

## Sheffield City Council

### Officers’ Code of Conduct

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## Officers’ Code of Conduct

**This Code of Conduct applies to all non-school based employees. The Code of Conduct adopted by the relevant Governing Body will apply to employees within schools.**

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## 1.0 INTRODUCTION

### About this Code of Conduct

**1.1 In the Code of Conduct, when we use the word “you” we mean a Council employee, casual worker, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.**

**When we use the words “we” or “us”, we mean the Council.**

- 1.2 This Code of Conduct for Employees is based on key principles. These principles are developed from the work of the Nolan Committee for standards in public life.
- 1.3 In the Code of Conduct you will find the minimum standards that all Council employees must keep to. These standards also apply to casual workers, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.
- 1.4 If you are an employee, this Code of Conduct is part of your terms and conditions of employment. Some parts of the Council may have their own Codes in addition to this one.
- 1.5 If your service area has its own Code, you should keep to that Code as well as this Code. You also need to follow any security policies or Codes of Practice that the council has.
- 1.6 We believe that you are responsible for your own actions. That means it is your responsibility to read the Code of Conduct and the Policies referred to in it and listed at Section 20 of this Code of Conduct, and any other Code which may apply to your job.
- 1.7 If there are any parts of this Code, or other Code, that you are unsure of or do not understand, you must ask your manager or someone in HR, to help you. This will ensure you are able to follow the Code.
- 1.8 You can find explanations for some of the words and phrases in this Code in the Glossary on page 17 of this document.
- 1.9 This Code is not a full list of what you are expected to do or not to do. There may be other things that the Council will look at as misconduct, or gross misconduct. If there is anything that you are unsure about, please ask your manager or HR Adviser.
- 1.10 People who live in Sheffield expect you to have high standards of behaviour. If someone has suspicions that you could be influenced unfairly, this could damage confidence in the Council. You must not put yourself in a situation where anyone might think that you are dishonest.
- 1.11 The Council has the right to monitor employees. This includes surveillance. If the Council monitors employees in this way, it will keep within the laws that deal with monitoring.

1.12 You may have disciplinary action taken against you if you:

- Do not keep to this Code of Conduct.
- Commit a criminal offence.
- Do something we would classify as misconduct.
- Do something that may bring the Council into disrepute, whether during working hours or outside of them.
- Do not properly perform your duties as an employee.

Disciplinary action includes the possibility of being dismissed without notice being given.

1.13 This Code is in accordance with the rules in the Human Rights Act 1998.

## **2.0 PUBLIC DUTY, PRIVATE INTEREST, FRAUD AND THEFT**

### ***(i) General***

2.1 Your duty as an employee and any interests outside your job must not conflict. If there is anything you are involved in outside of work which might affect your job, you must declare this to your manager. Read Declaration of Interests Policy.

2.2 You must always do your job safely. To make sure you do not put the public, other employees or yourself at risk, you must follow Corporate and Directorate Health and Safety policies. You must also follow safe systems of work and any Codes of Practice that apply to your job.

2.3 If you are a member of an organisation that:

- Is not open to the public
- Requires formal membership and an oath of allegiance
- Has any secrecy about its rules, the process of becoming a member, or conduct of members.

you must declare this in writing to your Head of Service or Director. See Declaration of Interests Policy.

2.4 The Council has responsibility for the administration of public money. We emphasise to the public and to employees that we think honesty and that having proper control of finances is very important.

2.5 The Council is committed to the fight against fraud, whether an employee, a contractor, or a member of the public has committed the fraud.

2.6 You must not use the fact that you are a Council employee to obtain, gain directly or indirectly - for yourself, any business associates, your friends or your family. This is covered in the Council’s Anti-Bribery Policy.

- 2.7 As the Council is committed to the prevention and detection of fraud, we have an Anti-Fraud and Corruption Policy Statement and Framework.
- 2.8 We also have a Gifts and Hospitality Policy and Procedure.
- 2.9 In addition to these two policies, we have a Whistleblowing Policy and Procedure, so that you can report any fraud or corruption more easily.
- 2.10 If you are using public funds, you must use them responsibly, and you must keep within the law. You must make sure that we use our resources sensibly and legally, and that the community gets value for money.
- 2.11 You must keep to the rules within the Council’s Standing Orders and Financial Framework. The Standing Orders and Financial Regulations are part of the Council’s Constitution, available on the Intranet or Council’s website.
- 2.12 If you:
- Commit fraud against the Council, or any person or organisation, or try to
  - Steal from the Council, or any person or organisation, or try to
- this will be considered misconduct and may be considered gross misconduct. This includes deliberately putting false information on time sheets, subsistence claims or mileage claims.
- 2.13 If you have concerns that someone is stealing, committing fraud or behaving in a way that might be unethical, you must report this to your manager, or someone named in the Whistleblowing Policy and Procedure.
- 2.14 We know that it is not always easy to report on the behaviour of other people. We will give you full support if you raise concerns. If you wish to remain anonymous, we will make every effort to respect this.
- 2.15 We know there are two sides to a story, and we will ensure hearings are fair.
- 2.16 Sometimes allegations will turn out to be wrong. If you deliberately make false or malicious allegations, this will be treated as misconduct.

**(ii) Financial Inducements, Gifts and Hospitality**

- 2.17 You must never accept a financial payment, bribes or inducement from any individual, body, or organisation. For example: payments or inducements from contractors, developers, or consultants. This is covered in the Council’s Anti-Bribery Policy.
- 2.18 To take financial payments or inducements is against the law. It is an offence under Section 117 of the Local Government Act 1972.

- 2.19 You must refuse any gift or hospitality offered to you or your family that others may think could influence you.
- 2.20 You may accept gifts of small value such as pens, diaries and calendars.
- 2.21 For further guidance on gifts, hospitality and inducements, you can read the Gifts and Hospitality Policy and Procedure.
- 2.22 Any gifts or hospitality you have been offered, whether you have turned them down or accepted them, must be recorded. If you are unsure of the process of recording goods and hospitality in your service area, seek advice from your manager.

**(iii) Employee Declarations of Financial and other interests**

- 2.23 You have a legal duty to declare any financial or other interest in an existing or proposed contract. See Declaration of Interests Policy.
- 2.24 If the Council gives support in the community, through financial help or other help, you must make sure that any advice you give is fair and balanced. You must make sure that there is no conflict of interest.
- 2.25 You are free to use all Council services. If you do so, you will not be treated more or less fairly because you work for the Council.
- 2.26 Members of the public expect you to be fair and treat people equally, no matter who you are delivering services to.
- 2.27 You must make sure you don’t do anything in your job that might make people think you are being unfair or biased.
- 2.28 You must not try and obtain services in a different way to the public because you work for the Council. This includes putting pressure on colleagues to get services.
- 2.29 If you think there might be a conflict of interest, you must look at the Declarations of Interest Policy. If you are not sure, you should ask your manager to help you.
- 2.30 The Monitoring Officer will review any declarations that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.
- 2.31 The Director of Human Resources and Customer Services is responsible for making sure all the Employment Policies, Practices and Procedures that the Council has are kept to.
- 2.32 Every Head of Service, Director and Executive Director is responsible for monitoring their employee’s activities, making sure they have kept to this Code and any other Codes and made declarations when they need to. Any monitoring will comply with all relevant laws.

### **3.0 CONTRACTORS**

- 3.1 As part of your job, you may be required to supervise or engage contractors or have an official relationship with them. If you have any work relationship with contractors, or potential contractors, you must tell your Head of Service or Director in writing if you have ever had a private or domestic relationship with the contractors.
- 3.2 The orders we place and contracts we give should be given fairly. This means that we must award orders and contracts based on merit and fair competition against other tenders. You must not show favouritism in doing this. For example, if your friends, partners or relatives run a business, you could not award them a contract unfairly because of this. You must not discriminate against anyone unfairly if you deal with tenders, evaluation or awarding contracts.

### **4.0 RELATIONSHIPS WITH PROSPECTIVE AND CURRENT CONTRACTORS**

- 4.1 If you are involved in the process of tendering and dealing with contractors you should understand that being a client and being a contractor are two separate roles. If you have a client or contractor responsibility, you need to be open and accountable for your actions.
- 4.2 If you work in a contractor or client unit you must be fair and impartial when you deal with customers, suppliers and any other contractors or subcontractors.
- 4.3 If you have access to any information about contracts or costs for contracts that is not public, you must not disclose that information to anyone unauthorised.
- 4.4 You must make sure that you don’t show special favour to anyone who works for us or used to work for us when you award contracts. You must make sure you do not show special favour to anyone who is a partner, associate or relative of an employee when you award contracts.
- 4.5 If you are thinking about a ‘management buyout’, you must inform the Chief Executive as soon as you definitely intend to do it. You must also inform your Executive Director and Head of Service or Director. You must withdraw from doing any work for us that includes preparation, tendering, evaluation, and awarding contracts or orders.
- 4.6 If Competitive tendering is being carried out, and you are involved in the process, you must let your Head of Service or Director know when you are a member of an organisation that is interested in tendering. You must also let your Head of Service or Director know if you have affiliation to an organisation that is interested in tendering.

### **5.0 INFORMATION GOVERNANCE, SECURITY AND SOCIAL NETWORKING**

- 5.1 You are responsible for the information you handle for or on behalf of the Council and must ensure it is safe from unauthorised access, use, alteration, disclosure or deletion.

- 5.2 You must comply with the Council’s information policies and take the time to read and understand the Information Governance and Security Policy ICT Acceptable Usage Policy and Data Protection Policy. If you are unsure about these policies, you should speak to your manager in ‘one to one discussions /supervision’. The Council also has Information Management Officers who can help.
- 5.3 You are personally responsible for content that you publish on-line and must follow the Social Networking Policy.
- 5.4 You must take time to read the Social Networking Policy and understand your responsibilities and behaviours expected, when using social networking in a personal or work capacity. Ask you manager if you are unsure about the Social Networking Policy and Guidance.
- 5.5 The City Council records the use of some electronic communication use in accordance with the law.
- 5.6 Failure to comply with Council policy and / or the misuse any City Council information or resources could result in disciplinary action.

## **6.0 USE OF COUNCIL SYSTEMS, PROPERTY AND FACILITIES**

6.1 Anything that belongs to the Council, including:

- Telephones - including mobile phones, handsets, BlackBerry, smartphones
- Computers - including laptops, tablets, i-pads
- IT equipment – including monitors, cameras, memory sticks, hard drives
- Stationery
- Offices
- Car parks
- Vehicles
- Facilities

can only be used for Council business unless permission is given by management.

- 6.2 If, with your managers’ permission, you use a Council telephone or mobile telephone to make private calls or text messages, or send private faxes using a Council fax machine, you must pay for this through the approved systems in place. If you are unsure about how to pay for calls, speak to your manager.
- 6.3 The Council has systems in place that log telephone, email and Internet usage. These systems may be used to identify any usage for private purposes. We may monitor any communications using Council systems. If we monitor your use of Council resources, we will do it within the law and Council policy.
- 6.4 You must keep to any Council system security measures.



## **7.0 OTHER EMPLOYMENT**

- 7.1 If you do have any other employment whilst you are working for the Council, the work you do must not conflict with the interests of the Council or bring it into disrepute. You must only do other work outside of your working hours with the Council. You need formal prior permission of your manager to do any work outside your role with the Council. See Declaration of Interests Policy.
- 7.2 If you do any work that is damaging to the interests or reputation of the Council, we may take disciplinary action against you, even if you have declared this work to your manager.
- 7.3 If you are a:
- School Governor
  - Councillor for another Local Authority
  - Member of a Voluntary Reserve Forces - Reservists and Adult Instructor of Cadets
  - Justice of the Peace
  - Member of an Employment Tribunal

these roles do not count as other employment. You should still make your manager aware of these duties and ask for any time off you need in a reasonable and timely manner. Unpaid voluntary work in the Community is not classed as other employment, but you still need to declare it to your manager, as there may be a conflict of interest with your Council job.

- 7.5 You can find further guidance on receiving payment or fees for other work in the document “Other Employment Related Activities – Fees”.

## **8.0 DISCLOSURE OF INFORMATION, CONFIDENTIALITY AND REFERENCES**

- 8.1 You should be fair and open when you deal with others. You should make sure that elected members and members of the public have access to information they need unless there is a good reason not to allow this, according to the Freedom of Information Act 2000.
- 8.2 You must act in accordance with the law when handling personal and other information. You must take special care when handling personal and confidential information, and never use it inappropriately. You may be prosecuted personally under the Data Protection Act 2018, so it is important you know what your responsibilities are. Please read the Council’s Data Protection Policy. If you are unsure about this, consult your manager. The Council also has Information Management Officers who can help.
- 8.3 You must not disclose any confidential, personal or financial information about an employee to an unauthorised person. You must not disclose any personal or financial information about an employee to any external agency without their approval. If you are not sure who is an authorised person, you should consult the Director of Human Resources and Customer Services.

- 8.4 If you are asked for personal information for a reference, for example for a job or mortgage application, you may provide information only after you confirm the identity of the enquirer. To do this, you can reply in writing to the enquirer, or call them back to make sure they are who they say they are.
- 8.5 If the request is for a reference for a colleague or ex-employee, only the employee’s line manager can provide an employment reference. Any employee may give a reference in a personal capacity. If you misrepresent the Council, this will be treated as misconduct.
- 8.6 You must not disclose confidential information to a third party. This includes information relating to:
- Competitive tendering or tendering for work.
  - Exempt items under Schedule 12A of the Local Government Act 1972
  - An employee, elected member or service user.
- 8.7 You must not use any information that you get in the course of your employment for personal gain, or give it to anyone else who may use it in this way.
- 8.8 If in the course of your job, you deal with someone you’re related to, or have a close relationship with, declare it to your manager. You must be fair and act in a professional way.
- 8.9 Inappropriate disclosure of confidential information can be considered misconduct, and may be considered gross misconduct which can lead to dismissal.

## **9.0 COMMUNICATIONS WITH THE MEDIA**

- 9.1 All contact with the media that is about Council activities is handled by the Communications Service, together with Heads of Service, Directors and Executive Directors. If you have an idea for a positive story about something the Council is doing, or if a journalist approaches you, you must contact the Communications Service to get approval before you give any information. This includes giving information verbally, through e-mail or in writing.
- 9.2 If you are writing something that will be published, and it doesn’t talk about the Council but does relate to your job, you should tell your Head of Service or Director before it is published. An example of this might be an article in a professional journal.

## **10.0 POLITICAL NEUTRALITY**

- 10.1 You must not allow your personal or political opinions to interfere with your work. Some posts are “politically restricted”. If this applies to you, you should already have been told about the restrictions separately.
- 10.2 More information on this is available in the Politically Restricted Posts (PoRP) Policy, at the Appendix to this Code of Conduct. If you need any more advice or information, ask your manager or HR Adviser.

- 10.3 You work to all elected members and must ensure their rights are respected. You must not be biased in dealing with members of one political group rather than another.
- 10.4 If your job requires you to advise political groups, you must make sure you take a neutral stance and point of view.
- 10.5 If you have contact with an elected member, whether work related or of a personal nature, you must keep to the Protocol for Member/Officer Relations in Part 5 of the Council’s Constitution.
- 10.6 If you are on Council business, you must not wear anything that shows you are in favour of or against a political party or a pressure group. You may not display any items showing political affiliation or opposition on your vehicle, or items like tools or other equipment.

## **11.0 THE LOCAL COMMUNITY AND SERVICE USERS**

- 11.1 You must remember that you have a responsibility to people in Sheffield. You must make sure that you deliver services politely, efficiently and fairly to everyone in the community.
- 11.2 You should be as open as possible about what you do, and the work of the Council.
- 11.3 You must not do anything that might affect confidence in the Council.
- 11.4 You should make sure that you keep to the law and any other guidance.
- 11.5 We will not accept it if any employee physically or emotionally abuses a service user, member of the public or other employee. This includes any harassment, discrimination, victimisation or bullying.
- 11.6 We have an Equality, Diversity and Inclusion Policy. You must keep to this policy at all times.  
  
If you do not, it may be decided that is misconduct or gross misconduct, which can result in disciplinary action including dismissal.
- 11.7 When you work with young people or vulnerable adults you are in a position of trust. If you abuse that trust, it will be regarded as potential gross misconduct.
- 11.8 Any sexual misconduct or assault will be regarded as potential gross misconduct.
- 11.9 If you do not follow any policies or procedures meant to keep vulnerable service users or others safe, this will be regarded as potential gross misconduct.
- 11.10 Any act of gross misconduct may lead to disciplinary action and the possibility of dismissal without notice.

- 11.11 If you work with young people or vulnerable adults, you must read any relevant Codes of practice as well as this Code, and keep to them. You must keep to any relevant laws, such as the Children Act 1989 and the Child Protection and Adult Abuse Protection Procedures.
- 11.12 If you see any abusive behaviour, you must report it to your line manager, or use the Whistleblowing Policy to report it.

## **12.0 RECRUITMENT AND OTHER EMPLOYMENT MATTERS**

- 12.1 If you are involved in recruitment, you must take care not to discriminate against anyone, or in favour of anyone. You must keep to the Recruitment and Selection Code of Practice in full.
- 12.2 To make sure you are not acting unfairly, you must not be involved in any selection and appointment (for example, interviewing someone) when you are related to an applicant. You must not be involved in selection or appointment where you have a close relationship with an applicant- personal or business.
- 12.3 If you think there might be a conflict of interest, you must inform your manager or HR Adviser.
- 12.4 Decisions that you make at work should be fair and unbiased. You must not be involved with decisions to do with discipline, promotion, or pay for anyone who is related to you, or someone you have a close relationship with. This includes personal relationships and business relationships.
- 12.5 If there are any reasons why 12.1-12.4 should not be followed, or you need help and advice with what to do next, you should contact the Director of Human Resources and Customer Services.

## **13.0 EQUALITIES**

- 13.1 You must at all times make sure you keep to the Council’s policies on equality, diversity and inclusion including behaving and working in a way which eliminates discrimination, harassment and victimisation, advances equality of opportunity and fosters good relations. See Dignity and Respect at Work Policy.
- 13.2 All employees, customers, elected members, partners, trade union representatives, and members of the public must be treated in a way that creates mutual respect. You should promote equality, diversity and inclusion by providing an environment and services free from harassment, discrimination, victimisation and bullying and by treating people with respect, regardless of their age, disability, race, religion/ belief, sex, sexual orientation or marriage/civil partnership.
- 13.3 At all times you must create an environment that, promotes fairness, equality, diversity and inclusion, promotes dignity and respect for all, recognises and values individual

differences and the contributions of all and actively prevents and opposes intimidation, discrimination, harassment, bullying or victimisation.

- 13.4 The Equality Act 2010 provides the legal framework for the Council in relation to equality, diversity and inclusion.
- 13.5 Breaching equality policies and the law may be treated as misconduct, up to and including gross misconduct, which carries the possible penalty of dismissal without notice.

#### **14.0 DRESS AND PERSONAL APPEARANCE**

- 14.1 When you work for the Council, you are a representative of your service, and of the Council. You must dress in a way that is appropriate, or required, for your workplace and the work you are doing. You must be clean and tidy and make sure you have good personal hygiene.
- 14.2 If you are provided with clothing for uniform or health and safety reasons, you must wear it. This includes your name badge and other identity badges where provided.

#### **15.0 HEALTH AND SAFETY**

- 15.1 You have a responsibility to work safely and make sure your working environment is healthy and safe. You are required to keep to Corporate Health and Safety Policies. You are also required to follow any policy, regulations or Codes of Practice on Health and Safety that apply to your Portfolio or area of work.
- 15.2 You must keep to any relevant Health and Safety laws.

#### **16.0 CRIMINAL CONVICTIONS/ BARRING**

- 16.1 Before you started working for us, you must have told us about any unspent criminal and unspent convictions and cautions. If you have more than one conviction or caution the rules of declaration apply to each individually, rather than all having to be automatically disclosed

If you applied for a role which involves working with children and vulnerable adults and your job is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 and 2020 Amendment Orders you must have told us about all convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations that are not ‘protected’ as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 and 2020 Amendment Orders before you started working for us.

For information on which convictions are protected visit [www.gov.uk/dbs](http://www.gov.uk/dbs) and <http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>

If you do not have internet access or do not understand what this means to you please discuss this with your line manager.

You must tell us about :

- All unspent convictions
- Cautions relating to [specified offences](#) as listed by Government
- Cautions given less than 6 years ago (where individual over 18 at the time of caution)
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Similar offences committed overseas and in other legal jurisdictions

16.2 If you are required, under the Act, to provide us with your Disclosure and Barring Service (DBS) Certificate, we will ask you to:-

- Complete a DBS Application Form
- Or give written permission for us to check your status on-line
- Or give permission for us to view your personal file of a previous/other role within the Council to check the outcome from a recent Enhanced DBS check.

You must bring in your DBS Certificate to show and discuss with us, when required

16.3 If you have been barred from working with children and/or vulnerable adults and you seek employment to do so, this is a criminal activity and against the law and you will be dismissed without notice and immediately reported to the Police Authority.

16.4 If your work involves driving, you must tell your manager about any driving offences, or pending driving offences.

16.5 If you use your own vehicle for Council Business and carry passengers, you must also tell your manager about any driving offences or pending driving offences.

16.6 When employed by us, you must tell your manager, if you have any criminal proceedings pending against you, if you are bound over, receive a conviction, formal caution, reprimand or warning.

16.7 Once employed by us, you must tell your manager immediately, if you know that you are on, or will appear on, one or both of the DBS barred lists.

16.8 If you do not tell us about these convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.

- 16.9 If you work with young people or vulnerable adults and you believe that you are or might be thought of as a risk to these groups it is extremely important that you seek advice from your manager. If you do not disclose this, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.
- 16.10 If you work in a childcare role, as part of early or later years childcare provisions, or are directly involved in the line management of such provision, you must not be disqualified from working in such provision. Certain cautions, convictions, care orders may mean that you are automatically disqualified from such work.
- 16.11 You must complete a childcare disqualification declaration in relation to yourself and discuss with us when required.
- 16.12 You must tell your manager immediately, if you receive any convictions, cautions or other orders that may lead to your disqualification under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

## **17.0 ALCOHOL, DRUGS AND SUBSTANCES**

- 17.1 While you are at work, you must be in a condition to do your job safely.
- 17.2 The effects of drinking alcohol cause you to perform your work less well. It is a health and safety risk. Because of this, you must not drink alcohol:
- Before you start work
  - During your working hours
  - During a lunch break from work
  - On any other break during your working day
  - At functions such as conferences within working hours.
- 17.3 If you drink alcoholic drinks at these times, this may be regarded as misconduct or gross misconduct, which could lead to dismissal.
- 17.4 If you use substances, illegal drugs, or prescription drugs that have not been prescribed for you, or are not taken in accordance with your physician’s directions, this will not be accepted. This may result in the Council contacting the police to report it. Use of illegal drugs or prescription drugs that have not been prescribed for you or are not taken in accordance with your physician’s directions, before or during work, on breaks or at functions may be considered misconduct or gross misconduct, which could lead to dismissal.
- 17.5 If you are concerned that you may have a dependence on alcohol, drugs or any other substances, you are encouraged to seek help and advice from your General Practitioner and speak to your manager in confidence, who will discuss actions, that you could take to address the problem. See Alcohol, Drug and Substance Misuse Policy.

## **18.0 GENERAL CONDUCT**

- 18.1 You must follow instructions, providing they are lawful. You must make sure you do not do anything that might affect the Council’s legal position. You should show respect for service users, colleagues and elected members.
- 18.2 We expect you to use good judgement, and take account of other people’s views. We expect you to take responsibility and decide your own view on any issue that comes up while you work for the Council.
- 18.3 If you need further information or advice about what to do in a situation, you should contact your manager, an HR Adviser or the Chief Internal Auditor.
- 18.4 You should read this Code together with the policies referred to within it, and any other Codes of Practice or policies that are about conduct or security.

## **19.0 DATE OF IMPLEMENTATION**

Revised 4 September 2019 (minor amendment February 2023)

## **20.0 POLICIES REFERRED TO IN THIS CODE OF CONDUCT**

The most recent versions of these Policies may be accessed from the HR pages of the Intranet.

- A Declaration of Interests Policy
- B Anti-Fraud and Corruption Policy Statement and Framework (including the Anti-Bribery Policy and Procedures)
- C Gifts and Hospitality Corporate Policy and Procedure
- D Whistleblowing Policy and Procedure
- E Information Governance and Security Policy
- F ICT Acceptable Use Policy
- G Data Protection Policy
- H Social Networking Policy
- I Other Employment Related Activities – Fees
- J Dignity and Respect at Work Policy and Procedure
- K Alcohol, Drug and Substance Misuse Policy



## **GLOSSARY TO CODE OF CONDUCT**

**Contractor-** An individual, partnership, company or other service that has a contract with us to do or provide something. For example, to design, develop, manufacture, maintain or provide services.

**Conflict of Interest-** A conflict between private interests and your duties with the Council. This can exist whether or not money is involved, and whether the conflict is actual or just perceived.

**Competitive Tender-** Where several potential contractors are invited to prepare proposals to provide a project or service, on the basis of quality and price.

**Disciplinary-** Disciplinary action is action taken by an employer for violating policy or procedure (including the Code of Conduct). For more details on this, see the Council’s Disciplinary Policy.

**Disrepute-** To bring something into disrepute is to lower its reputation, damage its image.

**Misconduct-** Breaking the Code of Conduct, another Code or terms and conditions may be considered misconduct. There are different types of misconduct depending on the exact circumstances and consequences. The most serious type is **gross misconduct**. For more information on this, see the Council’s **Disciplinary Policy**.

**Inducement-** something that encourages you towards an action- an incentive. This could be money, food, gifts, or anything else that might benefit you. If you are offered or take something that people may think is an inducement, you could be accused of making decisions unfairly based on what you received.

**Whistleblowing (also ‘whistle blowing’)** - Revealing wrongdoing to someone in authority. For more information on this, see the Whistleblowing Policy.

### **RELEVANT LAW**

**This section points to relevant law on some topics from the Code of Conduct. It should not be considered an exhaustive list as legislation frequently changes. If you are unsure about whether an action would be lawful, please investigate further.**

#### **Monitoring and Surveillance:**

The Regulation of Investigatory Powers Act 2000, the Data Protection Act 2018, and the Human Rights Act 1998.

#### **Use of IT Equipment:**

The Data Protection Act 2018, The Obscene Publications Act 1959, The Computer Misuse Act 1980, The Theft Act 1968.

#### **Equalities:**

Equality Act 2010

## **APPENDIX**

### **Politically Restricted Posts (PoRPs) (Revised May 2012/Minor Amendments February 2013 and April 2015, updated February 2023)**

#### **Legal Background**

The Local Government and Housing Act 1989 introduced the principle of Politically Restricted Posts (PoRPs) in local authorities. This Act had the effect of restricting the political activities of certain local authority employees.

#### **Restricted Posts**

Posts may be politically restricted because:

- they are specified as PoRPs in accordance with the legislation; or
- it has been determined that they fall within the sensitive duties related criteria of the legislation

#### **Specified Posts within Sheffield City Council**

##### **These post holders are politically restricted without the right of appeal**

Head of the Paid Service (Chief Executive)  
Monitoring Officer (Director of Legal and Governance)

#### **Statutory Chief Officers**

Director of Children’s Services under Children’s Act 2004 (Director of Children’s Services)  
Director of Adult Services under LASSA 1970 (Director of Adult Health and Social Care)  
Chief Finance Officer under Section 151 of LGA 1972 (Director of Finance and Commercial Services)  
Director of Public Health under Section 73A of the NHS Act 2006 (Director of Public Health)

#### **Non Statutory Chief Officers**

Officers reporting directly to the Head of the Paid Service excluding secretarial/clerical support.

#### **Deputy Chief Officers**

An officer reporting directly or is directly accountable to one or more of the statutory or non-statutory Chief Officers.

#### **Officers Exercising Delegated Powers**

Officers whose posts are specified by the authority in a list maintained in accordance with section 100G (2) of the Local Government Act 1972.

#### **Assistants for Political Groups**

### **Sensitive Duties Posts within Sheffield City Council**

The duties of a post under a local authority fall within this subsection if they consist of or involve one or both of the following sensitive duties i.e.:-

- giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented;
- speaking on behalf of the authority on a regular basis to journalists or broadcasters

These post holders can appeal against political restriction on the grounds that the criteria have been wrongly applied.

Teachers and Head Teachers are exempt from political restriction, whatever their role.

A list of all Politically Restricted Posts within Sheffield City Council is held by the relevant Proper Officer (Chief Executive). Any modifications to this list must be reported and recorded accordingly.

### **Restrictions on Post Holders**

Employees in PoRPs are debarred from standing for or holding elected office as:-

- Local councillors
- MPs
- Members of the Welsh Assembly
- Members of the Scottish Parliament

They are also restricted from:

- Canvassing on behalf of a political party or a person who is or seeks to be a candidate
- Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party

### **Appeals against inclusion on the list of politically restricted posts**

Post holders who are politically restricted because they hold specified posts have no right of appeal.

- Appeals are made to the Head of Paid Service
- Post holders of sensitive posts that are politically restricted may appeal on the grounds that the authority has wrongly applied the duties-related criteria
- Appeals may be made by the current post holder or by an individual who has been offered employment in a politically restricted post
- There is no timescale during which a post holder must make an appeal
- To appeal, employees should send a letter formally seeking exemption and a job description to the Monitoring Officer (Director of Legal and Governance), Town Hall, Pinstone Street, Sheffield, S1 2HH
- If the appeal is successful, the Monitoring Officer will notify HR, so that it may be noted on the records for the individual and for the post

Please Note: This document is a summary, if you require further details or are unsure about any of the content please contact the Director of Human Resources and Customer Services, Town Hall, Pinstone Street, Sheffield S1 2HH.