

# FAREHAM

## BOROUGH COUNCIL

### FAREHAM BOROUGH COUNCIL CODE OF CONDUCT AND DISCIPLINARY RULES

Updated June 2022

## SECTION ONE – CODE OF CONDUCT

These rules aim to make clear the standards necessary for ensuring a safe and efficient workplace and for maintaining good employment relations. While minor shortcomings in your conduct should be dealt with informally, the formal procedure may be implemented at any stage if your alleged misconduct warrants such action. Minor shortcomings may be an isolated example of misconduct that falls short of the standards expected at Fareham Borough Council and generally does not have a severe impact on other people or services. The Investigating Officer and HR representative reserve the right to decide whether conduct will be defined as a minor shortcoming or a more serious breach, which includes gross misconduct.

### 1. CONDUCT TOWARDS OTHERS

While carrying out your duties and/or representing the Council, you must not abuse your position within the Council for personal gain or behave in a way that could be perceived as threatening or abusive to another person. Discrimination on any grounds will not be tolerated and could be reason for dismissal. You must not be involved in the recruitment or any other management action of an individual where there is an existing personal relationship.

### 2. CONDUCT OF THE COUNCIL'S BUSINESS

#### 2.1 Working Arrangements

You must comply with the agreed working arrangements for your role, including hours of work, breaks, sickness absence and leave requests. Further information can be provided by your line manager.

#### 2.2 Council Policies, Procedures, Rules and Regulations

You must comply with all Council policies, procedures, rules, regulations and the law as it relates to your job (hereafter referred to as 'the rules'). Policies can be found on the Intranet and the Hub or from your manager if you do not have IT access.

You will not:

- a) Act in an abusive manner or use language likely to cause offence;
- b) Be under the influence of alcohol or other substances while at work or on duty;
- c) Wilfully fail to adapt to change;
- d) Disobey or fail to carry out reasonable instruction;
- e) Inappropriately use the internet during working hours;
- f) Continually fail to report to work on time or be absent from work without prior authorisation;
- g) Breach the Council's smoking policy;
- h) Fail to comply with a health and safety requirement or breach safety or hygiene rules and instructions;

- i) Fail to carry out duties required by contract or statute;
- j) Use public funds in an irresponsible and unlawful way;
- k) Fail to report any matter that is required to be reported;
- l) Fail to allow the seizure of goods and space provided by the Council;
- m) Fail to wear Council issued uniform as required or follow the Council's dress code;
- n) Fail to properly wear safety clothing or footwear or properly use safety equipment or fail to have regard to health and safety requirements;
- o) Breach the trust that the public has placed in you;
- p) Act in a way that could result in action against the Council as a result of negligence or duty of care;
- q) Knowingly breach a third party copyright;
- r) Knowingly breach the Council's Information Management & Information & Communication Technology Guidelines & Compliance Statement.

### 2.3 Records and Documentation

You must take reasonable steps to ensure that all required information is provided accurately, in full and on time. The deliberate falsification or destruction of records may be reason for dismissal.

You will not:

- a) Make any false, misleading, or inaccurate oral or written statement or entry in any record or document;
- b) Change or erase any entry with the intention of deception or misrepresentation;
- c) Destroy or damage records for malicious purposes or without sufficient reason;
- d) Fail to make arrangements for the security of records;
- e) Fail to make records available in time for management and audit purposes;
- f) Fail to account for or promptly return money or property received during duties, create a shortage of cash or fail to pay cash at the right time or fail to comply with the Council's financial regulations;
- g) Make obscene, defamatory or unauthorised comments on records, reports or correspondence (both internal and external).

### 2.4 Care of Tools and Materials

You must take care of all tools, materials and any other property of Fareham Borough Council. Any loss or damage must be reported to your manager immediately. All property must be used correctly and only by individuals who are qualified to use it. Council property will not be removed from Council workspaces without prior authorisation.

You will not:

- a) Remove property from Council facilities without prior authorisation.

- b) Use or allow others to use any such items without prior authorisation;
- c) Use any such items for unauthorised purposes;
- d) Cause waste, loss or damage;
- e) Dispose of a Council asset without prior authorisation;
- f) Misuse the Council's telephone, radio, electronic or postal systems;
- g) Use external CD's, storage devices, memory cards without having it virus checked by ICT;
- h) Use the Council's facilities for personal reasons without your manager's approval;

### 2.5 Alcohol, Drugs and Other Substances

You must not report to work unfit or become unfit to carry out your duties during work hours as a result of drug or alcohol use. You must ensure that any alcohol consumed outside of working hours will not affect your work or conduct. If you have been prescribed drugs that may adversely affect you, you must inform your manager.

### 2.6 Political Neutrality

Employees in politically restricted posts are prevented from having any active political role either in or outside of work. You must not allow personal or political opinions interfere with your work. If your position requires you to advise Members, you must do so impartially and not compromise your political neutrality. Employees and Councillors will treat each other with mutual respect and professionalism. You should avoid personal familiarity with Councillors.

The Politically Restricted Posts policy can be found here.

## 3. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

Under the General Data Protection Regulations 2018 (GDPR), you must not give information to any person who does not have a right to receive it. All sensitive and confidential information used in day to day work must be kept secure and used for its appropriate purpose.

GDPR and data protection rules apply at all times; both in the office and working remotely. You must ensure that sensitive and confidential information is not seen or overheard by unauthorised persons. The spirit of the Council's clear desk policy applies regardless of where you are working.

## 4. TENDERING

If you are involved in a tendering process, you must comply with the Council's Standing Orders. Fairness and impartiality must be exercised during the tendering process and ensure that no special favour is shown to anyone.

You will comply with the [Procurement Contract Procedure and Rules](#) and the [Anti-Bribery Policy](#) during the tendering process.

### 5. GIFTS AND HOSPITALITY

The general rule is that you cannot accept gifts and hospitality other than insignificant gifts e.g. pens, diaries; one-off reward of money where the customer feels the service is 'above the call of duty' and is below £20 and you have your Head of Service's approval; and hospitality received at conferences, meetings or seminars where it is a corporate event.

All gifts and hospitality must be declared to your manager and HR using the [form](#) giving details of who provided the gift and what was done with it (e.g. donated to the Mayor's charity). This must be done within 28 days of receipt.

For further clarity about Gifts and Hospitality, contact HR.

### 6. OUTSIDE INTERESTS

Other paid employment and personal business interests must not interfere with your work for the Council. If you have, or are considering a second job, you should discuss it with you manager and will need their specific approval in writing. You should be clear about your contractual obligations and should not take outside employment that conflicts with the Council's interests.

You must declare any situation which could be perceived as providing an unfair advantage in the Council's Register of Gifts, Hospitality and Interests.

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager and declared in the Council's Register of Gifts, Hospitality and Interests.

### 7. SPONSORSHIP

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, the basic rules regarding acceptance of gifts or hospitality apply.

Where the Council wishes to sponsor any event or service you must not benefit directly without there being a full disclosure to the appropriate manager of any such interest.

### 8. OFF-DUTY HOURS

In general, what you do in your own time is your personal concern, but you must not allow your private interests to conflict with your job. Council-issued uniform is not to be worn during off-duty hours. Council vehicles and equipment will only be used while on duty unless you have express permission from your Head of Service.

Council vehicles will not be used for personal errands. The Council's Social Media Policy applies at all times.

### SECTION 2 – DISCIPLINARY RULES

#### 1. MISCONDUCT

In the event of misconduct, you will not be dismissed for a first breach of discipline. You may, after careful investigation of the alleged offence, have disciplinary action taken against you as a result of misconduct.

#### 2. GROSS MISCONDUCT

Acts resulting in a more serious breach of the Council's rules may, after proper investigation of the alleged offence, justify summary dismissal (dismissal without notice or previous warning). More serious breaches will generally impact other people or services; have the potential to cause damage; and/or be with intent.

Examples of conduct that may lead to disciplinary action and/or dismissal are listed in Appendix 1.

**NOTE:** Where an employee has failed to respond to previous disciplinary warnings for misconduct, the same conduct may be considered gross misconduct on an individual level.

#### 3. DEALING WITH POLICE INVESTIGATIONS, CRIMINAL ACTIVITY OR CONVICTION

The main consideration shall be whether the police investigation or offence is one that makes you unsuitable for your type of work. Criminal offences which may affect your suitability to do your job or make you unacceptable to others will be investigated.

The first stage shall be to determine after considering the facts whether the conduct is sufficiently serious to warrant a Disciplinary Hearing. This will be based on the outcome of the investigation. Awaiting the outcome of any criminal investigation may not delay a Disciplinary Hearing.

#### 4. AMENDMENT TO TIME LIMITS AND REVIEW

The parties involved in a disciplinary matter may, on occasion and by mutual agreement, modify the time limits referred to in this Procedure. The Code of Conduct and Disciplinary Rules will be reviewed from time to time. Any amendments needed in the light of developments in employment legislation or employee relations practice to ensure their continuing relevance and effectiveness will be made in consultation with the recognised trade unions.

## Appendix D

Any amendments and additional rules imposing new obligations will only be introduced after reasonable notice has been given to all employees.

### APPENDIX 1

Any of the below examples of conduct or similar may lead to dismissal (considered gross misconduct):

- a) Unlawful discrimination or harassment;
- b) Serious insubordination to a member of management including continual refusal to carry out reasonable instructions;
- c) Theft of Council property, fraud/dishonesty or deliberate falsification or destruction of records, actual or intended;
- d) Disorderly or indecent conduct, physical violence or bullying, actual or threatened;
- e) Serious breach of the Council's Policies, Procedures, Rules, Regulations and legislation relating to the job;
- f) Action or omission which may endanger the employee or another person or seriously damage the reputation of the Council and its services;
- g) Possession of illegal substances, or being under the influence of drugs or alcohol against a management instruction, or breaching a position of responsibility or trust or safety;
- h) Failure to respond to previous disciplinary warnings;

This is not an exhaustive list.