	Nature of Gift/Hospitality	Date Received

Authorised by Line Manager / Headteacher

Name:	
Signature:	
Date:	

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?