



Argyll and Bute Council Employee Code of Conduct

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1.0 Introduction

- 1.0.1 The Council's Employee Code of Conduct was developed following the adoption by COSLA of the National Code of Conduct for Local Government Employees. The Code was initially introduced in 1998 and is subject to regular review and update.
- 1.0.2 The public expects a high standard of conduct from all local government employees in Scotland. This Code sets out the minimum standards of conduct that are expected of you as an Argyll and Bute Council employee. These standards are the benchmark against which your behaviour will be assessed in the event of a complaint being made.
- 1.0.3 The Code does not affect your rights and your responsibilities under the law. Its purpose is to provide clear and helpful advice to you. Any employee who has difficulty in meeting any of the standards noted in the Code should contact their Line Manager. Human Resources Advisors or Trade Union Officials can also be asked for advice.
- 1.0.4 Argyll and Bute Council provides a wide range of services and employs a wide range of employees. Therefore some sections of the Code may be more relevant to some employees than others **but all employees must comply with the standards and principles set out in this Code**. Some employees may also have to comply with a Code of Conduct that has been produced to meet the requirements of a professional body such as the General Teaching Council for Scotland (GTCS), CIPFA or Scottish Social Services Commission (SSSC). The Council expects these standards to be upheld by employees falling under these provisions. However, it is for these actual bodies to determine whether employees/former employees do meet the standards set by them.

Relationship to Disciplinary Policy

- 1.0.5 Any breach of the Code or relevant professional codes by an employee may give rise to disciplinary action. The Council's Code of Disciplinary Procedures set out clearly what action may be taken and the process that will be followed. This Code's purpose is to provide clear and helpful advice to employees on the standards of behaviour expected of them to avoid any breach of the Code of Conduct.
- 1.0.6 As far as possible, you should also comply with the Code where you are appointed as a representative of the Council to any external board/ organisation.
- 1.0.7 Equally important, the Code also provides you with guidance about your rights and duties while in Argyll and Bute Council employment.

2.0 Seven Principles of Public Life

- 2.0.1 The Code incorporates "The Seven Principles of Public Life". These were identified by the Nolan Committee on Standards in Public Life for all public sector employees. These are listed below, altered slightly to place them in a local government context.

Selflessness

You should not take decisions which will result in any financial or other benefit to yourself, your family, or your friends. Decisions should be based solely on the Council's best interests.

Integrity

You should not place yourself under any financial or other obligation to an individual or an organisation which might influence you in your work with the Council. This means that you must never take any money or gift that could be thought of as a bribe for you to give a better level of service to that person or organisation.

Objectivity

Any decisions which you make in the course of your work with the Council, including making appointments, awarding contracts, or recommending individuals for rewards or benefits, must be based solely on merit.

Accountability

You are accountable to the Council as your employer. The Council, in turn, is accountable to the public.

Openness

You should be as open as possible in all the decisions and actions that you take. You should give reasons for your decisions and should not restrict information unless this is clearly required by Council policy or by the law.

Honesty

You have a duty to declare any private interests which might affect your work with the Council.

Leadership

If you are a manager, you should promote and support these principles by your leadership and example.

The Local Government Ombudsman will use the National Code as a benchmark of good practice where a complaint of maladministration has been made.

The Council also has a Scheme of Delegation to Officials and Scheme of Proper Officer Appointments to ensure that the business of the Council is conducted within the law and proper standards, that money is safeguarded and properly accounted for and is used in such a way as to secure and demonstrate Best Value.

3.0 Employee Code of Conduct

3.1 Personal Conduct

3.1.1 The Council expects the highest standards of personal conduct from its employees, both within and out with the workplace. The public image of the Council is enhanced or diminished by the conduct of its employees. Employees should be aware that they are responsible for the actions they take and the decisions they make as part of their employment. They should work within the law and within Council policy and be aware that their actions may be scrutinised.

3.2 Relationships

3.2.1 The Public and Service Users

3.2.1.1 You may have contact with members of the public as users of services, clients or citizens. You should always be courteous and helpful. You should deal fairly, equitably and consistently with each member of the public, and you must follow the Council's Equal Opportunities Policy.

3.2.2 Elected Members:

3.2.2.1 Both Councillors and employees are public servants and therefore they are indispensable to one another. Employees are responsible to the Council and they provide support and advice to the elected members and carry out the Council's work under the direction and control of the Council, their Committees and Sub-Committees.

3.2.2.2 Mutual respect between Councillors and employees is essential to good local government. Close personal familiarity between individual Councillors and employees can damage the relationship and compromise the governance of the Council and should be avoided.

3.3 Alcohol and Illegal Drugs

3.3.1 Employees must not attend work under the influence of alcohol or illegal drugs as they affect their ability to undertake their duties safely and effectively and may damage the Council's public image. Similarly the use of Council vehicles, equipment and machinery is prohibited when an employee is under the influence of alcohol, illegal drugs or prescribed medication that may affect their ability to drive or operate safely. Employees should advise their Line Manager if in doubt to allow for a risk assessment to be carried out.

3.3.2 Any employee who does attend work under the influence of alcohol or illegal drugs should understand clearly that they are liable to face action under the Council's Code of Disciplinary Procedures that may lead to dismissal. The Council has an Addictions Policy and access to a confidential Employee Counselling Service to assist employees with addiction problems.

3.4 Criminal Offences:

3.4.1 Any employee charged with or convicted of a criminal offence or whose name is placed on the lists held by the Scottish Government of those disqualified from

working with children or adults at risk **must** advise their Executive Director immediately. This requirement applies whether the listing is provisional or not and there should be no unreasonable delay in notification by the employee to the Council.

3.4.2 The Council will consider whether any action is necessary under the Council's Code of Disciplinary Procedures dependent on the nature of the charge, conviction or listing and the nature of the employment within the Council. The Council may take disciplinary action prior to the outcome of a court case.

3.5 Debt/ Fraud:

3.5.1 The Council can offer advice and support to any employee who is experiencing difficulties in making payments or with general debt issues. Employees' requiring support should contact their Line Manager in the first instance. The Employee Counselling service can also provide advice on debt.

3.5.2 Any employee discovered to have perpetrated a benefits fraud with the Council or any other public agency may also face action under the Code of Disciplinary Procedures which may lead to dismissal.

3.5.3 The Council's Equality and Diversity Policy stresses its approach to tackling discriminatory practices and prejudice. Regardless of personal opinion, the Council expects all employees to behave appropriately to one another and to service users and the general public. Bullying, harassment, intimidatory or discriminatory behaviour or language is unacceptable in any form.

3.6 Dress Code and Appearance

3.6.1 Many Council employees provide valuable front line services and are therefore in regular contact with service users, other agencies and the public. In effect, they represent the public image of Argyll and Bute Council.

3.6.2 The Council requires employees to adopt certain dress requirements which are appropriate for the type of work they do. The Council recognises the diversity of cultures that comprise the Council's workforce and accepts that employees' religious beliefs may require them to adopt certain dress codes. It further accepts that reasonable adjustments must be made for disabled employees, and this may relate to dress codes as well. Council Services will advise employees of any specific requirements in relation to the role they perform. These standards will also include:

- i. Employees must show their identification when conducting duties out with office areas e.g. on home visits. Unless agreed with their line manager for specific situations, name badges, where supplied, will be worn at all times.
- ii. Corporate wear, where provided, will be worn as required without alteration.
- iii. Personal protective equipment and clothing provided for an employee's safety should be worn as appropriate to the type of work being undertaken.

- iv. Employees working in a professional capacity representing the Council should be dressed as appropriate to the professional service that they are delivering.

3.6.3 Contractors/ Suppliers:

- 3.6.3.1 You must be fair and impartial in your dealings with contractors, sub-contractors and suppliers. If you are involved in the tendering process you must follow the Council's procedures and rules about tenders and contracts. If you have a financial interest in any contract to be entered into by the Council that you may influence, you must notify your Executive Director or Chief Executive in writing in order to safeguard you from allegation.
- 3.6.3.2 If you are an employee who has both a "client" and "contractor" responsibility in the tendering process, you must observe the requirement for accountability and even handedness in undertaking these two roles.
- 3.6.3.3 If you have access to confidential information on tenders or costs for either internal or external contractors you must not disclose that information to any unauthorised individual or organisation.

3.7 Conflicts of Interest

- 3.7.1 As a Council employee you must not allow any private interest to influence your decisions at work and you must not use your position to further your own interests or the interests of others who do not have a right to benefit under the Council's policies.
- 3.7.2 You may have a private interest which relates to the work of the Council. That interest may be a financial one or one which a member of the public might reasonably think could influence your judgement. In addition, close family members or people living in your household may have financial interests in the work of the Council. All such interests must be declared to your line manager.
- 3.7.3 If you are a member of an organisation or a club, and membership might result in a conflict of interest in relation to any aspect of your work with the Council, you must declare this membership to your line manager. This applies equally to membership of organisations or clubs which are not open to the public.

3.8 Openness and Disclosure of Information

- 3.8.1 The Council endeavours to ensure that its decision making process is as transparent and open as possible and that the public is provided with clear and accessible information about how it operates. It also has a complaints procedure in place for the public to use when things go wrong.
- 3.8.2 There are, however, exceptions to the principle of openness where confidentiality is involved, and information may be withheld if, for example, it would compromise a right of personal or commercial confidentiality. Releasing confidential information is a very serious issue and employees should check with their line manager before releasing anything to a third party. Similarly employees should be careful not to divulge information relating to the Council or its employees outside their work.

- 3.8.3 It is accepted that under the Public Interest Disclosure Act, employees can raise certain matters publicly, after they have exhausted internal procedures.
- 3.8.4 It should be noted that trade unions are not third parties and have the right of access to certain types of information subject to agreed data sharing agreements.
- 3.8.5 The above principles do not apply where there is a legal duty to provide information.
- 3.8.6 The Council is subject to certain legislation that governs its use and disclosure of information. These include:
- 3.8.7 The Freedom of Information (Scotland) Act 2002 (FOISA)

FOISA introduces a general right of access to information held by the Council unless it falls within the provisions of a series of exemptions. Additionally the Council maintains a Publications Scheme which sets out all the information it publishes, how it can be accessed and whether any charge applies. Details of FOISA and what actions to take when you receive a FOISA information request are held on the Council's intranet. Employees should seek the advice of their Line Manager in respect of FOISA to ensure it is recorded and processed according to the legal requirements.

3.8.8 Data Protection Act 1998 (DPA)

The right of access to personal information held by the Council whether an employee or a service user/ member of the public is governed by the DPA. The DPA places strict requirements on the Council in respect of the security of information held, how it is used and when it may be disclosed. Again advice on the DPA may be accessed on the Council's intranet and employees should seek the advice of their Line Manager to ensure DPA requests are recorded and processed according to the legal requirements

3.8.9 Environmental Information (Scotland) Regulations (EISR)

The right of access to environmental information is governed by the EISR. Again advice may be accessed on the Council's intranet and employees should seek the advice of their Line Manager to ensure EISR requests are recorded and processed according to the legal requirements.

3.9 Paid Employment outside the Council

- 3.9.1 The Council will normally allow you to undertake paid employment outside the Council unless there is a clear conflict of interest, or it is likely to have an adverse effect on the work carried out for the Council, or it is likely to have an adverse effect on the individual employee.
- 3.9.2 Where the Council has agreed that an employee can undertake other duties and the Council's business changes causing a conflict of interest, or where it becomes apparent that the work out with is having a detrimental effect that wasn't previously identified, the Council reserves the right to withdraw any previous approval given.

- 3.9.3 If you want to undertake paid employment outside the Council, you must first obtain the Council's approval. This procedure is in your interests and will protect you. Employees must not use the equipment and resources of the Council in any outside employment. Employees should not seek to gain business in the course of carrying out your Council duties e.g. by arranging to carry out private work.
- 3.9.4 You must not make or contribute to any publication, broadcast, speech or lecture where you would use official Council information without the written approval of the Chief Executive. Where such approval is obtained, any commission, fee or other payment made in respect of lectures, broadcasts, etc. given within normal working time (excluding out of pocket expenses) will be paid to the Council by arrangement with the Executive Director of Customer Services. Otherwise, and still subject to approval, time taken for these activities must be set against the employee's annual leave. However, the fees may be retained in these circumstances. Fees may be retained by the employee for any lectures, broadcasts, etc. out with normal working hours.
- 3.9.5 These arrangements do not however prevent you from making your professional skills available to voluntary/charitable organisations of which you are a member/supporter or from holding office in such organisations, subject to you declaring, where relevant, your membership of such an organisation in accordance with the rules on "Conflicts of Interest" referred to above. You are not permitted however to make use of the Council's equipment, materials or resources for the benefit of a voluntary/charitable organisation unless this is approved in accordance with the Council's procedures.

3.10 Gifts, Hospitality and Services

- 3.10.1 Generally no employee should accept the offer of gifts, hospitality or services from any service user, supplier/contractor or member of the public other than where it is a token item. The following principles should help employees to decide whether or not they should accept a gift:
- 3.10.2 Do not accept any gift, hospitality or service from anyone which would, or might, place you under obligation. You should not accept repeated hospitality or frequent personal gifts from the same person or organisation.
- 3.10.3 You must follow these rules for declaring offers of gifts or hospitality and follow the current procedures for having any offers authorised by seeking agreement of your Head of Service or Executive Director. Where you view the value of the offer to be more than a token, consult with your Line Manager.
- 3.10.4 All offers with an estimated value of more than £25 should be registered whether accepted or not which creates a record of the offer having been made and what response was given.
- 3.10.5 You should only accept offers to attend social or sporting events where these are clearly part of the life of the community, or where the Council would be expected to be represented and with approval from your Executive Director.
- 3.10.6 If you are making a visit to inspect equipment, vehicles, land or property you must ensure that the Council pays for the costs of these visits.

- 3.10.7 It is important that you are aware that it is a serious criminal offence for you to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person, in the course of your work with the Council.

3.11 Use of Resources

- 3.11.1 You and your colleagues serve the public, and you must remember this principle when you use Council equipment, materials and resources, in order to ensure value for money.
- 3.11.2 You must not use Council equipment, materials or resources for personal use unless you have written approval. An example of permitted use would be the use of resources for personal development or study associated with your role in the Council. In such circumstances all reasonable care should be exercised with the equipment which should be recorded out and returned in accordance with the Council's inventory procedures. Council resources must not be used in connection with any other outside work undertaken by the employee.
- 3.11.3 Whilst the Council permits some personal use of IT equipment at their workplace e.g. access to internet, this should not affect their work and should only be used in accordance with the IT Acceptable Use Policy when the employee is appropriately clocked out on an unpaid break. Employees should be aware that telephone, e-mail and internet usage can be monitored.

3.12 Staff Appointments

- 3.12.1 All Councils have Recruitment and Selection Policies based on the principles contained in the COSLA Code on Recruitment and Selection and you are expected to follow this policy (copies are available from the Improvement and HR Service and on the Hub). All appointments must be made on the basis of merit.
- 3.12.2 If you are involved in the recruitment and selection process, and have any kind of relationship which might affect your ability to be impartial, that relationship must be declared to your line manager. The same procedure must be followed in other HR procedures such as grievance or disciplinary procedures or job evaluation.
- 3.12.3 You must not canvass a Councillor or another colleague, either directly or indirectly, to secure your own appointment or promotion, or the appointment or promotion of another person. If you have been approached by an applicant, another colleague, a Councillor or any other person, you must report the matter to your Line Manager or the Head of Improvement and HR.

3.13 Contact with the Media

- 3.13.1 The general policy of Argyll and Bute Council is that all contact with the media should only take place where this has been authorised by the Council. The Communications Team deals with all contact with press and media and any approaches or enquiries should be directed there in the first instance.
- 3.13.2 Any exception to this policy must be discussed and agreed with the appropriate Executive Director.

3.13.3 This section does not apply to where an accredited Trade Union official is contacted by or makes contact with the media in their trade union capacity and not as a Council employee.

3.14 Political Neutrality

3.14.1 The public expects you to carry out your duties in a politically neutral way, and this must be respected by Councillors. The political activities of a small number of employees are “politically restricted” under the Local Government and Housing Act 1989 and they will have been advised of this restriction.

3.14.2 You must serve the Council and all Councillors, regardless of their political outlook. The Chief Executive and senior officers have ultimate responsibility to ensure that the policies of the Council are implemented.

3.14.3 You must implement the policies of the Council irrespective of your personal views. If you are asked by a Councillor to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the Council, you should politely refuse and inform the Councillor that you are referring the matter to your Line Manager.

3.14.4 Some employees will have a close working relationship with Councillors of the majority political group (or groups) which form the administration of the Council. Political groups may sometimes seek advice from Council employees and in such circumstances the following procedure should be followed:

- a. The office bearers (of the group) must first approach the Chief Executive;
- b. The office bearers must advise the Chief Executive what type of advice they are seeking;
- c. The Chief Executive will decide whether attendance at a meeting is appropriate and which employee or employees should attend;
- d. Once the employee has given the advice to the group, the employee must leave the meeting before any decision is made.

3.14.5 Strict confidentiality must be observed by the employee. The discussion in one political group should not be disclosed to another political group or to any member of such a group.

3.15 Rights as a Citizen

3.15.1 As a citizen, you are entitled to express your views about the Council, provided you do not make use of any private information gained through your work with the Council. Employees in a politically restricted post should be careful not to speak in public in support of a particular political party.

3.15.2 You should not however, in your work capacity, criticise the Council as your employer either through the media or at a public meeting, or in any written communication with members of the public. In particular the use of any social media i.e. Facebook should have regard to your responsibilities as an employee however nothing in this code should be interpreted as restricting your rights as a

citizen to engage with the Council in that capacity, provided that you undertake this having regard to the principles within the code and are clear that the matters do not relate to your employment with the Council'.

- 3.15.3 As a citizen, you are also entitled to raise with your Councillor any complaint which you have about the services of the Council. If your complaint concerns any aspect of your work with the Council, however, you must make use of the Council's Grievance and Disputes Procedures or raise the matter through your Trade Union.

3.16 Fair and Reasonable Treatment at Work

- 3.16.1 You are entitled to expect fair and reasonable treatment from your colleagues, managers and from Councillors. If you feel that you have been unfairly treated or have been discriminated against, you are entitled to make use of the appropriate Council procedures.
- 3.16.2 There may be rare occasions when you feel that you have been required by a colleague, a Councillor or a member of the public, or by an organisation, to act in a way which might be illegal, improper or unethical, or which is otherwise in conflict with the principles of this Code of Conduct.
- 3.16.3 In other instances you may have information leading you to believe that an employee, Councillor or other person associated with the Council is behaving unlawfully or in some other improper manner. The Public Interest Disclosure Act 1998 provides a process for employees to raise these concerns.
- 3.16.4 In these circumstances you must follow the Council's procedure dealing with such matters which aims to ensure that these are raised and addressed within the Council.
- 3.16.5 Employees may report the matter to their line manager, a more senior manager in their Service or their Executive Director. If you feel you cannot raise the matter within your Service, it may be raised with the Executive Director of Customer Services who acts as the Council's monitoring officer for this process.
- 3.16.6 Once the matter is reported and following consultations, as appropriate, with the Chief Executive or other Senior Officers of the Council, you will be advised what action will be taken.
- 3.16.7 The Council recognises that it will sometimes be very difficult for employees to disclose their concerns, especially if they relate to fellow employees. Employees are assured, however, that they will not be penalised in any way for bringing forward genuine concerns even if they relate to events which occurred some time ago. Only if allegations proved to be malicious would any action under the Council's Code of Disciplinary Procedures be taken against the employee raising them.
- 3.16.8 The Council also recognises that employees will wish to feel that their concerns can be raised in a confidential manner. Your initial contact will always be dealt with in the strictest confidence and discussed only with other relevant persons for the purposes of seeking advice.

3.16.9 Employees must understand, however that, the information or concerns you express may lead to you becoming involved in a number of processes, including a criminal investigation and/or the Council's Code of Disciplinary Procedures. In these circumstances, it may not be possible to guarantee anonymity to employees. You will, however be given as much support as possible throughout such processes.

3.16.10 Any employee considering making a disclosure out with the Council, e.g. to the press should be aware that they may not automatically be protected by the Act. Before doing this, in their own interest, they should seek advice from their Trade Union or a legal adviser.

3.17 Risk Management

3.17.1 Employees must not place the Council in a position where it has uncontrolled risk. All employees have a duty to comply with the Council's Health and Safety and Risk Management Policies.

3.17.2 Employees in charge of risk registers must ensure, through quarterly risk review, that the Council's corporate aims and objectives, and assets, are protected and any uncontrolled risk exposures are highlighted. The Strategic and Operational Risk Registers can be viewed on Pyramid, the Council's Performance Management System. Furthermore every employee has a duty to ensure that financial loss, disruption to services and reputation damage to the Council are avoided.

3.18 Equality and Diversity

3.18.1 Argyll and Bute Council is committed to ensuring equality of opportunity and to combating discrimination. The Council has a duty under the Equality Act 2010 and the associated Public Sector Equality Duty to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) Foster good relations between persons who share a relevant protected characteristic and those who do not share it.

3.18.2 The Council recognises those protected characteristics identified in the Equality Act 2010:

- Age
- Gender
- Disability
- Race, Colour or Ethnic Origin
- Religion or Belief
- Sexual Orientation
- Caring Responsibilities
- Political interest
- Employment Status

3.18.3 The Council's policy position on equalities is set out in the Equality and Diversity Policy, the Equalities Mainstreaming Report and the Dignity at Work Policy.

- 3.18.4 The Council will promote the development of an ethos, in which self-respect and respect for others are of the utmost importance. All individuals will be valued equally and therefore be given every opportunity to fulfil their maximum potential in society. The Council insists that those who suffer discrimination, whether direct or indirect, receive fair treatment and adequate remedies and affirms that it will address appropriately all sources of discrimination.
- 3.18.5 The Council has developed a range of employment policies to enable the Council to have the right people with the right skills in the right place at the right time to deliver excellent services across Argyll and Bute. Any instances of discrimination, harassment or victimisation at work will be viewed as a serious matter.

4.0 Relevant Argyll and Bute Council Policies and Procedures:

All employee related policies and procedures can be found under the MyHR section of the Hub.

- Recruitment and Selection Guidance
- Dignity at Work Policy
- Employment of Disabled People
- Equality and Diversity Policy
- Equality and Diversity Scheme
- Code of Disciplinary Procedures
- Grievance Procedure
- Stress Reduction Policy
- Health Assured Leaflet
- Addictions Policy and Procedure
- Wide range of Policies on Occupational Health and Safety at Work including; Health and Safety Policy, Personal Safety and Violence to Staff, Lone Working and Mobile Phone Use
- Data Protection Policy
- IT Acceptable Use Policy
- Fraud and corruption Policy
- Risk Management Policy
- Procurement Strategy and Manual