

Code of Conduct for Employees



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Business

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2.04	21/06/2023	Following Policy Forum 20 June 2023.	Tracey Wall

Links and Dependencies

Council Website:

Customer Charter
Whistleblowing Policy
Anti-fraud and Anti-corruption Strategy
Information Security
Financial Regulations
Equalities
Anti-Money Laundering Policy
Disciplinary Procedure

Employee Website 'Our Derbyshire':

Internet and email staff guide
Internet, email and social media- acceptable use policy
Working Here – Employment Policies
Conditions of Service and terms and Conditions
Recruitment and Selection procedure
Dealing with the Media
Health and Safety
Employee Value Proposition
Working Arrangements Policy
Officer's Interests Policy

National Standards:

Minimum practice standards established by service regulators (e.g. Care Quality Commission)

Introduction

Everyone who uses Council services is entitled to expect the highest standards of conduct from Council employees and we are all responsible for delivering efficient and effective, high quality services in line with the Council Plan and to be an enterprising council, delivering value for money and enabling local people and places to thrive whilst respecting that individuals have the right to a private life

This code has been written to take account of the ‘Nolan principles’ also referred to as the seven principles of public life, which are the basis of the ethical standards expected of public office holders. They are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

To achieve this you must, whilst at work:

- Act fairly, honestly, objectively and to the best of your ability;
- Not allow personal or private interests to influence your work;
- Not do anything as an employee that may discredit the Council;

For further detail please see Appendix D to this document.

As part of our ongoing employee engagement programme, the Council has developed a People Strategy which sets out how the Council will enable and support employees through our people priorities and our employee values and behaviours. This can be found on Our Derbyshire – News and Engagement – People Strategy

If you don’t act in accordance with this Code of Conduct, whether intentionally or not, you may be in breach of your terms of employment and your actions may be investigated under the disciplinary procedure and could result in disciplinary action being taken.

All employees are required to comply with this document and acceptance of a contract of employment signifies you have received and agreed to these terms. If you have any uncertainties or are unsure how this document may affect you, please discuss these with your line manager.

Scope

The Code applies to all employees of the Council together with those working on behalf of the Council such as relief workers and apprentices. The principles and ethos set out in the Code should be adhered to by contractors, agency workers, volunteers, consultants and those on student / work experience placements. Those employed in schools where the governing body performs the function of the employer are subject to a separate school's Code of Conduct. The Code also applies to work related functions that take place outside of normal working hours.

Roles and Responsibilities

Managers

- Have a duty to implement this Code of Conduct in a fair and equitable way and to ensure that the employees they are responsible for understand and adhere to it.
- Have a duty to ensure that any complaints raised in relation to this Code are investigated appropriately, and that complainants are not penalised as a result of making a complaint.
- Must be aware of their own conduct and behaviour and how this can impact on other employees.
- Should demonstrate behaviours in line with the Council's People Priorities, including promoting diversity and inclusion, commitment to the engagement, nurturing and development of their teams, and supporting the wellbeing of their staff and be committed to any Council strategies designed to support this.
- Support their staff to deliver their roles in the most effective way.

Employees

- Have a responsibility to treat colleagues and service users with dignity and respect

- Must be aware of their own conduct and how it can impact on others within the workplace including being committed and motivated to carry out their role
- Should notify their manager of unfair treatment should they become aware of it or if they believe there has been a breach of this Code of Conduct and cooperate with any investigation regarding allegations made in relation to this Code of Conduct
- Must not make false or malicious allegations in relation to this Code of Conduct and be aware that such actions may be investigated under the Disciplinary procedure.
- Should ask for clarification on any aspect of the Code if they are unsure.

HR Advice and Support

- Will provide guidance to managers on the investigation of any complaints in relation to this Code of Conduct

Personal Behaviours

The Council expects certain standards of behaviour from its employees. You should ensure that:

- You treat colleagues, service users, and members of the public with dignity and respect
- You are committed to delivering quality services at all times working within the Council's Policies and Procedures
- You communicate openly and honestly with colleagues
- You carry out your duties in the best interests of our customers
- Your conduct is not discriminatory to others
- You do not use offensive or abusive language or behaviour or display offensive material
- You arrive for work punctually and fit to carry out your duties (this includes wearing your County Council ID badge and items of mandatory uniform or personal protective clothing that are supplied to you). You must not wear items of clothing displaying logos/images/messages/symbols that are likely to cause offence
- You take reasonable care of your own health and safety and others that may be affected by your work activities.
- You must not present for work whilst under the influence of drugs or alcohol.
- Where the behaviour or performance of employees falls below expected standards due to drugs, alcohol, or other substance misuse, this may be investigated under the Council's Disciplinary procedure.
- The Council expects the same standards of behaviour at work related social events and that you continue to treat colleagues with respect on such occasions

Employees should be aware that there are some circumstances where behaviour outside of work can impact on the employment relationship. If your conduct outside of work affects your ability to carry out your role, or could cause damage to the Council's reputation, you could be investigated under the disciplinary procedure.

Accountability

As an employee you are required to serve the whole of the Council and Elected Members equally. You are accountable for your actions and owe a duty to the Council and are expected, where it is part of your duties, to provide appropriate advice to Elected Members and employees with impartiality.

You must act in accordance with the principles set out in this Code and recognise the duty of all public sector employees to discharge public functions reasonably and according to the law.

Maintenance of Standards

The Council's Customer Charter tells the public what they should expect from us and explains what the Council expects from you in helping to deliver the Council's objectives.

If you are concerned about any practices you see at work and feel they may conflict with this Code, you should discuss it with your manager, or a senior staff member. You can also use the Council's Whistleblowing Policy, which enables such matters to be investigated whilst protecting your identity and confidentiality. For further information please see the Council website for:

- Customer Charter (Your council: Policies, plans and procedures: Customer Charter).
 - Whistleblowing Policy (Your council: Policies, plans and procedures: Whistleblowing policy).
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Disclosure of Information

You may have access to restricted, controlled, or confidential information in the course of your work. You must protect that information in accordance with the Council's policies and procedures and you must not disclose that information or use that information for your own purposes, benefit, or gain, or to discredit the Council, or pass information to others who may use it in such a way.

For further information please see the Council Website for Information Security - Our Derbyshire; Information Security

Political Neutrality

Some Council posts are designated 'politically restricted'. If you hold such a post, you will have been notified of this in your contract of employment. It means that you are required by law to observe certain restrictions regarding your out of work activities in relation to political activity.

Whether politically restricted or not, you must follow Council policies, and not allow your own personal or political opinions to affect or interfere with your work. The Local Government Act 1972 precludes employees of Derbyshire County Council from standing for office as a County Councillor for this authority.

If you are required to provide information or advice to an Elected Member, you should ensure that you remain politically neutral.

See Appendix A for more information.

Relationships

Personal Relationships

Information in this section should be read in conjunction with the officer's interests' policy

You must discuss with your manager any personal relationship with another employee if it is likely to cause a conflict of interest. You must not be involved in making decisions that directly affect your family, friends, or anyone with whom you have a close personal relationship; for example, recruitment and selection processes, disciplinary processes, decisions relating to pay, or tender procedures.

Mutual respect between employees and Elected Members is essential to the effective operation of good local government and working relationships should be kept on a professional basis. Close personal familiarity between individual Elected Members and employees can damage professional relationships and make working relationships difficult for other Elected Members and employees. Situations should be avoided that could give rise to improper conduct or the appearance of such.

Any close personal relationship with an Elected Member must be declared to your Executive Director and consideration will be given to adjustments in working arrangements to avoid any conflict of interest or perceptions of such.

If you have an official relationship with a contractor with whom you have previously had or currently have a close personal relationship, you should declare that relationship in line with the Officers Interests Policy.

Failure to declare close personal relationships, as detailed above, is a breach of the code of conduct and may be investigated under the Council's Disciplinary Procedure.

All orders and contracts must be awarded on merit.

For further information please see the Council Website for Financial Regulations.

Your council: Budgets and spending; Financial regulations

Personal Interests

You must declare in writing to your Executive Director any:

- Financial or non-financial interest which could conflict with the Council's interests.
- Interest in an existing or proposed contract with the Council.
- Membership of any organisation that could conflict with the Council's interests.

For further information please see the Council Website for the Officers Interests Policy

Equalities

The Council is committed to preventing discrimination and advancing equality of opportunity and providing fair access and treatment in employment and when delivering services.

You are expected to comply with and support the Council's Equality and Diversity Policy and promote its objectives and you must familiarise yourself with this document and understand your responsibility in implementing it.

For further information please see the Council Website for Equalities.

Our Derbyshire; Equalities

Additional Employment

The Council accepts that all employees have a right to a private life and recognises that employees may take secondary employment, either within or outside of the Council. You should ensure that any secondary employment you undertake does not conflict with your role within the Council.

If considering taking secondary employment you should read the specific guidance given at Appendix B to ensure you understand the implications of this.

In relation to the provision of private care, employees must never influence, or seek to influence, a client or carer to agree to the provision of private care work from a particular private care provider. Likewise, if an individual or carer approaches you seeking such a service, or advice about such a service, then you must immediately report it to your line manager.

You must not use your position to develop or promote your own business whilst in the employment of Derbyshire County Council.

Use of Council Property

You must not use Council facilities, equipment, or vehicles for your own personal use unless you have been given advance approval by your line manager.

Council telephones and mobile phones should not be used for personal calls and use of personal mobile phones should be in your own time. If you cannot avoid making or receiving a personal call whilst at work, you should keep it as short as possible.

If you work directly with clients, you must not use your mobile phone during the provision of the service. Landlines, if available, must only be used for emergency calls with mobile phones switched off unless agreed with your line manager.

Internet & Email & social media should only be used in accordance with the agreed policies. In particular employees should be aware they must not make confidential information accessible, including information about clients, carers or colleagues, or publish comments that could be perceived as derogatory, abusive or damaging to the Council or other employees.

For further information please see the Council Website for use of Internet and Email.

Safekeeping of Equipment and Information

You are responsible for the safekeeping and proper use of any equipment issued to you and must take reasonable steps to protect it from theft or damage for example do not leave equipment visible in an unattended car.

You are also responsible for ensuring that you process all information in accordance with the Council's policies and that all confidential information is kept secure.

For further information please see the Council Website for Data Security which includes the corporate data protection policy and GDPR advice for employees and the Councils working arrangements policy and can be found on; Our Derbyshire; Working Here; Working Arrangements Policy

Intellectual Property

Intellectual Property, for example, computer programmes or written documents, is property which enjoys legal protection and therefore belongs to the Council not to you personally, even if you have created it at work.

You must not make use of the Council's intellectual property to conduct private work.

Any copies of material taken for use within the Council must only be for use in connection with your role in the Council.

Corruption

It is a serious criminal offence for you to offer, provide or receive something of value – such as cash, gifts, loans, as an inducement or reward for doing or not doing something, or for showing favour or disfavour as part of your job.

For further information please see the Council Website for:

- Anti-Fraud and Anti-Corruption Strategy
- Anti-Money Laundering Policy
- Officers Interests Policy

Your council; Policies, plans and procedures; Corporate Governance

Gifts, Hospitality & Legacies

You should not accept gifts or hospitality from customers, contractors, or service users, if this could place you under an obligation.

Token items up to a value of £50 may be accepted but should be reported to your manager. Typically, this might include chocolates / calendars / pens. Items over £50 should be refused. You must not accept cash, or gift vouchers in any circumstances.

You should only accept hospitality (meals / refreshments) if you are representing the Council. See Appendix C for more detail.

People wishing to make a monetary gift should be advised to donate to charity or an establishment's amenity fund which is the recognised alternative to a monetary gift.

Legacies

Monies or gifts left by a client or service user in a will should never be accepted. If you believe you may become a beneficiary of a service user's will or the will of an individual you have had a professional relationship with as a result of your employment, (this included family members of a service user), you must be report it to your line manager, who will be advised by Legal Services on how to proceed

You must not in any circumstances become involved in any matters relating to a will. You are prohibited from the following:

1. Soliciting any form of bequest or legacy from a service user
2. Offering advice or an opinion
3. Advising an individual on the contents of a will or in connection with any other personal financial matters. (Appendix D)
4. Acting as a certificate provider for a Lasting Power of Attorney
5. Acting as a witness or executor or trustee
6. Any involvement with any other legal document
7. Provide any personal recommendations of legal or professional advisors.

If you were not aware of being named in a will and the person has died, you must refuse the bequest. The fact, if known, of being a named beneficiary must be reported to your line manager immediately. The refusal should be made by a disclaimer and legal services will provide further advice.

If you do not refuse an offer of gifts of over £50 or you do not refuse a bequest in a will, this will be considered a breach of your terms and conditions of employment, and code of conduct, and will be considered a reputational risk to the business. Consequently, you

could be subject to investigation under the disciplinary procedure, one result of which may be dismissal.

Legacies made for the benefit of Adult Social Care clients, in either residential or community settings, can be accepted. Where the value of the legacy is under £2,000 the money can be held within the Amenity Fund of the relevant establishment.

For legacies over £2,000 the money should be held in a Trust Fund where it will attract interest. To create a trust fund for a new legacy contact Finance Management (ASCH) team in Corporate Services and Transformation.

Sponsorship

Before agreeing any sponsorship deal on behalf of the council, you will need the approval of your Executive Director. You should also talk to them if you think you may have a conflict of interest with a potential sponsor. If an outside organisation is seeking to sponsor the Council, you must bear in mind the Code's provisions in relation to gifts and hospitality

If you are in a position to influence the provision of grant aid to an organisation, you must not be involved in the decision making process if you have a close association with the organisation concerned or anyone involved in the organisation.

Contact with the Media

Any enquiries from the media should be referred to the Publicity team within Organisational Resilience, People and Communications division. You should not speak to the media on the Council's behalf unless you have prior approval. You should also familiarise yourself with the guidance on dealing with the media on Our Derbyshire.

Our Derbyshire; Working here; Marketing guidance and corporate style; Dealing with the media.

If you wish to publish books, articles, or letters you have written in connection with your duties, you must first consult your Executive Director. Only with their consent may items be published.

A number of additional sources of guidance are listed here. However, this list is not exhaustive, and you should ensure that you familiarise yourself with any professional

standards and relevant guidance which may be provided in respect of your particular area of work. Any queries in this respect should be addressed to your manager or the Advice and Support Team. For further information please see the Council website for:

- Employment Policies
- General Conditions
- Disciplinary Procedure
- Minimum Practice Standards Established by Service Regulators (e.g., Care Quality Commission)
- Codes of Practice Established by Professional Bodies (e.g., Health and Care Professions Council)

All related documents are available on Our Derbyshire and can be downloaded. Alternatively, hard copies of all related documents are available from HR Services.

Transactions, Correspondence, Legal and Financial Business

Cash of any amount, or the offer of a personal loan must always be refused.

Sometimes residential day care legacies or donations are made to amenity funds by way of a gift. This must be officially receipted and signed by the manager and donor, or other counter signatory and dealt with in accordance with the council's financial regulations.

The guidelines below must always be followed:

Day to day transactions

When dealing with day to day transactions as part of a care package, you must ensure you identify and protect yourself from situations where your integrity might subsequently be called into question. If a client requests a transactional service that is not in the support plan, you must explain that you cannot comply with the request and report the incident immediately to your line manager.

On all occasions when a service is provided for day to day support, you must:

- Ensure you are familiar with the Council's Financial regulations, particularly in respect of cash handling;
- Always obtain receipts;
- Keep written records of transactions including amount taken, cost of transaction and amount returned to the client (client / carer to countersign where appropriate), and you also need to sign (dependent upon residential or community);
- Always vary routine when collecting cash amounts to avoid risk of personal injury and theft;

- Avoid handling substantial amounts of cash at any one time;
- Never obtain a client PIN number unless prior agreement with the assessor / line manager has been reached and adequate security measures to protect the PIN are in place;
- Never gainfully utilise personal store cards or reward cards whilst undertaking activities for a client;
- Never use a client's credit card.

Before agreeing to handle clients' personal cash you must satisfy yourself that an appropriate assessment, including risk assessment, has been carried out particularly where clients are unable to advocate for themselves. Any legal agreements must be recorded, such as power of attorney and any best interest decisions.

Any concerns about dealing with clients' finances must be reported to your line manager immediately.

You must never use your own bank account to clear client cheques or offer any other personal support with their finances.

Political Restriction on Council Employees

Standing for office as an Elected Member

No employee of Derbyshire County Council may stand for office as a County Councillor for this authority. This is a restriction under the Local Government Act 1972.

You may stand for office in other elections, providing any conflict of interest is declared.

Politically restricted posts

Certain posts within the Council are designated 'politically restricted'.

If you hold such a post, you will have been notified of this in your contract of employment. It means that you are required by law to observe certain restrictions regarding your out of work activities. For example, you may not:

- Stand for election to local authorities (except Town or Parish councils);
- Stand for election to the House of Commons or the European Parliament;
- Hold office in a political party;
- Canvass at elections;
- Speak or write publicly on matters on party political lines.

If your role is politically restricted because it is a 'specified' post – i.e., a particular named post then there is no right of appeal against political restriction.

If your role is politically restricted because it is a 'sensitive' post – i.e., giving advice to or speaking on behalf of the authority, there is a right of appeal.

For more advice speak to your Advice & Support Team.

All employees

All employees, regardless of political restriction, if required to advise political groups, must do without compromising their political neutrality, i.e., you must not allow your own personal or political opinions to interfere with your work.

Appendix B

Employees Taking Secondary Employment

The Council recognises that employees may undertake secondary employment (either within or outside of the council).

A second job for the purpose of this advice is any job, paid or unpaid, with any employer and or any type of self-employment. The carrying out of public duties does not count as a second job.

Any secondary employment you undertake must not, nor have the potential to:

- Create a conflict of interest, for example, working for a company that either supplies or buys from the Council, or is in competition with the Council;
- Overlap with official duties;
- Make use of Council resources (including knowledge, property or equipment);
- Weaken public confidence in the Council;
- Bring the council into disrepute, for example by undertaking an activity that could be deemed to be incompatible with your role;
- Affect your performance or duties whilst at work.

Any secondary employment you undertake must:

- Be undertaken outside of your working hours with the Council;
- Be undertaken away from your place of work.

If undertaking secondary employment outside the Council, you must declare this to your Executive Director and agree that it be recorded on any register of secondary employment maintained by your department.

You will be expected to inform your manager of:

- The name of your second employer;
- The type of business in which the second employer is involved;
- The type of work involved;
- The proposed hours of work.

When considering accepting secondary employment, either within or external to the County Council, you must consider the implications of the working time directive which stipulates the maximum hours you should work in a week and required rest breaks. In particular, if you will be working over 48 hours per week in your combined roles, you must inform your manager, as this is in contravention of the Working Time Regulations, and you may be required to sign an opt out agreement.

If any conflict between your roles is identified, you must resolve the conflict in favour of your role and duties with the Council.

This appendix should be read in conjunction with the Officers Interests Policy.

Appendix C

Gifts

You may accept 'token' gifts from customers, contractors, or service users up to the value of £50. Acceptable examples are calendars, diaries, pens, or chocolates. All gifts should be reported to your manager.

You must not accept gifts worth more than £50 and you must report such offers to your Executive Director.

You must refuse any offer of a gift where you suspect that an improper motive may exist – i.e. the giver is seeking to influence your decisions or actions and you must report such offers to your Executive Director. This is the case regardless of the monetary value of the offer.

In no circumstances should you accept a monetary gift, (including gift vouchers) and again, you must report such offers to your Executive Director.

Hospitality

You should only accept hospitality (meals / refreshments) if there is a genuine need to impart information or to represent the Council. You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the Council.

You should report the offer of hospitality, whether accepted or not, to your line manager, and should ensure that all such offers are recorded in the appropriate hospitality register.

Appendix D

Ethics Statement

Derbyshire County Council works with private, public and non-profit sectors to provide a range of services to the community. Accordingly, organisations, service providers, small businesses and individuals can expect high standards of ethical behaviour from Officers. Underpinning these expectations are our organisational values. They drive our behaviour and reflect how we conduct ourselves in our business.

This Statement provides guidance regarding the standards of ethical behaviour that organisations, service providers, small businesses and individuals can expect from Officers and that are expected of them, in their dealings with Council. Our values guide our actions in conducting business in a socially responsible and ethical manner. As an organisation, and as individuals, we respect, apply and comply with the law, support human rights and equal opportunity, protect the environment, achieve operational excellence and work for the benefit of our communities. Officers will, at all times, act with honesty and integrity in an open and transparent manner, performing their roles efficiently, effectively and fairly, thereby attracting the highest level of confidence from our community.

The Council's Code of Conduct for Employees sets the requirements of conduct in carrying out their functions. The Code of Conduct has been developed to assist Officers to:

- (i) Understand the standards of conduct that are expected of them;
- (ii) Enable them to fulfil their duty to act honestly and exercise a reasonable degree of care and diligence; and,
- (iii) Act in a way that enhances public confidence in the integrity of local government.

Key Principles

This statement is based on a number of key principles and sets out standards of conduct that meet these principles and statutory provisions applicable to local government activities. The key principles are:

- (a) Integrity

We must not place ourselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

(b) Leadership

We have a duty to promote and support the leadership of the Council in order to maintain and strengthen the public's trust and confidence in the integrity of the Council. By doing so we promote public duty to others in the Council and outside, by our own ethical behaviour.

(c) Selflessness

We have a duty to make decisions in the public interest and not act in order to gain financial or other benefits for ourselves, our family, friends, or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker, or someone associated with the decision maker.

(d) Impartiality

We should make decisions on merit and in accordance with our statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all, impartial assessment, merit selection in recruitment and in purchase and sale of Council's resources, considering only relevant matters.

(e) Accountability

We are accountable to the public for our decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions, submitting to scrutiny, keeping proper records, establishing audit trails and conducting audits.

(f) Openness

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions, revealing other avenues available to the client or business, when authorised, offering all information, communicating clearly.

(g) Honesty

We have a duty to act honestly. We must declare any private interests relating to our duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law, following the letter and spirit of policies and procedures, observing the Council's Code of Conduct for Employees

and exercising any delegated authority strictly for which the authority was delegated.

(h) Respect

We must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy, and recognising the different roles others play in local government decision-making.

In making our business decisions, we strive to obtain the best value for money. Depending on the circumstances, our decision-making takes into account many things including upfront costs, on-going costs, suitability, quality, reliability, availability, experience, reputation, safety, legal compliance, social value and environmental sustainability. While we strive to obtain the best price for goods and services, we do not necessarily buy at the cheapest price, nor sell at the highest price. The Council is required to balance all relevant factors, including initial cost, whole-of-life costs, quality, reliability and timeliness in determining true value for money.

Although Council business dealings must be transparent and open to public scrutiny, there will be times when information on the Council's relationships with private sector suppliers of goods and services, cannot be made publicly available. However we will always act fairly in our decision-making. That means we are objective, reasonable and even-handed. It does not mean that we can satisfy everyone all of the time. We will publicly support our decisions unless we have to maintain confidentiality or protect privacy.