



 NORTH AYRSHIRE COUNCIL	CODE OF CONDUCT	Version: 2.1 Issue Date: August 2011

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1. Introduction

This is your personal copy of the Council's Code of Conduct. Please note that the Code does not affect your rights and responsibilities under the law. The booklet is important, so please take the time to read it and if there are any aspects on which you are unclear, please ask your line manager, Human Resources at Cunninghame House, Irvine.

This Code of Conduct for employees includes "the Key Principles of Public Life". These Principles, developed from the Nolan Committee on Standards in Public Life, are to be found in the Councillors Code of Conduct published by the Standards Commission for Scotland in 2002. North Ayrshire Council have endorsed these Key Principles as applicable also to staff and they, together with the specific details of the Code as set out in the following pages, form part of the Council's Corporate Governance framework. These standards will also be used as a benchmark of good practice by the Local Government Ombudsman where a complaint of maladministration has been made.

It is intended that these principles do not impinge in any way on the requirements set down by any employee's professional body.

The public expects the highest standard of conduct from all employees who work for North Ayrshire Council and this booklet provides guidance to assist you in meeting the necessary requirements in this regard. It is pleasing to note that the vast majority of staff meet and exceed these standards every working day and that it is something of which we can be proud.

There is a wide and diverse range of occupations within the Council and the Code has been written to cover them all so please read the booklet with this in mind and pay due regard to the Council's expectations of employee conduct.

2. The Key Principles of Public Life

Selflessness

An employee has a duty to take decisions solely in terms of the public interest and must not act in order to gain financial or other benefit for themselves, family or friends.

Integrity

An employee should not place himself or herself under any financial or other obligation to an individual or an organisation which might influence them in the performance of their duties.

Objectivity

Any decisions which an employee makes in the course of their work with the Council including appointments, awarding contracts or recommending other employees for rewards or benefits, must be based solely on merit.





Accountability

Every employee is accountable to the Council as their employer and the Council, in turn, accountable to the public.

Openness

An employee should be as open as possible in all the decisions and actions they take. An employee should give reasons for their decisions and should not restrict information unless this is clearly required by the Council or by the law.

Honesty

Every employee has a duty to act honestly and declare any private interests which might affect their work with the Council.

Leadership

Employees who are managers should promote and support these principles by their leadership and example and maintain and strengthen the public's trust and confidence in the integrity of the Council and its councillors in conducting public business.

Respect

An employee must respect all other employees and councillors and the role they play, treating them with courtesy at all times.

3. Relationships

The public

Employees may have contact with members of the public as users of services, clients or citizens, and should be courteous and helpful, dealing with them fairly, equitably and consistently in accordance with the Council's Equal Opportunities policies.

Councillors

Both Councillors and employees are servants of the public and as such, are indispensable to each other. The Councillor is responsible to the electorate and employees are responsible to the Council as their employer and some may have the role of giving advice and support to Councillors. Mutual respect between employees and Councillors is essential to good local government. Any undue familiarity between elected members and employees should be avoided as it is inappropriate and may be perceived wrongly or be embarrassing to others.

Other Council Employees

Services are best delivered by employees who work together in the best interests of service users. Employees should respect each other, their beliefs and opinions, behaving in an appropriate manner and in accordance with the Council's policies on Equal Opportunities. This ensures that all employees work in an environment that is free from discrimination, victimisation, intimidation, bullying or harassment.





Contractors, Suppliers and Consultants

Employees must be fair and impartial in their dealings with contractors, sub-contractors suppliers and consultants. If employees are involved in the tendering process, they must follow the Standing Orders relating to Contracts and not allow any personal or other preferences to influence their judgement.

4. Political Neutrality

Employees should carry out their duties and serve the Council and elected members regardless of their political outlook in a politically neutral way. A number of posts are classed as “politically restricted” in accordance with the Local Government and Housing Act, 1989 and such employees will have been advised of this.

If an employee is 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, he/she should politely refuse and explain that the matter has to be referred to their line manager or relevant Head of Service.

Normally, an employee will not be called upon to advise any political group of the Council either as to the work of the group or as to the work of the Council. However, if a political group wishes to seek advice from employees, the office bearers of that group should contact the Chief Executive and outline the type of advice they are seeking. The Chief Executive will decide whether attendance at the meeting is appropriate and which employee(s) should attend. Such employee(s) will be given clear guidance that strict confidentiality must be observed and the discussion of one political group must not be revealed to another.

5. Conflicts of Interest

Private Interests

Situations may arise where an employee may have a private or personal interest in the outcome of a decision. In such circumstances it is the employee’s clear duty not to let their personal interest influence their decision. An employee should neither put their private interests before their duty to the Council nor should they put themselves in a position where their duty and private interests conflict.

Any interest in the work of the Council, on the part of the employee, close family members or members of an employee’s household, has to be declared. If an employee is in any doubt about the relevance of the private interests, he/she should clarify the position with his/her manager.

The private interest may not necessarily be a business or financial one. Kinship, friendship, membership of an association or society, trusteeship and many other kinds of relationships can sometimes influence an employee’s judgement or give others the impression it may have.





Contracts

Employees must notify their Corporate Director, Head of Service in writing if it comes to their knowledge that a contract in which they have a personal or financial interest, whether direct or indirect, has been or is about to be entered into by the Council.

Other Employment

An employee may undertake other paid employment outside of the Council unless there is either a conflict of interest or it is likely to have an adverse effect on their work or any other work of the Council. Employees are not allowed to use the resources or the equipment of the Council in any outside paid employment.

An employee invited to give lectures or undertake similar work within their expertise is entitled to prepare for and give the lectures outside of their normal working hours and to accept and retain any fee received. Where an employee is given permission to give lectures during normal working hours, any fee, excluding out of pocket expenses received, is to be paid to the Council or time off set against the employee's leave entitlement.

An employee should also not undertake work (paid or unpaid) for another person where that work could subsequently be submitted to the Council for approval where the Council is a relevant regulatory or statutory body.

6. Confidential Information

The Council must provide the public with clear and accessible information about how it operates. Disclosure and release of information are governed by statutes, the various terms with which the Council complies.

An employee may have access to information that is private and confidential to the Council, current or former employees, Council residents or suppliers. Employees are to make any such information available only to those who need to know in their pursuit of the Council's work. Unless covered either by legal obligation or in the prevention or detection of fraud (see below) employees are not to supply to any person outside the service of the Council information concerning any employee unless the consent of the employee is first obtained. The Council's intranet and, more widely, the internet (including social networking sites) should also not be used to post information about the Council that is confidential or in the case of the internet, restricted to internal use. All electronic communication using Council equipment should be carried out in line with Council's Acceptable Computer Use Policy.

Confidential information is never to be used for personal advantage or for the advantage of anyone known to employees.

Any employee who becomes aware of any wrongdoing, malpractice or improper behaviour can raise the matter under the Public Interest Disclosure Act, 1998 provided he/she does so in accordance with the requirements of the Act. The Procedure to be followed is detailed in Human Resources Policies and Procedures available from HR or through Navigate.





7. Prevention of Fraud

The Council is committed to the prevention and detection of fraud and the protection of public funds. This includes participating in data matching exercises undertaken by Audit Scotland.

Employees who have responsibility for Council monies or materials must strictly adhere to the Council's Financial Regulations and Codes of Financial Practice.

It is essential that employees observe the Council's rules for claiming allowances for performing approved duties and claim only for the repayment of those expenses incurred for travel and subsistence in connection with business on the Council's behalf.

In addition, employees who claim statutory allowances and benefits are to ensure it is only for those to which he/she are entitled. It should be noted that it is the Council's policy that where fraudulent claim is proved, monies paid, monies outstanding or materials missing will be recovered by the Council.

8. Contacts with the Media

The Corporate Communications Service of the Chief Executive's Office deal with all enquiries from the Press. Corporate Directors are encouraged to speak to the media directly on issues relating to their areas of responsibility after prior consultation with the Corporate Communications Service.

It is a general rule that members of staff are not to initiate contact with the media regarding Council activities nor should they respond to direct contact made by the media. All approaches to and from the media should be authorised by Corporate Directors and Heads of Service in liaison with Corporate Communications Service. However, there may be limited and defined situations where senior management or designated staff may deal directly with the press, such as Human Resources staff dealing with recruitment advertising or Head Teachers providing school information on, for example, sports days, fetes etc.

9. The Internet and Social Networking

The use of social networking sites and other internet forums is restricted during working hours for most Council employees, but there is no restriction on what employees can do in their own time on their own equipment. Certain employees will however have external e-mail and access to the internet during working hours and these should be used in line with the Council's Acceptable Computer Use Policy. Within Educational Services, the use of the GLOW system for Social Networking is permitted. Other social networking sites should not be accessed.

Comments and messages posted on the internet are available to millions of users worldwide to view and employees of North Ayrshire Council should be aware of this when posting information about their work and work colleagues.





North Ayrshire Council has a duty of care towards its employees and would therefore treat any comments or messages posted on websites which cause offence, or could be considered as bullying or harassment of a colleague, under the Council's Dignity and Respect at Work Policy. This includes messages and comments posted in employees own time that relate to fellow colleagues and the workplace.

Posting of defamatory or potentially damaging comments about the Council would be a breach of contract and again would be treated under the Council's disciplinary procedures. The Council could also instigate legal proceedings against an employee who has posted defamatory comments. There is however a balance between what would be defamatory and occasional comments about having a bad day at work.

Some websites allow the posting of images and videos. Care should be taken to ensure that there is nothing posted that could bring the Council into disrepute or would be potentially dangerous. Examples could include wearing Council uniforms in photos or videos showing behaviour which would be considered dangerous, violent or illegal. Health and safety legislation would require the Council to investigate any such behaviour with action being taken under the disciplinary procedures if required.

Employees with caring responsibilities, teachers and social workers should consider the appropriateness of adding clients and pupils as friends on social networking sites. This is potentially a breach of confidence and trust as well as being unprofessional. Any inappropriate relationships within social networking sites that are brought to the Council's attention will be fully investigated. Teachers should follow the General Teaching Council for Scotland Guidance contained in the Code of Professionalism and Conduct relating to the use of Social Networking Sites.

10. Rights as a Citizen

Employees are also citizens and are entitled to express views about the Council. However, this does not include (a) making use of any private information gained through working with the Council (b) in their work capacity, either criticising the Council through the media, written communication and the internet. Where contact is made with the media, employees should make clear their comments are made as a private citizen and not an employee of the Council, unless authorised by their Director or Head of Service to comment as an employee.

An employee as a citizen can raise with his/her Councillor any complaint which he/she has about the Services of the Council. However, if the complaint concerns any aspect of the employee's work with the Council, this should be pursued through the appropriate Council Grievance Procedure.

11. Gifts and Hospitality

Employees must ensure that hospitality given or received in connection with their official duties can always be justified in the public interest. If in doubt you should politely refuse any personal gift or hospitality offered to you or your family by any person or body which has or seeks to have dealings with the Council.





Employees should not accept from or give any gift of value to any person or organisation that is doing or seeking to do business with the Council or is applying to the Council for any planning or other permission. A gift of value, however, would not include such items as calendars, diaries, other small articles for office use, or an inexpensive gift from a pupil, parent or client.

Any employee offered a gift of value or giving a gift has to inform their Head of Section or Head of Service; or, in the case of a Chief Officer, the Chief Executive Officer; or, in the case of the Chief Executive Officer, the Provost of the Council. The employee can only accept or give the gift if permitted to do so.

A record of all such gifts or hospitality given or received should be kept by the nominated manager.

12. Use of Council Vehicles

The use of Council vehicles is restricted to authorised use on Council business. However, employees can be authorised to take Council vehicles home for operational reasons. Where an employee is authorised to take a council vehicle home the vehicle should only be used to carry out council business. Using the van for any business other than official Council business is forbidden.

Where an employee wishes to use a Council vehicle for any private purpose e.g. attending a dentist appointment on the way home from work, they must discuss the details of the journey with their line manager and receive authorisation to use the vehicle in this manner.

13. Reporting of Criminal Charges and Convictions

Where an employee is charged by the police or is convicted in a Court of Law on any matter that occurs during or outside of their employment and it has a bearing on his/her employment with the Council, then they should report this immediately to their Head of Service or designated Manager.

Where an employee is charged or convicted in connection with offences relating to illegal drugs, dishonesty, violence or of a sexual nature, he/she must report the charges and conviction, as appropriate, to their Head of Service or designated Manager.

14. The Bribery Act 2010

In addition to the above, the Bribery Act 2010 regulates how organisations conduct their operations and business activities in the UK and overseas. Therefore, as an employee of North Ayrshire Council, it is important that you are aware of the legal implications arising from the Bribery Act. The Bribery Act creates criminal offences of;

- An employee acting on behalf of the Council offering, promising or giving a bribe





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- An employee acting on behalf of the Council requesting, receiving, or agreeing to receive a bribe
 - An employee acting on behalf of the Council bribing foreign public officials
 - Failure by the Council to prevent bribery by its employees or associated persons acting for, or on behalf of, the Council.

The penalties for conviction of these criminal convictions are severe. For an individual, the penalty can be a maximum sentence of 10 years' imprisonment and a fine. It is therefore imperative that every employee is aware of their legal responsibilities.

Therefore, all employees should ensure that they are familiar with the following HR policies and procedures – the Code of Conduct, Disciplinary Rules and the Whistleblowing Procedures.

In addition employees should familiarise themselves, where appropriate, with the Council's standards as set out in the Corporate Procurement Procedures, Financial Regulations and Codes of Financial Practice and the Policy for the Prevention and Detection of Fraud and Corruption.

North Ayrshire Council is committed to tackling any form of bribery within the Council and operates a zero tolerance approach to any attempt at bribery.