

HR Employment Policy & Procedures

Code of Conduct

Implementation Date: November 2019

The behaviours outlined in the ACHIEVE Framework should be reflected in the application of this Policy.





Document Management - Version Control

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Summary of Substantive Changes (if applicable)			
Summary of Technical Changes (if applicable)	<p>Paragraph 6.2, a reminder of employees' responsibility to comply with policies, frameworks and legislative provisions at committee and council (public forums).</p> <p>At paragraph 8.2, a specific addition regarding personal interest and what this means, i.e. any financial interest with suppliers or the contract itself or if a close personal relationship exists with supplier/owner of company etc.</p> <p>Additional guidance to cover instances where a disclosure is made; in which case, the manager will agree alternative arrangements to avoid perceived or actual conflict. Those actions should be recorded and held by each Strategic Lead.</p>		
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1. INTRODUCTION

The Code of Conduct was originally developed by the Council following the adoption by COSLA of the National Code of Conduct for Local Government Employees. This code has subsequently been amended over the intervening 10 years and agreed locally as required.

The public has high expectations of the standards of conduct for Council employees. This Code sets out the standards of conduct that are expected from employees by the public, management, colleagues and by Elected Members. Some employees may also be subject to the provisions of a code of conduct produced to meet the requirements of a professional body such as the General Teaching Council (GTC), or the Scottish Social Services Commission (SSSC).

The Code does not affect an employee's rights and responsibilities under the law. Its' purpose is to provide clear and helpful advice to employees. Due to the different nature of work for different employees, some parts of the Code may apply to some employees more than others, but all employees must comply with the Code. While a breach of this Code may give rise to disciplinary action, it is designed to provide employees with guidance on the standards of conduct appropriate for a public service employee. Should employees have any difficulties in meeting the standards of the Code, employees should approach their manager, a member of the HR team or a Trade Union representative for advice and assistance.

The Code also incorporates "The Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life. These are listed below, as slightly altered by COSLA to place them in a Scottish local government context.

2. STANDARDS IN PUBLIC LIFE

2.1 The "Seven Principles of Public Life"

Selflessness: Employees should not take decisions which will result in any financial or other benefit to themselves, their family and friends. Workplace decisions should be based solely on the Council's best interests.

Integrity: Employees should not place themselves under any financial or other obligation to an individual, which might influence them in their work with the Council.

Objectivity: In carrying out Council business, including making appointments, awarding contracts, or recommending individuals for awards or benefits, employees must make their choices solely on merit.

Accountability: Employees are accountable for their actions to the Council and ultimately to the public.

Openness: Employees should be as open as possible in all the decisions and actions taken. Employees should give reasons for their decisions and should not restrict information unless

this is clearly required by Council Policy or by the law.

Honesty: Employees have a duty to declare any private interests which might affect their work with the Council.

Leadership: Managers should promote and support these principles by leadership and example.

3. PERSONAL CONDUCT

Employees should be aware that the way they behave during working hours reflects on the image of the Council. This can also be the case for certain behaviours out with working hours, including the use of Social Media. The Council recognises employees' rights to personal use of social media. However, employees should be aware that posting of certain information or comments, even in their own time and using their own equipment, may be in breach of the Council's Social Media policy

There is an expectation that employees will not attend work under the influence either of alcohol or illegal drugs, as these may affect their ability to undertake their duties safely and effectively, and may damage the public image of the Council. Any employee who does attend work under the influence of alcohol or illegal drugs should understand that they may be liable to action under the Council's disciplinary proceedings as the Council has a "Zero Tolerance" approach. The Council has an Alcohol and Substance Misuse Policy to assist employees with an addiction problem and independent support is available through the counselling service for employees.

It is a condition of your employment that if you are arrested, charged, convicted of a criminal offence, bound over or cautioned, pending appointment to, or whilst employed in the Council's service, that you report details of the matter to your Section Head, or a more Senior Manager, who may decide to investigate the matter taking account of the Council's Code of Conduct. Where information on un-notified criminal charges comes to the Council's attention this will be discussed with you and appropriate action taken.

Employees working in occupations with professional standards and who are required to register with a professional organisation should note that the Council is required to inform the Regulating Body of any misconduct.

All employees have a responsibility for the health and safety of themselves and others and must inform the Council of any underlying health condition that may impact on their ability to undertake their role safely. In addition to information provided through pre-employment health checks, employees must advise their manager of any change to disclosed conditions or when medical investigations are underway, that may impact on their ability to undertake their role safely. Where an employee's health impacts on their ability to continue to carry out their role safely, the Council will support the employee through the appropriate policies, e.g. SWITCH to secure suitable alternative employment.

Employees, who reside within West Dunbartonshire like all other residents, have a duty to make any payments due to the Council in good time. In line with the Corporate Debt policy, if a debt is owed by an employee and no sustainable payment arrangement is in place and maintained, the Council will be entitled to make appropriate deduction from the employee's pay without the employee's further agreement. Employees will be notified of any such arrangement being put into place.

Where an individual is experiencing difficulties in making payment, support is available through the Working 4U advice partnership which consists of Citizens Advice Bureau, Independent Resource Centre and WDC advice services for benefit, debt and money advice.

Employees should be aware that the Council will make regular checks to ensure that employees are not in arrears with payments such as Council Tax, rent etc.

Regardless of personal beliefs and opinions, all employees are expected to display positive attitudes to all service users and colleagues in terms of Equal Opportunities. All employees are expected to treat everyone in a fair and non-discriminatory manner and failure to comply with the Council's Equality and Diversity in Employment Policy will be treated as a serious matter.

4. DRESS CODE

The Council requires employees to adopt reasonable dress requirements, which are related to the type of work being undertaken. Name badges, where available, must be worn at all times.

Additionally, employees should appreciate that they may have contact with the public or other organisations and must comply with wearing Corporate clothing if it is provided.

Each Strategic Area will have specific reasonable requirements about personal appearance and dress standards. An employee's manager can provide further advice regarding the appropriate standards for their area of work. Where protective and safety clothing is provided, this must be worn and maintained in an appropriate manner.

The Council recognises the diversity of cultural traditions and will take account of this when discussing standards of dress.

5. RELATIONSHIPS

5.1 Elected Members

Both Elected Members, and employees, are servants of the public and are indispensable to each other. Employees are responsible to the Council and their role is to support and give advice to Elected Members and to carry out work under the direction and control of the Council and its Committees. The Council's Protocol for Member/Officer Relations establishes the standards for effective working relations.

Mutual respect between Elected Members and Officers is essential to good local government. Close personal familiarity or hostility between individual Elected Members and Officers can

damage working relations and may be perceived wrongly or be embarrassing to others.

5.2 The Public and Service Users

Employees may have contact with members of the public as users of services, clients or citizens and should always behave in a courteous and helpful manner and in accordance with professional standards. Each member of the public should be treated fairly, equitably and consistently, in accordance with the principles of the Council's equality and diversity policies. The Council operates a Complaints Procedure to deal with dissatisfied service users in a consistent and fair manner.

5.3 Conduct towards Colleagues

Employees should respect each other, different beliefs and opinions, and behave in an appropriate manner at work.

The Council's Disciplinary Policy identifies discrimination and harassment as serious misconduct and such practice is unacceptable.

5.4 Voluntary Bodies or Organisations

The Council recognises the vital contribution which voluntary sector organisations make to sustaining and improving the quality of life in the area and is keen to build on the good relationships which have been established over the years.

Relationships with voluntary organisations may be two-fold: employees may be a volunteer within the organisation, or provide support to voluntary bodies as part of their job. If employees are a volunteer with a voluntary body or organisation, employees should ensure that there is no conflict of interest regarding their job. If, through work on behalf of the Council, employees are asked for assistance from a voluntary or charitable organisation, employees should seek advice from their manager as to appropriate practice within their work area.

5.5 Partner Organisations

The Council is committed to working in partnership with other organisations. This will involve building close working relations with employees of other organisations, and sustaining good working relations will be vital.

6. CONFIDENTIALITY

6.1 General Duty

Employees must respect the confidentiality of information which comes into their possession in the course of their work. This is the case both in and out of the workplace. Information may relate to service users, other employees and certain other Council matters e.g. tendering and contracts. Releasing confidential information is a very serious matter and employees should check, with their manager, if release is appropriate, before giving information to a third party.

The Council is bound by the provisions of various pieces of legislation including Data Protection and Freedom of Information Acts in respect of any information it holds which relates to

individuals. There is a general duty that information shall be obtained and processed fairly and lawfully and held for one or more specified and lawful purpose. There are specific restrictions on the use and disclosure of such information and guidance should be sought from the Council's Data Protection/Information Protection Officer, or the Records Management Officer.

6.2 Committee Proceedings

The Council is a democratic organisation, which is publicly accountable, and as such the Council's Committee proceedings are subject to public scrutiny. Employees should not communicate information regarding any proceedings of a Committee meeting or the contents of any document relating to the Council, unless required under the provisions of the Local Government (Access to Information) Act 1985 or authorised to do so. Employees must comply with all relevant policies, frameworks and legislative restrictions when presenting information in a public committee/council forum.

6.3 Private Information Relating to Employees

Information concerning an employee's private affairs will not be supplied to any person outwith the service of the Council without their prior consent. This does not apply, however, where there is a statutory requirement, court order, warrant, or as required by Audit Scotland as part of ongoing work on the National Fraud/or other relevant Initiative.

7. POLITICAL NEUTRALITY

Employees should carry out their duties and serve the Council and all Elected Members, regardless of their personal political outlook, and act in a politically neutral way.

A number of posts are "politically restricted" in terms of the Local Government and Housing Act 1989 and employees holding these posts will have been advised of the political restriction. Employees in these posts are disqualified from becoming or remaining, a member of a Local Authority, Scottish Parliament, House of Commons, European Parliament or carrying out certain political activities.

If an employee is asked by an Elected Member 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, employees should politely refuse and explain that the matter has to be referred to their line manager. The Protocol for Member/Officer relations should be referred to in these situations.

Some employees will have a close working relationship with Elected Members of the majority group(s) which form the administration of the Council. Political groups may seek advice from employees in which case the following procedure should be adopted:

The office bearers of the political group should contact the Chief Executive and outline the type of advice they are seeking.

The Chief Executive will decide whether attendance at the political group is appropriate and which employee(s) should attend. Once the employee has given advice to the political group they must leave the meeting before any decision is made. Strict confidentiality must be

observed by the employee. The discussion in one political group must not be revealed to another.

8. CONFLICT OF INTEREST

8.1 Private Interests

Council employees must not allow any private interest to influence their decisions at work and must not use their position to further their own interests or the interests of others who do not have a right to benefit under Council policies. Any interest in the work of the Council, on the part of the employee, must be declared. Additionally, if an employee is involved in any work for the Council in which close members of their family, friends or people living in the same household may have financial interests, these interests must be declared to and recorded by their line manager. If an employee is in any doubt about the relevance of private interests they should clarify the position with their manager. Further information is contained within the [Guidance on Offers of Gifts, Hospitality & Declaring Interests](#).

8.2 Instructions for Procurement

Employees involved in procurement must follow the Standing Orders, Financial Regulations and the Procurement Requirements published on the procurement pages on the intranet. These documents govern all procurement sourcing activity within the Council.

The instructions will drive strong and consistent commercial behaviour requiring:

- Early collaboration between the service areas, Strategic Leads and the Corporate Procurement Unit (CPU);
- Clearly defined roles and responsibilities between the CPU and the service areas;
- The selection and use of suppliers using standard terms and conditions (where appropriate);
- The aggregation and constructive challenge of common requirements across all areas of Council spend and the challenge of the use of non-approved suppliers; and
- The highest levels of accountability, equity, professional competence, integrity and ethical standards.

The Standing Orders, Financial Regulations and the Procurement Requirements apply to all third party supplier engagement; all Strategic Areas and employees engaged in the procurement of supplies, services and works on behalf of the Council.

Non-compliance with the Standing Orders, Financial Regulations and the Procurement Requirements will be reported to the appropriate Strategic Director. In instances of non-compliance, disciplinary action may be taken under the Council's disciplinary procedures.

A personal interest with a supplier/contract would be any financial interest with the supplier or in the contract, if members of the employee's family or people living within the same household have such an interest or if there is a close personal friendship with the supplier or the

owners/Directors of the supplier.

Where Senior Managers have a personal interest with a supplier, they must notify their Strategic Lead/Director in writing, if it comes to their knowledge that a contract, whether direct or indirect, has been or is about to be, entered into by the Council.

For all other employees, where they have a personal interest in the outcome of a contract, they must notify their Strategic Lead/Director prior to beginning the procurement process.

In all such circumstances where a disclosure is made, the manager will agree alternative arrangements to remove the officer from any further involvement in the contract to avoid perceived or actual conflict. All actions will be recorded and held by the relevant Strategic Lead.

Employees must not disclose confidential information on either internal or external contractors to any individual or organisation unless authorised to do so.

Any employee who has both a “client” and “contractor” responsibility in the tendering process (especially if working in particularly sensitive areas) may be required to enter into restrictive covenants – prohibiting the employee from partaking in any personal activities with the supplier during the contract duration and an additional 12 months.

8.3 Membership of Private Clubs/Organisations or Work with Voluntary Groups

Any membership of a private club/organisation or work with a voluntary group, which might result in a conflict of interest in relation to any aspect of employment with the Council must be declared to the line manager. This still applies even where membership of organisations/clubs is not open to the public.

8.4 Paid Work Outside the Council

The Council will allow employees to undertake paid work outside the Council, unless there is a clear conflict of interest, or it is likely to have an adverse effect on the work of the Council. To help protect the integrity of services the Council seeks co-operation from employees through being advised of any paid external work/employment, which could cause any conflict of interest, or impair performance in the work of the Council. Where an employee is unsure as to whether there could be an impact, advice should be sought from their manager or HR.

Employees are not allowed to use the equipment or resources of the Council in any outside paid work.

8.5 The Giving of Lectures, Broadcasts etc.

The Council will normally allow employees to accept invitations to give lectures appropriate to their professional/occupational standing. However, an employee should first obtain approval from their Strategic Lead.

Any fees received for lectures, broadcasts etc. given within normal working hours, excluding out of pocket expenses will be paid to the Council, otherwise time taken to present the lecture, and broadcast etc. must be set against the employee’s annual leave entitlement. Fees may be

retained for any lectures, broadcasts etc. given out-with normal working hours.

9. USE OF COUNCIL EQUIPMENT OR RESOURCES

Employees wishing to use Council equipment for example to work at home as part of their personal development or for study purposes, must obtain permission from their manager and have the item logged out in accordance with inventory or service arrangements. Employees must take reasonable care to ensure the security and condition of equipment in their care.

Equipment such as power tools, grass cutting machines or similar will not be loaned out as there are significant risks associated with their use and maintenance away from the workplace. Personal use of such equipment is not permitted under any circumstances.

10. DISCLOSURE OF INFORMATION

10.1 Local Government Access to Information) Act 1985

The public's right to obtain information held by local authorities is provided by the Local Government (Access to Information) Act 1985. This Act allows, with certain exceptions, for the public to attend most Council meetings and inspect documents prepared or provided in connection with the business discussed at those meetings. It also permits a person entitled to inspect a document to make copies of, or extracts from it, or request a photocopy (paying a reasonable fee). This includes areas such as planning and housing.

As well as having the same rights as members of the public in this regard, Elected Members have the right of access to information on a "need to know" basis.

10.2 Data Protection Act 1998

The right of access to personal information held by the Council whether on employees, or service users, is covered by the Data Protection Act. The Act places strict requirements on the Council with regard to the security of personal data held, whether this is paper based or in electronic format. This means that an employee asked by an individual to provide access to personal information held by the Council about them must seek advice from their manager or from the appointed Data Protection/Information Protection Officer and follow an agreed procedure.

Generally any request must be made in writing, and proof of identity will be required before the access is provided.

10.3 Freedom of Information (Scotland) Act 2002 (FOISA)

The FOISA provides a general right of access to information held by the Council. The Council's FOI Procedure is available from the Council's Intranet site. Employees who receive a request should refer this to their Strategic Area FOI Officer.

10.4 Contact with the Media

Employees must not deal directly with the press or media in matters relating to the Council, unless required to do so as part of their duties, or where expressly authorised to do so. This provision does not apply to employees who are acting in their capacity as an accredited Trade Union official and are communicating the views of their trade union.

However, all contact with the media (press/television/radio) regarding “sensitive” or “confidential” issues should be made through the Manager of Corporate Communications.

Examples of these circumstances may include:

- Disclosing information relating to a Service User;
- Disclosing ‘confidential’ information received during the course of employment;
- Disclosing commercially sensitive information;
- Unauthorised disclosure of personal information relating to an employee of the Council; or
- Disclosing information relating to a Health and Safety incident.

If an employee is in doubt they should refer to the Council’s Communication Code or contact the Corporate Communications Team.

Any employee wishing to disclose information in the public interest should use the Public Interest Disclosure Policy described in 10.5.

10.5 Reporting concerns in the Public Interest

If an employee becomes aware of any wrongdoing, malpractice or improper behaviour within the Council which is in the public interest, they can raise the matter through the Public Interest Disclosure Policy. A disclosure in the public interest is where an employee has a concern about a danger or illegality that has a public interest aspect to it; usually because it threatens others such as the local community, service users or other employees.

A qualifying disclosure is a concern about malpractice. This includes concerns such as:

- Criminal offences (such as fraud or corruption)
- A failure to comply with a legal obligation including statutory codes of practice
- A miscarriage of justice
- Threats to an individual’s health and safety
- Damage to the environment
- Unethical conduct
- A deliberate attempt to cover up any of the above.

If an employee is in doubt as to whether the matter is covered by the policy, advice is available from Strategic Leads, Strategic Directors, the Council Monitoring Officer, Internal Audit and the Trades Unions.

Employees should report any concerns as soon as possible using the appropriate reporting route. An employee is not expected to carry out any personal investigations to gather evidence. Employees are encouraged to disclose information through the appropriate internal

channels first, rather than going directly to an outside body.

Employees making a disclosure in the public interest will be protected against being subjected to any detriment such as dismissal, harassment, victimisation or any other form of punitive sanction when a disclosure is made in good faith and the disclosure is deemed as a qualifying and protected disclosure.

11. RIGHTS AS A CITIZEN

11.1 Expression of Personal Views

It is recognised that, as a citizen, an employee is entitled to express views about the Council. However, this does not include making use of any information gained through working for the Council. Employees who hold a politically restricted post should be careful not to speak in public in favour of any particular political party.

In their work capacity, employees should not criticise the Council either through the media, at a public meeting or in any written communication with members of the public.

11.2 Access to Elected Members

As a citizen, an employee can raise with their Councillor any complaint which they have about the services of the Council. However, if the complaint concerns any aspect of the employee's work with the Council, this should be pursued through the Grievance Procedures.

12. REGISTER OF GIFTS, HOSPITALITY AND SERVICES

Generally, no employee should accept gifts, gratuities etc., from any customer or service user other than a token item. Any which are accepted or refused should be registered with their Strategic Lead.

No employee should accept personal gifts, hospitality or services from anyone which would, or might appear to, place that individual under any obligation.

It is a matter for the individual to decide if it is appropriate to accept a personal gift, hospitality or services. If there is any doubt, an employee should clarify this with their Strategic Lead.

Personal gifts, hospitality or services which are accepted or refused should be registered.

It is a matter for the recipient to determine the value. If an employee is in any doubt, this should be clarified with their line manager.

Frequent personal gifts, hospitality or services should not be accepted from the same source.

The Register will be held by each Strategic Lead and an employee can see their entries at any time. However, no access will be allowed to other entries.

Further information is contained within [Guidance on Offers of Gifts, Hospitality & Declaring](#)

[Interests.](#)

13. EQUALITY OF OPPORTUNITIES

The Council complies with specific public sector equality duties. The Council aims to prevent unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act. This will be achieved through:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Council has developed a range of employment policies intended to attract, retain, develop and support employees. As part of this commitment, the Council views discrimination, harassment or victimisation at work as a serious matter. Any employee who feels that they have been the victim of unfair treatment should make reference to the Equality and Diversity in Employment policy. Support and advice will be available from HR, line managers and trade union representatives.