

# **EAST AYRSHIRE COUNCIL**

**CABINET - 16 DECEMBER 2009**

## **REVISED CODE OF CONDUCT FOR EMPLOYEES**

**Report by Depute Chief Executive/Executive Director of Corporate Support**

### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to seek Cabinet's approval to proposed changes to the Council's Code of Conduct for Employees, subject to consultation with Trade Unions.

### **2. BACKGROUND**

- 2.1 PER Circular 2/2001 dated 12 March 2001 contained the Code of Conduct for Employees which had been approved by Council on 8 March 2001 and which set out the minimum standards of conduct expected of employees. PER Circular 7/07 dated 29 June 2007 advised that the Chief Executive had carried out a review and some changes had been to the Code of Conduct for Employees in respect of the guidance on Gifts and Hospitality.
- 2.2 As a result of an investigation into allegations concerning the Building and Works Service an Improvement Agenda has been developed. One of the key areas set out in the Improvement Agenda was that a review of the Council's Code of Conduct for Employees should be carried out. Pending this review of the Code being carried out, the Chief Executive issued a letter dated 22 June 2009 to all employees reminding them of the key areas covered by the Code and the types of work practices that are not appropriate and therefore not allowed.
- 2.3 The review of the Code has now taken place and the revised Code of Conduct will apply to all Council employees.
- 2.4 A copy of the revised Code of Conduct is attached and is also available in the Members' Information Point and the Members' Portal.

### **3. PROPOSED CHANGES**

- 3.1 Whilst the principles of the current Code of Conduct remain, the revised Code clarifies the responsibilities of employees in respect of the standards of behaviour and conduct which are expected of them.
- 3.2 The key changes which have been made to the Code of Conduct are as follows. The references in parenthesis refer to the sections in the revised Code:
  - All references to Personnel have been replaced by Human Resources.
  - As the Council provides a wide range of services, some sections of the Code may be more relevant to some employees than others. (Introduction)
  - Some employees are also subject to the provisions of Codes of Conduct produced to meet the requirements of a professional body such as the General Teaching Council for Scotland (GTCS) or the Scottish Social Services Commission (SSSC). These requirements are in addition to the requirements of this Code. (Introduction)

- All employees must comply with all relevant Council policies and procedures at all times whether or not they are expressly referred to in this Code. (Introduction)
- Employees should adhere to the guidelines outlined in the Council's Customer First Service Commitment in all their dealings with customers and members of the public. (Paragraph 1.1)
- If employees are involved through their role in the Council with engaging the services of any contractor either directly or indirectly to undertake work for the Council and that contractor has in the past or may in the future be engaged by them to undertake work for them personally, then they must declare their use of the contractor by completing the Employee Register of Interest Form. (paragraph 1.3)
- The Employee Register of Interest Form must be completed by employees who may have a conflict of interest. (paragraph 2)
- Legislation governs how information is managed and the circumstances under which it can be disclosed e.g. The Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998 as amended. (paragraph 3)
- The section on Work Outside the Council has been amended to reflect the types of work practices that are not appropriate and therefore not allowed. (paragraph 4)
- The section on Gifts and Hospitality has been amended with guidance on the principles to be considered at all times when deciding whether or not to accept a gift or hospitality. Employees are advised that if in doubt they should err on the side of caution. Roles and responsibilities are also identified in this section. (paragraph 5)
- The previous section on Use of Resources has been amended to now include Use of Council Equipment and Resources. More examples have been included and employees are reminded that they must not use any Council resources in any outside work. (paragraph 7)
- The main aspects of the Council's 'Acceptable Use Policy' have been detailed in the section on IT Security. Employees are reminded that they must adhere to the Acceptable Use Policy in their use of the Council's computer equipment. Failure to do so may lead to disciplinary action being taken. (paragraph 8)
- A new section on Other Council Policies and Procedures has been added to the Code. (paragraph 13)
- A new section on Declaration of Interests has been added to the Code.(paragraph 14)
- The Gift and Hospitality Record and the Declaration of Interests have been attached to the Code. (Appendices A and B)

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications arising from the proposed changes to the Code of Conduct.

#### **5. CORPORATE MANAGEMENT TEAM**

5.1 The Corporate Management Team considered and approved the content of this report at its meeting on 23 November 2009.

## **6. POLICY/LEGAL IMPLICATIONS**

6.1 There are no policy or legal implications.

## **7. RISK MANAGEMENT**

7.1 There are no risk management implications.

## **8. COMMUNITY PLANNING IMPLICATIONS**

8.1 The Code of Conduct for Employees demonstrates openness and transparency on the part of the Council in the activities of all of its employees.

## **9. TRADE UNIONS**

9.1 The Trade Unions have been consulted on the revised Code of Conduct.

## **10. COMMUNICATIONS**

10.1 Employees will be advised of the revised Code of Conduct via the Council's intranet site, Eastwords and the issue of a relevant PER Circular.

## **11. RECOMMENDATIONS**

11.1 Cabinet is recommended to:

- (i) approve the above changes to the Council's Code of Conduct, subject to ongoing consultation with the Trade Unions;
- (ii) submit the revised Code of Conduct to the East Ayrshire Council Joint Negotiating Committee for Teachers for approval; and
- (iii) otherwise note the contents of the report

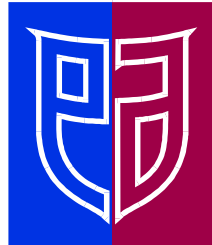
**Elizabeth Morton**  
**Depute Chief Executive/Executive Director of Corporate Support**  
**11 November 2009**

### **LIST OF BACKGROUND PAPER**

1. PER Circular 2/2001 dated 12 March 2001 on Code of Conduct for Employees.
2. PER Circular 7/2007 dated 29 June 2007 on Code of Conduct for Employees.

Members wishing further information should contact Martin Rose, Head of Human Resources (Telephone 01563 576092).

**Implementation Officer:** Martin Rose, Head of Human Resource



**EAST AYRSHIRE COUNCIL**

**CODE OF CONDUCT FOR EMPLOYEES**

**NOVEMBER 2009**

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## INTRODUCTION

This Code of Conduct has been developed by the Council taking account of COSLA's National Code of Conduct for Local Government Employees.

The public expects a high standard of conduct from all local government employees. This Code, which is based on the recommendations of the Nolan Committee on Standards of Conduct in Public Life, sets out the minimum standards East Ayrshire Council expects of you as a Council employee.

There is also a national Code of Conduct for Councillors approved by the Scottish Parliament and enforced through the Standards Commission for Scotland and it is adopted here insofar as it relates to the conduct of employees.

The purpose of this Code is to provide you with clear advice and guidance about your rights and your duties at work. It does not affect your rights and your responsibilities under the law or the Council's duty of care to you as an employee.

Employees involved in processing applications for services or resources, licences or statutory consents and those involved in the procurement of goods and services, need to be particularly vigilant in complying with the Code.

Accordingly where you are in any doubt that any action you take may involve a conflict of interest you should err on the side of caution and take advice from your Executive Director or Head of Service before proceeding. In the case of Executive Directors, they should take advice from the Chief Executive.

Should you have any other enquiries arising from the Code you should contact your Line Manager or Head Teacher in the first instance for guidance. You can also contact your Departmental Human Resources Officer for advice, or alternatively, contact the Employee Relations Section of the Human Resources Service.

As the Council provides a wide range of services, some sections of the Code may be more relevant to some employees than others. The Code applies to all employees and all employees must comply with the Code at all times. Some employees are also subject to the provisions of a Code of Conduct produced to meet the requirements of a professional body such as the General Teaching Council for Scotland (GTCS) or the Scottish Social Services Commission (SSSC). These requirements are in addition to the requirements of this Code.

Any breach of the Code will be investigated and dealt with under the Council's Disciplinary Policy and Procedures and may give rise to disciplinary action. The Disciplinary Policy and Procedures give some examples of misconduct likely to result in disciplinary action being taken. You should also comply with the Code where you are appointed as a representative of the Council on any Organisation, Trust or Company.

All employees must comply with all relevant Council policies and procedures at all times whether or not they are expressly referred to in this Code.

The Code incorporates “The Seven Principles of Public Life” identified by the Nolan Committee on Standards in Public Life. These are listed on the following page, altered slightly to place them in a local government context.

# THE CODE

## THE SEVEN PRINCIPLES OF PUBLIC LIFE

### **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.

### **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 East Ayrshire Council as your employer, East Ayrshire 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 Scottish Public Services Ombudsman (SPSO) will use the National Code as a benchmark of good practice where a complaint of maladministration has been made.

# RELATIONSHIPS

## 1.1 THE PUBLIC

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. A copy of this policy is available from your Departmental Human Resources Officer and from the Human Resources Service.

The Council's Customer First Service Commitment which sets out the standards of customer care expected from East Ayrshire Council employees and you should adhere to these guidelines in all your dealings with customers and members of the public. Details of the Customer First Service Commitment are available from your Line Manager or the Communications and Customer First Section.

## 1.2 COUNCILLORS

The National Code of Local Government Conduct gives the following guidance on the relationship between councillors and employees –

“Both councillors and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve as long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to councillors and their Council, and to carry out the Council's work under the direction and control of the Council, their committees and sub-committees.”

“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 prove embarrassing to other councillors and employees.”

This guidance is adopted from the National Code of Conduct and the principles apply equally to relationships between councillors and employees within East Ayrshire Council.

## 1.3 CONTRACTORS

You must be fair and impartial in your dealings with contractors, sub-contractors and suppliers.

If it comes to your knowledge that a contract in which there is a personal pecuniary interest, whether direct or indirect (not being a contract to which you are party) has been or is proposed to be, entered into by the Council you shall, as soon as practicable, give notice in writing to the relevant Executive Director of the personal interest therein.

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.

If you are involved through your role in the Council with engaging the services of any contractor either directly or indirectly to undertake work for the Council, and that contractor has in the past or may in the future be engaged by you to undertake work for you personally, you must declare

your use of the contractor to your Executive Director or Head of Service. The Employee Register of Interest form, enclosed here at Appendix B, must be completed and you must comply with the decision of your Executive Director or Head of Service in accordance with Section 14 of this Code of Conduct. You must ensure that you do not receive any benefit or enhancement from the contractor as a result of the Council's relationship with the contractor.

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.

## **1.4 COLLEAGUES**

All employees should work together in the best interests of service users.

Employees should respect each other, their beliefs and opinions and behave in a fair and reasonable manner toward all others in the execution of their duties. Employees must comply with all reasonable requests made of them by their managers in the fulfilment of their duties and in compliance with the Council's policies and procedures. In particular the Council's policy and procedures on Harassment and Bullying and its Disciplinary policy and procedures apply and can be referred to for examples of conduct which is unacceptable.

## **2. CONFLICTS OF INTEREST**

As a Council employee you must not allow any private interest to influence your decisions.

You must not use your position in a paid or unpaid basis to further your own interests or the interests of others who do not have a right to benefit under the Council's policies.

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. In the course of your normal working day, you should not promote a personal business interest or those of others and all such interests must be declared in writing to your Executive Director or Head of Service.

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 Executive Director or Head of Service. This applies equally to membership of organisations or clubs which are not open to the public.

The Employee Register of Interest form, enclosed here at Appendix B, must be completed and you must comply with the decision of your Executive Director or Head of Service in accordance with Section 14 of this Code of Conduct.

## **3. OPENNESS AND DISCLOSURE OF INFORMATION**

The Council's decision making process must be transparent and open. The Council must, by law, provide the public with clear and accessible information about how it operates.

Legislation governs how information is managed and the circumstances under which it can be disclosed e.g. the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998 as amended.

There are some exceptions to the principle of openness where confidentiality is involved, and

information may be withheld, for example, if it would compromise a right of personal or commercial confidentiality. This does not apply where there is a legal duty to provide information. Exceptions to the requirement to disclose information are rare.

It is your responsibility to ensure that you know whether the information available to you during the course of your employment with the Council may be disclosed to the public. If you require further clarification on this matter you must contact your Line Manager or Head of Service or your departmental Freedom of Information representative or the Council's Freedom of Information Officer **before** taking any action.

The Council has an effective complaints procedure in place for the public to use when things go wrong. You must comply with the Council's complaints procedures which are available on the intranet and from your line manager.

## **4. WORK OUTSIDE THE COUNCIL**

Chief Officers excepted, as separate arrangements apply which require them to obtain the express consent of the Chief Executive if they wish to undertake paid work outwith the Council, no restriction shall be placed on employees undertaking other work of a paid or unpaid nature outwith normal working hours, provided:

- the additional work does not interfere with or impair the employee's ability for the efficient execution of duties within the Council's service;
- any work carried out does not involve the employee using council vehicles, plant, premises, equipment, materials or any other Council resources (both on and off site);
- any work carried out is not undertaken while the employee is in an East Ayrshire Council uniform or where the employee can be clearly identified as being an employee of the Council whilst undertaking this work e.g. wearing of council identification, and does not extend into Council time;
- no employee undertakes work for a private client to prepare any applications, drawings, reports or other documents which will be submitted to the Council for the purpose of obtaining any licence, consents, warrant, or other form of statutory permission on behalf of that client;
- any work does not involve the employee in exceeding the average weekly limit under the Working Time Regulations.

In granting permission to Chief Officers, the Chief Executive will have due regard to the requirements laid out in this section.

Activities which risk a perception of conflicts of interest with the Council's employment must be avoided. Consequently, no employee shall engage in paid or unpaid work, including work for any individual firm or other body where the Council has been, or could be involved in the transaction or other business, or where the work in any other way impinges on the Council's interests. This procedure is in your interests and will protect you. Therefore, should you have any doubt about your personal position, you should consult your Executive Director or Head of Service.

It is recognised that some categories of employees may be asked by friends, colleagues or relatives to provide advice or assistance in preparing a business transaction with the Council. This is considered to be reasonable. However, in the interests of openness, transparency and conformance with this Code, employees should declare formally, in writing, any such provision of advice or assistance to their Executive Director and, where the advice or assistance provided relates to the work of another Department, the Executive Director of that Department. This will

ensure that the Executive Director is aware of the interest and that arrangements are in place to ensure objectivity within the decision making aspects of the business. Employees providing advice or assistance in these circumstances are expressly prohibited from being involved in any evaluation or approval of business submissions to the Council.

All employees may accept invitations to make presentations at seminars or similar events or undertake lectures appropriate to their professional qualifications. Where such lectures are given outwith normal office hours any fees may be retained. For lectures given within normal office hours, any fees received, excluding out-of-pocket expenses, shall be paid to the Council or the time off must be set against the employee's annual leave entitlement.

Employees who participate in Community Emergency Services, e.g. retained fire-fighters, etc., will be granted paid leave of absence to attend emergencies which occur within normal working hours.

## **5. GIFTS AND HOSPITALITY**

Employees of the Council are occasionally placed in a position where they have to decide whether or not to accept offers of gifts or hospitality from organisations or businesses associated with the Council. Often these can come from people who wish to become associated with the Council or who already have commercial links with the Council.

It is recognised that the offer of gifts or corporate hospitality can often be a normal part of business for some organisations. On the other hand, there have been instances elsewhere where inappropriate acceptance of gifts or hospitality has prejudiced or has been perceived to prejudice the decision making and good name of public sector organisations. This report offers some guidance to employees faced with making a decision on whether or not to accept gifts or hospitality.

Whilst not wishing to enforce regulations which are over rigid and do not take account of individual circumstances, it is imperative that the reputation of East Ayrshire Council and its standing in the community be protected at all times. This will always be the prime consideration in any decision regarding the acceptance of gifts or hospitality by employees. You should therefore consider carefully all offers of gifts and hospitality and, if in doubt, err on the side of caution. Where you decline a gift or an offer of hospitality you should do so politely and inform the person making the offer of the procedures and standards operating in the Council. It is not acceptable to accept repeated gifts or hospitality from the same source.

You are personally responsible for all decisions made relating to offers of gifts or hospitality that you receive in the course of your employment. If in doubt as to the proper course of action to take, you should seek the advice of your line manager. However it must be stressed that the responsibility for any decision to accept an offer remains with yourself even where you receive advice or authorisation to accept, so if you continue to have doubts you should decline the offer.

### **5.1 GIFTS**

**5.1.1** The general rule should be to refuse, tactfully, offers of gifts from businesses, organisations, or individuals who are associated, or wish to be associated, with the Council commercially. Gifts should also be refused from organisations or individuals who are seeking, or at some stage in the near future may reasonably be expected to seek, a particular decision or action from the Council.

Additional consideration should be given to the following areas where exceptions can apply:

## **Twining Gifts**

The clear exception to the above guidelines is in relation to twinning gifts or gifts from overseas visitors or civic dignitaries. It is accepted that the offer of gifts by these individuals is normal practice and to refuse them could have a negative impact on the image of the Council.

## **Community Events**

Where an officer undertakes a particular task relating to a community based event such as a School Prize Giving, Gala Day or Fête opening or Scout or Boys Brigade Inspections then a gift or hospitality can be accepted as to refuse would be likely to cause offence and would adversely affect the Council's civic role.

## **Promotional Goods**

Another exception to the general presumption to refuse gifts relates to modest gifts of a promotional nature. Calendars, diaries, stationery, pens etc. are often offered. These gifts can be accepted where they are clearly promotional goods and have only modest value.

## **5.2 HOSPITALITY**

**5.2.1** As with Gifts, the general rule should be to refuse, tactfully, offers of hospitality from businesses, organisations, or individuals who are associated, or wish to be associated, with the Council commercially. Hospitality should also be refused, from organisations or individuals who are seeking, or at some stage in the near future may reasonably be expected to seek, a particular decision or action from the Council. However, hospitality and entertaining are normal business activities in particular sectors and indeed, East Ayrshire Council itself is likely to engage in corporate entertaining on occasion. Clearly the decision on whether or not to accept such offers is a matter of judgement on the individual case but the following considerations should be made:

- Is the level of hospitality offered reasonable?
- Is corporate hospitality a normal part of the business of the company or organisation?
- Is similar hospitality being offered, or has it been offered in the past, to colleagues in other Councils?
- Is there an opportunity to promote the Council's image or standing in the community or in the business sector by accepting the hospitality?
- Will the acceptance of hospitality prejudice, in any way, the good standing and reputation of the Council in the community and in the public eye?

**5.2.2** It is unlikely that there will ever be a situation where offers of hospitality which involve a significant amount of paid travel or residential stays for leisure purposes would ever be acceptable.

## **5.3 REGISTER OF OFFERS OF GIFTS OR HOSPITALITY**

**5.3.1** The action of the Council in respect of offers of gifts or hospitality should be open to public scrutiny at all times. All offers of gifts or hospitality should be recorded on a copy of the attached form (see Appendix A) and should be kept centrally within individual

departments in accordance with arrangements put in place by Executive Directors under section 5.4.2 of this Code. These forms will be available to the public and Elected Members on request. Any offers which are declined should also be recorded.

## **5.4 ROLES AND RESPONSIBILITIES**

- 5.4.1** It is the responsibility of all Executive Directors to ensure that employees within their department, at all levels, are aware of these guidelines and aware of the need to complete the register.
- 5.4.2** Executive Directors should put in place within their departments an internal procedure to ensure that they are aware of all offers of gifts or hospitality at any level. The arrangements should mirror the arrangements contained in these Guidance Notes.
- 5.4.3** The Chief Executive should be provided, *at the end of each financial year*, with a completed gifts and hospitality record in respect of gifts or hospitality whether accepted or not by Executive Directors. The Chief Executive will sign off the record and return a copy to the Executive Director.
- 5.4.4** Where an Executive Director is in any doubt about the acceptance of a gift or hospitality then the matter should be raised with the Chief Executive prior to acceptance. Similarly, Executive Directors in implementing procedures under 5.4.2 above should include the requirement for pre-acceptance approval where appropriate.

## **5.5 GENERAL PRINCIPLES AND CONSIDERATIONS**

- 5.5.1** The following principles should be considered at all times when deciding whether or not to accept a gift or hospitality.
- Will the reputation of the Council and its standing in the community be enhanced or diminished as a result of accepting or rejecting the offer?
  - Could you easily justify your decision to the Council, press, or the public?
  - Is the offer of the gift or hospitality part of the normal business practice of the company, organisation, or individual?
  - Has a similar offer ever been made to and accepted by colleagues in other Councils?
  - Is the motivation behind the invitation or offer absolutely clear?
  - Could any decision of the Council either now or in the future be prejudiced in any way by the acceptance or otherwise of the offer?
  - Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
  - Is the company or organisation involved in a competitive binding for Council business or support on which decisions will be taken in the immediate future?
- 5.5.2** Where an employee is in any doubt about the acceptance of hospitality then they should raise the matter with the Executive Director or appropriate Head of Service.

## **6. CORRUPTION**

It is important that you are aware that it is a serious criminal and disciplinary offence for you corruptly to 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.

## **7. USE OF COUNCIL EQUIPMENT AND RESOURCES**

The Council is required by law to achieve value for money by ensuring that it has arrangements for securing economy, efficiency and effectiveness in the delivery of services. 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.

It is important that you are aware that unauthorised use of Council vehicles, plant, premises, equipment, materials or any other Council resources is a serious disciplinary offence. Personal use of such Council resources is not permitted except where expressly exempted e.g. use of Council computers to access the internet during breaks in accordance with the IT Acceptable Use Policy. Nor can any employee source, price or order goods and materials for personal use or any other non Council business through any Council procurement employees or processes, including Store employees.

Employees must not use any Council resources in any outside work.

## **8. I.T. SECURITY**

The Council has developed an 'Acceptable Use Policy' governing the Personal Use of Communications Systems' which provides guidance on the use of the internet, email and telephony at work to minimise East Ayrshire Council's exposure to these risks; explains what users can and cannot do; provides information on all monitoring systems in use; explains the consequences for users and East Ayrshire Council if users fail to follow the rules set out in the Policy and provides basic housekeeping guidelines and recommendations. All use of the Council's Communications must be in accordance with the Acceptable Use Policy at all times.

. The main aspects of the Policy are summarised as follows:-

- All employees have access to the Internet, the Council e-mail system and have the ability to email outwith the Council.
- All employees have access to the Council's telephone network.
- Employees will not be charged for personal use of Internet access or the Council e-mail system but will reimburse the Council for personal telephone and fax use.
- Other than in cases of emergency, personal use of these facilities will be restricted to meal breaks and/or pre and post-normal working day and teachers' non-class contact time. These restrictions also apply to the use of personal mobile phones.
- Executive Directors and Heads of Service retain the right to deny or withdraw Internet and/or email access at any time.
- All Internet access will be automatically monitored with monthly usage reports issued to Executive Directors and Heads of Service as appropriate.
- All external and internal e-mails will be automatically monitored with monthly usage reports highlighting inappropriate use issued to Executive Directors and Heads of Service as appropriate.

- All employees will be required to sign an 'Acceptance and Declaration Form' to comply with the terms of the Policy. The Head of Information Technology is implementing a programme to extend Internet access to all Council workplaces on a phased basis and only when access is available will the employees concerned be required to sign the 'Acceptance and Declaration Form'.

A user handbook to supplement the Policy is available from your Departmental Administration Section and from the Head of Information Technology which details employee responsibilities in the following areas:

- ◆ Inappropriate or malicious use of Council's resources
- ◆ Internet, email and telephone (including mobiles and faxes) usage
- ◆ Privacy and Monitoring
- ◆ Responses to Breaches of Policy
- ◆ Housekeeping issues
- ◆ Passwords
- ◆ Security and Asset security
- ◆ IPaq Security
- ◆ UBS Flash Drive Security

You should adhere to the Policy in your use of the Council's computer equipment. Failure to do so may lead to disciplinary action being taken.

## **9. APPOINTMENTS**

The Council has a Recruitment and Selection Policy and Procedures which sets out the basic principles which must be taken into consideration to enable the Council to achieve a corporate and consistent approach in the critical area of recruitment and selection and to comply with employment legislation and associated codes of practice. A fundamental principle of the Council's Policy is that all employees involved in the process will be appropriately trained. Accordingly, if you have not received training in the Council's Recruitment and Selection Policy and Procedures you should not participate in the interview process.

If you are involved in the appointment process and have a personal relationship with an applicant which could be deemed to affect your impartiality, you should declare your possible interest to your supervisor, with a view to being excluded from the selection process.

Canvassing of Members or employees of the Council, directly or indirectly shall disqualify the candidate.

All appointments must be made on the basis of merit.

Copies of the Recruitment and Selection Policy and Procedures are available from your Departmental Human Resources Officer, from the Human Resources Service or on the intranet.

## **10. CONTACTS WITH THE MEDIA**

In your work with the Council you should not have contact with the media unless such contact is authorised by the Head of Democratic Services or Executive Director or Head of Service.

If you are contacted by a member of the media regarding the business of the Council you should politely decline to comment and refer the matter to the Head of Democratic Services.

This procedure is in your own interests and will protect you.

## **11. POLITICAL NEUTRALITY**

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 restricted by law.

You must serve the Council and all councillors, regardless of their political outlook, in accordance with this principle. The Chief Executive and senior officers have ultimate responsibility to help ensure that the policies of the Council are implemented. You must implement the policies of your 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 the Chief Executive or your Executive Director.

Some employees will have a close working relationship with councillors of the political group or groups which form the Council. Political groups may sometimes seek advice from Council employees by adhering to the following procedure:-

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

## **12. YOUR RIGHTS AS AN EMPLOYEE**

### **12.1 PUBLIC STATEMENTS**

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. But you should not, in your work capacity, criticise the Council either through the media, at public meetings or in any written communication with members of the public.

### **12.2 ACCESS TO YOUR COUNCILLOR**

As a citizen, you are 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 Procedure. A copy of the Grievance Procedure may be obtained from your Departmental Human Resources Officer, from the Human Resources Service or on the intranet.

### **12.3 FAIR AND REASONABLE TREATMENT AT WORK**

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 Council procedures. Copies of the Grievance Procedure and Harassment and Bullying Policy and Procedures are available from your Departmental Human Resources Officer, from the Human Resources Service or on the intranet.

There may be rare occasions when you have a concern relating to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of a colleague, a councillor, a member of the public or another organisation. To allow you to raise confidentially within the Council issues such as these, the Council has approved a Whistleblowing Policy. A copy of the Whistleblowing Policy is available from your Departmental Human Resources Officer, from the Human Resources Service or on the intranet.

### **13. OTHER COUNCIL POLICIES AND PROCEDURES**

In considering the obligations and responsibilities placed on you by this Code of Conduct you should have regard to other Council policies and procedures including:-

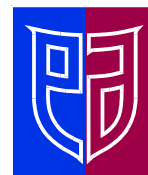
- Disciplinary Policies and Procedures
- Financial Regulations
- Scheme of Delegation and Administration
- Whistleblowing Policy
- Recruitment and Selection Policy
- The Equal Opportunity Policy and Equality Schemes
- Harassment and Bullying Policy and Procedures

Copies of these Policies and Procedures can be accessed through the Council's intranet or in hard copy from your Departmental Human Resources Officer.

### **14. DECLARATION OF INTEREST**

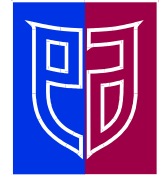
Any declaration of interest in relation to any part of this Code of Conduct should be made to your Executive Director or Head of Service. You and your Executive Director or Head of Service must complete the Employee Register of Interest form, a copy of which is produced here at Appendix B. You will agree the appropriate course of action with your Executive Director or Head of Service who will sign and retain the said form. You shall comply with the decision made. In the event that you are not satisfied with the decision of your Executive Director or Head of Service you will require to raise your dissatisfaction through the Council's Grievance Policy and Procedures.

**Human Resources  
November 2009**



## EAST AYRSHIRE COUNCIL GIFTS AND HOSPITALITY RECORD

<b>NAME</b>	
<b>DESIGNATION</b>	
<b>NAME OF COMPANY OR ORGANISATION OFFERING HOSPITALITY OR GIFT</b>	
<b>NATURE OF HOSPITALITY OR GIFT</b>	
<b>DATE, VENUE &amp; EVENT (if relevant)</b>	
<b>WHETHER OR NOT ACCEPTED</b>	
<b>ANY OTHER RELEVANT INFORMATION</b>	
<b>YOUR SIGNATURE</b>	
<b>CHIEF EXECUTIVE OR EXECUTIVE DIRECTOR'S SIGNATURE</b>	
<b>DATE</b>	



**EAST AYRSHIRE COUNCIL**

**CODE OF CONDUCT**

**DECLARATION OF INTERESTS**

**I declare an interest in Council business under the following sections of the Code of Conduct. Please tick the appropriate box:**

**Section 1.3 Contractors**

**Section 2 Conflicts of Interest**

**Section 4 Work outside the Council**

Description of Council work to which your declaration relates:

Signed: ..... Date: .....

Print Name: .....

Department: .....

Head of Department:

I confirm that the above employee has made full disclosure to me of the above issues and the following action has been agreed:

Employee to cease all involvement in the activity

Employee to continue involvement in the activity

Signed : ..... Date: .....

Designation: .....

<b>For Departmental use only:</b>	
Date Received	
Reference Number	