

THE MORAY COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees of the Council. You must meet those expectations by ensuring your conduct is above reproach. It is your responsibility to make sure you are familiar with the provisions of this Code and that your actions comply with it. However, no written information can provide for all circumstances and if you are uncertain about how the Code applies, you should seek advice from your line manager, Personnel Services or your trade union representative. This Code incorporates existing policies, regulations and conditions of service and provides further guidance on the minimum standards of conduct expected of Council employees.
- 1.2 In addition to this general Code, there may be professional standards and rules related to your particular area of work which you must also comply with.
- 1.3 The Code does not affect your rights and responsibilities under the law; its purpose is to provide clear and helpful advice. Because of the nature of their work, parts of the Code may apply to some employees more than others, but all employees must comply with the Code.
- 1.4 A breach of the Code may result in disciplinary action in accordance with the Council's Disciplinary Procedures.

2. Scope

- 2.1 This Code shall apply to all Council employees.

3. Key Principles of the Code

- 3.1 The general principles upon which this Code of Conduct is based are:

- ◆ **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 public and Council's best interests.
- ◆ **Integrity:** You should not place yourself under any financial or other obligation to any individual or organisation, which might reasonably be thought to influence you in your work for the Council.
- ◆ **Objectivity:** Any decisions which you take in the course of your work for the Council must be based solely on merit, including making appointments, awarding contracts, or recommending individuals for rewards or benefits.

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- ◆ **Accountability:** You are accountable for your decisions and actions to the Council as your employer. The Council, in turn, is accountable to the public.
- ◆ **Openness:** You should be as open as possible in all the decisions and actions that you take. You should give reasons for decisions and should not restrict information unless this is clearly required by Council policy, by the law or when public interest demands.
- ◆ **Honesty:** You have a duty to act honestly. You must declare any private interests relating to or which might affect your work with the Council.
- ◆ **Leadership:** If you are in a managerial position, you must promote and support these principles by leadership and example to maintain and strengthen the trust and confidence in the integrity of the Council and its employees
- ◆ **Respect:** You must respect all other Council employees, Councillors, users of Council services *and partner providers* and treat them with courtesy at all times.

4. **Relationships**

4.1 **The Public**

You may have access to the public as users of services, clients or citizens. Each member of the public should be dealt with fairly, equitably and consistently to ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

4.2 **Councillors**

You must respect all Councillors and treat them with courtesy at all times and it is expected that Councillors will show the same consideration in return.

Both Councillors and employees are servants of the public but their responsibilities are distinct: Councillors are responsible to the electorate and serve only as long as their term of office lasts. Their role is to determine policy. Employees are responsible to the Council and their job is the direct operational management and delivery of the Council's services. Employees give advice to Councillors and the Council and carry out the Council's work under the direction and control of the Council, its committees and sub-committees.

Mutual respect between Councillors and employees is essential to good local government. *Both employees and Councillors should be mindful* that close personal familiarity between individual Councillors and employees can damage the relationship and prove embarrassing to other Councillors and employees.

You should follow the practice detailed in the Protocol for Relations between Councillors and employees attached at **Appendix A**.

4.3 Contractors

You must be fair and impartial in your dealings with contractors, sub-contractors and suppliers. If you are involved in the tendering process you must follow the Council's procedures and rules about tenders and contracts. If you have 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 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.

4.4 Conflicts of Interest

You must not allow any private interest, financial or non-financial, to influence your decisions.

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

You may have a private interest which relates to your work for the Council. That interest may be a financial one or one that a member of the public might reasonably think could influence your judgement. In addition, close family members or people living in your household may have financial interests in the work of the Council. All such interests must be declared to your line manager/supervisor and subsequently passed to the Head of Personnel Services for recording in a register of staff interests.

If you are a member of an organisation or club (eg *Parent Council*, Community Council, PTA, etc.) and membership might result in a conflict of interest in relation to any aspect of your work with the Council, you should declare this interest to your line manager/supervisor who, in turn, should pass the details to the Head of Personnel Services. This applies equally to membership of organisations or clubs, which are not open to the public (eg Freemasonry). You need only declare interests which relate to your work with the Council.

If you declare an interest, you will not normally be required to continue to work or take decisions relative to this interest. In certain circumstances, your activities outside work may be restricted due to your employment, eg political or commercial activities.

The Council's decision making process must be as transparent and open as possible and this should be the basis on which you normally work. The Council must provide the public with clear and accessible information about how it operates.

There are exceptions, however, to the principle of openness where confidentiality is involved, and information may be withheld if, for example, it would compromise a right of personal or commercial confidentiality or Council Policy. This does not apply where there is a legal duty to provide information. If there is any doubt you should raise the matter with your line manager/supervisor. You must not break the law in this area.

4.5 Employment outside the Council

The Council will normally allow employees to undertake paid employment outside the Council unless there is a clear conflict of interest, or it is likely to have an adverse affect on the work of the Council. ***You should inform your line manager of any paid employment you undertake with any employer other than the Council. These details will be forwarded to Personnel Services for retention. Employees must be aware of the Working Time Directive (WTD) which recommends that employees should not work more than an average of 48 hours per week (refer to the Council's WTD policy).***

Any fees, commissions or other payments received by an employee as a consequence of their acting as an officer of the Council shall, unless otherwise directed by the Council, be paid to the Council.

4.6 Gifts and Hospitality

You may occasionally be placed in a position where you have to decide whether or not to accept offers of gifts or hospitality from organisations or businesses associated with the Council. It is essential that any suggestion of improper influence should be avoided.

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

In certain circumstances, hospitality or gifts not exceeding £30 in value may be accepted. ***You should seek permission from your line manager before accepting any gift or hospitality exceeding £30 in value.***

All offers of gifts and hospitality should be notified to your line manager/supervisor ***where the value is in excess of £30 and written notification of these must be forwarded to*** the Principal Committee Services Officer for recording in a register of gifts and hospitality. This recording mechanism will enable the Council to respond to any queries on such issues.

If you are making a visit to inspect equipment, vehicles, land or property you must ensure that the Council pays for the cost of these visits.

4.7 Corruption

It is important that employees are aware that it is a serious criminal offence for them corruptly to receive or give ***corruptly*** 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 their work with the Council.

4.8 Use of Financial Resources

You must ensure that any public funds entrusted to you are used in a responsible and lawful manner. You must strive to ensure value for money to the local community and to avoid legal challenge to the Council.

4.9 Use of Other Resources

You are not permitted to use materials, equipment or resources of the Council for outside employment or for personal benefit without the permission of the Council. In particular, employees with access to a computer should make themselves aware of the relevant policy on its use.

4.10 Appointments

The Council has Recruitment and Selection Policies which set 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. All appointments must be carried out fairly and openly and candidates appointed on the basis of merit.

A fundamental principle of the Council's policy is that all employees involved in the process will be appropriately trained. Accordingly, employees who have not received training in the Council's Recruitment and Selection and Equal Opportunities policies and procedures should not participate in the recruitment and selection process.

If you are involved in the recruitment and selection process and have any kind of relationship which might affect your ability to be impartial, that relationship must be declared to the Head of Service, who will decide whether you can participate in the process. The same procedure must be followed in other personnel procedures such as grievance or disciplinary procedures or job evaluation.

You must not lobby Councillors or colleagues either directly or indirectly to secure personal appointment or promotion, or the appointment/non-appointment or promotion of another person. Any employee who has been lobbied by an applicant, a colleague or any other person must report the matter immediately to their Head of Service.

4.11 Contacts with the Media

All contact with the media *in relation to your work* should normally be directed through the Public Relations Section. Directors and designated officers may, however, speak to the media on issues related to their direct area of responsibility.

4.12 Public Statements

Outside work, 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, in your work capacity, you must not criticise the Council either through the media or at a public meeting, or in any written communication with members of the public.

Employees who have serious concerns about any aspect of the Council's work are referred to the Confidential Reporting ('Whistleblowing') Policy

4.13 Political Neutrality and Services to Councillors

The public expects employees of the Council to undertake their duties in a politically neutral manner and this must be respected by Councillors. The political activities of a small number of employees are restricted by law.

Employees must serve the Council and all Councillors, regardless of their political outlook. The Chief Executive and senior officers have ultimate responsibility to help ensure that the policies of the Council are implemented. All employees must implement the Council's policies irrespective of their personal views.

In the event of an employee receiving a request from 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, the employee should refer the matter to their line manager/supervisor who, if necessary, should report the matter to the appropriate Director for clarification.

Some employees may have a close working relationship with Councillors of the majority political group/s. Political groups may sometimes seek advice from employees of the Council.

The following procedures will assist employees who may be requested to give advice to political groups: -

- ◆ The political group's office bearer must first approach the Chief Executive
- ◆ They must tell the Chief Executive what type of advice they are seeking
- ◆ The Chief Executive will decide whether the advice can be given, when and by which employee
- ◆ If attendance at a meeting is involved, the employee must leave after giving the advice and before any decision is taken
- ◆ The employee must observe strict confidentiality. The discussion in one political group should not be disclosed to another political group or to any member of such a group

5. THE RIGHTS OF THE EMPLOYEE

5.1 Public Statements

As citizens, employees are entitled to express their views about the Council, provided they do not make use of any *confidential* information gained through their work with the Council. They should not, in their working capacity, or as a result of their employment relationship, criticise the Council either through the media or at a public meeting, or in any written communication with members of the public.

5.2 Access to Councillors

As citizens, employees are entitled to raise any complaints which they may have about Council services with their Councillor or via the Complaints Procedure. Complaints relating to any aspect of your employment with the Council should be raised with your line manager/supervisor or via the Council's Grievance Procedure or Harassment at Work Policy.

5.3 Fair and Reasonable Treatment at Work

Employees are entitled to expect fair and reasonable treatment from their colleagues, managers and Councillors. If you feel that you have been unfairly treated or have been discriminated against, you are entitled to make use of the appropriate Council policies and procedures (eg Grievance Procedure, Disciplinary Procedure, or Harassment at Work Policy).

There may be rare occasions when an employee feels that they have been required by a colleague, a Councillor, a member of the public, or an organisation to act in a way which might be illegal, improper or unethical, or which is otherwise in conflict with the principles of this Code or the procedures of the Council. Employees are referred to the Council's Confidential reporting ("Whistleblowing") Policy for dealing with such concerns, which includes the following steps:

- ◆ Raise concerns with your immediate line manager/supervisor
- ◆ If you feel you cannot discuss the matter with your line manager/supervisor then the matter should be reported to the Head of Personnel Services, who acts as the Council's Confidential Reporting Officer
- ◆ The Head of Personnel Services following consultations, as appropriate, with the Chief Executive, Monitoring Officer or other Senior Officers of the Council will determine what action should be taken.

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6 . ASSOCIATED DOCUMENTS

Readers are also referred to the following policies and procedures: -

- ◆ Policy to Combat Fraud and Corruption
- ◆ Confidential Reporting (“Whistle Blowing”) Policy
- ◆ Disciplinary Procedure
- ◆ Grievance Procedure
- ◆ Recruitment and Selection: Policy and Procedures
- ◆ Harassment at Work Policy
- ◆ *Council Financial Regulations*
- ◆ *Thefts and Defalcations*
- ◆ *Equal Opportunities Policy*

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A PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES IN SCOTTISH COUNCILS

1. Principles

- 1.1 This protocol sets out the way in which Councils and employees of Councils should behave towards one another. It does not cover all the variety of circumstances which can arise, but the approach which it adopts will serve as a guide to dealing with other issues as they come up.
- 1.2 Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position,

2. Scope

- 2.1 The commonest contacts are between Councillors and senior employees at Chief Executive, Director or Head of Service level, and this protocol is very largely about those contacts. There are also many contacts between Councillors and other employees in their daily business, and the principles of this protocol also apply to them. The particular position of employees who provide direct support services for Councillors is dealt with separately.

3. Members' and Employees' roles

- 3.1 Within a Council, Councillors have a number of different roles, all of which call for separate consideration. Some councillors are chairs of committees, most belong to political groups, and all have a local constituency to represent.
- 3.2 Legally, employees are employed by the Council and are accountable to it. Ultimately they serve the Council as a whole and not any particular political group, combination of groups or any individual member. Nonetheless, political groups exist in most Councils and employees may properly be called upon to assist the deliberations of political groups and also to help individual members in their different roles. Chief executives and senior officers have ultimate responsibility to ensure that the Council's responsibilities are implemented.

4. Office Bearers

- 4.1 It is clearly important that there should be a close professional working relationship between the chair of a committee and the director and other senior employees of any service which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question employees' ability to deal impartially with other councillors, and the ability of chairs to deal impartially with other employees.
- 4.2 The chair of a committee will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible for the contents of any report submitted in their name and have the right to submit reports to members on their areas of professional competence. While employees will wish to listen to the views of conveners, they must retain final responsibility for the content of reports.

- 4.3 Committee chairs are recognised as the legitimate elected spokesperson on their committees' areas of responsibility. Where authority is delegated to employees they will often wish to consult chairs of committees about the action which they propose to take but the responsibility for the final decision remains with the employee who is accountable for it. Chairs should bear this in mind when discussing proposed action with employees.
- 4.4 Committee chairs will have many dealings with employees within a service. Those employees should always seek to assist a committee chair but it must be remembered that they are ultimately responsible to the head of the service.

5. Political Groups

- 5.1 Most councils operate through a system of groups of councillors, many of them based on political affiliation. All employees must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. Employees must at all times maintain political neutrality.
- 5.2 The support provided by employees can take many forms, ranging from the meeting with the chair and vice chair before a committee meeting to a presentation to a full party group meeting. Whilst in practice such support is likely to be in most demand from whichever party group is for the time being in control of the Council, it should be available to all party groups. The advice given by employees to different party groups should be consistent.
- 5.3 Certain matters must, however, be clearly understood by all those participating in this type of process, councillors and employees alike. In particular:
- ◆ Council rules about groups' access to employees, eg all requests being approved by the Chief Executive, must be followed;
 - ◆ Employee support in these circumstances must not extend beyond providing information and advice in relation to matters of *Council* business. The observance of this distinction will be assisted if employees are not expected to be present at meetings or parts of meetings, when matters of *party* business are to be discussed;
 - ◆ Party group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
 - ◆ where employees provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or subcommittee when the matter in question is considered;
 - ◆ political groups need to recognise that information and advice given by employees should be used to enhance discussion and debate at Council and committee meetings. If such information is used for political advantage, for example media briefings beforehand, then the process could become devalued and place employees in a difficult position in giving information and advice;
 - ◆ the chair of a political group meeting attended by employees has a responsibility for ensuring that those attending are clear on the status of the meeting and the basis on which employees are attending.

- 5.4 Special care needs to be exercised whenever employees are involved in providing information and advice to a meeting of a political group which includes persons who are not members of the Council. Such persons will not be bound by the Codes of conduct for councillors and employees (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons employees may not be able to provide the same level of information and advice as they would to a members only meeting.
- 5.5 Any discussion with a political group or Councillor must be treated with strict confidentiality by the employees concerned and should not be accessible to any other political group. It is acknowledged however, that factual information upon which any advice is based will, if requested, be available to all political groups.
- 5.6 Should any difficulty or uncertainty arise in the area of employee advice to party groups, this shall be raised with the Chief Executive who should discuss the matter with the group leader.

6. Local Representative

- 6.1 All councillors represent part of the area of the Council. Within each Council's rules about consultation and Councillor involvement, employees must treat all Councillors fairly and openly in their role as local representatives. When performing their local representative role, councillors will be seen by the public as representing the Council and should act in accordance with the principles of the Code of Conduct for Councillors and this protocol.

7. Correspondence

- 7.1 Correspondence between an individual Councillor and an employee should not normally be copied by the officer to any other Councillor. Where it is necessary to copy the correspondence to another member, this should be made clear to the original Councillor at the time.

8. Appointments

- 8.1 Where councillors are involved in the appointments of employees they must act fairly and openly and judge candidates solely on merit.

9. Social Relationships

- 9.1 The relationship between councillors and employees depends upon trust and this will be enhanced by the development of positive, friendly relationships. Councillors and employees will often be thrown together in social situations within the community and have a responsibility to project a positive image of the Council. Nonetheless, close personal familiarity between individual employees and councillors can damage the relationship of mutual respect and the belief that employees give objective and professional advice and commitment to the Council. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

10. Public Comment

- 10.1 Councillors should not raise matters relating to the conduct or capability of employees in public. Employees must accord to councillors the respect and courtesy due to them in their various roles. There are provisions in the Code of Conduct for Employees about speaking in public and employees should observe them.

11. Employees supporting Councillors

- 11.1 Where Councils arrange for employees to support members directly in carrying out their duties, particular considerations apply. Such employees are normally involved in administrative and practical support of councillors. While such staff may operate to the requirements of individual councillors in their daily business, it must be remembered that the employees are accountable to their line managers and any issues about conflicting priorities, conduct or performance must be referred to those managers.