



# Officer Code of Conduct

Dated: [INSERT]

Next review date: [INSERT]

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## **1. Introduction**

### **1.1. Who does the Officer Code of Conduct apply to?**

1.1.1. The Officer Code of Conduct (the "Code") applies to all staff including but not limited to agency staff, consultants, and anyone undertaking any work on behalf of West Lancashire Borough Council (the "Council").

1.1.2. This Code is designed to help staff maintain the standards required of public officials.

### **1.2. What is the Officer Code of Conduct?**

1.2.1. This Code is designed to provide guidance about what is expected from you in your daily work and in your dealing with elected members, colleagues and the public.

1.2.2. All members of staff are required to comply with the contents of the Code and failure to do so may result in disciplinary action, which could include dismissal.

1.2.3. It is therefore important that that you read the Code in full and in the event that you require further clarification or there are sections you do not understand, please contact your service manager, Human Resources or the Monitoring Officer.

### **1.3. Why is the Officer Code of Conduct important?**

1.3.1. This Code aims to ensure that:

- a) Staff are protected against any unjustified allegations of wrong doing;
- b) There can be no perception that any member of staff of the Council could be influenced in any way by improper motives; and
- c) Public confidence in the Council is enhanced and maintained and the reputation of the Council is protected.

1.3.2. It is essential that all members of staff have a good understanding of what your work entails, your responsibilities whilst at work, and how activities outside of work may affect your ability to do your work during working hours.

1.3.3. You must promote the Council's values at all times. The Council's values are available to view on the Intranet. In addition to promoting the Council's

values, you must at all times practice and exhibit the following behaviours through the course of your work:

- (a) **Selflessness**; - Holders of public office should act solely in terms of the public interest.
- (b) **Integrity**; - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- (c) **Objectivity**; - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- (d) **Accountability**; Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- (e) **Openness**: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing; and
- (f) **Honesty**: Holders of public office should be truthful;
- (g) **Leadership**: Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

These are known as the Nolan Principles and further information can be found on the Gov.uk Website.

#### **1.4. What happens if the content of the Code of Conduct changes?**

- 1.4.1. The Council will take all reasonable steps to ensure the Code is kept up to date, with a copy of the Code to be available on the Intranet page.

## **1.5. Who to contact for advice or further clarification?**

1.5.1. If you find yourself in a situation where you are not clear on what is the correct approach or if you are uncertain about the contents of the Code, you can:

(a) Contact your Service Manager,

(b) Contact the Monitoring Officer:

Kay Lovelady

T: 01695 585075

E: [kay.lovelady@westlancs.gov.uk](mailto:kay.lovelady@westlancs.gov.uk)

(c) Contact Human Resources

Sharon Lewis

T: 01695 585027

E: [sharon.lewis@westlancs.gov.uk](mailto:sharon.lewis@westlancs.gov.uk)

## **2. Workplace Behaviour and Personal Conduct**

### **2.1. General Requirements as an Employee of the Council**

2.1.1. As an employee, you are required to fulfil the obligations placed upon you under the terms of your contract of employment, for example:

- a) Be ready and willing to work as specified in your role profile;
- b) Undertake your duties and responsibilities effectively, efficiently and diligently;
- c) Conduct your work in a co-operative manner;
- d) Be punctual in time keeping;
- e) Be honest and trustworthy;
- f) Adhere to reasonable management instructions;
- g) Take care of yourself, your colleagues and others whilst at work.

### **2.2. Relevant Policies**

2.2.1. As a member of staff at the Council, you are expected to adhere to policies that are implemented across the Council. In particular, you should be familiar with:

- Whistleblowing Code
- Members Code of Conduct
- Conditions of Service
- Safeguarding Policy
- Information Governance Policies
- Anti-Fraud, Bribery and Corruption Policy
- Anti-Money Laundering Policy
- Management and Employee Core Expected Behavioural Standards
- Grievance Procedure
- Disciplinary Policy and Procedure
- Dress Code Policy
- Equal Opportunities Policy
- Attendance and Wellbeing Policies
- Alcohol and Drugs "A Guide for Staff"
- Health and Safety Policies and Procedures

- Procurement Policy
- Contract Procedure Rules
- Social Value Policy
- Dignity at Work Policy

2.2.2. All of the above listed policies are available on the Council's intranet or can be requested from Human Resources.

## **2.3. The Council's Relationships**

### ***a) Working with others at the Council***

Internally it is important that we work as one organisation and have constructive working relationships within our teams and are able to work across teams, services and directorates.

You should be professional in your behaviour towards colleagues, and should treat each other with mutual dignity and respect. The Council does not tolerate behaviour that undermines dignity or respect or can cause others to think less or be disrespectful towards any individual group.

### ***b) Working with Councillors***

An effective working relationship based on mutual respect between employees and members is essential to good local government to deliver efficient and high-quality services to the community. However, close personal familiarity between employees and individual members can damage the relationship and ability for both parties to act objectively, which in turn would create a perception of bias.

You are accountable to the Council through the Chief Executive. Additionally, depending on your role, you may be required to give advice to members as part of your duties.

Councillors and officers must not seek to take unfair advantages of their position or seek to exert undue influence and must remain impartial.

Members have been elected by local people to represent them, the position should be recognised regardless of the parties they represent or your own views. If employees or councillors feel that they have not been treated with respect by the other, this can be raised with the Monitoring Officer or the Deputy Monitoring Officer.

You can refer to the Protocol on Member/Officer Relations (Part 4.2 of the Constitution) for further guidance.



### ***c) Working with Service Users***

It is essential that you treat all service users with dignity, respect and impartiality. You should ensure that you avoid unnecessary personal familiarity with service users you come into contact within the course of your work. You should not use your position to take or confer unfair advantage of people accessing our services or allow yourself to be unduly influenced by service users.

Your role may involve work with vulnerable service users. All support and interactions with these service users during your employment must comply with the relevant legislation, professional standards and service rules.

### ***d) Working with Suppliers and Third Parties***

You should be fair and impartial when dealing with all service users, suppliers, contractors and subcontractors. Any conflict of interest should be declared in accordance with the Conflicts of Interest Declaration Process. You must avoid placing yourself in a position where there may be a conflict between your personal and / or outside activities and your official Council Duties. If you have access to confidential information on tenders or costs for either internal or external contacts, you should not disclose that information to any unauthorised party or organisation.

You must be clear on the separation of client and contractor roles. If you are an officer with both a client and contractor responsibility you must be aware of the need for accountability and openness. By completing a Conflict of Interest declaration you will not only ensure all suppliers/bidders are treated equally and fairly, you will also protect yourself from any accusation of favouritism or perceived wrongdoing.

## **2.4. Bullying, Harassment and Discrimination**

2.4.1. If you experience bullying, harassment or discrimination at work, this should be reported to Human Resources at the earliest opportunity. For further information, please refer to the Dignity at Work Policy.

2.4.2. Should a Complaint need to be raised, this should be done in accordance with the Dignity at Work Policy.

## **2.5. Fairness and Equality**

2.5.1. All employees should ensure that policies relating to equality issues as agreed by the Council are complied with, in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

2.5.2. You can review the Council's Equality Statement on the intranet.

## **2.6. Political Neutrality**

2.6.1. Whilst acting as a member of staff at the Council, you must remain politically neutral at all times. Officers serve the Council as a whole and therefore, you must serve all councillors and ensure that the individual rights of all councillors are respected.

## **2.7. Social Media**

2.7.1. Social media channels provide us with unique opportunities to build relationships and to connect and engage with our communities. People are more connected than ever, and social media is often most individual's preferred way of communication with the Council.

2.7.2. The popularity of social media continues to grow which can blur the lines between what is public and private, personal and professional. It is important that you are alert to the potential negative impact that inappropriate personal social media activity can have on the trust in the Council and the services we provide.

2.7.3. Should you choose to access social networking sites and / or other online forums or blogs, you are expected to act responsibly and exercise judgment regarding what is appropriate to post. Do not publish anything that is confidential to the Council or use social media to comment on potentially sensitive matters in any context.

2.7.4. Inappropriate or offensive activity on social media that is brought to the Council's attention may result in disciplinary action. Examples include, but are not restricted to:

- Unlawful, defamatory or libellous, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive behaviour;
- Inappropriate comments
- Material that may be regarded as discriminatory;
- False or misleading statements that could have a negative impact on the Council's reputation;
- Inciting or supporting somebody to commit a crime or other unlawful act.
- Bullying, harassment or intimidation to any individual or organisation.

- 2.7.5 Even if you do not identify yourself on Social Media as a Council employee these standards apply. This could include content you share, 'like' or 'repost' as this suggests approval of that content.
- 2.7.6 Be aware of any real or perceived conflicts of interest that could occur if you include service users, their families, friends, contractors used by the council or Councillors as 'friends' on social media. You should exercise judgement when you decide whether it is appropriate to accept a friend request.
- 2.7.7 Do not publish anything that is confidential to the Council or use social media to comment on potentially sensitive matters in any context. This could include, for example, politically sensitive information and information about service users who use our services.
- 2.7.8 You may be required and encouraged as part of your role to use Council social media accounts to further Council business, when doing so please refer to the Acceptable use guidelines available on the intranet. Social media is a welcomed and valued tool of engagement however you must be aware that information you post in this context reflect our values. Social media posts and interactions are public statements and count as a council record as well as evidence of the Council's work. They can be used as reference at any time in the future and you are responsible for anything that you say online. Please remember that as a Council, we must remain politically neutral, especially around election time (purdah) and this includes online posts. If you are unsure or have any queries please contact the Communications, Marketing and Engagement Manager, a member of their team or the Monitoring Officer.

## **2.8 Criminal Charges and Convictions**

- 2.8.1 If you are charged with, or convicted of, a criminal offence (including where you accept a caution) whether or not it is work related you must notify the Council in writing. The Council will establish the facts of the case and consider whether the matter is serious enough to warrant disciplinary action.
- 2.8.2 You must notify the Council on the next working day if you are charged or convicted of any offences. Failure to notify the Council in either case will constitute grounds for disciplinary action.
- 2.8.3 The Council requires all applicants for jobs to disclose convictions for any criminal offence, other than those which are spent under the Rehabilitation of Offenders Act 1974. However, some posts will require an enhanced Criminal Disclosure and Barring Service check and, in those circumstances, you may be required to disclose spent convictions.

## **2.9 Financial Propriety**

- 2.9.1 Whilst your personal finances should remain private, you must ensure that where you have a financial relationship with the Council, outside of your contract of employment that these affairs are conducted with honesty and integrity.
- 2.9.2 In all personal financial dealings with the Council, you must not deliberately evade any debts owed to the Council or seek to obtain monies from the Council to which you are not legally entitled. Financial dealings may include payments relating to Council Tax, benefits, fines, compensation, etc.
- 2.9.3 If you are found to be in breach of these requirements, you may be subject to disciplinary action which may include dismissal where appropriate.

### **3 Protecting the Council and its Employees**

#### **3.1 Conflicts and other interests**

##### *a) Authority – Employment with the Council*

You should not use your position to seek to improperly influence a decision or action.

In the event of providing advice and guidance to Members, management and co-workers, you should ensure that this is delivered independent and impartial manner, based on an accurate representation of the facts. If you believe you cannot act impartially or your personal views may conflict with performance of your duties, you should contact your line manager and attempt to resolve the conflict.

##### *b) Other Employment*

Any additional employment (including unpaid voluntary work) must not conflict with the interests of the Council or affect your ability and credibility to do your job.

If you wish to undertake additional employment outside of the Council, you must inform member services, and complete the 'notice of outside commitments' form which can be found [here](#).

##### *c) Personal Interests*

You must declare any financial interests which could conflict with the Council's interests.

You must declare any non-financial interests which could be considered to bring about conflict with the Council's interests. Examples of non-financial interests include:

- Friendship;
- Freemasonry, membership of a society, organisation or trades union;
- Involvement with a school or other organisation receiving grant aid from the authority;
- Membership of a national health service trust board;
- Involvement with an organisation or pressure group which may seek to influence the Council's policies.

The notice of personal interest can be found on the intranet and is linked [here](#).

#### ***d) Conflict of Interest***

If a conflict occurs between your private interests and public duties, you must resolve the conflict in favour of your public duties.

You can refer to the Conduct and conditions page of the intranet for advice in analysing, declaring and registering conflicts of interest. You must advise your line manager in writing of any personal or immediate family private interests that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting, tendering or regulatory functions. You should comply with any reasonable request from the Senior Management to provide information relating to your personal interests or the interests of a dependent or spouse.

If you consider there to be a conflict of interest, please follow **[this link](#)**. You will be directed to fill out the necessary form, which needs to be returned to member services [MemberServices@westlancs.gov.uk](mailto:MemberServices@westlancs.gov.uk).

#### ***e) Conduct Outside of Employment***

You should not undertake work outside of your employment with the Council if:

- there is an overlap in duties;
- it causes a conflict of interest;
- by its nature, it will come before the Council or an officer for approval; or
- it makes use of material to which the member of staff has access to by virtue of their position within the Council.

The list provided above applies to all work outside of employment at the Council, regardless of whether it is paid or unpaid/voluntary.

You must ensure you understand your contractual obligations and you should not take outside employment which conflicts with the Council's interests.

The principles of behaviour and respect for others outlined in this Code extend to other situations outside work that may result in a conflict of interest or impact on your suitability for your role. For example, abusive, violent or discriminatory behaviour towards another person outside of your workplace, could be treated as a breach of this code and result in disciplinary action.

You should be aware that it is particularly important that behaviour meets the standards outline in this code at events that are recognised as council led or

organised events. This includes informal events such as work Christmas parties and other events and/or celebrations organised and including work colleagues.

***f) Political, Professional and Trade Union Activity***

You should ensure that your right to engage in political or professional activities does not result in an actual or perceived conflict of interest with your official duties with the Council. You should ensure that you are able, and be seen to be able, to remain unbiased in the performance of those duties.

Council employees serve the Council as a whole. In so far as employees may be required to advise political groups, they must do so in ways which do not compromise their own political neutrality. It follows that they must serve all members and not just those of the controlling group and must ensure that the individual rights of all members are respected.

Employees whether or not politically restricted post holders must diligently follow, pursue and implement the lawful policies of the Council and must not allow their own personal or political opinions to interfere with their work.

Employees, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. If you are a member of a profession, you are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct.

It is noted that there can be exceptions to this where there is legislative authority to do so. If you believe a conflict exists between your official role and the standards of your profession, you must raise your concerns with your line manager.

***g) Sponsorship – Giving and Receiving***

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the standard practice for accepting gifts or hospitality shall apply.

Where the Council wishes to sponsor an event or service, neither an employee nor any spouse, partner or relative must benefit from such sponsorship directly without there being full disclosure of the interest through the mechanism set out in paragraph (d) above.

Where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given

and there is no conflict of interest involved. If you have received a gift or hospitality, please see paragraph 3.4(c).

### **3.2. Property and Equipment**

#### ***a) Use of Council, Property, Facilities and Equipment***

Council resources and facilities are to be used for Council business and not for any other purpose.

No private work may be carried out whilst being paid in Council business, whilst on the Council's premises or with the use of Council equipment.

#### ***b) Intellectual Property***

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by you during the course of your employment, then as a general rule, these belong to the Council.

The Council will regard intellectual property and copyright created during employment as belonging to it. If an employee wishes to use or benefit from the same, the express consent of the Chief Executive must be sought.

### **3.3. Council's money and commercial engagements**

#### ***a) Dealing with Council's Money***

You must ensure that the use of the Council's money, including any grant funding, is used in a responsible and lawful manner.

#### ***b) Working with Contractors***

All relationships of a business or private nature with external contractors, or potential contractors, should be made known in writing to the Monitoring Officer, the Democratic Services Manager and the Procurement Manager. Where appropriate completing and returning a Conflict of Interest declaration which can be found on the intranet page [here](#) Procurement. Orders and contracts must be awarded in accordance with the Council's Contract Procedure rules and procurement process and no part of the local community must be discriminated against, and all suppliers should be treated equally and fairly.



### ***c) Procurement / Tendering Process***

Any procurement or tendering process must be seen to be open, fair and transparent.

You must adhere to the Council's Contract Procedure Rules and the Financial Regulations as contained within the Council's Constitution together with UK and EU legislation and any other laws and regulations.

Conflicts of interest must be declared in accordance with the procedure set out in 3.1(d) at any stage of the procurement lifecycle including:

- Pre-market engagement with companies or suppliers
- Development of Specifications
- Preparation and publication of procurement documents
- Evaluation and selection of suppliers
- Contract Management

## **3.4. Governance**

### ***a) Internal Audit and Risk Management***

In the event that you become aware of activities which you believe to be illegal, improper, unethical or inconsistent with this Code, you must report the matter in accordance with the Council's Whistleblowing Code which is linked [here](#).

### ***b) Corruption and Bribery***

It is an offence to bribe another person (i.e. promise or give a financial or other advantage to another person with the intention of inducing that person to perform improperly a function or activity).

You must ensure that you have read and understood the Council's Anti-Fraud, Bribery and Corruption Policy for Fraud which is linked [here](#).

### ***c) Gifts and Hospitality***

Details of all gifts and hospitality must be recorded (including any that are declined). As a general rule, you should not accept gifts from service users, contractors or outside suppliers, commercial partners, or sponsors. Examples of gifts and hospitality may include but are not limited to lunches and/or meals, payment for overnight accommodation, objects, favours, discounts, loans, legacies (gifts left in wills), alcohol or other things that are a benefit. This list is not exhaustive, which means that something which is not mentioned may still be considered a gift. Money must never be accepted as a gift in any circumstances.

There is a general exception to this rule in relation to gifts of token value which could include pens or inexpensive diaries, which could be received, for example at a conference you attend to develop your professional knowledge. There is no requirement to declare the gift in these circumstances.

Similarly, another exception in relation to gifts of token value may include situations where refusal would cause needless offence and the individual or entity offering the gift is not currently seeking a decision or business from the Council, but merely wishes to express thanks for advice, help or co-operation received.

There are some instances when a gift should not be accepted by an Officer, but it may be appropriate to accept the gift for the purpose of donating the gift to charity. This is subject to the approval of the relevant Head of Service/Corporate Director/Chief Executive Chief Operating Officer or relevant Corporate Director/Head of Service and in conjunction with the permission of the person or entity offering the gift.

When a gift has to be refused and/or returned this should be done with tact and courtesy so as not to cause offence.

You, or anyone you have a close personal relationship with, should not benefit from your position at the council beyond the pay and reward schemes already in place. Decisions on Council Services, or the quality of Council Services, should not be, or perceived to be, inappropriately influenced. As a general rule, offers of hospitality and/or gifts should be declined.

You must never accept gifts or hospitality in the following circumstances:

- As motivation or reward for delivery of a Service
- Where acceptance placed you under inappropriate obligation
- If acceptance could be open to misunderstanding

The central test to apply in any situation is "*What would the man or woman in the street think?*" Ask yourself whether they would think you might be influenced in your future conduct by the gift or hospitality offered. Would they think that your past conduct might have been influenced by the hope of, or designed to encourage, such a gift of hospitality? If the answer to either of this is "yes" you should refuse this offer.

This is guidance only, and it is impossible to prepare guidance to cover all situations. If you are in doubt or have any queries, you should always consult Member Services and/or the Monitoring Officer.

To record receipt of a gift, or any gift that has been not accepted, Employees must, with 7 days of receipt complete the form found on the intranet page 'Conduct and condition' and linked [here](#). A copy of the completed form must be returned to member services – [MemberServices@westlancs.gov.uk](mailto:MemberServices@westlancs.gov.uk) and will then be notified on the register of interest.

It is a criminal offence for you corruptly to 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. It is for you to demonstrate that any such rewards have not been corruptly obtained. Failure to comply with these standards could lead to disciplinary action and possible prosecution under The Bribery Act 2010. On conviction, penalties include up to ten years imprisonment for individuals or unlimited fines. You should refer to the Council's policy as appropriate.

#### ***d) Information Governance***

You must ensure that you follow the Council's information governance and data security policies and procedures, which can be located on the Intranet.

#### ***e) Information Disclosure and Confidentiality***

As a Council employee, you may obtain information that has not been made public and is still confidential. You must never disclose information given in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it or unless you are required to by law.

You must not disclose confidential information or information obtained by virtue of your role for your own personal use or for use by anyone else known to you, or to the disadvantage or the discredit of the Council or anyone else.

You must always observe the provisions of the Data Protection Act 1998, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Council's procedures for the release of personal information held about other employees or members of the public.

Breach of confidentiality may be considered a disciplinary offence, which could result in dismissal.

### **3.5 Speaking on behalf of the Council**

#### ***a) Public Comment on Council Policy and Administration***

The Council's Communications and Marketing team are responsible for corporate communications on behalf of the Council. Only employees that form part of the Communications and Marketing team and that have been authorised to handle contact made by the media or make comment on behalf of the Council can make public comment of the Council's policy or procedures.

In the event a journalist or someone from the media contacts you, you should pass the information immediately to the Communications and Marketing team on the following details:

Jessica Hollingworth

Communications, Marketing and Engagement Manager

T: 01695 585185

E: [Jessica.hollingworth@westlancs.gov.uk](mailto:Jessica.hollingworth@westlancs.gov.uk)

CC: [comms.team@westlancs.gov.uk](mailto:comms.team@westlancs.gov.uk)

If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the Council.

Customer feedback from members of the public will be dealt with through the Council's Customer Feedback Policy. You are expected to be open and honest in responding to any complaints and investigation, and willing to assist as required.

#### **4. Health and Safety**

- 4.1.** All staff are responsible for ensuring that the health, safety and welfare of themselves and others are protected whilst undertaking work activities. Staff must follow the Council's Health and Safety Policy (available at <http://wlintranet/rules-and-regulations/corporate-health-and-safety/safety-policy-and-committee-meetings.aspx>) which defines duties and responsibilities.
- 4.2.** Staff must follow any other policies, risk assessments, procedures, safe systems of work, training or instruction provided to them as appropriate, which are put in place for the purpose of protecting people's health, safety and welfare.
- 4.3.** Staff are required to identify inadequately controlled health and safety risks arising through their work activities, and are required to communicate risks as appropriate via the correct channels, e.g. to a line manager or the health and safety service. Risks must be removed or reduced as far as possible in appropriate and timely fashion.

## **5. Reporting Breaches of Code of Conduct and Whistleblowing**

- 5.1.** Please see our Whistleblowing Policy located on the intranet and linked [here](#) for more details.
- 5.2.** Please note that the procedure set out in the Whistleblowing policy is designed to cover the situation where an employee has major concerns to report – there are other procedures in place to cover the reporting of minor/less serious concerns.