

From: Clare Sullivan
To: [REDACTED]
Subject: FW: LGOIMA requesting code of conduct information
Date: Friday, 28 August 2020 11:34:00 a.m.
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[HR_Policy_9.1_Code_of_Conduct.pdf](#)

Greetings

I refer to your email below requesting information on code of conduct.

Question 1. Yes, the Council has a Code of Conduct for elected members. This is attached.
https://www.dunedin.govt.nz/__data/assets/pdf_file/0016/58102/Code-of-Conduct-Oct-2019.pdf

Question 2. Yes, Council staff are subject to a code of conduct, this is also attached.

Question 2. Yes, the consequences if a member breaches the code of conduct are set out in the code.

Question 4, Who can make a complaint and the disciplinary process is also set out in the code of conduct for elected members.

Question 5. The consequences if a staff member breaches the code depend on the breach and the circumstances of the how it occurred, it can be anything from no action through to disciplinary action, warnings, performance management, and termination. The consequences are not necessarily tagged to the "rank" within the organisation.

Question 6. Anyone can make a complaint.

Question 7 Staff are notified in line with natural justice principles and our process adheres to employment case law and legislation. It can mean at times we may get external investigators to provide an impartial process when we are dealing with serious allegations.

Review of Code of Conduct.

Question 8. The Code of Conduct for Council was adopted on 25 October 2016. The Standards of Staff Conduct is currently under review.

Question 9 Council has a child protection policy.

Question 10 The Council's Code of conduct details the matters it covers.

Question 11 - 13. There have been no complaints in relation to inappropriate behaviour with youth.

I trust this answers your request.

Regards

Clare Sullivan

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Please advise if you cannot action this request within the timeframe specified or if the gathering of the information will take longer than 1 hour, and if so please advise the amount of time.

If you require any further information or clarification please do not hesitate to contact me.

Regards

Rebecca Murray

GOVERNANCE SUPPORT OFFICER

CIVIC

P 03 477 4000 | **DD** 03 474 3487 | **E** rebecca.murray@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

Standards for Staff Conduct

Introduction

Council's employees should act reasonably at all times having regard to their individual conditions of appointment, the interests of the Council, and the public they serve.

Standards for staff conduct set guidelines for staff to ensure that:

- The Council runs efficiently and effectively.
- Staff are treated fairly and equitably.
- Disciplinary action does not come as a surprise to staff.

The following types of misconduct constitute a breach of the Council's Standards for Staff Conduct. These lists should not be regarded as exhaustive as any other matters of a similar nature may lead to disciplinary action being taken. Furthermore, each individual case must be considered according to its individual facts. For example, a misconduct offence may, in certain circumstances, amount to serious misconduct.

Misconduct is divided into two groups:

1. **Misconduct**

Misconduct will usually lead to the disciplinary procedures being invoked.

2. **Serious Misconduct**

Serious misconduct will usually lead to summary dismissal, that is, dismissal without further warning and with immediate effect.

Misconduct

The following are examples only (i.e. not exhaustive) of misconduct:

1. Failure to follow standards for Staff Conduct, standard procedures issued by the departmental manager or other reasonable lawful instruction or procedure.
2. Use of offensive language to another employee during working hours or to a customer, a visitor, or contractor.
3. Wilful misuse of tools or equipment, or defacing Council property.
4. Reporting for work in such a condition that the employee is unable to perform the required duties in a safe and proper manner.
5. Leaving the employee's assigned place of work during working hours without authority.
6. Posting offensive notices on the internal notice boards or elsewhere in the workplace, or sending or posting offensive emails or messages.
7. Failure to observe posted safety rules, or working in an unsafe manner, or failing to make proper use of safety equipment when such equipment is installed or provided.
8. Waste of time or material.
9. Without good reason, failing to notify the supervisor that the employee is unable to commence work at the specified starting time.
10. Unacceptable and/or disruptive behaviour at the place of work.
11. Failure to report any workplace accident involving personal injury.

12. Habitual late arrival on duty.
13. Sleeping when on duty in the workplace.
14. Gambling on Council premises.
15. Poor performances or negligent, careless, or incompetent performance of duties.
16. Being in a department without proper purpose outside normal working hours.

Employees will receive two clear warnings before being dismissed, one verbal warning recorded in writing and one final written warning. After a final written warning employees may be dismissed with notice, or pay in lieu of notice, in the event of repeated misconduct.

The warning procedure may be applied to misconduct of a dissimilar nature and is not restricted to the repetition of a specific form of misconduct.

Serious Misconduct

The following are examples only (i.e. not exhaustive) of employee conduct that may amount to serious misconduct:

1. Fraudulent activity, which includes any dishonest or misleading statement made by an employee and/or conduct or omission which the employee knows, or ought to know, to be dishonest, false or misleading or likely to result in loss to the Council, its employees or any other person or corporation dealing with or through the Council and which also includes, (without limitation and by way of example only):
 - (a) Dishonestly taking, dealing with or concealing any thing, document, information or software which is the property of the Council or is under the Council's control;
 - (b) Taking or dealing without proper authorisation with any monies belonging to the Council or coming under the Council's control;
 - (c) Falsification of timesheets, or submitting false claims for expenses;
 - (d) Signing any document or making any statement without proper authorisation on behalf of the Council;
 - (e) Falsifying any of the Council's accounts or records;
 - (f) Conspiring with any other employee to engage in fraudulent activity;
 - (g) Unauthorised possession of Council property;
 - (h) Using the position of employment, or knowledge gained from that position, to obtain a benefit (whether financial or otherwise) for oneself or some third party other than the Council;
 - (i) Accepting without authorisation (other than remuneration by way of normal salary) any personal fee, reward, gift, gratuity or subsidy, of any description, including any holiday which is paid for or subsidised by a customer, or attempting to extract same whether on account of any services provided in the normal course of duty or otherwise. However, unsolicited gifts of \$50 value or less may be accepted, provided that such gifts are not accepted from any customer on a regular basis.
2. Unauthorised possession of, or bringing firearms or other offensive weapons onto Council property.
3. Without authorisation, either bringing or consuming intoxicating liquor and/or non-prescription drugs on Council premises. It is an offence to be under the influence of alcohol while on duty. (While it is not misconduct, any employee who is impaired by properly prescribed medication must be removed from the workplace.)
4. Being absent for five consecutive days without reporting (except where there are extenuating circumstances).
5. Behaviour affecting the safety of another employee, contractor, visitor or customer, or failure to report any unsafe equipment that may cause injury to a customer, contractor, visitor, or employee.
6. Wilful or grossly negligent damage to Council property.
7. Assaulting any person while on duty.
8. Possession of a customer's property without proper authorisation or possession of another employee's, or contractor's property, without the employee's, or contractor's consent.
9. Unauthorised possession of Council property.
10. Misuse of fire protection or safety equipment.

11. Refusal to perform legitimate work or walking off the job except where working conditions are deemed to be unsafe.
12. Acts threatening the quality of the Council's services and/or efficiency or acts considered detrimental to the safety of customer, visitors or contractors.
13. The disclosure to unauthorised persons of any confidential information concerning any customers, employees, or Council papers.
14. Failure to record and report any accident affecting customers.
15. Harassment or bullying of another employee or customer.
16. Using the employee's position of influence over a customer to cause the customer to enter into any relationship with the employee, or do any other thing which may result in any benefit (financial or otherwise) to the employee, or any relative of an employee, or which might cause the customer to suffer any loss or detriment.
17. Misuse of computers, e.g. use of pirated or unauthorised software.

Serious misconduct may result in the employee being dismissed without warning.

When it is alleged that an employee may be guilty of serious misconduct they may be suspended (usually for a period of up to 7 days) pending a full investigation of the alleged incident(s). A suspension of this nature will normally be on full pay. See clause 9.7.4.2.

Conduct Detrimental to the Best Interests of the Dunedin City Council

This may be treated as either misconduct or serious misconduct depending on the nature and severity of the offence in relation to the position held by the employee.

1. Conviction in a court of law of an offence, which is punishable by imprisonment.
2. Conviction in a court of law of an offence relating to the possession, receiving and/or supply of drugs.
3. The employee's off-duty behaviour brings the Council into disrepute.