



Code of Conduct for Employees of Orkney Islands Council

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Introduction

The public expects a high standard of conduct from all local government employees in Scotland. There is a National Code of Conduct for Councillors and it is right that there should be a National Code of Conduct for Employees. The National Code sets out the minimum standards of conduct that are expected of you as a council employee. Orkney Islands Council has after discussion with trade unions, developed and adopted a local code in line with the National Code. This has allowed your Council to take into account specific local circumstances. The Council will ensure that new employees know about the Code, and that all employees are helped to understand the Code.

The Code does not affect your rights and your responsibilities under the law; its purpose is to provide clear and helpful advice to you. Because of the nature of their work, some parts of the Code may apply more to some of your colleagues than to you, but all employees must comply with the Code. A breach of the Code may give rise to disciplinary action. The Code does not replace the Council's existing Staff Rules, but should be regarded as supplementary to them. As far as possible, you should also comply with the Code where you are appointed as a representative of the Council on any organisation, trust or company.

Equally importantly, the Code also provides you with guidance about your rights and duties at work.

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

The Seven Principles of Public Life

Selflessness

You should not take decisions which will result in any financial or other benefit to yourself, your family, or your friends. Decisions should be based solely on the Council's best interests.

Integrity

You should not place yourself under any financial or other obligation to an individual or an organisation which might influence you in your work with the Council.

Objectivity

Any decisions which you make in the course of your work with the Council, including making appointments, awarding contracts, or recommending individuals for rewards or benefits, must be based solely on merit.

Accountability

You are accountable to your Council as your employer. Your Council, in turn, is accountable to the public.

Openness

You should be as open as possible in all 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 Local Government Ombudsman will use the National Code as a benchmark of good practice where a complaint of maladministration has been made.

The Code

Relationships

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 your Council's equal opportunities policy.

Councillors

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

"23. 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 only as long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and their Council, and to carry out the Council's work under the direction and control of the Council, their committees and sub-committees.

"24. 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."

These principles apply equally in this Code.

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 your Council's procedures and rules about tenders and contracts.

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 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.

Conflicts of Interest

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

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

You may have a private interest which relates to the work of the Council. The 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. All such interests must be declared to your 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 Head of Service. This applies equally to membership of organisations or clubs which are not open to the public.

Openness and Disclosure of Information

The Council's decision making process must be transparent and open. The Council must provide the public with clear and accessible information about how it operates. It must also ensure that there is an effective complaints procedure in place for the public to use when things go wrong. But there are exceptions 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. This does not apply where there is a legal duty to provide information.

If there is any doubt about what information may or may not be disclosed to any person or group or organisation you must refer the matter to your Head of Service who will advise you accordingly. You must not break the law in this area or act in any way contrary to the Council's interests.

The law is very clear as to which material should be regarded as confidential and great care should be exercised in this area.

Paid Employment Outside the Council

As an employee of the Council you shall not engage in any other business or take up any additional part-time work without the Council's prior approval. This procedure is

in your interests and will protect you. You are not allowed to use the equipment and resources of the Council in any outside employment.

You must declare to your Head of Service fees which you may receive for a publication, broadcast, speech or lecture where you have used official information or your own work experience. You will have received prior approval to undertake such work.

If you wish to use the equipment and resources of the Council for the benefit of a voluntary or charitable organisation, you must obtain written approval from your Head of Service.

Hospitality

You should not accept offers of hospitality unless you can answer "Yes" to the following questions:-

1. "Can I justify this?" and
2. "Can I be sure I will not be subject to legitimate criticism?"

If you are in any doubt, you should seek the advice of your Head of Service.

You must declare offers of hospitality, through your line manager, who will obtain authorization for acceptance from the head of your service.

You should only accept offers to attend social or sporting events where these are clearly part of the life of the community, or where the Council would be expected to be represented.

You should not accept repeated hospitality from the same source.

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

Gifts/Corruption

Section 68(2) of the Local Government (Scotland) Act 1973 states that an officer shall not under colour of his employment, accept any fee or reward whatsoever other than his proper remuneration. It is a criminal offence to accept such a fee or reward.

You must not accept personal gifts, but you may keep items of token value, eg pens, diaries, or small tokens of gratitude. If in doubt, you must refer to your Head of Service.

Use of Resources

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.

You are not permitted personal use of Council equipment, unless your Head of Service has given prior approval.

Appointments

All Councils have a Recruitment and Selection Policy based on the principles contained in the COSLA Code on Recruitment and Selection. All appointments must be made on the basis of merit. You must follow your Council's policy.

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 your Head of Service. Your Head of Service will decide whether you can participate in the recruitment and selection process. The same procedure must be followed in other personnel procedures such as grievance or disciplinary procedures.

You must not lobby a Councillor or another colleague either directly or indirectly to secure your own appointment or promotion, or the appointment or promotion of another person. If you have been lobbied by an applicant, another colleague, a Councillor or any other person, you must report the matter to your Head of Service.

Contacts with the Media

In your work with the Council, contact with the media should only take place where this has been authorised by the Council. Contact with the media will normally be through the Communications Officer (Media Relations Officer) or after you have sought his advice.

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. The Chief Executive and senior officers have ultimate responsibilities to help ensure that the policies of the Council are implemented.

You must implement the policies of your Council irrespective of your personal views.

Your Rights as an Employee - Public Statements

As a citizen, you are entitled to express your views about the Council, provided you do not make use of any private information gained through your work with the Council. But you should not, in your work capacity, criticise the Council either through the media or at a public meeting, or in any written communication with members of the public.

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, whether about terms and conditions of service, appointments, procedures, etc., then you may not raise this with any Councillor. Such lobbying is prohibited and you must make use of the grievance procedure.

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 appropriate Council procedures.

There may be rare occasions when you feel that you have been required by a colleague, a Councillor or a member of the public, or by 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 of Conduct.

The following is an example of good practice which allows concerns of this nature to be raised confidentially inside the Council.

If you are in this situation you must report the matter to your Head of Service.

If, however, you feel that you cannot discuss the matter with your Head of Service then you must report the matter to the Chief Executive or another officer appointed by the Council outwith your line management.

The Chief Executive or your Head of Service or the other person appointed by the Council will then decide - in consultation, where necessary, with the Council's Monitoring Officer - what action is to be taken, including whether the issue which you have raised can be dealt with through the Council's grievance procedure.

The confidentiality of your concern will be maintained wherever possible.