

EAST AYRSHIRE COUNCIL

**JOINT NEGOTIATING COMMITTEE FOR TEACHERS (JNCT)
5 OCTOBER 2011**

EMPLOYMENT RELATED POLICIES

Report by Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

1.1 The purpose of the report is to ask the Joint Negotiating Committee to approve proposed changes to the Council's Code of Conduct Policy and Whistleblowing Policy for employees incorporating Teaching Staff.

2. BACKGROUND

2.1 As part of the ongoing review of the Council's Employment Policies, changes have been required to be made to the above Policies to ensure that the Council continues to take account of new legislation and reflect best human resources practice.

2.2 The Council's Code of Conduct Policy and Whistleblowing Policy were last updated in March 2010 and June 2009 respectively and apply to all employees of the Council.

2.3 The proposed changes have been discussed and agreed with Trade Unions representing Local Government Employees and Craft Operatives and a report is being submitted to Cabinet recommending approval of these changes.

3. PROPOSED CHANGES

3.1 CODE OF CONDUCT POLICY

3.1.1 The main proposed changes to the existing Code of Conduct relate to the following sections:

- All references in document to Personnel or Personnel Services have been changed to Human Resources.
- Section 4 'Work outside the Council' has been amended to further detail the conditions governing the situation in which an employee can assist a friend, colleague or relative to prepare a business transaction with the Council.
- Section 5 'Gifts and Hospitality', Paragraph 5.1 now gives a definition of what is meant by Gifts. The definition now includes the provision of services which would have a monetary value if supplied on a commercial basis.

- Section 6 has been given a new title, namely 'Bribery and Corruption. The contents of the section have been amended to make reference to and take account of the provisions of 'The Bribery Act 2010'.
- Insertion of new Section 12 'Appearance at Work. This section is designed to ensure that employees while at work should not wear any item of clothing, emblems, insignia etc that might cause offence or encourage factionalism. Mention is also made that the implementation of this provision will be in compliance with the Council's strategy for securing equality and diversity.
- Insertion of new Section 13 'Use of Social Networking Sites'. This section provides guidance on the use of social networking sites. In particular reference is made to the possible consequences for an employee if they post anything on a social networking site of a derogatory nature about the Council, work colleagues or service users.
- List of relevant contacts – new Appendix added

3.2 WHISTLEBLOWING POLICY

3.2.1 The main proposed changes to the existing Whistleblowing Policy relate to the following sections:

- Under Section 2 (Definition of Whistleblowing) , further clarification has been added.
- Under Section 3 (General Principles), a new paragraph, 3.4, has been added to take account of the provisions of the Bribery Act 2010.
- Under Section 4 (Responsibilities - Employees), additional wording has been inserted into the second bullet point.
- Paragraph 7.7 (How to Raise a Concern) has been amended by the addition in the last sentence of the summary of the interview being signed by both parties.
- Under Section 14 (Media Contact), a new paragraph 14.3 has been added to advise employees that in certain circumstances disclosure to the media will be protected.
- Under Section 17 (Review), the Policy and Procedure will be reviewed as necessary and not on an annual basis.
- List of Designated Officers has been updated.

3.3 Copies of the updated Policies are attached as Appendix 1 (Code of Conduct Policy) and Appendix 2 (Whistleblowing Policy).

4. FINANCIAL IMPLICATIONS

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

5. POLICY/LEGAL IMPLICATIONS

- 5.1 There are no policy or legal implications.

6. COMMUNICATIONS

- 6.1 Teaching staff will be advised of the revised changes via the Council's intranet site, Ewords and the issue of a relevant Per Circular.

7. RECOMMENDATIONS

- 7.1 The Joint Negotiating Committee is asked to:
- (i) approve the above changes to the Council's Code of Conduct Policy and Whistleblowing Policy incorporating Teaching Staff; and
 - (ii) otherwise note the contents of the report.

Graham Short
Executive Director of Educational and Social Services
26 September 2011

LIST OF BACKGROUND PAPERS

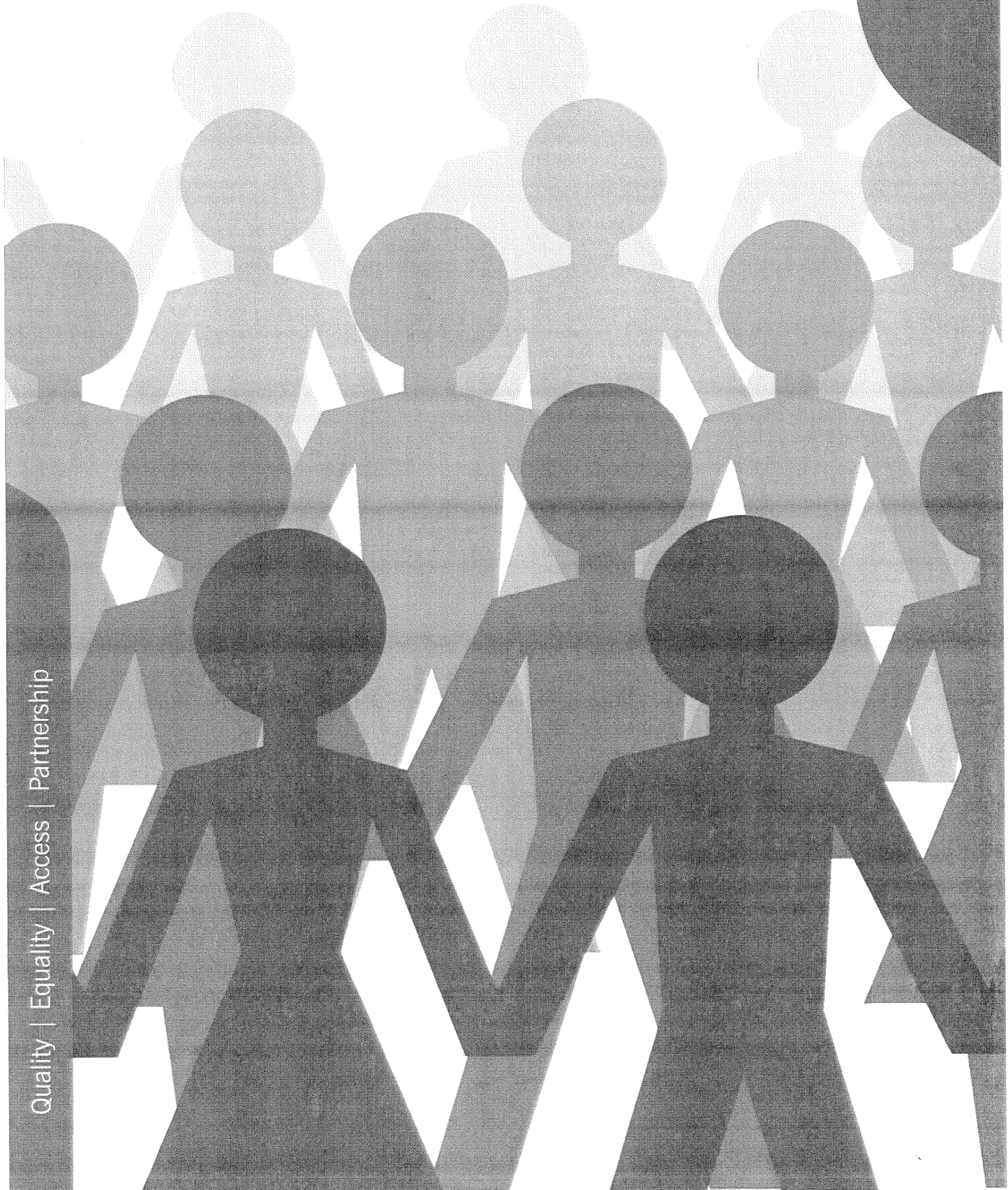
1. Per Circular 2/10 – Code of Conduct for All Employees
2. Per Circular 5/09 – Revised Whistleblowing Policy – All Employees

Any person wishing further information should contact Martin Rose, Head of Human Resources (Telephone 01563 576092) or Andrew Sutherland, Head of Service: Schools (Telephone 01563 576126).

East Ayrshire Council

CODE OF CONDUCT

July 2011



Quality | Equality | Access | Partnership

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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 Council 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.

PRINCIPLES

THE SEVEN PRINCIPALS 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.

1. 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 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 the 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 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 16 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

With the exception of Chief Officers where separate arrangements apply requiring 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 identified clearly as being an employee of the Council whilst undertaking this work e.g. wearing of council identification, and this work 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 set 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. It must be unpaid work and no gift or hospitality should be accepted by the employee concerned for providing the support and assistance. 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 code offers 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.

It is important to note that in the context of the Code of Conduct the term 'gifts' is defined not only as goods or items that have more than a nominal monetary value but also as the provision of services (professional, technical, financial etc) which again would have more than a nominal monetary value if supplied on a commercial basis.

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

Twinning 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 the procurement process 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. BRIBERY AND CORRUPTION

It is a serious criminal offence under the provisions of the Bribery Act 2010 to participate in any act of 'active' bribery (that is offering, promising or giving a bribe) or 'passive' bribery (that is requesting, agreeing to receive or accepting a bribe) in the course of your work with the Council.

It is important for you to understand that it is a very serious criminal and disciplinary offence to behave in a corrupt manner in the course of discharging your duties for the Council. That is to dishonestly exploit in any way the responsibilities and powers of the post you hold with the Council for your own personal gain.

If you become aware of any act of bribery or corruption within the Council or in any organisation wholly or partly funded by the Council you must report it immediately to an appropriate senior officer. Alternatively, you may report it under the provisions of the Council's Whistleblowing Policy.

The Whistleblowing Policy can be viewed on the Council's Intranet Site via the Human Resources Policies, Booklets and Toolbox Talk Quick link or alternatively a copy can be obtained from the Human Resources Service.

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 Systems 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 Corporate Infrastructure 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 Corporate Infrastructure 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. APPEARANCE AT WORK

All employees in the course of their duties should not wear or display anything that might place the commitment to equality in the provision of Council services in jeopardy, cause offence or indeed encourage factionalism within the Council or within the wider community.

In particular, in order to ensure the above objectives are met, all employees while at work or attending any work related functions held outside of normal working hours either on or off the Council's premises should not wear any football colours or emblems. In addition,

they should not wear any insignia, monogram or regalia that are indicative of membership of or support for any club or society, whether private or public which may be viewed as causing offence or prejudice.

Whilst the Council does not have a formal dress code, all Council employees are expected to have a presentable appearance at work. This is important because no matter their job role, as they go about undertaking their duties, they will be viewed by the general public as being representatives of the Council. Therefore, the appearance of Council employees is very important in determining the perceptions and impressions that the public has of the values of the Council and those to which it aspires.

An integral part of those values is the intention on the part of the Council to create and maintain an identifiable appearance that reflects sensitivity to the various social and cultural strands within East Ayrshire.

The general public must be able to perceive in the appearance of an employee nothing that might undermine the notion that the Council has a commitment to equality in the provision of its services to all citizens within East Ayrshire.

The Council will ensure that the implementation of this provision will be fully compliant with its strategy for equality and diversity both as an employer and a deliverer of services.

13. USE OF SOCIAL NETWORKING MEDIA

This section of the Code provides guidance on the use of social networking sites to ensure that employees are aware of the consequences of any potential misuse.

This guidance applies to the use of Social Networking Sites in all circumstances, even when the employee is not at work. For reasons outlined below, the Council has valid reasons in this context to be concerned about an employee's conduct outwith normal working hours.

The use of online social networking media has grown over the past few years and employees of East Ayrshire Council are using a number of social networking sites e.g. Facebook, Twitter, Bebo, Friendster etc.

Employees have a right to a personal life and provided they do not breach reasonable conduct guidelines, this is respected by the Council. However, the Council has valid concerns about the way employees conduct their personal lives with regard to breaches of confidentiality or bringing the Council into disrepute by making derogatory statements about the Council, fellow employees or others such as service users etc. This is the same whether any misconduct happens online or offline.

The positive aspects of social networking sites include creating and developing work-related relationships; keeping in contact with relatives; research and communication.

Employees must not post online using a social network site anything which could constitute a negative and damaging communication about the Council, work colleagues or service users. Such action could be regarded as bringing the Council into public disrepute and may result in disciplinary action being taken against them.

Similarly if an employee uses a social network site to libel, harass, create a hostile work environment or post any discriminatory material about work colleagues then this may be regarded as bullying and harassment which could also result in disciplinary action being taken against the employee concerned.

Employees therefore need to reflect on what they say online about the Council or work colleagues before actually posting any information.

A number of Council employees, in the course of their duties, will have access to sensitive and confidential information including personal details of a member of the public who is using the services of the Council. On no account, should an employee ever disclose any such sensitive or confidential information or make reference of any type about a service user on a social networking site.

A number of Council employees come into contact with the public in the normal course of their employment. Their job may require them to be able to engender a degree of trust and confidence from the members of the public or client group with whom they deal. Employees in this situation therefore should consider carefully the 'persona' they wish to portray on a social networking site.

In summary when using social network sites, all employees should at all times be aware of their continuing responsibilities to the Council.

14. YOUR RIGHTS AS AN EMPLOYEE

14.1 PUBLIC STATEMENTS

As a citizen you are entitled to express your views about the Council, provided you do not make use of any confidential 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.

14.2 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.

14.3 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.

15. 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:-

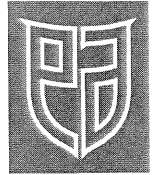
- Disciplinary Policies and Procedures
- Financial Regulations
- Scheme of Delegation and Administration
- Whistleblowing Policy
- Recruitment and Selection Policy
- The Equal Opportunity Policy and Equality Schemes
- Harassment and Bullying Policy and Procedures

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

16. 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 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 Procedure.

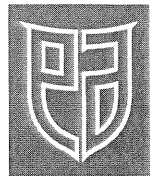
Human Resources
July 2011



**EAST AYRSHIRE COUNCIL
GIFTS AND HOSPITALITY RECORD**

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

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:

For Departmental use only:	
Date Received	
Reference Number	

LIST OF RELEVANT CONTACTS

Detailed below is a list of relevant Council Officers for employees to contact in relation to the following -

General Enquiries and Enquiries relating to Recruitment and Selection

- **Managerial Contacts**

Martin Rose
Head of Human Resources
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576092
martin.rose@east-ayrshire.gov.uk

George Park
Employee Relations Manager
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576095
george.park@east-ayrshire.gov.uk

John Sheridan
Human Resources Manager (Corporate)
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576152
john.sheridan@east-ayrshire.gov.uk

Amanda Lowe
Human Resources Manager (ESS)
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 576942
amanda.lowe@east-ayrshire.gov.uk

- **Human Resources Officers – Departmental Contacts**

CHIEF EXECUTIVE'S OFFICE & DEPARTMENT OF FINANCE & CORPORATE SUPPORT

Lynn Mitchell
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576202
lynn.mitchell@east-ayrshire.gov.uk

DEPARTMENT OF NEIGHBOURHOOD SERVICES

Jackie Knotts
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 576629
jackie.knotts@east-ayrshire.gov.uk

Sandra Ann Marshall
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 576980
sandraann.marshall@east-ayrshire.gov.uk

Aynsley McCrone
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 576635
aynsley.mccrone@east-ayrshire.gov.uk

DEPARTMENT OF EDUCATIONAL & SOCIAL SERVICES

Jan Armour
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 503387
jan.armour@east-ayrshire.gov.uk

Lillian Coles
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 503377
lillian.coles@east-ayrshire.gov.uk

Donna Neilson
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 576821
donna.neilson@east-ayrshire.gov.uk

Nicola Wilson
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 503379
nicola.wilson@east-ayrshire.gov.uk

Catriona Arter
Human Resources
17 To 19 Hill Street
Kilmarnock
KA3 1HA
Telephone: 01563 503378
catriona.arter@east-ayrshire.gov.uk

Freedom of Information Enquiries

Freedom of Information Officer

Colin Urie
Democratic Services
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576094
colin.urie@east-ayrshire.gov.uk

Monitoring Officer Enquiries

Monitoring Officer

David Mitchell
Head of Legal, Procurement & Regulatory
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576061
david.mitchell@east-ayrshire.gov.uk

Monitoring Officer Enquiries - continued

Depute Monitoring Officer

Stuart McCall
Legal and Procurement Services Manager
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576085
stuart.mccall@east-ayrshire.gov.uk

Depute Monitoring Officer

Craig Young
Litigation Team Leader
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576220
craig.young@east-ayrshire.gov.uk

Customer First Service Commitment Enquiries

Customer First & Complaints

Suzie Cassels
Customer First Officer
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576157
suzie.cassels@east-ayrshire.gov.uk

Communication & Customer First Manager

Lynne Buchanan
Communication & Customer First Manager
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576520
lynne.buchanan@east-ayrshire.gov.uk

<http://www.east-ayrshire.gov.uk/customerfirst/commitment/>

This document is also available, on request, in braille, large print or recorded on to tape, and can be translated into Chinese, Punjabi, Urdu, Gaelic and Polish.

Ma tha sibh airson fiosrachadh fhaighinn ann an cànan sam bith eile, cuiribh brath thugainnaig an t-seòladh a leanas.

اگر آپ یہ معلومات کسی اور زبان میں چاہتے ہیں تو براہ کرم ہم سے رابطہ کریں۔

閣下如需要這份資料的其他語言版本，請透過以下的地址與我們聯絡。

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ
ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕਿਰਪਾ ਕਰ ਕੇ ਠ ਦਿੱਤੇ ਗਏ ਖੱਤੇ ਤੇ
ਸੰਪਰਕ ਕਰੋ ।

Dokument dost pny jest równie w alfabecie Braille'a, w wersji z powi kszonym drukiem lub w formie nagrania d wi kowego na kasecie. Na yczenie oferujemy tak e tłumaczenie dokumentu na wybrany j zyk.



East Ayrshire
COUNCIL

Main Changes Made

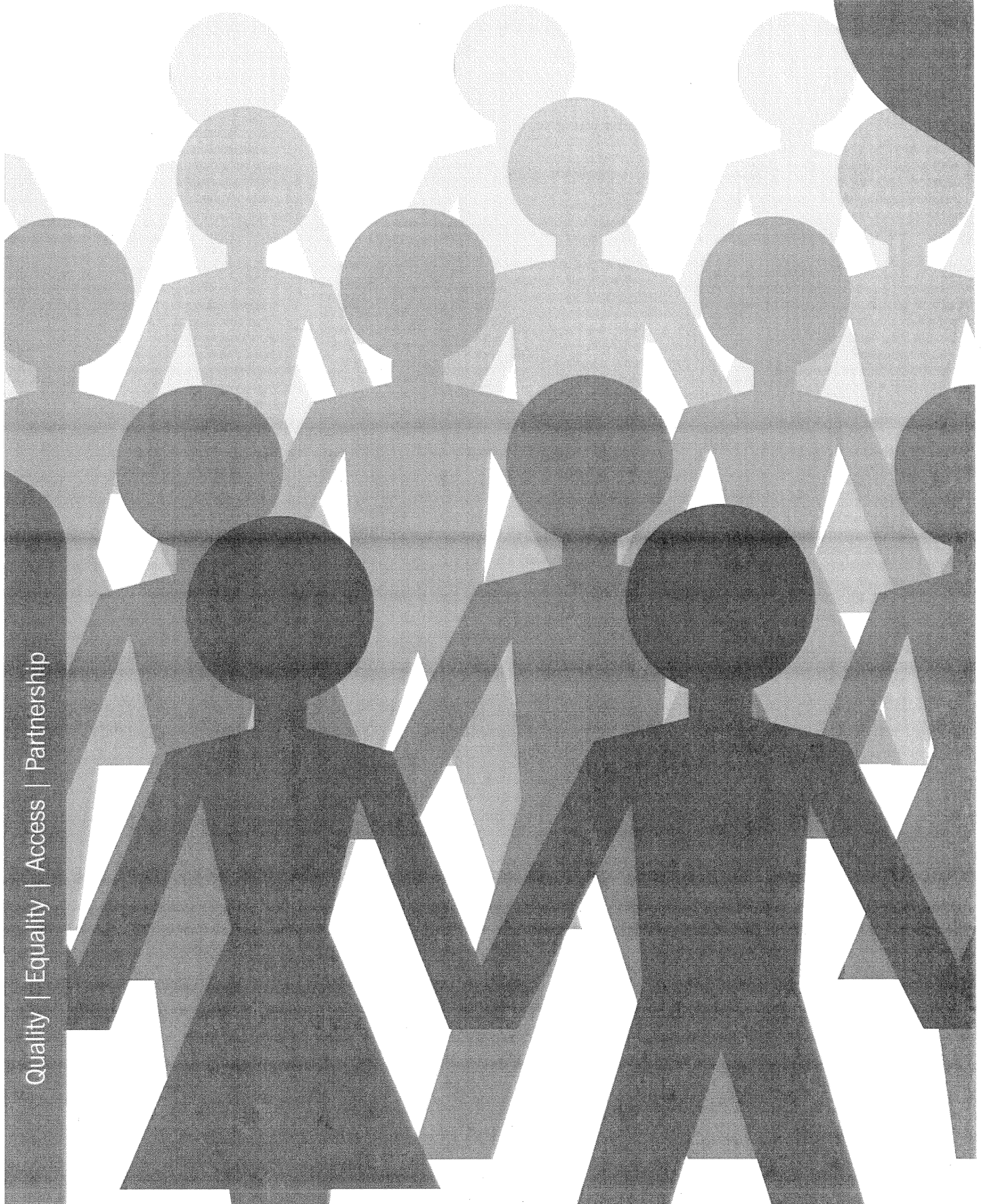
- All references in document to Personnel or Personnel Services have been changed to Human Resources.
- Section 4 'Work outside the Council' has been amended to further detail the conditions governing the situation in which an employee can assist a friend, colleague or relative to prepare a business transaction with the Council.
- Section 5 'Gifts and Hospitality', Paragraph 5.1 now gives a definition of what is meant by Gifts. The definition now includes the provision of services which would have a monetary value if supplied on a commercial basis.
- Section 6 has been given a new title, namely 'Bribery and Corruption'. The contents of the section have been amended to make reference to and take account of the provisions of 'The Bribery Act 2010'.
- Insertion of new Section 12 'Appearance at Work'. This section is designed to ensure that employees while at work should not wear any item of clothing, emblems, insignia etc that might cause offence or encourage factionalism. Mention is also made that the implementation of this provision will be in compliance with the Council's strategy for securing equality and diversity.
- Insertion of new Section 13 'Use of Social Networking Sites'. This section provides guidance on the use of social networking sites. In particular reference is made to the possible consequences for an employee if they post anything on a social networking site of a derogatory nature about the Council, work colleagues or service users.

Whistleblowing Policy

September 2011



Quality | Equality | Access | Partnership



EAST AYRSHIRE COUNCIL

WHISTLEBLOWING POLICY

1. POLICY STATEMENT

- 1.1 The Council is committed to the highest possible standards of honesty and openness, probity and accountability. It seeks to conduct its business in a responsible manner, ensuring that all its activities are open and effectively managed and that its integrity is sustained.
- 1.2 The Public Interest Disclosure Act 1998, is the Act which protects workers who, in prescribed circumstances “blow the whistle” about wrongdoing. This Act amended the Employment Rights Act 1996 and makes provision about the kinds of disclosures which may be protected, the circumstances in which such disclosures are protected and the persons who may be protected.
- 1.3 In support of that commitment, the Council encourages employees who may have serious concerns about circumstances or incidents they come across during their work to come forward and voice those concerns.
- 1.4 It is recognised that most concerns will be expressed in confidence. Where possible that confidentiality will be maintained. Where that is not possible an explanation will be given with further support offered to the employee concerned.
- 1.5. Employees are often the first to realise that there may be something seriously wrong with certain aspects of their employer’s activities. However, employees may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. The Council believes that it is the responsibility of each employee to realise that they not only have the right to report any suspected improper actions or omissions.
- 1.6 The Council recognises the positive contribution that employees who raise concerns can make. This policy makes it clear that employees can raise concerns without fear of victimisation, subsequent discrimination or disadvantage.
- 1.7 The Council recognises that the decision to report a concern can be a difficult one for an employee to make. Employees will have nothing to fear if in good faith they raise a concern as they will be doing their duty to their employer and those for whom the Council is providing a service.

2. DEFINITION OF WHISTLEBLOWING

2.1 “Whistleblowing” is the common term given used to describe circumstances when an employee discloses information which in the reasonable belief of the employee tends to show that one or more of the following has occurred, is occurring or is likely to occur:

- (a) a criminal offence
- (b) a failure to comply with any legal obligation
- (c) a miscarriage of justice
- (d) a health and safety danger
- (e) damage to the environment
- (f) the deliberate concealment of information relating to matters falling within (a) to (e) above

The circumstances described at (a) to (f) are known as relevant failures

The employee does not require to be personally affected by the circumstances giving rise to the disclosure to raise the matter.

This policy does not apply to an employee’s concern relating to the workplace competence of colleagues.

3. GENERAL PRINCIPLES

3.1 This policy applies to all employees of East Ayrshire Council

3.2 This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide a mechanism for employees to raise those concerns and, where appropriate, receive feedback on any action taken;
- Ensure that employees receive a prompt response to their concerns and are aware of how to pursue them if they are not satisfied; and
- Reassure employees that they will be protected from possible reprisals or victimisation provided that they have a reasonable belief that they have made a disclosure in good faith.

3.3 Individual employees have a right and responsibility to raise any matters of concern regarding **serious malpractice, wrongdoing or maladministration**, within the Council or in an organisation wholly or partly funded by the Council. Examples of this include: misuse of Council property for personal use or gain.

- 3.4 Employees also have a right and responsibility to raise any concerns they may have with regard to Bribery or Corruption within the Council or in an organisation wholly or partly funded by the Council. In particular employees should raise any concerns they have that an offence has been committed under the Bribery Act 2010. The two principle offences with regard to this Act are firstly the offering, promising or giving of a bribe and secondly the requesting, agreeing to receive or accepting of a bribe.
- 3.5 This procedure is designed to deal with concerns of **serious malpractice, wrongdoing or maladministration**, and is not designed to replace the Grievance or Harassment and Bullying Procedures, which are used to consider employee concerns relating to terms and conditions of service and harassment and bullying, respectively.
- 3.6 In making a disclosure the employee must have reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed above. The belief need not be correct – it might be discovered later that the employee was in fact wrong. However, the employee must be able to show that they held the belief and that it was a reasonable belief in the circumstances at the time of the disclosure.

4. RESPONSIBILITIES

- 4.1 In order to ensure fair and consistent application of the Policy and Procedure, all parties have responsibilities as follows:-

The Council

- Will delegate responsibility to Executive Directors for ensuring maintenance of the Whistle blowing Policy and Procedures within their department;
- Will provide a supportive culture within which issues can be raised.

Heads of Service and Managers

- Should implement and communicate the Policy and Procedure to employees;
- Should ensure fair, effective and consistent treatment of employees and act reasonably in a whistleblowing complaint;
- Should ensure that no employee is subjected to victimisation, harassment as a result of whistleblowing.

Employees

- Should accept and understand the terms and conditions of the Policy and Procedure;
- Should familiarise themselves with the rules and standards expected of them as employees and to abide by them;
- Should co-operate with management during investigation and throughout the whistleblowing process.

5. CONFIDENTIALITY

- 5.1 All matters raised under this procedure will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, an employee may need to be identified and/or called as a witness in connection with internal or external proceedings at a later date. On these occasions further support and assistance will be given to employee concerned.

6. ADVICE AND GUIDANCE

- 6.1 Employees can obtain advice and guidance on how to pursue matters of concern from:

- Human Resources Officer
- Trade Union Representative
- Head of Service
- Executive Director
- Chief Auditor
- Council's Monitoring Officer
- Chief Executive

- 6.2 Before submitting their concerns formally, an employee may wish to consider discussing the matter with a colleague first and they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concern.

- 6.3 An employee can be accompanied by their trade union, professional association representation or a colleague during any meetings or interviews in connection with the concerns they have raised.

7. HOW TO RAISE A CONCERN

- 7.1 An employee wishing to raise a concern formally should in the first instance contact their Human Resources Officer who will provide guidance on the Policy and will direct them to an appropriate Designated Officer to consider the complaint. The Human Resources Officer, in agreement with the employee, will forward their concerns to the relevant Designated Officer. The overriding principle which the

Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

- 7.2 Designated Officers are all Executive Directors and Heads of Service.
- 7.3 The Human Resources Officer will arrange for the employee to be supported in relation to general welfare issues as necessary during the process.
- 7.4 Concerns may be raised verbally or in writing employees are encouraged to raise their concerns in writing. Employees who wish to put their concerns in writing should outline:
- The background and history of their concern (giving relevant dates);
 - The reason(s) why they are particularly concerned about the situation.
- 7.5 The earlier that an employee raises a concern then the easier it is for action to be taken.
- 7.6 Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.
- 7.7 Where concerns are raised with a Designated Officer, they will arrange an initial interview, which will if requested be confidential, to ascertain the area of concern. The employee may be accompanied at this interview by their Trade Union representative, a professional association representative or a work colleague. At this stage the whistleblower will be asked whether they wish their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. They will be asked whether or not they wish to make a written or verbal statement. In either case the Designated Officer will write a brief summary of the interview, which will be agreed and signed by both parties.

8. ANONYMOUS ALLEGATIONS

- 8.1 The Council encourages employees to put their name to an allegation whenever possible.
- 8.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Designated Officer receiving the allegation.
- 8.3 In exercising this discretion the factors to be taken into account by the Designated Officer would include:

- The seriousness of the issues raised;
- The evidence provided to support the allegation;
- The credibility of the concern; and
- The likelihood of being able to substantiate the allegation from attributable sources.

9. UNSUBSTANTIATED ALLEGATIONS

- 9.1 If an employee makes an allegation in good faith, but it is not substantiated by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, then the matter will be considered under the Council's Disciplinary Policy and Procedures.

10. HOW THE COUNCIL WILL RESPOND

- 10.1 Where appropriate, the matters raised may be considered in one or more of the following ways:

- investigation by management, internal audit or through the disciplinary process
- referral to the Police
- referral to the external Auditor or
- independent inquiry

11. INVESTIGATION PROCEDURE

- 11.1 Within 5 working days of a concern being raised, the Designated Officer dealing with the investigation will write to the employee:
- Acknowledging that the concern has been raised
 - Indicating the proposals for dealing with the matter
 - Giving an estimate of how long it will take to provide a full response
 - Informing them whether any initial enquiries have been made
 - Providing them with information on appropriate support mechanisms, and
 - Advising them whether a further investigation will take place and, if not, why not.
- 11.2 The amount of contact between the Designated Officer and the employee after considering the issues will depend on the nature and complexity of the concerns raised, and the clarity of the information provided. If necessary, the Designated Officer will seek further information from the employee.
- 11.3 Where any meeting is arranged, at a location that is convenient and acceptable, the employee can be accompanied by a Trade Union

representative, a professional association representative or a work colleague.

- 11.4 The Council will take steps to minimise any difficulties which an employee may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, arrangements will be made for them to receive advice about the procedure.
- 11.5 The Council accepts that an employee needs to be assured that the matter has been properly addressed. Subject to legal or other constraints, the employee will be informed of the outcome of the investigation.
- 11.6 All concerns received that result in an investigation will be reported to the Chief Executive and the Council's Monitoring Officer at both the receipt stage and at the completion of the investigation stage. The Council's Monitoring Officer will be responsible for the commission of any further investigation.
- 11.7 Depending on the seriousness of the matter raised the timescales laid out in section 11.1 may be accelerated.

12. HOW THE MATTER CAN BE TAKEN FURTHER

12.1 This Policy and Procedure is intended to provide employees with an avenue within the Council to raise concerns. The Council trusts that employees will be satisfied with any action taken. If they are not and if they feel it is right to take the matter outside the Council within the context of whistleblowing, the following are possible contact points:

- The employee's local councillor
- The Council's external auditor
- Relevant professional bodies or regulatory authorities
- The employee's solicitor
- The Police
- The employee's MP or MSP
- The charity – Public Concern at Work – www.pcaaw.co.uk
- Another appropriate person or organisation

12.2 If an employee does take the matter outside the Council, they should ensure that they do not disclose confidential information. For example, they need to be aware of the restrictions on the disclosure of information imposed by the Data Protection Act 1998. The Freedom of Information Officer can provide advice and assistance on this.

13. RECORD KEEPING

- 13.1 It is important that accurate record keeping is maintained throughout the Whistleblowing process. All records will be kept confidential in accordance with the Data Protection Act 1998.
- 13.2 Unless there is a statutory requirement to retain notes and correspondence relating to the Whistleblowing action, all documentation will be securely destroyed by office shredder or by confidential waste disposal after expiry of the designated time limit period in accordance with the departmental retention schedule.

14. MEDIA CONTACT

- 14.1 This procedure has been developed to enable employees to raise certain concerns on the basis that it is in the public interest to make such matters known to the nominated officer within the Council. However, the reporting of concerns does not mean that such matters should be made available for public consumption through the media.
- 14.2 Employees are reminded that in accordance with the Code of Conduct for Employees in their work with the Council, contact should not be made with the media unless such contact is authorised by the Head of Democratic Services.
- 14.3 In certain circumstances, disclosures to the media will be protected under the “reasonable in all the circumstances” test will be applied in addition to the other criteria for protection in these circumstances

15. THE RESPONSIBLE OFFICER

- 15.1 The Head of Human Resources has overall responsibility for the maintenance and operation of this Policy and Procedure and will maintain a record of concerns raised and the outcomes (in a form which does not compromise employee confidentiality) and will report as necessary to the Council.

16. TRAINING

- 16.1 A range of training interventions will be available for relevant employees to access to ensure that all complaints are dealt with in a consistent manner.

17. REVIEW

- 17.1 This Policy and Procedure will be reviewed as necessary following any changes in relevant legislation or operational requirements.

List of Designated Officers

All Heads of Service will be appointed as Designated Officers and can be contacted in relation to Whistleblowing concerns.

Finance and Corporate Support

Head of Democratic Services
Head of Human Resources
Head of Corporate Infrastructure
Head of Legal, Procurement and Regulatory Services
Head of Finance

Neighbourhood Services

Head of Housing
Head of Leisure Services
Head of Roads and Transportation
Head of Planning and Economic Development

Educational & Social Services

Head of Facilities Management
Head of Resources
Head of Service: Children, Families and Criminal Justice
Head of Service: Community Care
Head of Service: Community Support
Head of Service Schools

The Head of Service Legal, Procurement and Regulatory Services is the appointed Monitoring Officer for the Council

This document is also available, on request, in braille, large print or recorded on to tape, and can be translated into Chinese, Punjabi, Urdu, Gaelic and Polish.

Ma tha sibh airson fiosrachadh fhaighinn ann an cànan sam bith eile, cuiribh brath thugainnaig an t-seòladh a leanas.

اگر آپ یہ معلومات کسی اور زبان میں پانچے ہیں تو ہم نے سرکاری پتے پر درخواستیں قبول کرتے ہیں۔

閣下如需要這份資料的其他語言版本，請透過以下的地址與我們聯絡。

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Dokument dost pny jest równie w alfabecie Braille'a, w wersji z powi kszonym drukiem lub w formie nagrania d wi kowego na kasecie. Na yczenie oferujemy tak e tłumaczenie dokumentu na wybrany j zyk.



East Ayrshire
COUNCIL

Main Changes Made

- Under Section 2 (Definition of Whistleblowing) , further clarification has been added.
- Under Section 3 (General Principles), a new paragraph, 3.4, has been added to take account of the provisions of the Bribery Act 2010.
- Under Section 4 (Responsibilities - Employees), additional wording has been inserted into the second bullet point
- Paragraph 7.7 (How to Raise a Concern) has been amended by the addition in the last sentence of the summary of the interview being signed by both parties.
- Under Section 14 (Media Contact), a new paragraph 14.3 has been added to advise employees that in certain circumstances disclosure to the media will be protected.
- Under Section 17 (Review), the Policy and Procedure will be reviewed as necessary and not on an annual basis.