

GOVERNANCE

G 1.15 Code of Conduct - Staff

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4052
<i>Resolution Date</i>	21/10/2020
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Local Government Act 1995-s5.103 (codes of Conduct)</i>

OBJECTIVE

Council is required under the provisions of the *Local Government Act 1995 s5.103* to adopt such a policy.

SCOPE

All employees.

POLICY

1.1 Conflict of Interest

- (a) Staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the local government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Staff who exercise recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

- (d) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

- (e) An employee is to disclose any interest that he or she has in the matter to be discussed at a Council or committee meeting that will be attended by the employee, or on which the employee has given or will give advice. Any disclosure to be made at the meeting immediately before the matter is discussed or the employee advice is given and is to be recorded in the minutes of the relevant meeting.

1.2 Pecuniary Interest

Staff will adopt the principles of disclosure of pecuniary interest as contained within the *Local Government Act 1995*.

1.3 Disclosure of Interest

- (a) Staff will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.
- (b) Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.

2. Personal Benefit

2.1 Use of Confidential Information

Staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to intellectual property in all duties relating to contracts of employment will be assigned to the Shire of Northam upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain

undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts (as defined by S5.57 Local Government Act 1995)

- (a) Staff (including the Chief Executive Officer) will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit for themselves or for any other person or body (including contributions to travel), relating to their status with the Shire or their performance of any duty or work which touches or concerns the Shire in accordance with the following:

Notifiable gift, in relation to a person who is an employee, means —

- (i) a gift worth between \$50 and \$300; or
- (ii) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

Prohibited gift, in relation to a person who is an employee, means —

- (i) a gift worth \$300 or more; or
 - (ii) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.
- (b) If any gift, reward or benefit is offered, disclosure will be made within 10 days of receipt in writing to the Chief Executive Officer, or in the case of the Chief Executive Officer to the Shire President.
- (a) Employees cannot accept gifts from a person who is undertaking or is likely to undertake business – (a) that requires a person to obtain any authorisation from local government; - (b) by way of contract between the person and the local government; or (c) by way of providing any service to the local government.

Any declarations of gifts are to be recorded in a register that is maintained for that purpose, with the register to include, (a) the names of the person who gave and received the gift, and (b) a description and an estimate of value of the gift.

3. Conduct of Staff

3.1 Personal Behaviour

Staff will:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;

- (b) perform their duties impartially and in the best interests of the local government uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the local government and the community;
- (d) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- (e) always act in accordance with their obligation of fidelity to the local government; and
- (f) At all times observe the corporate values of the organisation around conducting themselves in a safe, open, accountable and respectful manner

3.2 Honesty and Integrity

Staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other staff member.
- (c) be open and honest in their official dealing with each other.

3.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the local government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the local government.
- (b) Staff will at all times exercise reasonable care and diligence in the performance of their duties. Staff will be as informed as possible about the functions of Council, and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- (a) Staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the

propriety of any such order being taken up with the supervisor of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

- (b) Staff will give effect to the lawful policies of the local government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.6 Corporate Obligations

- (a) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

- (b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving local government's activities should reflect the status and objectives of that local government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, staff are to adequately communicate the attitudes and decisions of Council. In doing so staff should ensure:
- respect for the decision making processes of Council which are based on a decision of the majority of Council;
 - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
 - information relating to decisions of Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of Council;
 - information concerning adopted policies, procedures and decisions of Council is conveyed accurately.

3.7 Relationships between Council Members and Staff

That teamwork will only occur if staff have a mutual respect and cooperate with each other and with Councillors to achieve Council's corporate goals and implement Council strategies.

To achieve that position staff need to:

- accept that their role is a management or administrative one;
- acknowledge that unless in a management or supervisory position, they have no capacity to individually direct other members of staff to carry out particular functions;
- refrain from publicly criticising councillors or other staff in a way that casts aspersions on their professional competence and credibility.

3.8 Appointment to Committees

As part of their role staff are often asked to represent Council on external organisations. It is important that staff:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

4. Dealing with Council Property

4.1 Use of Local Government Resources

Staff will:

- (a) be scrupulously honest in their use of the local government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the local government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the local government's resources (including the services of other Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

4.2 Travelling and Sustenance Expenses

Staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the local government in accordance with local government policy and the provision of the *Local Government Act 1995*.