



Birmingham City Council Code of Conduct

The public is entitled to demand a level of conduct from Council employees which is of the highest standard.

Birmingham City Council's Code of Conduct forms part of the Contract of Employment. It aims to establish the usual standard of conduct expected of all employees. The Code of Conduct's principles reflect BCC's values and behaviours setting down the way in which you, as an employee of the Council, are expected to conduct yourself.

As an employee, you must not put yourself in a position where duty and private interests' conflict and you must not make use of your employment to further your private interests.

1. General Principles

As employees of Birmingham City Council, you are expected to carry out your duties in accordance with Birmingham City Council's policies and procedures.

You are expected to uphold the following principles:

- **Selflessness:** - your decisions must be taken in terms of the values and mission of Birmingham City Council, and not in order to gain financial or other material benefits.
- **Integrity:** - you must not place yourself in a situation where your position is compromised.
- **Objectivity:** - all decisions must be made on merit alone.
- **Accountability:** - you must accept accountability for your decisions and actions.
- **Openness:** - you should be as open as possible about all your decisions and actions.
- **Honesty:** - you should declare any private interests relating to your duties and take lawful steps to resolve any conflicts to ensure that public interest is protected.
- **Leadership:** - you must support and promote these principles by example.
- **Conduct:** - you must avoid bringing Birmingham City Council into disrepute.
- **Respect:** - you must treat others with respect.

2. General Code of Conduct Application

and Intent

You will be expected to act in accordance with the Code. The Code has been designed so that you are not left in any doubt as to what is acceptable or unacceptable behaviour.

The Code of Conduct places rules and regulations on certain activities. Any breach of these prohibitions may lead to disciplinary action.

Personal Interest

You must not in your official capacity:

- Allow your personal interests to conflict with Birmingham City Council's requirements.
- Use your position improperly to confer an advantage or disadvantage on any person.

Employees are required to complete the [Potential Conflict of Interest form](#) where they have any personal interests which may conflict with BCCs requirements and discuss with their line manager.

You must:

- Not disclose information given to you in confidence, or information acquired which is of a confidential nature, without the consent of a person authorised to give it.
- Not prevent another person from gaining access to information to which that person is entitled by law.
- Ensure that your relationships with service users are professional at all times.

Employment Matters

If an employee is involved in making appointments, they must:

- Ensure that such appointments are made on the basis of the candidate's ability to do the job.
- Ensure that their personal preferences do not influence judgements made.

Employees making appointments are required to declare their interest where they are related to an applicant or have a close personal relationship outside work with him/her by completing the [Potential Conflict of Interest form](#) and discussing it with their line manager.

Other Employment

In some instances, your contract of employment may:

- Prevent you from undertaking other employment without the written permission of your manager. This will be stated within your individual contract.
- It is important that you ensure that any additional employment does not conflict with the interests of the council or affect your ability and credibility to do your job.
- Where you have more than one job, both the City Council and your other employer(s) are responsible for ensuring that the 48-hour week is complied with. You should therefore ensure that you inform your manager about any work you undertake for other employer(s). (You may opt to work more than 48 hours per week, and should you wish to do so, you will need to complete the form 'Working Time Regulations Opt Out Agreement' under Supporting Documents and submit it to HR Operations via People Solutions.)
- You must ensure that Council time and equipment are not utilised in connection with any other employment.
- If in doubt, the best thing to do is to discuss the circumstances with your manager.

Declaration of Potential Conflict of Interest

Employees must not put themselves in a position where duty and private interest conflict and they must not make use of their employment to further their private interests.

What Interests Should I Declare?

Examples of information that should be declared include:

- Where your job could unduly influence decisions or contracts the Council either has or is proposing to enter or where you hold a financial or personal interest in any of these contracts either directly or indirectly e.g. through a partner or relative; Where you hold a position with an external company or organisation whether paid or unpaid which may lead to conflict of interest e.g. Directorships, Committee membership including Charities, Voluntary Groups, Housing Associations and School Governorships;
- If you have a close personal relationship with a person who has influence over your employment within the Council, for example, a Councillor or senior officer, or with any person who you have authority over;
- If you have personal interests in activities within the Council e.g. you are a Landlord for the Council or involved in the fostering of children that could conflict with your job;
- If you are dealing with applications to the Council for services, e.g. planning permission, permits, licences, grants, housing (including temporary accommodation), or applications for employment and have a relationship with any applicant.

When Should I Complete the form?

The examples above are not exhaustive but illustrate how the declaration is intended to apply in particular circumstances. It is your responsibility to apply the Code in the circumstances that affect you. If you are unsure about declaring a conflict of interest, please seek further advice from either your Head of Service or Human Resources Section.

Please note the failure to declare any potential conflict of interest during the course of your employment with Birmingham City Council may result in disciplinary action being taken.

[Conflict of Interest Declaration Form](#)

Gifts and Responsibility

Birmingham City Council seeks to maintain the highest standards of conduct and probity in its business.

The acceptance of gifts and/or hospitality by employees must be treated with extreme caution. No offer of a gift or inducement, whether made at specific occasions (e.g. at Christmas) or casually, should be accepted when the gift is made by, or indirectly by, a person, firm or organisation which, to the knowledge of the employee, has or seeks to do business of any kind with the Council or to have an interest in its decisions.

The receipt of minor articles, often by way of trade advertisements, which will be used on the Council's business (e.g. diaries, calendars, office requisites, etc., which are customarily distributed at Christmas and, occasionally, at other times) is acceptable.

If you are in any doubt, you should seek guidance from your line manager or the Council's Monitoring Officer, or the Head of Internal Audit before accepting any gifts or hospitality offered.

Sponsorship

Where the Council or parties to the Council sponsors an event or service, you, or any partner, spouse or relative must not benefit from the sponsorship.

You must seek guidance from your manager if you are involved with any event or service that the Council proposes to sponsor.

General Confidentiality

You may, in the course of your duties, obtain information which is confidential.

You must not:

- Pass on any information received or obtained through your employment to anyone who is not entitled to have that information.
- Use information for personal advantage.

You must:

- Work within the requirements of Data Protection Act 2018 and the Freedom of Information Act 2000.
- Observe the Council's procedures for the release of personal information held about other employees or members of the public.
- You must not misuse your position by seeking information which you do not need to know to carry out your duties.

Examples of abuse of confidence would include:

- Ill-considered gossip whether with colleagues or outsiders which may be misconstrued and re-quoted.
- Exploitation of confidential information for personal gain.
- Premature and/or unauthorised disclosure to other parties of policy proposals, with the object of generating adverse publicity e.g. to the press, interest groups.

Dealing with the Council's Money

You must:

- Ensure that public funds are used in a responsible and lawful manner.
- Strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- Ensure compliance with the Council's Standing Orders and Financial Regulations.

Criminal Charges and Convictions

The Council requires all applicants to disclose criminal convictions, whether committed in the UK or elsewhere unless the Rehabilitation of Offenders Act applies, and the rehabilitation period has expired.

In some circumstances, Criminal Records Bureau checks are conducted on all successful applicants for certain positions in the Council. You must:

- Notify the Council in writing if charged with any criminal offence or if convicted of any criminal offence, this includes cautions.
- If charged with an offence, advise the Council as your employer immediately after you are charged (i.e. next working day).

It should be noted that the term 'conviction' includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify the council in either case will constitute grounds for disciplinary action.

Intellectual Property and Copyrights

All intellectual property rights, (that is copyright, design rights and the right to patent inventions) relating to anything created or invented by you in the course of your duties belongs automatically to the Council, unless otherwise agreed, you cannot exploit the rights to any such thing without written permission from the Council.

Publications and Dealing with the Press

You must not:

- Publish any material which comments on the activities, policies etc of Birmingham City Council without the consent of your manager.
- Make comments to the press or media unless specifically authorised to do so.

Where requests for comments are received, they should be passed on to the appropriate officer.

Where you wish to publish an article unconnected with the Council then the article must not link you to the Council.

Equipment and Materials

You must:

- Not use the equipment and premises of Birmingham City Council for unauthorised purposes.
- Only make personal telephone calls and emails when necessary and within reason.
- Only use the internet for personal use in your own time.
- Follow the internet usage policy.

Political Restrictions and Neutrality

There are a number of posts that are politically restricted. These fall into two broad categories:

- Specified posts
- Sensitive posts

If you are in a politically restricted post, then this will be indicated in your contract of employment and you are restricted in certain political activities.

Political Neutrality

The City Council will not concern itself with the political beliefs of individuals however you must not allow your own political beliefs to interfere with the work of the Council. You must serve Councillors fairly and ensure that you respect their role.

You may not display party political posters, including election material, in any place of work on behalf of the Council.

Equal Opportunities

Birmingham City Council is committed to the promotion and implementation of equal opportunities both internally and externally.

Birmingham City Council aims to ensure that everyone who comes into contact with it is treated equally and not in any way disadvantaged by factors which could prevent the implementation of fair policies and operations.

Birmingham City Council will recognise the differences which exist and will seek to understand the needs of people within the groups which are afforded protection or assistance through this policy.

Birmingham City Council expects all its employees to uphold its' Equal Opportunity in Employment Policy and to accept the duty not to discriminate, either in employment practices or in the provision of facilities and services by reference to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Discrimination, Harassment, and Victimisation

You must treat all other employees and customers of Birmingham City Council with courtesy and respect, and must not make any remarks or gestures relating to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation which may cause offence.

Any complaint of discrimination, harassment, or victimisation or complaints made on the grounds of any of the protected characteristics listed above, will be taken seriously and will be the subject of a thorough investigation.

Fitness for Work

The City Council accepts that alcohol is legally and freely available. You must:

- Ensure that the use of alcohol out of work does not adversely affect your work performance, the health, safety or welfare of yourself or others and does not damage the City Council's image and reputation.
- If you are a manager, consider the options available for managing employees in the above situation and refer to the alcohol policy and guidance.
- Not consume or be under the influence of alcohol, use illicit drugs or other illegal substances while at work.
- You must ensure that the use of any of them out of work does not adversely affect the work performance and safety of yourself or others and does not bring the Council into disrepute.
- If taking medication, seek the advice of your doctor to ensure that such medication will not impede your ability to do the job (e.g. operate machinery).
- Inform your line manager of any situations where a risk to yourself or others may arise because of this.

If you are a manager, consider the options available for assisting employees who are required to take legally prescribed drugs and whose levels of performance has been impaired. In these circumstances a risk assessment should be undertaken.

Health and Safety

You have a duty to take reasonable care of yourself and to cooperate with management under the Health and Safety at Work Act 1974. These responsibilities are identified in the Council's Health and Safety policy.

You are required to act at all times in accordance with this policy and generally to act in such a way to ensure your own safety and that of others.

Any action which potentially puts at risk the health and/or safety of yourself or others will be viewed seriously and may result in disciplinary action.

Attendance

Your contract of employment contains the main terms and conditions of your employment with Birmingham City Council.

It is expected that you are available for work during these hours and take an unpaid lunch break.

You must record your attendance in accordance with your workplace time recording system.

Smoking

Birmingham City Council is a non-smoking organisation.

You are not permitted to smoke in any of the Council's offices, or any other building owned or occupied by the Council, at any time.

Smoking whilst on Council's premises may be subject to disciplinary action.

Dress Code

There is a general expectation that dress will be appropriate to the nature of the duties and responsibilities of the job.

The Council values and welcomes the ethnic diversity of its workforce and therefore dress codes will take account of ethnic and religious dress requirements with sensitivity ensuring that employees are free to observe them.

Where there is a clear business case or a health and safety reason then Directorates may introduce appropriate dress codes to suit the services provided and expectation of the public.

Identity Badges

There is a general presumption that all employees issued with identity cards/badges wear them at all times. This is particularly important if you visit the public in their homes. Where managers decide that it is not practical to wear identity badges then you should have them available for inspection at all times.

Disciplinary Rules

Birmingham City Council has a Disciplinary Procedure and a Capability Procedure. The Disciplinary Procedure is concerned with instances of alleged misconduct, either ordinary or gross. It is anticipated that the vast majority of breaches will be of a minor nature and that they can be resolved without recourse to a formal procedure. Some breaches will be

more serious or there may be circumstances where there is repetition of a minor breach. In such circumstances the matter will be progressed under the formal procedure.

The Capability Procedure provides a framework for managers and employees to cope with issues of poor performance. The underlying intention of the Procedure is to give the employees who are falling below the established acceptable standards the opportunity to improve.

Following instructions

Employees are expected to follow all reasonable and lawful instructions by a person with the authority to issue such instructions unless:

- There is a danger to a person's health and safety.
- A conflict of interest may exist.
- It does not comply with Council policy and practice.

Managers must be able to justify their instructions and decisions in line with their delegations, authority, and Council policy and procedures, and be open and respond promptly to constructive questions.

Legislation

Contract of Employment

Your contract of employment is an agreement between Birmingham City Council and you which sets out your employment rights, responsibilities and duties and this includes the Code of Conduct.

General Data Protection Regulations (GDPR) and Data Protection Act 2018

The GDPR and Data Protection Act 2018 came into force in May 2018 and increase obligations on the management of personal data. GDPR is based around six principles of good information handling. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.

For further information of how Birmingham City Council uses your personal data you should visit our privacy notice at www.birmingham.gov.uk/privacy

Freedom of Information Act 2000

The Freedom of Information (FOI) Act (2001) came into full force on 1st January 2005 and has created significant new rights of access to information held by all public authorities.

[For more information, see the freedom of information guidance](#)

Working Time Directive

The Working Time Regulations (the Regulations), introduced on 1 October 1998, provided new rights for workers ensuring that they do not have to work excessive hours. (The Regulations were amended, with effect from 1 August 2003, extending the extent to which they applied to workers in transport and offshore sectors. The Regulations applied to junior doctors from 1 August 2004.)

The aim of the regulations is to impose minimum requirements on employers, while at the same time allowing flexibility for workers and employers to make arrangements which suit them. One of the basic rights is a limit of an average of 48 hours a week which a worker can be required to work. However, there is provision for an opt out agreement to be signed where both the organisation and the worker are willing to increase or exclude the limit on working hours.