



Code of conduct for Torfaen school based staff.

General Principles

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for this Council. The role of employees is to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.
- 1.2 This Code outlines existing laws, regulations and conditions of service, in particular the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 - Article 3, and provides further guidance to assist us in our day-to-day work.

2 Accountability

- 2.1 Employees who work for this Council are accountable to and owe a duty to this Council. You must act in accordance with the principles set out in this Code and the duty of all public sector employees to discharge public functions reasonably and according to the law.
- 2.2 This Code has been developed through consultations with the Council's recognised trade unions. Adherence to the standards it contains is a requirement of your Contract of Employment.
- 2.3 Failure to apply the standards of the Code may be regarded as misconduct and treated within the terms of the Council's Disciplinary Rules and Procedures.
- 2.4 Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will affect others. However, the principles set out in this Code covers **all** employees under a Contract of Employment with the Council, including office holders such as Registrars.
- 2.5 Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the standards within this Code, or as set out by those companies or organisations.
- 2.6 The Code is recommended for adoption by governing bodies of schools within the County Borough.

3 Treatment of Information

- 3.1 Openness in the dissemination of information and decision making should be the norm. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant Council employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.
- 3.2 In order to ensure a co-ordinated approach to the Council's external relations, requests for information from the media should be dealt with only by a Chief Officer, an Officer authorised by a Chief Officer, or the Council's Communications Team.
- 3.3 If in any doubt as to whether you should divulge information to anyone you should refer the person making the request to your Chief Officer.

4 Political Neutrality

- 4.1 Whether or not your post is politically restricted, you must follow every lawfully expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work. Where employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), you must comply with any statutory restrictions on their political activities.
- 4.2 An employee who holds a politically restricted post is disqualified from becoming or remaining a Member of this Council.

5 Relations with Members, Contractors, the public and other employees

- 5.1 Mutual respect between employees and Members is essential to good local government, and working relationships should be kept on a professional basis.
- 5.2 Employees should deal with the public, Members, Contractors and other employees sympathetically, efficiently, and without bias.
- 5.3 All relationships you have of a business or private nature with external contractors or potential contractors of the Council must be notified in writing to your Chief Officer who will keep a record of such notifications. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to businesses run by, for example friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 5.4 If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should notify your Chief Officer, in writing, of this relationship and a record will be kept of such notifications.

6 Separation of Roles during Tendering

- 6.1 If you are involved in the tendering process and dealing with contractors, you should be clear on the separation of client and contractor roles within the Council.
- 6.2 If you have both a client and contractor responsibility, you must be aware of the need for accountability and openness.
- 6.3 If you are employed in contractor or client units you must exercise fairness and impartiality when dealing with all customers, suppliers and other contractors and sub-contractors.
- 6.4 If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.
- 6.5 If you are contemplating a management buyout you should, as soon as you have formed a definite intention, inform your Chief Officer, in writing, and withdraw from the contract awarding processes.
- 6.6 You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them.

7 Appointment of Staff

- 7.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

8 Personal Interests

- 8.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

- 1) The rules of registration and declaration by employees of financial and non - financial interests, as set out in this Code;
 - 2) The rules, as set out in this Code, of the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. Employees must not accept benefits from a third party unless authorised to do so by their Chief Officer.
- 8.2 You must in all matters consider whether you have a personal interest which conflicts with the proper application of your duties.
- 8.3 You must declare to your Chief Officer, in writing, if any business of the Council is affected –
- a. by the involvement of any other employment or business carried out by you, or
 - b. any person who employs or has appointed you, or
 - c. any firm in which you are a partner or any company for which you are a remunerated director, or
 - d. any membership of any organisation not open to the public without formal membership, and/or with a commitment of allegiance and which has secrecy about rules or membership or conduct.
- 8.4 You must declare to your Chief Officer, in writing, any non-financial interests that you consider could bring about conflict with the Council's interests.
- 8.5 You must declare to your Chief Officer, in writing, any financial interests which could conflict with the Council's interests.
- 8.6 You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under this Paragraph 8, register that new personal interest or change by providing written notification to your Chief Officer who will keep a record of these notifications.

9 Equality

- 9.1 Employees must comply with policies relating to equality issues agreed by the Council, in addition to the requirements of the law.

10 Corruption and Bribery

- 10.1 You must be aware that it is a serious criminal offence if you corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour to any person in your official capacity. If an allegation is made it will be for you to demonstrate that any such rewards have not been corruptly obtained.
- 10.2 You should also be aware that the Bribery Act 2010 came in to force in July 2011. Any financial advantage or other reward that is offered to, promised to, given to, or received by an individual or company to induce or influence that individual or company to perform its public or corporate functions or duties in an improper manner (ie not in good faith, not impartially, or not in accordance with a position of trust) is defined as a bribe and is a criminal offence.
- 10.3 It is an offence for:
- a company, employee or associated person (including consultants, agents, contractors or temporary staff) acting for, or on behalf of, the company offering, promising or giving a bribe;
 - a company, employee or associated person acting for, or on behalf of, the company requesting, receiving, or agreeing to receive a bribe;
 - an employee or associated person acting for, or on behalf of, the company offering, promising or giving a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties to gain an advantage; and
 - failure by a company to prevent bribery by its employees or associated persons acting for, or on behalf of, the company.
- 10.4 The penalties for conviction of these offences are severe. For an individual, the penalty can be a maximum sentence of 10 years' imprisonment and a fine and there are unlimited fines for companies. It is imperative that every employee and associated person is aware of his/her legal responsibilities.

11 Stewardship

- 11.1 You must ensure that you use public funds entrusted to you on behalf of the Council in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.
- 11.2 Public funds entrusted to us also include salary and wages. In the event that you find, or are notified that you have received an overpayment, the Council has an obligation to seek to recover such sums of money and you will be expected to work with the Council in complying with the highest standards of integrity in helping meet this requirement in a measured and reasonable manner, in accordance with the agreed procedures of the Council.

12 Hospitality

- 12.1 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the Community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. You should request, in writing, your Chief Officer's prior permission to attend.
- 12.2 You should avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by this Authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.
- 12.3 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 12.4 You should not accept significant personal gifts from contractors and outside suppliers, although insignificant items of token value such as pens, diaries, etc are acceptable.
- 12.5 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 12.6 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal, and/or where the Council or Chief Officer gives consent in advance, and/or where the Council or Chief Officer is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc are required, you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

13 Sponsorship - Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the Council wishes to sponsor an event or service, neither you, nor any partner, spouse or relative, must benefit from such sponsorship in a direct way without there being full disclosure, in writing, to your Chief Officer of any such interest. Similarly, where the Council, through sponsorship, grant aid, financial or other means gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

14 Registration of Gifts and Hospitality

- 14.1 Where you have been given permission to accept any gifts or hospitality etc, your Chief Officer must maintain a record of the existence and nature of that gift, hospitality, material benefit or advantage.

15 Declaration of Interests

- 15.1 The Declaration Forms attached as Appendices 1 & 2 of this Code of Conduct will enable us either to certify that you have no interests needing to be declared within the terms of this Code or to list those interests that require declaration.
- 15.2 The Declaration Forms must be completed by all employees of the Council.
- 15.3 Declarations of interests will be treated as confidential and will only be made available to Chief Officers or Members on a strictly 'Need to Know Basis'. You are required to complete the Declarations on the basis that this requirement is a reasonable instruction within the terms of our existing contracts of employment.
- 15.4 Where officers are responsible for decisions that affect the local community and involve spending public money the Council may also release information and disclose the Register of Officers' Interests as part of any Freedom of Information request. However, the Council will consider whether disclosing information would be unfair to the officer and potentially exempt under Section 40(2) of the Freedom of Information Act 2000.
- 15.5 Chief Officers will be responsible for ensuring that declarations are completed by the appropriate employees on appointment or promotion and that fresh declarations are made on or about 1 April each year. Completed forms will be held in the HR Division. The Chief Officer (the Chief Executive in the case of Chief Officers) will be responsible for deciding whether anything revealed in the Declaration is incompatible with the duties of the employee making it. Where instances of incompatibility occur which cannot be resolved to the Chief Officer's satisfaction by agreement, a report will be submitted to the Executive Member for Resources. The employee and if appropriate, his/her trade union, will be consulted on such a report prior to its submission.
- 15.6 Section 117 of the Local Government Act 1972 provides that you must give notice in writing of any pecuniary interest in a Council contract. Contravention of this requirement is a criminal offence. The Declaration of Interest attached as Appendices to this Code are not suitable for giving notice of pecuniary interest in compliance with Section 117 because such notice must be given in respect of a particular contract. As a result, written notice of pecuniary interest in particular contracts, must be made on each occasion to your Chief Officer.

16 Investigations

- 16.1 Where either the Chief Legal and Monitoring Officer, Chief Executive, Chief Officer, Head of Strategic HR (or his/her representative), or Chief Internal Auditor is undertaking an investigation in accordance with the Council's policies and procedures an employee must comply with any requirements made in connection with any investigation.

17 Whistle blowing

- 17.1 In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Council's confidential reporting procedure.
- 17.2 The Council's Confidential Reporting Code (Whistleblowing) tells us what to do and what you can expect to be done in a "whistleblowing" situation. This Code can be located on the Policies Home Page of the Council's intranet site.

18 Conclusion

- 18.1 The standards laid down in this Code are considered to be fundamental to the reputation of this Council. As such, uncertainty on your part as to their meaning will not be accepted as a reason for your failing to comply with them.
- 18.2 If you are in doubt about the application of these standards to your personal circumstances, you should request an interpretation by your Chief Officer. Subject to the Council's Grievance Procedure, you will be bound by that interpretation.

Alison Ward
CHIEF EXECUTIVE



GENERAL DECLARATION OF INTERESTS
ALL EMPLOYEES OF THE COUNCIL

Declaration A

Please complete in Block Capitals

Name of Officer:

Service Area:

Division / Team:

Post Title:

Grade:

I have read the Council's Code of Conduct for Employees and declare that there are no facts or circumstances that I am required to specify and I have completed Declaration A truthfully, accurately and completely.

In the event of any fact or circumstance changing this position, I agree to complete Declaration B to my Chief Officer within 28 days.

Signed: _____

Dated: _____

Print Name: _____

[NB: This Declaration must be made without amendment or qualification. If you cannot make it without amendment or qualification, you must complete Declaration B]

Chief Officer's Certificate

I have considered the above Declaration of Interest and confirm that no matters have been disclosed and to my knowledge this is an accurate statement.

Signed: _____

Dated: _____

Print Name: _____

GENERAL DECLARATION OF INTERESTS

ALL EMPLOYEES OF THE COUNCIL

Declaration B

Please complete in Block Capitals

Name of Officer:

Service Area:

Division / Team:

Post Title:

Grade:

I have read the Council's Code of Conduct for Employees and declare that to the best of my knowledge and belief the answers specified below are truthful, accurate and complete. I agree to inform my Chief Officer in writing of any change to these answers within 28 days of that change taking place.

[**Note:** If Declaration B is to be made and the answer to any section is that you have no interest to declare in that particular section, write 'None' - **do not leave sections blank**]

1. Additional Employment other than with Torfaen County Borough Council:

(1) I am employed by:	<input type="text"/>
Address:	<input type="text"/>
	<input type="text"/>
Position held:	<input type="text"/>

(2) I am also self-employed as a :

I trade under the following name(s):

My place(s) of business are as follows:

(3) I am also in partnership with:

As a :

My firm's place(s) of business are as follows :

I trade under the following name(s):

(4) I am also employed as a Consultant with or to:

Their place(s) of business are as follows :

And they trade under the following name(s):

2. Directorships:

I or a member of my family hold the following Directorships in the following trading company (give the company name, any names under which the companies trade, the companies' registered addresses and the names of all other directors):

Trading Company Name:

Registered Address:

Names of Other Directors:

3. Shareholdings:

I, my family, or either nominees have significant (1) shareholdings in the following companies (2):

Trading Company Name:

Registered Address:

Names of Other Directors:

FOOTNOTES:

- (1) A shareholding is significant for these purposes if its size or value (either absolutely or in relation to the share capital of the company as a whole), is such that it could give rise to the appearance of a conflict of interest if the Council were to enter into a contract with the company.
- (2) A shareholding need not be declared if it is in a company which trades in a field wholly unrelated to your field of work for Torfaen County Borough Council.

4. Any other Conflict of Interests

I have the following interests which could give rise to a conflict of interest or to the appearance of a conflict of interest, with my duties as an employee of Torfaen County Borough Council.

Signed: _____ **Dated:** _____

Print Name: _____

[**Note:** This Declaration must be made without amendment or qualification. If you cannot make it without amendment or qualification, you must complete Declaration B]

Chief Officer's Certificate

I have considered the above Declaration of Interest and confirm that no matters have been disclosed and to my knowledge this is an accurate statement.

Signed: _____ **Dated:** _____

Print Name: _____

Service Area: _____

Date accepted by Governing Body	October2015
Signature of Chair:	
Signature of Headteacher:	
Period before Revision	Three Years
Dyddiad Adolygu:	October2018