



Ref: [REDACTED]

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23 August 2024

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[REDACTED]
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[REDACTED]

Dear [REDACTED]

**OFFICIAL INFORMATION REQUEST FOR DECLARATION REQUIRED OF OFFICERS
EMPLOYED BY NELSON CITY COUNCIL**

I refer to your official information request dated 30 July 2024 asking if "...there is an oath of office, or some equivalent declaration, that is required of officers employed by Nelson City Council. Are there specific oaths for specific departments within the councils operations, or a general oath for all departments? Is there a code of conduct, or equivalent statement, of expected standards of behaviour that is required of officers employed by Nelson City Council. Could you please send me copies of all relevant documents, or information as to where I can access the appropriate records...".

There is no specific oath for Officers at Nelson City Council or for certain departments. The *Employee Code of Conduct* sets out the standards of behaviour and conduct required of all employees at Nelson City Council (see enclosed).

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact LGOIMA@ncc.govt.nz.

Yours sincerely

Andrea King

Manager People and Capability

Encl: Employee Code of Conduct

Internal Document ID: [REDACTED]

Employee Code of Conduct

Effective Date **Jan 2019**
Reviewed **July 2023**

Next Review Date **July 2024**

Owner **Manager People & Capability**

1. Introduction and Purpose

At Nelson City Council we recognise that our people are our strength, and believe that we all come to work with the intention to do our best. We all work together to achieve our organisation's purpose of making Nelson an *even better* place, supported by our core values of Customer Focus, Teamwork and Integrity.

We are privileged to be able to make a real difference in our community through our work at Council. The unique rewards of working in the public sector go hand-in-hand with our responsibilities to serve our community well.

Our Code of Conduct describes the behaviours expected of all of us. It guides our judgement, choices and actions.

2. Scope and Responsibilities

This Code of Conduct applies to all employees of Nelson City Council, as well as all contractors and consultants who work with us. The expected behaviours described apply within work hours, *and* where conduct may impact Council's reputation, outside of work hours.

3. What it means to work for Nelson City Council

By choosing to work in local government, we are held to particularly high standards not only through legislation and by our local community, but also by each other. As public servants we are role models in our community. Through our stewardship we must always act in a lawful way; leveraging our resources to shape an exceptional place to live, work and play.

There are two features that are specific to working in a local government context:

- A Council has substantial powers and is responsible for spending public money, therefore the public expect high standards of professional behaviour and clear accountability; and
- It is a political environment and within this the relationship between staff and Councillors needs clear definition. Section 7 of this Code of Conduct helps us to define that relationship.

You will often have to make judgements and decisions, sometimes in difficult or complex situations. In those circumstances, your ability to demonstrate how you reached your decision is important (e.g. whether due to policy, procedure, evidence-based advice or best practice)

4. The valuable contribution we make

As employees of Nelson City Council, we have five key roles in our work:

- 1) To provide all the (independent, impartial and professional) advice and information the Mayor, Councillors, and Senior Leadership Team need to make sound and proper decisions.
- 2) To implement the decisions made by Council and its Committees in accordance with the resolutions they pass.
- 3) To undertake the work programme on, and provide and maintain the levels of service for all Council activities, as detailed in the Council's Long Term Plan.
- 4) To monitor and report on Council activities and their contribution to Community outcomes.

- 5) To stay abreast of changes in the political, legislative, environmental and technological environment, and any related updates to existing policies.

5. What you can expect Nelson City Council to do:

As your employer, you can expect Nelson City Council to:

- act in good faith towards you
- ensure safe and healthy (both physically and mentally) working conditions for you to do your job; including an environment free from bullying, harassment and/or discrimination
- demonstrate an active commitment to providing an inclusive workplace
- provide clear statements of duties and expectations
- have reasonable expectations for what you will achieve
- give regular and appropriate feedback to you about your performance
- seek feedback from you about our organisational culture
- provide appropriate training and opportunities for learning & development
- provide fair rates of remuneration for competence, responsibilities and performance
- be impartial and use fair recruitment and selection methods and processes
- keep you informed and updated about policies and procedures
- acknowledge that mistakes will sometimes happen and encourage you to learn and grow from them (see Just Culture)

6. What Nelson City Council expects of you:

As an employee of Nelson City Council, you are expected to:

- act in good faith towards your employer
- act lawfully, fairly and ethically
- carry out your duties in an efficient, safe and competent manner
- comply with all lawful and reasonable instructions and adhere to any delegated authority
- adhere to all Council policies and procedures (see Related policies, procedures and further information for a link to key documents)
- consistently promote and role-model our organisation's values
- build positive workplace relationships
- use any power or authority accorded to you because of your role, in an impartial, fair and reasonable way
- give information that is always accurate and make true declarations
- show reasonable care for Council property, resources, information and funds and neither use or approve them to be used for anything other than authorised purposes
- maintain any requirements for your position [eg. practising certificate or driver licence(s)]
- participate in team and organisation-wide initiatives such as performance management, team meetings, change management and learning & development opportunities

- avoid any activity (work related or private) that could reflect badly on Nelson City Council or jeopardise its relationship or reputation with stakeholders or the general public
- avoid or disclose any real or perceived conflict of interest.

Useful documents and principles: that set out Council's expectations in more detail include: our Customer Promise, Key Performance Indicators (KPIs) within the performance management framework and our Purpose and Values. Copies of these can be found on the intranet.

7. Working with the Mayor, councillors and political neutrality

All employees of Nelson City Council report, via their Manager, to the Chief Executive. The only role that reports directly to the Mayor and elected members of Council, is the Chief Executive. The reporting line means that the Mayor and councillors provide direction to the Chief Executive and the Chief Executive provides direction to our employees, through our leadership team.

7.1 Private communication with the Mayor and Councillors

You have the same rights of access to your local authority representatives as other members of the public. However, given the requirement for employees of Nelson City Council to remain politically neutral in their work, you need to approach such communication with sensitivity.

If you have a question about whether what you are being asked for is appropriate or able to be distributed to an elected member, please check with your Manager in the first instance.

7.2 Council employees as private individuals

As a Council employee you have the same rights as other members of the public. You are entitled to your own political views, can be a member of a political party and may stand for Council. If you wish to stand for Council you must talk with your employer before doing so, so that any potential or perceived conflict of interest can be managed.

However, you also need to be aware of the political environment you are working in and that action taken privately can impinge on your ability to perform your work duties. You must ensure that your activities and contribution to any public debate or discussion are consistent with the need to be politically neutral in your work. You should take care that your statements and conduct as a private citizen do not compromise your abilities to carry out your duties at work.

8. Integrity and Information

The integrity of Council employees is critical to the maintenance of public confidence in the Council, so it essential to not only act, but be seen to act, with integrity in all aspects of your work and perform your duties honestly and impartially.

8.1 Conflicts of interest

Because we are working together to make Nelson an even better place, we support our people to utilise their skills in the community. This means you are free to stand for, or service, any office or position on any public or voluntary body. However you must inform your direct manager of your intentions and level of involvement, to ensure no conflict exists (or potentially could exist) between your participation and your official duties.

You should carefully consider any personal, financial or professional situations which might compromise your integrity or otherwise lead to a conflict of interest.

Where your manager considers there is a conflict of interest (or potential conflict), it will need to be managed, or in some rare circumstances, avoided, in order to resolve the real or perceived conflict.

8.2 Handling Council information

All records and information created, received and used in the course of business (electronic or hard copy) are the property of Council. Most records are considered public information. This means that members of the public have the right to request records be made available for viewing, or copies provided to them.

We all have a responsibility to adhere to the Records Management Policy and Privacy (Personal Information) Policy and Breach Management Plan, which outline the information management standards that must be upheld, along with key responsibilities according to job role.

It's important to be aware that these policies are underpinned by and reflect the requirements of multiple legislative acts. These include:

- The Public Records Act 2005: which describes what records we need to create, how we maintain different classifications of information and how long we need to keep them
- The Local Government Official Information and Meetings Act 1987: which sets out our responsibilities in relation to public accessibility of meetings and information held by Council, including specific reasons under which information may potentially be withheld at a given time
- The Privacy Act 2020: which outlines principles to be followed in the collection, maintenance, use, correction and release of personal information about any individual.

8.3 Confidentiality

Maintaining confidentiality is an important consideration for us all. For example, there may be information that we are required by law not to disclose, or the information may be commercially sensitive.

In social situations outside of work you may find that people ask you questions about decisions made by Nelson City Council, or tell you about an issue that they have identified, through their genuine interest about what is happening in our city. If someone approaches you with a complaint, a question or a compliment, the simplest way to respond is to encourage the person to ring our contact centre on 03 546 0200 so it gets to the right person and can be actioned appropriately through the service request system. The contact centre service is available 24/7.

8.4 Media and public comment

The public have a right to know what Nelson City Council is doing and we utilise a variety of media to keep people informed. The Council's contact with the media is guided by our media policy, which is based on some key points:

- Only designated spokespeople may speak to the media or make public comment on behalf of Council. If you are not a designated spokesperson you must refer any media enquiries to the Communications team
- Do not give your personal opinion to the media, or to any other group or organisation seeking information on Council policy

8.5 Using the Council's computer systems

Our computer systems hold information that may be either confidential to our customers, or sensitive from a business perspective. Access to this information is provided only to those people who require it in order to do their job and are authorised to use it.

The Computer and Communications Systems Policy (see related link below) outlines the expectations of users including:

- You must keep your password/s confidential
- You are able to access the internet for limited personal use provided it does not adversely affect productivity or use unacceptable bandwidth. You are not permitted to stream radio or video for non-work purposes (e.g. Spotify, You Tube) or to play games online
- Accessing, downloading or storing material from inappropriate sites is strictly prohibited, as is sending or accessing inappropriate material via email
- If you have been issued a work cell phone, it is expected that you will use Wifi where available, in preference to mobile data
- Usage of all our systems is monitored

8.6 CCTV and electronic access information

We operate closed circuit television systems (CCTV) and an electronic access system within and around Council facilities. These systems collect and hold information which is used for the purpose of:

- Ensuring safety of people using our buildings and facilities
- Protecting Council assets

9. Values and Behaviour

In order to maintain the confidence the community has in us, it is essential that the behaviour and values that we demonstrate consistently reflect the high expectations our community has.

9.1 Working with family members or partners

It is the Council's policy that you should not have a partner or family member directly reporting to you, if you are in a management or supervisory role.

You need to ensure that any personal relationships do not affect your work or that of others. You must talk with your direct manager about any relationship that has the potential to do so.

9.2 Personal behaviour outside of work

You are expected to avoid any activity that could reflect badly on Nelson City Council or jeopardise its relationship or reputation with stakeholders or the general public.

You must inform your direct manager immediately of any criminal charges laid against you and any convictions you receive during the course of your employment.

Minor offences against the law outside of your work may be of no concern to the Council where they do not involve breaches of trust or acts of violence, or impair your ability to carry out your duties. However, each situation will be considered on its merits.

9.3 Attendance at work

Let your manager know as soon as possible prior to your usual commencement time if you are going to be unexpectedly late or absent from work.

For planned periods of leave, follow the approval process using Jade Star self-service (or the self-service rostering system if you work in Libraries), giving sufficient notice to enable you and your manager to ensure your workload can be managed in your absence.

10. A Just Culture

At Nelson City Council we use the principles of Just Culture. A Just Culture does not apportion blame; instead we determine the underlying causes of an event and identify ways of improving systems to prevent recurrence.

This means that we do not expect perfection, and acknowledge that human beings can make mistakes and in exploring events we take relevant factors into consideration.

See the [Health & Safety Manual](#) section on Just Culture, for more information.

11. What happens if something goes wrong and I breach the Code of Conduct?

In the event of a breach, we consider the principles of Just Culture along with the principles of good faith and Natural Justice. You will be given the opportunity to discuss the issues as explained in the disciplinary procedure.

11.1 What is Misconduct?

Misconduct is unacceptable conduct that does not meet our expectations as set out in this Code of Conduct or in our policies, procedures and guidelines. Misconduct may lead to a range of disciplinary outcomes such as a written warning, coaching or a performance improvement plan.

11.2 What is Serious Misconduct?

Serious Misconduct is unacceptable behaviour that seriously breaches our expectations as set out in this Code of Conduct or in our policies, procedures and guidelines. Such conduct may undermine the trust and confidence that we have in you, which may mean that the employment relationship cannot continue.

Serious Misconduct may lead to a disciplinary outcome, including dismissal.

More details about Misconduct, can be found in the disciplinary procedure.

12. What should I do if I see someone breach the Code of Conduct?

If you believe you have witnessed someone breach the Code of Conduct then there are several options available for you to address it:

- Speak with the person directly to check your perception (if you feel able to do this, use the Raising Delicate Issues model from the performance management handbook)
- Tell your Manager or a member of the Senior Leadership Team and agree next steps
- Make a Protected Disclosure as outlined in the related policy and procedure
- Notify our external reporting service Report It Now (0800 225 378 or www.reportitnow.co.nz)