

 <p>Kaipara te Oranga KAIPARA DISTRICT The Oceans Two Harbours</p>	Title of Policy	Code of Conduct - Staff		
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1 Background

Implicit in our Staff values is the requirement for our behaviours to be beyond reproach.

As Staff of Kaipara District Council, our actions will be based on and guided by:

- The achievements of stakeholder satisfaction and quality **outcomes**.
- **Respect** for the needs, aspirations and values of individuals.
- **Openness, consultation** and **co-operation**.
- **Honesty, integrity** and **fairness**.
- **Excellence**, innovation and best practice.
- Cultural awareness and **sensitivity**.
- Environmental leadership **by example**.

The Code of Conduct - Staff deals with the way we go about our business and provides guidance on the standards of behaviour that are to be observed to ensure that these values are upheld.

2 Objective

The purpose of the Code of Conduct is to:

- Guide Staff making work decisions so that decisions are seen to be transparent and unbiased and without any perception of Conflict of Interest; and
- Assist Staff in assessing the possible impact of their own behaviour and interests on their roles with Kaipara District Council.

3 Definitions

Conflict of Interest

A "Conflict of Interest" is any financial or other interest or undertaking that could directly or indirectly compromise the performance of a Staff member's duties, or the standing of Kaipara District Council in its relationships with customers, ratepayers, stakeholders and members of the public. This includes any situation where actions taken in an official capacity could be seen to influence, or be influenced by, an individual's private interests. See the Conflict of Interest - Staff and Procurement Policies for more details.

Personal relationships

For the purposes of this Code of Conduct a "close personal relationship" includes:

- A Staff member's family (e.g. children, spouse/partner, parents, siblings, aunts, uncles, cousins etcetera - whether by blood or otherwise);

- Members of the same whanau or iwi as the Staff member with whom there is regular and close contact;
- Friends; and
- Business partners or associates.

Personal relationships do not include those with whom there is little regular contact or intimacy, such as casual acquaintances.

Contractor

A Contractor is someone who the Kaipara District Council engages to provide services or to complete projects for and on behalf of the Council.

4 Policy Statement

There are four key principles underlying the Code of Conduct that are applicable to all Staff of Kaipara District Council. These principles cover two main areas:

4.1 Personal Responsibilities as they relate to our behaviour

- Principle One: Personal Conduct.
Acting with integrity, professionalism and impartiality.
- Principle Two: Interactions with others.
Treating others with courtesy and respect and working within the boundaries of our assigned responsibilities and professional competence.

4.2 Legal Obligations as a government organisation with decision-making and regulatory responsibilities

- Principle Three: Fulfilling legal obligations to the organisation.
- Principle Four: Fulfilling legal obligations to the community.

The Code of Conduct is supplemented by a range of written policies providing additional relevant information or further detail. Breaches of this Code of Conduct will be dealt with as appropriate through Kaipara District Council's formal disciplinary procedures. The disciplinary action taken will be dependent upon the nature and circumstances of the breach and the outcome of the formal investigation.

This Code of Conduct applies to all permanent and temporary employees of Kaipara District Council and to all contractors to Kaipara District Council.

5 Principles

5.1 Principle 1: Personal Conduct

It is fundamental to the reputation of the Kaipara District Council that the Staff adhere to high moral and ethical principles in all of their dealings with members of the public (this includes customers, ratepayers and stakeholders), colleagues and the governance body.

The integrity and impartiality of Staff is paramount to the public and to the Council's trust and confidence in Staff. Staff should always act with integrity and all actions should be able to withstand the closest of

public scrutiny. The public must have no basis on which to believe that decisions are made, or policies are applied, inappropriately or unevenly.

Performance of Duties

There is an accepted obligation on all employees to properly perform the duties for which they are paid. This obligation includes the following duties:

- To obey the law.
- To obey all lawful and reasonable employer instructions and to work as directed,
- To be competent and efficient in the performance of assigned duties.
- To refrain from conduct (such as the use of intoxicants) which might impair work performance or bring the Kaipara District Council into disrepute.
- To consult their employer before undertaking secondary employment, which, in the opinion of the employer, might conflict with official duties.
- To show reasonable care and neither use, nor allow the use of, Kaipara District Council property, resources or funds for anything other than authorised purposes.
- To incur no liability on the part of the employer without proper authorisation.
- To comply with all Kaipara District Council policies in their work.
- To comply and obey all traffic regulations.
- Dress appropriate in suitable work attire.
- To be absent from the workplace only with proper authorisation.

Avoidance of Conflicts of Interest

It is fundamental to the protection of the reputation of Kaipara District Council that no members of Staff have, or appear to have, a conflict between their official responsibilities and their personal interests. Staff should refer to the Council's policy on Conflicts of Interest for Staff for further information.

Offers of Gifts or Gratuities

Staff must not use their official position for personal gain. This means not soliciting or accepting gifts, rewards or benefits which might compromise, or be seen to compromise, their integrity and the integrity of Kaipara District Council and local government in general. Staff should refer to the Council's policy on Conflicts of Interest for Staff for further information.

Employment or Business Interests

Before accepting secondary employment or becoming involved in external business interests (including investments or new business proposals), Staff must first ensure that the nature of the role, the secondary employer or the business interest does not cause a Conflict of Interest with the individual's or the organisation's roles and responsibilities. Staff should refer to the Council's policy on Conflicts of Interest for Staff for further information.

Personal Behaviour

As a general principle, Staff members' personal behaviour that does not interfere with the performance of their official duties, or adversely reflect on the integrity or standing of Kaipara District Council, is of no concern to the organisation.

However, Kaipara District Council has a legitimate interest where the private activities of Staff discredit Kaipara District Council in its relationships with members of the public.

Whether such activities constitute misconduct will depend on the circumstances in each case.

Fraud Policy

As a local government organisation, Kaipara District Council must be seen to uphold the highest standards when it comes to matters of integrity. The organisation is required to provide confidence to the community regarding the administration of ratepayer funds. A Fraud Policy has been designed to protect the integrity of our financial systems and assets from fraudulent internal activity. Staff should refer to the Council's policy on Fraud for further information.

Use of Kaipara District Council Plant and Equipment

All plant and equipment is to be used only for the purpose provided for, within the law (such as obeying the road rules when driving Kaipara District Council vehicles) and within the capabilities of the item.

Kaipara District Council plant or equipment is not to be used for private purposes without the written permission of the Chief Executive. This requirement is necessary due to issues relating to safety, insurance, protection of equipment and for fairness to all Staff.

5.2 Principle 2: Interactions with Others

Respect for the Rights of Others

We all have an obligation to treat our colleagues and the public with courtesy and respect. This includes:

- Avoiding behaviour which might endanger or cause distress to colleagues or otherwise contribute to the disruption of the workplace.
- Avoiding allowing workplace actions or relationships to adversely affect performance when undertaking official duties.
- Respecting the privacy of individuals when dealing with personal information.

Not discriminating against any person because of their sex, marital status, colour, race, ethnic or national origins, age, political opinion, employment status, family status, sexual orientation, disability, religious or ethical beliefs.

- Not harassing, bullying or otherwise intimidating colleagues or members of the public.
- Respecting the cultural background of colleagues and members of the public in all dealings.
- Having regard for the safety of themselves and others in the use of property and resources; and
- Respecting the rights of others in regard to access to computer systems, copyright, privacy, defamation, objectionable material and human rights.

Promotion of Third Party Interests

Staff must avoid acting on behalf of family, friends, business associates or organisations to which the Staff member belongs (except for professional associations where the Staff member is the recognised, approved nominee or spokesperson) as the representative of third parties in communications or negotiations with the Council, whether as the promotion of associated third party interests may be seen as impinging on the impartiality of the Staff member concerned.

Employees may be required by their position to reflect stakeholder views. To ensure that an employee is not seen to be favouring or promoting one party over another, impartial representation and communication is essential.

Limitation on Provision of Advice or Services

Employees must not offer advice or an opinion on matters that are beyond their technical or professional competence or provide services beyond their defined duties. This may result in some stakeholders being given an unfair advantage in receiving advice or services that are not generally provided and has the potential for allegations of providing inappropriate or unqualified advice to be laid. Except where this is explicitly part of their duties (i.e. written into their job description) employees may not:

- Complete statutory applications on behalf of an applicant;
- Assist stakeholders to complete Kaipara District Council documents;
- Amend Kaipara District Council records to the benefit of a stakeholder; or
- Provide any legal interpretation.

Where Staff are providing advice or support at the request of a member of the public, they must take care that the advice provided is not binding on the Council and may not be used against Council should a legal dispute or enforcement situation occur.

Publications or Public Addresses

From time to time, Kaipara District Council officers may be invited to present papers on Council policies or processes or wish to cite Kaipara District Council as an example or case study in a professional publication or as part of academic studies.

Where the Staff member is presenting the paper or writing the publication in his/her capacity as a Kaipara District Council Staff member, the content of the presentation or publication must receive prior approval from their Manager. Kaipara District Council is the 'owner' of the policy or process being described, even if the work on the presentation or publication is undertaken in the Staff member's own time.

Where a Staff member is making the presentation or writing the publication as a private citizen, this must be explicitly stated.

In both cases, the Staff member must ensure that his/her duties do not bring Kaipara District Council into disrepute and that confidentiality of information is maintained.

Protocol for Access onto Private Property

There are a wide variety of reasons why Kaipara District Council Staff need to visit properties. It is important that all property visits are managed professionally and the property owners are treated with

courtesy and respect; regardless of the purpose of the visit, there should be no basis for a complaint regarding the level of service or the conduct of a Kaipara District Council employee.

As a general protocol the following steps should be observed:

- Advising the property owner of the visit beforehand, unless it is a compliance monitoring visit where prior notification is not appropriate or it is a visit to a suspected unauthorised activity.
- Contacting the owner/person in charge of the activity/property on arrival.
- If unable to locate owner/person in charge despite best endeavours, leave appropriate documentation so the person is aware of the visit and the purpose.
- Providing ID to verify authenticity.

Some Staff are issued with warrants which give them powers under a specific piece of legislation to enter private property without the owner's permission. A Court Order is required to enter a dwelling under those circumstances. Staff with warrants should check with their Manager if in doubt about the specific powers available to them under their warrant. In other instances, provided you are acting in accordance with duties and powers under either the Local Government Act 2002 or powers given under any other Act, at least 24 hours notice must be given. If you are a visitor to the property for a non-statutory purpose you are subject to the laws of trespass.

5.3 Principle 3: Fulfilling Legal Obligations to the Organisation

As employees of Kaipara District Council, the first priority is to implement the policies of the Council of Kaipara District Council. In doing so, it is important that all actions and behaviours can withstand the closest of public scrutiny.

The Local Government Act 2002 sets out the principal responsibilities of Chief Executives and therefore by implication local government employees. One of the main responsibilities of Chief Executives is for the general conduct of employees of the organisation. Other responsibilities include providing advice to the Council and implementing the decisions of Council. Employees are therefore obliged to serve their Councillors within the law, with integrity and to the best of their ability.

The levels of funding and levels of service in the Long Term Plan (LTP) are irrevocable once finalised, unless a change is agreed to by the Council and forms the basis of all work programmes for the organisation.

Council as Decision-Maker

Employees have a role of assisting with the development and implementation of Council's policy with responsibility for providing honest, impartial and comprehensive advice and for alerting the Governance body to the possible consequences of following particular policies, including unlawful decisions, whether or not such advice aligns with the governance body views. During the decision-making process employees must not attempt to undermine or improperly influence Council policy (for example, by the unauthorised release of official information), withhold relevant information or seek to obstruct or delay a decision. Once Council has made a decision it is the duty of employees to implement that decision within the law, whether or not they agree with it.

If employees find themselves in a situation where their conscience constrains them from carrying out a lawful instruction they should discuss the circumstances and options with their immediate Manager. Employees must not do anything to circumvent or undermine Council's policies.

Private Communication with Governance Members

Generally, employees have the same rights of access to the Governance body as other members of the public. However, given the requirement for employees to remain politically neutral in their work, care and judgement must be exercised before making any private communication with the Governance body.

As a general guide:

- Employees may communicate privately with any member of the Governance body about matters outside their official duties, but employees occupying senior positions or working closely with the Governance body should exercise particular care with such communications.
- Employees may communicate with any member from the Governance body about matters concerning their section, but only after the matter is discussed with the Chief Executive.
- Where a matter is raised directly with a member from the Governance body, the organisation may be directed to provide a suitable response via the Chief Executive.
- An employee is entitled to the same information or level of detail in a response as would be given to any member of the public under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987.

Public Comment on Council Policy

Certain employees are authorised to respond to media requests for comment about aspects of Council policy or its implementation or administration. In general, enquiries from the media should be referred directly to the Community Engagement Manager in the first instance. Official comment on behalf of Kaipara District Council should be made only by employees authorised to do so.

Political Participation

Staff must ensure that their participation in political matters does not bring them into conflict, or apparent conflict, in their workplace where they are required to act in a politically neutral manner.

It is important to maintain the organisation's and the public's confidence in the impartiality of the advice given and the actions taken by employees. Determining what is appropriate in any particular case will depend on the extent of the participation of the individual, the nature of the issue and the position held within Kaipara District Council.

Standing for Political Office

From time to time an employee may wish to pursue a direct political involvement at a local, regional or national level. Because a Conflict of Interest could develop any such interest must be registered with the Chief Executive well beforehand.

The Chief Executive reserves the right to consider each situation on its merits and one of three determinations will be made:

- No serious Conflict of Interest exists;

- A Conflict of Interest exists but can be satisfactorily mitigated by a change in work location or duties, or taking leave during the period of the election campaign. The feasibility of such a change being made shall be dependent on organisational requirements and at the Chief Executive's discretion.
- A Conflict of Interest exists and ongoing employment with Kaipara District Council is incompatible with campaigning and/or holding office. In such a situation the employee or contractor must decide which they wish to pursue. In this case leave of absence may be offered at the discretion of the Chief Executive during campaigning and if elected resignation will be necessary.

Participation in Public Bodies or Voluntary Associations

Employees are free to stand for, or be appointed to, any office or position on a voluntary body. However, if there is any possibility of a Conflict of Interest they should first inform their Manager of their intentions to ensure that no conflict exists between such participation and their duties and responsibilities as an employee. If the Manager considers that there would be a Conflict of Interest arrangements need to be made to avoid or resolve the conflict. This may require that an employee is asked not to stand for office or to resign a position already held.

Confidentiality

Employees have a duty not to reveal or make private use of personal, confidential, sensitive or other non-public information obtained as a result of their employment and to which they have had official or unofficial access, unless required by law to disclose the information. In this context 'confidential or sensitive information' includes information which, while not explicitly labelled 'confidential' or 'sensitive', is not available to a member of the public.

Employees shall not, either during their employment or after its termination (however caused), disclose or use in any manner except for the benefit of Kaipara District Council any confidential or commercially sensitive information relating to the operations of Kaipara District Council, any associated body or company or any application made to Kaipara District Council by another party which was gained during the course of employment with Kaipara District Council, unless ordered to do so by a Court of competent jurisdiction, or by the written direction of the Chief Executive on behalf of Kaipara District Council.

Duty to Report Unauthorised Activities

We all have a responsibility to respond appropriately to unauthorised activities observed during the course of our daily work; effectively taking a wider responsibility for the environment than that defined by our individual job descriptions.

An appropriate response includes:

- Reporting unauthorised activities that are having, or could have, significant adverse effects.
- If in doubt about the significance of the incident telephone the hotline anyway.
- Taking photographs if possible.
- Our priority is to minimise adverse effects resulting from an unauthorised incident. However, non-trained Staff should only take physical action to minimise an adverse effect if there is no significant risk to themselves or any other person.

5.4 Principle 4: Fulfilling Legal Obligations to the Community

Employees of Kaipara District Council are expected to fulfil their legal obligations to members of the public (including customers, ratepayers and stakeholders), members of the Governance body and fellow colleagues with professionalism and integrity.

Professional Relationships with Governance Members

Employees must maintain a professional and impartial relationship with the Governance body. This convention of political neutrality is designed to ensure that employees can provide strong support for the good management of the natural resources of the Kaipara Region over the long term. It is imperative that employees avoid public criticism of members of the governance body or any other action that undermines their performance of their professional duties.

Comment on Submissions

Staff have the ability to have input, through internal processes, into the development of Kaipara District Council policies and practices that they will be responsible for administering or implementing. Any concerns about such matters must be expressed through internal processes only.

When making submissions as a citizen to Council committees or other bodies, Staff must make explicit the role in which they are making their submissions.

Individual Comment

In general, employees have the same rights of free speech and independence in the conduct of their private affairs as other members of the public. However, they also have a duty not to compromise Kaipara District Council by public criticism of, or comment on, Council policy.

Employees should ensure that their contribution to any public debate, or discussion on such matters, is appropriate to the position they hold and is compatible with the need to maintain a politically neutral position. Employees occupying senior positions, or working closely with members of the governance group, need to exercise particular care in this regard to ensure that they do not say anything that may influence public perception one way or the other prior to a Council decision being made.

In general, personal comments made by employees on matters of Council policy would be regarded as unacceptable if they:

- Revealed advice given to the Council during Public Excluded sessions of Council meetings;
- Used or revealed any information gained in the course of official duties where it would be protected by the Privacy Act 1993 which was not already known by, or readily available to, the general public;
- Criticised, or suggested criticism to, a proposed or actual Council policy or Council programme, or that of any other Council with which the individual was professionally involved;
- Purported to express or imply a Kaipara District Council view, rather than clearly expressing a personal view;
- Gave openly partisan support to, or criticism of, a political party or Council candidate;
- Made a personal attack on members of the Governance body, work colleague or any other local government employee; or

- Criticised a colleague to a sufficiently strong and/or persistent extent so as to call into question the employee's ability to impartially implement or advise upon a Council policy.

Release of Official Information

The disclosure of Official Information is subject to the requirements of the Local Government Official Information and Meetings Act 1987 (LGOIMA). It should be noted that all information is Official Information and all Official Information is discoverable. The general principle of this Act is that information should be made available on request, unless there are compelling reasons (as detailed in the Act) why it should not.

Official information should be released only in accordance with these requirements and by Staff authorised to deal with requests for information. The information that is required to be protected from disclosure is that which is confidential and/or otherwise protected by the Local Government Official Information and Meetings Act 1987.

Staff authorised to respond to requests made under the Local Government Official Information and Meetings Act 1987 should exercise proper care and discretion in the application of Kaipara District Council procedures. In cases of doubt, Staff should seek guidance from their General Manager. Should the release of sensitive material be required, Staff should ensure that the Chief Executive is notified well in advance of any information release.

It is unacceptable for Staff to make unauthorised use or to disclose information to which they have had official or unofficial access. Whatever the motive, such employees betray the trust put in them and undermine the relationship that should exist between the Governance body and the public. The unauthorised disclosure of information may lead to disciplinary action including dismissal.

Taking part in Political Campaigns

It is suggested that Staff in their private capacity do not take part in any activity related to the election campaign of a current or potential Elected Member. Such activity may include:

- Attendance at private campaign strategy meetings.
- Organising public meetings.
- Taking part in any activity that could be seen to be a campaign activity (such as canvassing, or writing speeches).
- Writing letters, media releases or speeches clearly linked to a candidate's campaign.

If an employee does intend to engage in such activity they need to make their Manager aware. Some staff have regular duties which require writing media releases, letters, speeches and carrying out administrative tasks for current Elected Members. Care should be taken to ensure such activities cannot be directly linked to any political campaign.

Staff are free to attend public meetings at which candidates are presenting themselves for election.

Provision of Information to Candidates

All information held by the Council is official information. Where Council information is requested by and supplied to a candidate (including a current Elected Member), it should be assumed that that information

may be used for campaign purposes. The information should be made available to other candidates on request.

Use of Council Resources for Campaigning Purposes

No Council resources (including but not limited to computers, email, mobile telephones, facsimiles, stationery, photocopiers, stamps, cars and venues) should be used for campaigning purposes. Council-arranged or supported forums or meetings must not be used for campaigning purposes. Staff must not send or forward emails either internally or externally which seek support for a particular candidate or candidates, or use a Staff meeting as a platform for encouraging such support.

Council Publications, Website and Other Forms of Communication

All candidates should have access to the same communication platforms. The Council website giving details of sitting members will remain as current information. However, individual profiles or news releases in the names of individual members will discontinue.

Staff should ensure their activities are consistent with the Controller and Auditor-General guidelines "Good Practice for Managing Public Communications by Local Authorities". A copy is available from www.oag.govt.nz/2004/public-communications/

Eligibility of Council Employees to Stand for Election

The law requires that a Council employee who then becomes an Elected Member must resign from their position as an employee of the local authority before taking up their position as an Elected Member.

Protected Disclosures

The Protected Disclosures Act 2000 recognises that there may be circumstances when it is difficult for Staff to report suspected wrong-doing through the normal channels in Kaipara District Council.

Parliament's aim in passing this legislation was to create an environment that encourages employees to report suspected serious wrong-doing by providing some protection for the employee. The Act sets out procedures to ensure that disclosures are given due consideration and are acted on within a prescribed timeframe.

Serious wrong-doing includes: unlawful, corrupt, or irregular use of public funds or resources; conduct that poses a serious risk to public health or safety, the environment, or maintenance of the law (including the prevention, investigation and detection of offences and the right to a fair trial); conduct constituting an offence; or conduct by public officials which is grossly improper.

Private Communication with Officials of Key Stakeholder Groups

Given the requirement for employees to remain neutral in their work, care and judgement must be exercised before making any private communications with officials of key stakeholder groups.

As a general guide:

- Employees may communicate privately with any key stakeholder group about matters outside their official duties. Employees occupying senior positions should exercise particular care with such communications;

- Employees may also communicate privately with any key stakeholder group about matters concerning their section, but such matters should first be raised with the Chief Executive;
- Where a matter is raised directly with a key stakeholder group, the organisation may be directed to provide a suitable response via the Chief Executive.