

Organisational Development, Policy and Communications

CODE OF CONDUCT FOR EMPLOYEES

Version 5

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Policy Development

Organisational Development, Policy and Communications

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INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER

**THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT, BRAILLE, ON
AUDIOTAPE, OR COMPUTER DISC.**

Dear Colleague

I am pleased to endorse this updated Code of Conduct to you. The Code Of Conduct was originally approved by the Council in May 2000, following consultation with the representative Trade Unions. This version has been updated, in consultation with the unions, to reflect some of the changes, including the Management Restructure, within the Council and legislative changes since that time.

Local Government employees have a long tradition of service to the citizens they serve and the public expects a high standard of conduct from all Local Government employees in Scotland. This Code sets out the minimum standards of conduct that are expected of you as a Council employee and these standards will be deemed to have been incorporated into your terms and conditions of employment.

The Council will ensure that new employees know about the Code, and that all employees are helped to understand the Code.

The strength of Local Government in general and the Council in particular is that it carries out its functions and provides its various services in an open and transparent manner. This Code supports that aim of openness and transparency 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.

I hope that you will find the code helpful to you in your employment with the Council.

Louise Long
Chief Executive

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DOCUMENT CONTROL

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2	June 2006	Changes to reflect new Chief Executive.
3	February 2012	General update.
4	December 2018	Update to Data Protection Act for GDPR
5	Sept 2021	Appointment of new CE

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1 INTRODUCTION

This Code of Conduct has been developed having regard to relevant legislative requirements and also the "Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life and endorsed by CoSLA in its Code of Conduct for Local Government Employees in Scotland. In addition to detailing these general principles this Code lays down specific requirements for employees of Inverclyde Council.

2 STRUCTURE OF THE CODE

The numbered paragraphs of the Code give general advice on particular issues. Where necessary this general advice is supported by more detailed advice contained in the Appendices. In addition, where appropriate, the Code refers employees to advice specific to their service which is available from service managers or team leaders.

3 FURTHER ADVICE AND GUIDANCE

It is acknowledged that much of the advice contained in the Code requires an individual employee to make a judgement on the interpretation that might be made on their behaviour at work. Accordingly where an employee is in any doubt as to the advice contained in the Code then normally the matter should be raised with their manager or supervisor. Alternatively any employee can contact the Organisational Development, Human Resources & Performance Helpline - 01475 712740. All approaches by employees will be dealt with on a confidential basis.

4 "THE SEVEN PRINCIPLES OF PUBLIC LIFE"

Lord Nolan in the Third Report of the Committee on Standards in Public Life outlined the following "Seven Principles of Public Life". CoSLA has refined them to place them in a Local Government context.

4.1 Selflessness

All employees should take decisions solely in terms of the Council's interest. They should not take decisions in order to gain financial or other material benefits for themselves, their family or friends.

4.2 Integrity

All employees should not place themselves under any financial or other obligation to an individual or organisation that might influence them in their work with the Council.

4.3 Objectivity

In carrying out Council business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, if the employee is in a

position to determine such matters then choices and decisions must be made solely on merit.

4.4 Accountability

Employees are accountable for their decisions to the Council, and ultimately to the public.

4.5 Openness

Employees must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only when it is clearly demanded by Council policy or some other justifiable reason.

4.6 Honesty

Employees have a duty to declare any private interests, which might affect their work with the Council.

4.7 Leadership

An employee, who is a line manager or supervisor, will promote and support the principles contained in this Code by personal leadership and example.

5 POLITICAL NEUTRALITY

An employee's political neutrality is expected by the public and must be respected by Councillors.

An employee must serve the Council as a whole and all councillors, regardless of their party or political affiliation. The Chief Executive and senior employees, particularly Chief Officials, have an additional responsibility to help ensure the implementation of the policies of the Council.

An employee must implement the policies of the Council irrespective of personal views held by them.

If an employee is asked by a Councillor to provide assistance on a matter which is clearly party political or which does not have a clear link with the work of the Council then the employee should politely refuse the request and notify his/her line manager.

Some employees will have a close working relationship with Councillors of the majority political group or groups which form the administration of the Council. Employees in this category must follow the Council's procedures about access by political groups to the advice of employees. The procedures are detailed in Appendix 1 of this Code.

6 RELATIONSHIPS

6.1 Councillors

Whilst both Councillors and Council employees are servants of the public, and they depend on one another, 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 the Council, and to carry out the Council's work under the direction and control of the Council, their committees and subcommittees.

Mutual respect between Councillors and employees is essential to good Local Government. However, close personal familiarity between individual Councillors and employees can damage the relationship and prove embarrassing to other Councillors and employees.

Employees are entitled to raise with their elected members any complaint which they have about the services of the Council. If, however, their complaint concerns any aspect of their work with the Council they must make use of the Council's agreed Grievance Procedure and related procedures.

The Councillor/Employee Relations Protocol (available from OD, HR & Performance and published on ICON) supplements the guidance and advice already provided in The Councillors' Code of Conduct and in this Code of Conduct for Employees. Compliance with the Protocol is mandatory.

6.2 The Public

When an employee has contact with members of the public - in whatever capacity - users of services, clients or citizens - he/she should aim to be friendly, courteous and helpful. Employees must deal equally with each member of the public and must follow the Council's Equal Opportunities Policy and Procedures. They must not disclose confidential information to a member of the public, which is forbidden under the policies of the Council.

6.3 Contractors

Employees must be fair, even-handed and impartial in dealing with contractors, sub-contractors and suppliers.

An employee involved in the tendering process must follow the Council's procedures and rules in relation to tenders and contracts.

An employee, who has access to confidential information on tenders or costs for either internal or external contractors, must not disclose that information to any unauthorised individual or organisation.

6.4 The Media

It is important that employees of the Council are provided with the specialist support required when dealing with all aspects of the media. Therefore, employees must not deal direct with the press or the media with the exception of those required to do so in the course of their work (this will predominately be appointed members of the Corporate Communications Team). All enquiries for information or comment on issues affecting the work of the Council must be referred to the Press Office within the Corporate Communications Team. All publications, or interview given on aspects of Council policy or activity must be properly authorised by the Corporate Communications Team.

7 OPENNESS AND DISCLOSURE OF INFORMATION

The Council has endorsed CoSLA's Code of Practice on Openness in Local Government. There are, however exceptions to the principle of openness where confidentiality comes into play. For example it may be necessary to keep, as confidential, information about either an individual or an organisation which might compromise the right of personal or commercial confidentiality. Aspects of confidentiality specific to an employee's service will be contained in service policy and procedure documents and the employee should ensure he/she is aware of the content of such documents.

Every employee, whether permanent or temporary, and including sessional workers, are required to respect the confidentiality of information, which comes into his/her possession in the course of his/her work, and this is the case both in and out of the workplace. This general duty of confidentiality with regard to information relates to service users, other employees and certain other Council matters, e.g. tendering and contracts. Where an employee has any doubt about releasing information to a third party, the matter must be referred to a manager for guidance. Breach of this principle will be viewed as an extremely serious matter.

The Freedom of Information (Scotland) Act 2002 provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it. Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. The Inverclyde Council publication scheme sets out the types of information that Inverclyde Council routinely makes available.

8 CORRUPTION AND CONFLICTS OF INTEREST

It is important you are aware that it is a serious criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in the course of your work with the Council. Accordingly it is important that the advice contained in this Code of Conduct is adhered to and that the acceptance of any gift or hospitality can be justified completely. Similarly you should ensure that where there might be any conflict of interest between your private and working life you take appropriate steps to

ensure the conflict does not arise and that the interest is declared. This is particularly so if you have any friendships or relationship with individuals who may undertake work with the Council either as a contractor or supplier of goods or services.

8.1 Conflict of Interest

There may be occasions when an employee's interests - especially financial interests - conflict with the interests of the Council. This interest must be declared to their line manager.

An employee must not use his/her position to further his/her own interests or the interests of others who do not have a legitimate right to benefit under the Council's policies.

If an employee has an interest in a matter, which is being discussed at a meeting of the Council or at one of its committees, subcommittees or joint committees, he/she must declare the interest to his/her line manager and must not be present at the meeting when the matter is being discussed and decided upon.

If an employee is a member of an organisation or club where membership might result in a conflict of interest in relation to any aspect of his/her work with the Council he/she must declare this membership to his/her line manager.

8.2 Hospitality

Offers of hospitality must be accepted only if an employee can answer, "Yes" to the questions

(1) "Is this justified?" and (2) "Is the acceptance of hospitality beyond reproach?"

An employee in any doubt must seek the advice of a line manager who will refer to the Council's procedures on the acceptance of hospitality.

An employee should accept offers to attend social or sporting events only where these are clearly part of the life of the community or where the Council would be expected to be represented. When representing the Council at such events, whether within or outwith normal working hours, employees must ensure that their behaviour is beyond reproach. It should be borne in mind that improper behaviour even outwith working hours can lay an employee open to disciplinary action.

An employee should not accept regular hospitality from the same source.

An employee making a visit to inspect equipment or vehicles or land or property must ensure that the costs of such visits are met by the Council.

Where an employee accepts hospitality, the details of such hospitality must be recorded in the Service Register. When an employee is offered but refuses to accept hospitality they should also record this in the Service Register.

An employee uncertain whether or not to accept hospitality must seek advice from a line manager or supervisor.

Further details on the acceptance of hospitality are contained in Appendix 3.

8.3 Gifts

An employee must not accept personal gifts but may keep insignificant items of token value, e.g. pens, diaries, or small tokens of gratitude from a member of the public. As per Section 22.5 of the Financial Regulations there would be a maximum of a £20 limit for the value of small gifts. An employee in any doubt as to whether or not any gift should be accepted must raise the matter with the line manager.

9 OTHER REMUNERATIVE EMPLOYMENT

9.1 Outside Council Working Hours

All employees who undertake additional work outside the Council's employment must notify their manager in writing for approval in order to comply with the Working Time Regulations 1998. Reference should be made to part 15.4 Conditions of Service for Local Government Employees. Managers will consider whether requests will interfere or impair the employee's ability to carry out efficiently his/her work with the Council; whether or not outside work could compromise his/her work with the Council or could cause a conflict of interest etc. Requests approved by Managers will be confirmed in writing and a copy forwarded to Organisational Development, Human Resources and Performance to be held on file.

9.2 Within Council Working Hours

An employee may accept invitations to undertake lectures appropriate to his/her work or professional qualifications. In addition, employees may engage with external bodies that pay a fee for their attendance, e.g. employment tribunals.

Where such work is undertaken outwith normal working hours then any fee received may be retained by the employee but where a fee is paid for any such work during normal working hours then this fee must be paid to the Council, or the employee must seek approval for unpaid leave or annual leave if the fee is to be retained. Where this work is undertaken within normal working hours the employee must first seek authorisation and is responsible for ensuring that any fees are paid to the Council.

10 USE OF COUNCIL EQUIPMENT

An employee must not make use of any Council material, resource or service to which he/she has access by virtue of his/her position for the furtherance of any external employment or personal interests. It is irrelevant whether or not the work is paid.

11 CORPORATE PROCUREMENT

11.1 Policy/Organisational Approach

It is important that the Council demonstrates Best Value in procuring goods, services and works. In addition, there is a range of European, national and local policies, supporting guidelines and regulations which are designed to ensure that all procurement activity is undertaken in a professional and transparent manner. All procurement activity and supporting decisions must comply with the law, and not put the Council at risk in terms of a challenge.

In order to manage this risk, the Council has moved towards a designated procurement officer model. This requires all procurement activity to be managed and directed by Officers who are “licensed” to conduct procurement activity within services/directorates. This applies to tenders/contracts above the quotation thresholds detailed within the Contract Standing Orders. Employees should not enter into work associated with tendering/contracting above these thresholds if they are not designated procurement officers or have been given the permission of the designated procurement officer for their service/ directorate to do so. Further information on European, national and local policies can be obtained from the Corporate Procurement Team, within Finance Services.

11.2 Standing Orders/Financial Regulations

Compliance with Standing Orders/Financial Regulations is essential. Procurement and in particular, tendering/contracting is governed by the Council's Standing Orders/Financial Regulations. The Council's Standing Orders and Financial Regulations must be observed and adhered to at all times.

The Employee Code of Conduct requires all employees who are involved in procuring goods, services and works to be fully conversant and familiar with Standing Orders and Financial Regulations relating to contracts, particularly the monetary limits/values.

Procurement guidance in relation to Standing Orders and Financial Regulations is available through the Corporate Procurement Team, within Finance.

11.3 Corporate Procurement Cards

The Council is committed to encouraging the use of corporate procurement cards, particularly in relation to low cost/high volume goods. The use of Corporate Procurement Cards is governed by clear policies and operational practices. Employees in receipt and using a corporate procurement card need to ensure they are fully conversant with the policies and practices prior to use. Further information on the use of the card is available from the Corporate Procurement Team, within Finance.

11.4 Compliance Framework

In order to ensure the Council's approach to procurement is delivered, a compliance framework will be introduced. This will regularly test service and employee behaviour in relation to agreed policy and operational practices. If a service or employee is found to be acting out with the Council's agreed policies and practices with regard to procurement, the Council's Disciplinary Policy and Procedures will be instigated, and disciplinary action, including possible dismissal, may be taken.

12 RECRUITMENT AND SELECTION

The Council's Policy and Procedures for Recruitment and Selection detail the steps to be followed by all employees involved in the recruitment and selection process. Copies of the Policy and Procedures are available from managers, supervisors and Organisational Development, Human Resources & Performance and are published on ICON.

12.1 Canvassing

Canvassing of councillors or employees of the Council, directly or indirectly, in connection with any appointment being made by the Council, shall disqualify the candidate. A councillor or employee of the Council shall not attempt to secure an appointment with the Council nor recommend any person for such an appointment or promotion. However, this shall not prevent a councillor or employee giving a written reference of a candidate's ability, experience or character where such a reference is requested by the Council. Accordingly, an employee may list a councillor as a referee.

12.2 Disclosure of relationship by an interviewer

Where an employee or councillor is involved in the short listing or interviewing process and is aware of a relationship with any of the candidates then the Head of Organisational Development, Human Resources & Performance must be informed.

13 POLITICALLY RESTRICTED POSTS

Where an employee holds a politically restricted post then he/she must conform to the relevant sections of the Local Government and Housing Act 1989. Details of the restrictions are detailed in Appendix 2.

14 CORPORATE COMMENTS, COMPLIMENTS AND COMPLAINTS FRAMEWORK –“INFORM”

The Council operates a corporate comments, compliments and complaints policy called InForm which sits separate to the Code of Conduct . InForm records and monitors compliments and comments and addresses complaints about Council services and maladministration on behalf of the Council. A complaint is defined as

“an expression of dissatisfaction, however made, about the standard of service, action, or lack of action by the Council, its staff or contractors” Individual complaints against employees are separate to this process and are dealt with through the Code of Conduct / Disciplinary Procedures. It is usual that any complainants need to provide contact details so the complaint may be processed, however anonymous complaints should still be investigated by the relevant service and, if relevant, processed through the separate Whistleblowing Policy (see below).

15 WHISTLEBLOWING

Inverclyde Council is committed to the highest possible standards of openness, probity and accountability and expects any employee who has serious concerns about any aspect of the Council's work to come forward to afford the Council the opportunity to address the concerns.

The Whistle blowing Policy in most cases provides a confidential reporting framework through which the employees can express their concerns without fear of victimisation, subsequent discrimination or disadvantage. Employees should be aware, however, that if they take the matter outside the Council they must not breach any confidentiality or trust placed in them by colleagues or members of the Council. An employee, who has serious concerns to raise but is unsure of how to proceed, should contact Organisational Development, Human Resources and Performance to obtain advice. The Whistle blowing Policy, which has currently been updated can be obtained from Organisational Development, Human Resources and Performance.

Employees can report a matter which falls into one of the categories outlined in Section 2 of the Whistleblowing Procedure by contacting their Head of Service, Director, or, the Chief Executive. Alternatively they may wish to contact the Whistleblowing Hotline or email address operated by Internal Audit as follows:

Tel 01475 712184 / Email: Whistleblower@inverclyde.gov.uk

16 OTHER REFERENCE DOCUMENTS

There are a number of other documents, which give information, and advice on matters affecting employees and which should be read in conjunction with this Code. These documents are listed in Appendix 4 and can be obtained from Organisational Development, Human Resources and Performance.

Certain occupational groups have professional codes of practice or conduct which they are required to adhere to for example:

The Code of Practice for Social Service Workers is a list of statements that describe the standards of professional conduct and practice required of social service workers as they go about their daily work. Social service workers are responsible

for making sure that their conduct does not fall below the standards set out in the code and that no action or omission on their part harms the wellbeing of service users.

The GTC Code of Professionalism and Conduct sets out the key principles and values for registered teachers in Scotland. Within GTC Scotland's wider framework of standards, this Code and commentary states the standard of conduct and competence expected of registered teachers.

17 DATA PROTECTION ACT 2018 AND THE GENERAL PROTECTION REGULATION 2016/679

The Council and all employees are required to comply with the above legislation. Full details of an employee's rights and responsibilities under the Acts are outlined in the Employee relationship between the Council and employee Privacy Notice which is available on the Council's website <https://www.inverclyde.gov.uk/privacy> or from Service Managers.

Employees are allowed to have access to all information relating to them, which is held on computer. The Data Protection Act 2018 and the General Data Protection Regulation 2016/679 requires the Council to respond to requests for access without undue delay and at the latest within one month of receipt of the request. In complex cases you will be advised if this requires to be extended. You may be charged a fee for administrative costs where the request is manifestly unfounded or excessive. In the interest of openness and fairness, the Council will permit employees to have sight of personal files held manually provided they give twenty-four hours notice. The employee will be accompanied by a representative of Organisational Development, Human Resources and Performance or Legal & Democratic Services when the inspection takes place.

18 COMPUTER AND OTHER SYSTEMS

Employees may only operate within the areas of their own service operations and service areas. Access to other areas is restricted to authorised personnel only. Access to the systems of the Council, particularly but not exclusively, the computer systems, is reserved to authorised personnel only.

Unauthorised access to, or any tampering with, any computer system or software or computer installation may be regarded as a disciplinary offence and may be liable to prosecution under the Computer Misuse Act 1990. Even if no actual damage results, unauthorised penetration of the system damages its integrity and confidentiality, which are of high value. It should be noted that the classification of such access as misconduct applies even where such access is performed merely as a 'prank' or for fun or to test the defences.

19 IT SECURITY CODE & USE OF COUNCIL INTERNET, INTRANET, EMAIL & TELEPHONES

The Council's IT Security Code must be adhered to.

The code outlines what an employee must do to ensure that use of the Council's computer equipment does not result in unnecessary risk to the system or the important data they contain.

Copies of the Code are available on-line or from Service Managers.

You are required to familiarise yourself and follow the rules regarding acceptable use of the Council's internet and email system, and use of Council telephones and mobile phones. Any breach of these rules will be regarded as misconduct and may lead to disciplinary action, including your dismissal.

A copy of the Council's Internet and Email Acceptable Use Policy is available on request from Organisational Development, Human Resources & Performance.

If you are provided with a mobile phone, you must use it primarily for legitimate business purposes. You will be issued with a statement of calls once every quarter and any personal calls or texts will be required to be reimbursed to the Council. Any inappropriate or dishonest use of your mobile will be regarded as misconduct and may lead to disciplinary action, including dismissal.

The mobile phone provided to you must be returned to Inverclyde Council on demand and you will be held personally liable for any reckless loss or damage.

You must not bring the Council into disrepute through use of online or social networking activities.

Examples include uploading images or videos which show antisocial behaviour or illegal activities; making derogatory statements about the Council or Council staff; or revealing confidential information about the Council or Council staff. This list is not exhaustive.

20 DRESS CODE

Clients and customers are inclined to form an opinion based on first impressions, which, especially if they are negative, are hard to change. Therefore as an employer, the Council considers it is entitled to exercise discretion in controlling its image. This includes the appearance of employees particularly where their duties bring them into contact with the public or where their manner of dress affects safety or hygiene standards.

Each Service will have specific requirements regarding personal appearance and dress standards. Services will ensure that as a whole the rules apply the same standards of smartness or conventionality to men and women. Differing rules or requirements (for example the requirement that men wear a tie) will not amount to sex discrimination provided that one sex is not treated less favourably than the other. The rules will also be enforced to the same degree for men and women.

The Council will also be willing to vary or adapt rules to accommodate employees whose cultural or religious needs might prevent them from complying with them.

The standards will be explained to employees to allow an understanding of what is expected of them in their particular post. Generally however employees are expected to follow the undernoted standards.

- All employees should attend work in a clean and tidy condition.
- Clothes worn should be appropriate for the position held by the employee and should not be such that they constitute a hazard or cause embarrassment to colleagues or members of the public.
- Where corporate wear is provided, this must be worn at all appropriate times, be maintained in a clean and tidy condition and be in a proper state of repair.
- Where protective and safety clothing is provided, this must be worn and maintained in an appropriate manner.
- Name badges, where provided, must be displayed at all appropriate times.
- The Council reserves the right to insist that employees do not wear jewellery or badges, which it believes, may cause offence to clients, customers or other employees. In particular, it should be noted that political symbols must not be worn or displayed.

An employee having difficulties in maintaining these standards should discuss the matter in the first instance with his/her immediate line manager or HR Adviser.

21 EMPLOYEES ENGAGED IN HOUSING BENEFITS

An employee who in the course of their employment is involved with housing benefits and outwith their employment lets or sublets dwelling houses within the Inverclyde area, must report this to the Chief Financial Officer.

22 EMPLOYEES PAYMENT OF COUNCIL TAX, ETC.

The Council has a statutory duty to comply with the National Fraud Initiative (NFI) and ensure public funds are managed properly. Accordingly, the Council will use information held on employees to ensure all sums due to the Council are paid timeously, e.g. by identifying persons who are non-payers of Council Tax. The information may also be used to prevent and detect fraud. It is also possible that this information may be shared with other Local Authorities or public bodies, which handle public funds. The use of data for NFI purposes will be strictly controlled to ensure compliance with data protection and human rights legislation. Refer to the Council's Data Matching Policy (currently being developed).

Employees have a duty to make any payment due to the Council in good time. Regular checks will be made by the Council to ensure that employees are not in arrears with payments such as Council Tax or for any work undertaken by a Council service, in accordance with the Council's Data Matching Policy and Data protection legislation.

Where an individual is experiencing difficulties in making payment, they should contact the Revenues & Benefit Manager or Debt Recovery Team. Welfare Advice is also available from Organisational Development, Human Resources and Performance.

23 EMPLOYEES CONDUCT OUTSIDE WORK/ CRIMINAL CONVICTIONS

Employees should remember that they are public officials and that misconduct or activities outside work, may have a bearing on their employment with the Council.

If you are charged/ convicted of any criminal offence you must notify your Head of Service immediately.

If your job involves regular contact with children or protected adults, or in the administration of the law or in certain other sensitive areas and professions, the Council reserves the right to require you to undergo a Disclosure Scotland police check / PVG check at any stage of your employment.

24 EQUAL OPPORTUNITIES

Employees should expect fair and reasonable treatment at work in line with the provisions of the Council's Equal Opportunities and other relevant policies. The Council views discrimination, harassment, victimisation and bullying at work as serious matters. Any employee who believes that he/she has been a victim of unfair treatment should raise the matter with his/her line manager, trade union representative or contact the designated officer of Organisational Development, Human Resources and Performance.

Advice on the application of this paragraph is contained within the Council's Policy and Procedures on Discrimination, Victimisation, Harassment and Bullying available from Organisational Development, Human Resources and Performance and published on ICON.

25 PROTECTING CHILDREN & VULNERABLE ADULTS

There is a statutory requirement for the Council and its employees to protect children and vulnerable adults.

If any Council employee hears information or directly sees things which makes them worried about a child or adult being ill-treated, exploited, neglected or abused, all employees are responsible to take action by speaking promptly to their line manager or another manager about their concerns.

Employees must not delay in taking action or passing information as it could ensure the safety of a vulnerable child or adult.

26 CONFIDENTIALITY OF INFORMATION

You are required to respect the confidentiality of information which comes into your possession in the course of your work, both in and out of the workplace. This general duty of confidentiality with regard to information relates to service users, other employees and certain other Council matters e.g. tendering and contracts. Any breach of these rules will be viewed as misconduct and may lead to disciplinary action, including your dismissal.

27 CARE & RETURN OF PROPERTY

You are responsible for any property belonging to the Council that is under your control or in your possession and you must take proper care of any such items. Any deliberate or negligent failure to take proper care of Council property will be viewed as misconduct and may lead to disciplinary action.

You shall promptly, whenever requested by the Council, and in any event upon the termination of your employment, deliver to the Council all property (such as keys, swipe cards, laptops, mobile phones etc), all files, lists of clients or customers, correspondence and all other documents, records, papers, computer disks, videos, CDs and all other property which may have been prepared by you or have come into your possession, custody or control in the course of your employment and you shall not be entitled to and shall not retain any copies of them. Title to all such material and copyright in all such material created solely or in part by you shall vest in the Council.

28 MANAGING ATTENDANCE

Managing attendance is treated as a serious issue by the Council and employees are expected to attend work unless there is a genuine reason for absence. The Council has set Council targets for absence which Services and employees are asked to achieve.

You are required to acquaint yourself with the Council's procedures for the notification and certification of absence.

You are required to maintain a satisfactory level of attendance and provide regular and effective service to the Council. If you consistently and regularly fail to provide a satisfactory level of attendance you may be subject to disciplinary action or your employment may be terminated, on notice, on grounds of capability.

29 MANAGING INFORMATION

Employees must manage any information relating to the Council with utmost care. Distinction must be made between critical and non-critical information at the outset and proper procedures must be adhered to for any critical information.

Relevant stakeholders such as but not limited to ICT, Internal Audit, Legal & Democratic Services must be consulted where there are any doubts around handling of information. Every employee should regularly monitor the level of risk for the Council in terms of information they manage.

Employees must ensure that critical information and systems should have identified owners and that good Information Governance practice is being applied to them. Employees should know how to operate the Council's systems most effectively and to manage their information governance responsibilities correctly.

Summary

This Code of Conduct is intended as a guide for employees. Where appropriate it should be read in conjunction with other relevant documentation such as the CONDITIONS OF SERVICE handbook (Available from OD, Human Resources and Performance and on ICON). Where you have any doubts about the terms of this Code of Conduct you should raise them in the first instance with your line manager or with Organisational Development, Human Resources and Performance on 01475 712740.

APPENDIX 1 - Access by political groups to the advice of employees

Guidelines

Introduction

It is recognised that there is a need for regular contact regarding matters affecting the Council involving the Chief Executive, Corporate Directors and other Chief Officers with the Leadership of the Political Groups and Committee Convenors.

In dealings with Political Groups and individual Councillors, all employees must treat them in a fair and even-handed manner and must at all times maintain Political neutrality.

It is accepted that it is common practice for Political Groups to give preliminary consideration to matters of Council business and employees may properly be called upon to support and contribute to such deliberations emphasising that this support must not extend beyond providing information and advice in relation to matters of Council business.

Normally only the Chief Executive or a Corporate Director will be expected to attend Political Group meetings and write reports or carry out other work relating to Council business (including drafting notices and motions) for a Party Political Group. Subject to the discretion of the Chief Executive or Corporate Director as appropriate, other Senior employees may be invited to attend meetings it being understood that such invitations will be issued by the Group Leader or Group Secretary to the Chief Executive or Corporate Director.

Employees must respect the confidentiality of any Political Group discussions at which they are present and should not relay the contents of such discussions to another Political Group.

APPENDIX 2 - Politically Restricted Posts

Guidelines

1. Background

- 1.1 The Local Government and Housing Act 1989 (c.42) (LGHA 1989) identified a number of politically restricted posts in a local authority. It further identified certain categories of post deemed to be politically restricted on the basis of one or more defined characteristics and introduces the requirement for every local authority to prepare and maintain a list of such posts.

One of the characteristics defined in section 2(2) of LGHA 1989 was that any post, the remuneration of which was at or exceeded a level determined from time to time by Scottish Ministers, was politically restricted. That restriction based on remuneration was repealed by the Local Governance (Scotland) Act 2004 (LGSA 2004) with effect from 28 February 2007.

Being employed in such a post prevents an employee from being a candidate for any of the four tiers of government (Scottish Parliament/ House of Commons/ European Parliament/ any local authority), from acting as an agent for such a candidate, being an officer of any political party or branch if that work involves management of the branch or gives the person a public profile outside the party. The restrictions also cover publishing work appearing or intending to affect public support for a political party.

A list of posts politically restricted by Inverclyde Council is listed in the Politically Restricted Posts Policy and Procedures (available from Organisational Development, Human Resources and Performance and published on ICON).

2. Politically Restricted Posts

- 2.1 The posts listed below are politically restricted in terms of the Local Government and Housing Act 1989.

- All Chief Officer posts
- Corporate Communications Officer
- Monitoring Officer (appointed in terms of Section 5 of the Act)
- Political Assistants (appointed in terms of Section 9 of the Act)
- Persons to whom the Council has delegated certain powers to be exercised on behalf of the Council.
- Posts where the duties involve:
 - (a) giving advice on a regular basis to any committee or sub-committee of the Council or to any joint committee on which the Council are represented; and/or
 - (b) speaking on behalf of the Council on a regular basis to journalists or broadcasters.

Note: Chief Officers of Community Justice Authorities are not employees of local authorities and therefore do not fall within the scope of this Guidance, unless they are on a secondment from a local authority for a period of up to two years, as permitted by the legislation.

2.2 Appointees to posts which fall into any of these categories are restricted to the extent that they are:

- Prohibited from announcing candidature for election to a Local Authority, Joint Board, the House of Commons, Scottish Parliament or the European Parliament.
- Prohibited from acting as an election agent or sub agent for a candidate for election as a member of a body mentioned in above.
- Prohibited from acting as an officer of a political party or branch if his/her duties would include participation in the general management of the party and/or acting on behalf of the party.
- Prohibited from canvassing (speaking or writing publicly) on behalf of a political party or candidate for a political party, or body mentioned above.
- Prohibited from speaking to the public at large with the intention of raising public support for a political party.
- Further guidance on the application of these Regulations and / or the appeals process is available from Human Resources.

3. Statutory Exemptions from Political Restriction

There are two exemptions from political restriction provided by statute.

- The holders of teaching posts (head teachers, principals, teachers and lecturers) are not to be regarded as being in politically restricted posts, even if, in other respects, their posts would appear to be included in one of the groups above. They, therefore, do not have to be included in the list of such posts maintained by the local authority.
- Secretarial, clerical and support staff, even if they report to the Chief Executive or to a Chief Officer, are not regarded as Chief or Deputy Chief Officers for the purposes of political restriction. They may, however, be deemed to be in politically restricted posts if their duties fall within the scope of section 2(3) of LGHA 1989.

APPENDIX 3 - Hospitality and Acceptance of Gifts

Guidelines

The following examples give general guidance on acceptable and unacceptable hospitality and the acceptance of gifts.

1. **Hospitality - Generally Acceptable**

A working lunch provided to allow the parties to discuss business, though it should be remembered that lavish provision could well raise questions.

Attendance in an official capacity at functions to which invitations have also been sent to representatives of other organisations.

Attendance in an official capacity at functions arranged by Joint Boards, public utilities and public authorities.

2. **Hospitality - Generally Unacceptable**

The provision of holiday or weekend hospitality.

The use of a company flat or hotel suite.

Lunch with a developer, organisation etc. whose application or decision is awaiting consideration by the Council.

An invitation to join other company guests at events (including hospitality lounges, tent etc. at sporting events).

Repeat invitations by the same organisation/individual.

3. **Gifts - Generally Acceptable**

Small gifts given on the conclusion of a visit to a factory, firm, community organisation or voluntary group of a type normally given by the organisation concerned and when such gifts are made to a number of people on the same occasion.

4. **Gifts - Generally Unacceptable**

Gifts of alcohol, hampers of food or other articles which could be misinterpreted by the public or assume a more serious importance in any form of future enquiry or investigation, should not be accepted.

APPENDIX 4 - Policies, procedures and regulations relevant to the Code of Practice

1. Financial Regulations
2. Disciplinary Procedures
3. Grievance Procedures
4. Policy on Bullying & Harassment
5. Confidential Reporting Policy - Whistleblowing
6. Information Technology Security Code & Internet and Email Acceptable Use Policy
7. Corporate Health & Safety Policy
8. Recruitment and Selection Policy and Procedures
9. Managing Attendance at Work
10. Alcohol Policy
11. Drugs Policy
12. Professional bodies and codes, such as SSSC, GTC.
13. PVG Scheme.