



Staff Conduct & Behaviour Policy

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Conduct and behaviour policy

General Statement

The Standards of Conduct and Behaviour Policy is designed to help management, employees and their Trade Union Representative deal with such issues in the workplace.

The Standards of Conduct and Behaviour has been drawn up to guide employees on how they should conduct themselves when carrying out their duties and responsibilities at work. It also covers off-duty behaviour if it is relevant to a person's employment at Norfolk County Council. Particular types of work may have special rules that apply to them. In such cases this policy will be supplemented by departmental codes, professional standards or national guidance. In some cases it will be clear that the rules are directly applicable, for example the National Standards for Teachers, however where it is less obvious it will be the manager's responsibility to ensure that the employee is aware of them.

It is not possible to establish requirements that cover all situations and circumstances, so the contents of these standards should be considered as **the basic principles** employees should follow.

Employees are expected to know and to follow the rules that apply to them. It is important that employees acquaint themselves with the policies and procedures that apply to the activity and responsibility of their particular job. If they are not sure what rules apply to them, they should ask their line manager or HR Direct.

Equal Opportunities

Norfolk County Council (NCC) expects employees to adhere to this policy in line with NCC's obligations under equality legislation. Managers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

Scope

This policy applies to all employees, with reference to the appropriate national conditions of service.

Associated Policies and Procedures

Disciplinary Policy and Procedure

Performance - Dealing with unsatisfactory performance policy

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1. Introduction

- 1.1 Norfolk County Council (NCC) provides public services. The public are entitled to demand conduct and integrity of the highest standard.
- 1.2 Employees have a responsibility to behave in a way that recognises that the public:
- are its customers
 - pay for the services NCC provides
 - expect them to behave responsibly towards each other

2. Breaches of the Policy/Code

It is not possible to cover all situations and circumstances. A list of examples of misconduct under this policy/code are available as a guide. **(See appendix - the list is not intended to be exhaustive and offences with similar seriousness would receive the same treatment.)**

3. Core Standards

Employees, in carrying out their duties, must follow and uphold the standards and core standards of NCC to ensure a quality service is provided at all times. This includes:

3.1 Conduct at Work

The employee is expected to perform the duties of their post diligently and to the best of their ability. In doing so they must comply with NCC's policies, procedures, guidance and practices.

3.2 Equality and Mutual Respect of Opportunity

The employee must ensure that the dignity and rights of members of the local community, customers and other employees are recognised and protected at all times. Persons must be treated with fairness, equity and courtesy in accordance with both NCC's policies and the law. The employee must not allow prejudice or bias to influence their decisions in carrying out their work.

3.3 Customer Care

The employee must remember their responsibility to the community NCC serves and ensure they provide a courteous, efficient and impartial service delivery to all groups and individuals.

4. Use of NCC Resources

4.1 Reporting Impropriety, Dishonesty or Fraud

If an employee becomes aware of impropriety, dishonesty or fraud by another employee they are encouraged to draw this to the attention of NCC.

An employee working for NCC: -

- may be the first to realise that there could be something seriously wrong within NCC
- may feel that speaking up would be disloyal to their colleagues or to NCC
- may fear harassment or victimisation.

In such circumstances they may believe it is easier to ignore the concern rather than report what may just be a suspicion of misconduct. Employees should be reassured at their induction that NCC is committed to the highest possible standards of openness, integrity and accountability. NCC expects employees, and others that it deals with, who have serious concerns about any aspect of NCC's work, to come forward and voice those concerns. The employee should be encouraged to draw any such concerns to the attention of NCC's management or HR Direct.

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NCC has a Whistleblowing Policy and Procedure, which makes it clear that employees can raise their concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage.

4.2 General Resources

The employee must ensure they use NCC's time, resources (such as financial resources, uniforms and equipment), property and benefits honestly, responsibly and efficiently at all times to ensure value for money to the public.

Any resources or property, issued to the employee by NCC, is for the purposes of effectively carrying out their duties (e.g. e-mail, internet access, mobile phones, laptops). Any such items remain the property of NCC and as such can be withdrawn at any time if it is considered in the best interests of the service.

4.3 Technology

Telephones and, where issued, mobile devices (mobile phones, tablets, smart devices, etc.) are for employees' use in connection with carrying out their duties of the post effectively. Private calls should not be made unless absolutely necessary. All calls should be kept as short as possible. In line with NCC's policy on the use of telephones and mobile devices for private calls, abuse of the facility may be viewed as misconduct and as such result in disciplinary action.

The recording of conversations by technology may only take place in accordance with the Recorded Conversation Policy, which can be found on the ICT pages of the Intranet. This relates to conversations which take place either in the workplace or in the course of employment irrespective of who the conversation is with, the means of communication or the method of recording. Staff are expected to ensure that they are familiar with the content of the policy and any breaches may be viewed as misconduct and could result in disciplinary action.

Employees may access the internet on work premises for their own use, provided that this is before starting work or when work is finished, not excessive and observes the guidelines for 'Staff using Social Media' and the Council's Internet policy. Failure to do so may be considered misconduct and could lead to disciplinary action being taken.

Employees must not link their own blogs/personal web pages to the Council's website, unless expressly given permission by the Customer Services and Communications Team.

Employees' use (whether at work or outside of work) of devices or resources provided for work use is subject to monitoring to identify cases of inappropriate usage, which may constitute a disciplinary offence and in some instances a criminal offence.

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Examples of such devices or resources are:

- NCC's Internet
- Social networking sites, for example Facebook, Twitter)
- Personal web logs (blogs), such as Twitter
- E-mail
- Telephone facilities
- Mobile phone,
- Smartphones, for example iPhone
- Smart watches, for example Apple Watch
- iPods/iPod Touch
- Laptops
- Printers

Employees are responsible for ensuring these devices and in addition memory sticks, are secured safely to avoid possible breaches of confidentiality and theft.

5. **Smoking at Work**

Employees are not allowed to smoke in NCC's premises. Employees should consult the 'No Smoking Policy'.

6. **Gifts**

If, in the course of an employee's work, the employee (or a member of their family) is offered a gift, concession or some other benefit by an organisation, a client or member of the public, the employee or their family member must tactfully decline it. Minor items of a promotional nature such as diaries, calendars, mugs and other objects of a token value may be accepted. If in doubt, please speak to your line manager.

7. **Reward Cards**

Employees should not use their own personal reward cards for any purchases for or linked to NCC because they must not gain a personal benefit from business transactions. For example, using a supermarket rewards card to receive points while using an NCC fuel card.

8. **Hospitality**

8.1 Invitations to hospitality events should be politely declined unless the employee has received prior authorisation to attend from their Head of Department. In considering such invitations the Head of Department will have in mind whether there is a genuine need to impart information or represent the NCC at the event.

8.2 Under no circumstances should any gifts or hospitality be accepted from contractors who are potential tenderers in the period leading up to the tendering and awarding of a contract by NCC.

8.3 When offers of gifts or hospitality are made, this may be construed as an action taken to gain advantage or favour. Any act of acceptance could be a criminal as well as a disciplinary offence. Any gift, hospitality or other benefit received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves the contrary.

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8.4 Employees are required to declare any gifts/hospitality received in the register held by the Head of Democratic Services.

9. Sponsorship

9.1 If the employee is involved in the seeking or receiving of sponsorship for NCC activities, they must ensure that sponsorship is not accepted in circumstances where the integrity of NCC may be seen to be compromised.

9.2 If the employee is involved in awarding sponsorship or grant aid on behalf of NCC, the employee should ensure that they give impartial advice and that there is no conflict of interest involved.

10. Outside Commitments

10.1 The employee's off duty hours are their own concern, but their conduct at all times must not in any way bring NCC into disrepute.

10.2 Some employees cannot undertake outside work or take up any additional appointment without the express consent of NCC. If this applies to the employee, it will be shown in their Statement of Particulars or in the Conditions of Service. If the employee is in any doubt about their contractual obligations, they should seek the advice of HR Direct.

10.3 The employee is expected to notify the Head of Department of any convictions incurred while employed by NCC irrespective of whether the offence occurred on or off duty.

11. Interests

11.1 Conflict of Interest

All employees of NCC have a duty to serve the public of Norfolk in a way that demonstrates impartiality and value for money. In this context the employee must not undertake any outside work if:

- their official duties overlap in some way with the proposed work,
- it causes an actual or perceived conflict of interest, for example working for another employer, breach of the working time regulations
- it involves the award of grant aid /sponsorship,
- it makes use of materials, facilities or contacts to which the employee has access by virtue of their position.

The employee must not participate in any NCC activity which relates directly or indirectly with any of their outside interests without first discussing this with the Head of Department.

11.2 Pecuniary Interests

Orders and contracts must be awarded on merit and by fair competition against other tenders. Scrupulous care must be taken to ensure that the selection process is conducted impartially and in strict accordance with Contract Standing Orders. Employees who have both a client and contractor responsibility must remember the need for accountability and openness in the tendering process. Employees known to have a relevant personal interest must play no part in the selection.

If the employee becomes aware that NCC has entered or proposes to enter into a contract in which they have a pecuniary interest; the employee must declare their interest to NCC's Statutory Monitoring Officer by completing the Pecuniary Interests Form.

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11.3 Personal Interests

Employees must disclose any potential conflict of interest they are aware of to their Head of Department by completing the Personal Interest Form. Heads of Departments will keep a record of all notifications from employees and take appropriate steps as necessary. Records must be readily accessible for audit purposes. Information may be shared between Heads of Departments as appropriate. A range of situations could create potential conflicts of interest by virtue of a personal commitment, such as (this list is not exhaustive):-

An employee's financial or non-financial interest in an activity or business that could be considered as a conflict with the Council's interests, or which could bring into question an employee's conduct.

Any matters, which would normally be dealt with or accessed by an employee involving any individual companies or organisations, which NCC does business with, in which a relative, friend or associate has a financial interest.

A trusteeship of a voluntary body.

As a Justice of the Peace: in this case the employee should bear in mind the need not to sit as a Justice in any case in which there could be doubt about their judicial detachment.

Membership of an organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct (e.g. Freemasons): in this case the employee must record their membership by signing a register held by NCC's Statutory Monitoring Officer (Practice Director, nplaw).

12. Confidentiality

The employee has an obligation to respect the confidentiality of information acquired in the course of their work and must not disclose information about employees, clients, councillors, council finances or any other council business either directly or by way of casual conversation. The employee must not use such information for their personal advantage or gain or pass it to others who may use it for their advantage or gain.

13. Data Protection

NCC is required by law to comply with the Data Protection Bill 2018. An employer must ensure that personal information is processed lawfully and fairly. Personal information is information relating to a living individual who can be identified. It is an employee's responsibility to handle all personal information properly no matter, how it is collected, recorded and used, whether on paper, in a computer, or on other material. An employee will not disclose personal information to others unless authorised to do so. Employees should familiarise themselves with NCC's Data Protection Policy.

14. Political Neutrality

As an employee of NCC, the employee's personal political opinions should not interfere with their work or bring NCC into disrepute. Certain posts within NCC are politically restricted under the provisions of the Local Government and Housing Act 1989. Politically restricted postholders are subject to prescribed restrictions on their political activity. If this applies to the employee it will be shown on their Statement of Particulars.

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15. Partnership Working

NCC is increasingly involved in joint working with outside organisations, covering the full range of NCC activities. These arrangements are sometimes referred to as partnerships. An External Partnerships Protocol has been produced to supplement the information already contained within this policy to give guidance on issues regarding partnership working including confidentiality, conflicts of interest, gifts and hospitality. The External Partnerships Protocol is available on the NCC intranet.

16. Relationship with Members

Mutual respect between employees and elected Members is essential to good local government. Undue close personal familiarity between employees and individual elected members can damage the relationship and prove embarrassing to other employees and elected Members and should therefore be avoided.

17. Personal Conduct

17.1 Relationships At Work

Appointments to posts in the NCC are made on the basis of merit and the ability of the candidate to undertake the duties of the post. This is not only recognised good practice, but also a requirement of the law (The Local Government and Housing Act 1989). To avoid any accusation of bias the employee should ensure that they are not involved in an appointment procedure where they are related to an applicant or have a close personal relationship with them outside work.

It is not acceptable for the employee to have a direct reporting relationship (such as line manager/subordinate) with a person who is a family member or somebody with whom they are either cohabiting or have an intimate personal relationship. Such relationships can give rise to challenges about integrity and suggestions of favouritism. It is therefore imperative that NCC can ensure decisions around recruitment processes, disciplinary proceedings, pay, training, promotion or reimbursement of expenses are taken by individuals who have nothing more than a professional working relationship.

Employees must be open about the existence of a personal relationship within a direct reporting relationship and they are required to disclose the matter to their Head of Department who will inform the Head of HR and Organisational Development. Failure to disclose any such relationship may result in disciplinary action. The Head of Department, in consultation with the Head of HR and Organisational Development, will make such arrangements as are deemed necessary to ensure that there is no conflict of interest arising from such a situation. This may include re- allocation of duties or the redeployment of one or other of the parties in the interests of the service. The decision to move an employee will be made for business reasons and not on the basis of status.

Where employees develop close personal relationships over a period of time, and they are already in a direct reporting relationship, then the existence of the relationship should be reported as above.

Relationship with Service User

Norfolk County Council recognises the importance of positive, supportive and therapeutic relationships with those people it supports. However, employees are discouraged from consciously forming close relationships (sexual, romantic or financial) with a current service user or someone who was very recently a service user and is no longer being supported by NCC. Six months may be viewed as a reasonable period of time in defining a recent service user, however if you are in any doubt speak to your line manager. Where this happens it must be declared at the earliest opportunity and

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managers must consider the implications of such a relationship and whether any changes in the workplace need to be made. It could be considered a disciplinary offence under professional codes of conduct

There will be occasions when a family member or a person with whom an employee is in relationship with becomes a service user within the service area the employee is working. This must be declared immediately. When a manager is notified of such a situation they must make alternative arrangements for either a temporary move of the member of staff to another area or alternative care arrangements for the service user.

The right of all people to be treated with dignity and respect in the workplace is clearly identified in the Bullying and Harassment Policy. If such action does not take place disciplinary action will be considered.

17.2 Personal Appearance

The issue of personal appearance is a sensitive one and the balance must be between personal freedom, comfort, the image of NCC in the eyes of its customers and the nature of the work the employee does.

As a basic principle all employees are expected to demonstrate good standards of personal hygiene and care of their appearance. It is expected that employees will dress appropriately according to the nature of the work they are doing and in accordance with the principles outlined above. Employees are expected to wear uniform and protective clothing and equipment where they are provided. This may be required for the purpose of Health and Safety or for easy identification by members of the public.

18. Conclusion

This policy does not try to cover every situation. It tries to give an indication of the standards of behaviour or conduct that NCC expects.

Anyone in doubt about how this applies to them should ask their line manager. Information is also available from HR Direct.

Finally, there are agreed policies, procedures and guidelines for dealing with allegations of misconduct. NCC is determined that any misconduct is handled in a way that is fair and consistent.

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Appendix

List of Examples of Misconduct – (not exhaustive)

1. Gross Misconduct

This means that the employee does something that NCC is entitled to regard as a fundamental breach of the employee's contract of employment. If an employee did something like this, then NCC could not allow them to remain at work.

Any employee suspected of committing an act of gross misconduct would be suspended with full pay whilst an investigation is carried out. If, after proper investigation, under the disciplinary procedure, it was decided that the employee had committed an act of gross misconduct, they would be summarily dismissed without further warning, unless there were very exceptional mitigating circumstances.

List of examples:-

- Dishonesty.

Examples of which would include: -

- theft of property belonging to the NCC, Council contractor, partner organisation, client, other employee or persons in their care during the course of their employment. This could include abuse of a position of trust by receiving money or gifts from vulnerable service users.
- deliberate falsification of timesheets, expense claims, claims for financial gain etc. flagrant abuse of the flexitime scheme.
- demanding or accepting monies or other consideration as an inducement for the use of NCC property, provision of NCC services, placing of NCC orders/contracts or the showing of favour on behalf of the NCC.
- acceptance of any gift or reward for the performance of official duties unless specifically authorised by the Head of Department, or regarded by them as appropriate in the circumstances.
- false statements made when applying for appointment, especially in respect of qualifications which are a stated requirement of employment or which result in financial gain.
- failure to disclose unspent criminal convictions (or, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975, any conviction, irrespective of whether spent or not and whether incurred before or after appointment). This could include police cautions which form part of a criminal record.

- Deliberate and sustained refusal to carry out a reasonable, lawful, and safe instruction or the normal duties of the post which constitute a fundamental feature of the job.
- Gross negligence in failing to attend to, or carry out, the normal duties of the job.
- Wilful serious infringements of safety rules or other negligent actions, which seriously place the health and safety of the employee or other persons at risk.

Examples of the above three codes: -

- smoking in identified 'no smoking' areas containing combustible, inflammable or explosive materials.
- driving a NCC vehicle in a reckless manner that leads or could have led, to otherwise avoidable serious injury or death of other persons.

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- being unfit to perform duties satisfactorily as a result of taking alcohol or drugs not in accordance with medical advice. This would particularly relate to: -
 - employees while in charge of machinery, vehicles etc.
 - employees who are responsible for clients, federation pupils, persons in care or members of the public.

- Wilful unauthorised disclosure of information or misuse of a position of trust in a manner which could be harmful to NCC, its clients, or employees, or for financial or other gain.

For example: -

- the misuse of personal information on employees, clients, pupils, etc.

- Serious misuse of NCC's property, including computers, telephones.

For example: -

- inappropriate use of the Internet - see guidelines for use of the Internet and social media available on the intranet or on request from the line manager. Examples of this would include excessive use, accessing, posting (i.e. on Facebook) or downloading pornographic or other unsuitable material, publishing anything that may breach the equality act e.g. anything considered sexist, racist, ageist homophobic or anti faith, conducting bullying, harassment and victimisation via social networking channels, e.g. posting photographs or offensive or threatening comments about colleagues.
- unauthorised use of software e.g. uploading software in violation of copyright or downloading any software or electronic files.
- unauthorised access.
- abuse of the facility to use computers for private purposes.
- sending emails that could be reasonably construed by the recipient as offensive.
- inappropriate use or excessive use of texts, mobile telephones.

- Acts of violence or vandalism in the course of employment directed towards members of the public, clients, NCC contractors, partner organisation, federation pupils, persons in care, employees or elected members.

For example: -

- malicious damage to property belonging to others.
- actual physical violence to or assault of others or, in certain circumstances, threatened physical violence.
- physically or verbally abusive or threatening behaviour towards others.

- Sexual misconduct at work, or sexual relationships with people for whom NCC has a responsibility of care, by those who have contact with them, in the course of work.

For example: -

- NCC employees having sex on NCC premises.
- NCC employee having sex with a service user.

- Unlawful discrimination or acts of victimisation or harassment on grounds of race, gender, disability, sexual orientation age, religion or any other grounds. When investigating a racist incident, NCC will take as its starting point the Home Secretary's recommendation in the

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MacPherson report (1999) for such an investigation; detailed as follows: **“A racist incident is any incident which is perceived to be racist by the victim or any other person.”**

2. Off-Duty Misconduct

This is behaviour, which in context of the nature of the employment fundamentally undermines NCC’s confidence or trust in the employee or there is a real risk of NCC being brought into disrepute. This does not relate solely to the reputation of NCC but also to the suitability of the employee continuing in their job if the misconduct relates directly to employment.

For example: -

- drug offences, criminal offences or sexual misconduct by employees who, in their course of duty, have contact with vulnerable people.
- a conviction for theft of any employee whose job involves handling cash or valuable goods, entering clients’ homes or access to sensitive information.
- any conviction for violent behaviour, for example affray, harassment, assault or criminal damage.
- inappropriate use of personal web pages and blogs, for example making defamatory remarks about the Council, colleagues or service users, misrepresenting the Council, by posting false or inaccurate statements about the work of the Council, including any information, sourced from the Council, which breaches copyright, publishing any material or comment that could undermine public confidence in them as employees/Officers of the Council and/or in position of trust within the community,
- revealing any information that is confidential to the Council or any third party or disclose personal data or information about any individual/colleague/service user, which could be in breach of the Data Protection Act

All employees are expected to notify their Head of Department of any convictions incurred while employed by NCC, whether the offence occurred on or off duty.

3. General Misconduct

Although this would be regarded seriously, it would not be seen as a major breach in employment relationship, and, for a first offence, a warning would normally be sufficient. Some more serious acts of misconduct might justify the issuing of a final warning in the first instance. The main purpose of any action taken by management would be to ensure the employee modifies their future behaviour. Only when a warning(s) has not been heeded would misconduct lead to action being taken, which could result in an employee’s dismissal.

For example: -

Absenteeism and lateness: -

- unauthorised absence from work during working hours without good reason.
- frequent failure to attend punctually (or in accordance with the flexitime scheme, where applicable).
- failure to comply with procedures and regulations regarding the notification of sickness absence.

Dishonesty: -

- abuse of the facility to make private telephone calls.
- sending personal mail at NCC’s expense.
- failure to report any loss or damage to any property issued to (or used by) the

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employee, or to notify the appropriate officer of accidents occurring while driving a NCC owned vehicle.

- failure to report driving offences.
- failure to report a direct reporting relationship with an employee to whom they (the employee) are related, cohabiting with or have an intimate personal relationship.
- failure to report a personal relationship with a service user they are responsible for supporting or someone who was very recently a service user and no longer being supported by NCC.

Other Misconduct:-

- failure to wear protective clothing, use protective equipment or adopt safe working practices where required by law or management.
- negligent use of NCC's property in such a way as is likely to cause serious damage or loss.
- unauthorised use of protective clothing, uniform, or other comparable items of NCC's property while off duty.
- failure to comply with NCC's policy, procedure and guidance e.g. 'no smoking', 'use of resources e.g. telephones (including mobile), printers, Internet (including Facebook), e-mails, iPods, etc.
- failure to carry out, without good reason, the obligations which the law or the contract of employment place on the employee.
- failure to comply with security guidelines e.g. computers, laptops, memory sticks.
- insubordination and/or failure to carry out a reasonable, lawful, and safe instruction or the normal duties of the post.

Inappropriate behaviour towards other people, whether members of the public, clients, partner organisations, persons in care, federation pupils, other employees or elected members.

For example:-

- adopting persistently uncooperative or unhelpful attitudes, rudeness, abusive behaviour or offensive language and behaviour involving elements of discrimination, harassment or victimisation.

In certain circumstances this may constitute gross misconduct.

Undertaking additional employment, which would be detrimental to the interests of NCC and/or would conflict with the employee's own position, for example the Working Time regulations.

Date of last review

May 2019

Date of next review

May 2021