

ABERDEEN CITY COUNCIL

COMMITTEE Finance & Resources
DATE 1 February 2011
DIRECTOR Stewart Carruth
TITLE OF REPORT Employee Code of Conduct
REPORT NUMBER: CG/10/013

1. PURPOSE OF REPORT

This report has been produced in response to an Internal Audit recommendation that the Council implements an employee Code of Conduct in keeping with many other local authorities and to define the standards of behaviour expected of all Council employees.

The report outlines how the Code of Conduct has been derived, the reasons for implementing a Code of Conduct and highlights the key points that the Code includes. The Code of Conduct proposed for adoption by the Council is attached as Appendix 1.

2. RECOMMENDATION(S)

It is recommended that:

- 1) The Committee adopts the Employee Code of Conduct attached at Appendix 1

3. FINANCIAL IMPLICATIONS

No financial implications arise.

4. OTHER IMPLICATIONS

No other implications arise.

5. BACKGROUND/MAIN ISSUES

The proposed Code builds on the Seven Principles of Public Life as defined by the Nolan Committee in 1995 and published for local government in 1997. Benchmarking has demonstrated that these seven principles have been widely adopted by public sector employers as the basis on which many Codes of Conduct are based.

As a result of the Nolan committee's work, Employee Codes of Conduct are widely used across the public sector to define the standards of behaviour employers and citizens expect from the employees working for the public purse. Codes of Conduct also serve to highlight to employees certain areas that they should be wary of during their employment in the public sector such as the receiving of gifts.

Codes of Conduct offer important clarity for both employers and employees as to what constitutes acceptable behaviour so that it is clear to all parties what kind of activities or behaviours could result in the employer taking disciplinary action against an employee.

The Code of Conduct does not exist to act as a pseudo disciplinary policy and does not attempt to identify situations where the disciplinary policy would apply. However, in setting standards of behaviour it is expected that Council employees uphold these standards at all times.

Some professions such as Teachers and Social Workers have their own Codes of Conduct that are defined by their respective governing bodies. It is proposed that the Council's own Code of Conduct will apply in addition to these professional Codes.

A separate Code of Conduct exists for elected members.

Some of the key areas addressed by the Code are:

- Conflicts of interest
- Hospitality & Gifts
- Information & Communication Technology Security
- The rights of employees

6. IMPACT

Corporate – Codes of Conduct act to ensure that the appropriate behaviours are maintained during an employee's employment with the Council and therefore it indirectly contributes towards maintaining the achievement of objectives set out in the various governing documents the council has; the Community Plan, the Single Outcome Agreement, the 5 year Corporate Business Plan, individual Service Plans, and *Vibrant, Dynamic & Forward Looking*.

7. BACKGROUND PAPERS

Benchmarking undertaken with West Lothian, Aberdeenshire, Fife and Moray Councils' Codes of Conduct.

Nolan Committee report on the 7 Principles of Public Life.

8. REPORT AUTHOR DETAILS

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ABERDEEN

CITY COUNCIL

**Employee
Code of Conduct**

EMPLOYEE CODE OF CONDUCT

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1.0 INTRODUCTION

- 1.1 The public expects a high standard of conduct from all local government employees across Scotland and the purpose of this Code of Conduct is to set out the standards of conduct the Council and the public expect from employees and to do this unambiguously. The Council understands that the vast majority of its staff meet and exceed the expected standards every working day. However, it is important for your protection and for that of the Council to ensure the required standards are clearly and simply set out.
- 1.2 This Code is based on the recommendations of the Nolan Committee on Standards of Conduct in Public Life and reflects the Council's Mission Statement and Values, details of which can be found in the Council's policy document, which can be found on the Zone or by asking your line manager. There is also a national Code of Conduct for Councillors approved by the Scottish Government and enforced through the Standards Commission for Scotland.
- 1.3 The six Council values that the Code supports are:
- 1) Ensuring total commitment to customer care
 - 2) Fostering a workforce where every employee is valued and given the opportunity to play a full part
 - 3) Raising performance to a higher standard
 - 4) Delivering modern, effective, efficient and accessible services to the people of Aberdeen
 - 5) Providing strategic leadership for the community
 - 6) Actively using community engagement
- 1.4 This Code of Conduct applies to all staff employed by the Council and represents the Code of Conduct referred to in your contract of employment. Where employees have a professional Code of Conduct such as those published by the Scottish Social Services Council or the General Teaching Council this Code applies in addition to those professional codes.
- 1.5 This Code is not designed to provide a large amount of detail and cannot cover every situation. Much of the detail is provided in other council policies, guidance notes or in some other form. Where employees are unsure or cannot locate the relevant guidance, they are encouraged to ask their line manager for assistance or advice.
- 1.6 This Code is also not designed to pinpoint areas where disciplinary action will apply or areas employees will be expected to report on in their appraisal. A list

of Council information locations employees may wish to consider is provided at the foot of this code.

- 1.7 Notwithstanding 1.6, as this code sets out the standards of behaviour expected of Council staff it must also be made clear that breaches of these standards, in effect breaches of the Code of Conduct, could themselves result in disciplinary proceedings.
- 1.8 This Code is also not designed to govern interactions between elected members and staff. The Council has a Code of Conduct for working with Councillors which can be found on the Zone. This should be read in conjunction with the 'Protocol for Relations between Councillors and Employees in Scottish Councils' which forms part of the National Code of Conduct for Councillors, approved by the Scottish Parliament in 2003. The Code of Conduct for elected members can also be found on the Zone.
- 1.9 'The Seven Principles of Public Life' identified by the Nolan Committee on standards in public life are listed below, but are altered slightly to place them in a local government context.

2.0 THE SEVEN PRINCIPLES OF PUBLIC LIFE

- A. **Selflessness**
You should not make decisions that 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.
- B. **Integrity**
You should not place yourself under any financial or other obligation to an individual or an organisation that might influence you in your work with the council.
- C. **Objectivity**
Decisions 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.
- D. **Accountability**
You are accountable to the council as your employer, and the council is accountable to the public.
- E. **Openness**
You should be as open as possible in all decisions and actions you take. You should give reasons for your decisions and should not restrict information unless it is clearly required by council policy or by the law.

F. Honesty

You have a duty to declare any private interests that might affect your work with the council.

G. Leadership

We can all display leadership in our working lives. All staff can act as leaders within their unit, section, team or service. It is up to each of us to lead ourselves and others in the daily task of providing the best possible service to the citizens of Aberdeen. If you are a manager, you shoulder extra responsibility for demonstrating inspiring leadership that motivates your staff by example.

2.1 General employee's duty

The general standards highlighted above underpin the way each employee of the Council conducts his or herself during the undertaking of their work. All staff are ambassadors for the Council, their service and their profession and are expected to act in accordance with that responsibility. Employees are required to always do their best in their jobs and to always act to protect the interests of the Council. Employees are expected to carry out all proper instructions and observe the rules, policies and procedures laid down to ensure efficient working and to secure the safety of themselves and others.

3.0 EQUALITIES

3.1 The Council has a Managing Equality & Diversity policy which employees should familiarise themselves with. It sets out the following vision for equalities in the council:

3.2 “We are committed to promoting equality of opportunity, and to going beyond our 3 public equality duties on disability, gender and race by promoting equality on wider grounds including age, religion or belief, and sexual orientation - as an employer, as a service provider, in partnership, and in our public duties.

We will create a culture that values all the differences that employees and communities bring, and which values openness, fairness, transparency and reward and recognition based on ability and achievement only.

We will continually strive to maintain an environment in which people from all backgrounds can live and work together harmoniously by challenging unlawful or unfair discrimination, prejudice, stereotyping, harassment and undignified and disrespectful behaviour.

We want everyone in Aberdeen to have an equal opportunity to work, learn and live free from discrimination and victimisation, including those who experience social deprivation.”

3.3 Employees at all levels are expected to work towards that vision at all times.

4.0 CONFLICTS OF INTEREST

- 4.1 As an employee of Aberdeen City Council, you must not allow any private interest to influence your decisions.
- 4.2 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 the Council's policies.
- 4.3 You must not involve yourself in any decision on allocation of council services or resources from which you or your family might benefit (e.g. allocation of council housing or assessment of housing benefit, or processing a planning application). You must refer such matters to your line manager immediately.
- 4.4 Any private interest you have relating to the work of the Council must be declared to your line manager. The interest may be a financial one for you; one that a member of the public might reasonably think could influence your judgement; or a financial interest that close family members or people living in your household have in the work of the Council.
- 4.5 If you are a member of an organisation or club, and membership might result in conflict of interests in relation to any aspect of your work with the council, you must declare this membership to your line manager.
- 4.6 You must not use your position as an employee of the Council to lobby or attempt to unduly influence any elected member on any issue that is personal to you as a resident of Aberdeen or any issue relevant to your employment by the Council.
- 4.7 You must not engage in outside employment/activities that would conflict with your Council duties or affect your ability to perform your duties. Standing Order 50(1) governs other paid employment and decisions on employees wishing to take employment outside the Council are subject to it.

5.0 DECLARING OFFERS OF HOSPITALITY OR GIFTS

5.1 Guidance on appropriate action

You are personally responsible for all decisions relating to any offers of gifts or hospitality that you receive in the course of your employment. If in doubt as to the proper course of action to take, you should seek the advice of your line manager. However, it must be stressed that responsibility for any decision to accept an offer remains with yourself, even where you receive advice or authorisation to accept.

5.2 General Rules

The Code of Conduct adopted by the Council for its employees provides the following general approach:

- you should treat all offers of gifts or hospitality with caution;

- where you receive any offers of hospitality or gifts, you should be sensitive to the timing of decisions, which affect the provider of the offer, e.g. during the tendering process for letting contracts or processing an application for a council service such as planning, licensing or housing;
- you should reject any offer where it might be seen as an intention to influence you in the discharge of your duties;
- you should accept an offer only if you feel that by doing so you can comply with these guidelines. If you feel that an offer should not be accepted, or that you have any doubt that it should be accepted, you should err on the side of caution and refuse the offer;
- Where you decline an offer of hospitality or a gift, you should do so courteously and inform the offerer of the procedures and standards operating within the Council.

5.3 **Guidance - Offers of Hospitality**

Offers of hospitality may be extended to Council employees for a variety of reasons and whether such offers should be accepted will depend on a number of different factors. You should not accept offers of hospitality unless you can answer “Yes” to the following questions:

- “Can I justify this?”
- “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 line manager.

You must follow the Council’s policy and guidance on declaring offers of hospitality, and the current procedures for having any offers authorised.

You should only accept an offer of hospitality if there is a genuine need for you to impart information or represent the Council in the community.

5.4 **Guidance - Offers of Gifts**

Similar considerations apply to dealing with the receipt of gifts. These may vary from items of token value where it would be churlish to refuse them, to items of significant value where the impression could be given that the offer is made either to influence your judgement or to reward you for services supplied or to be supplied to the offerer.

In general, only small gifts of token or low value, such as pens, diaries or calendars, may be accepted.

5.5 **Declaring/Accepting Offers of Gifts and Hospitality**

You must declare to your line manager all offers of hospitality or gifts (other than token gifts) where you propose to accept such an offer.

5.6 **Corruption**

It is important that you are aware that it is a serious criminal offence for you corruptly to receive 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 your work with the Council.

6.0 POLITICAL NEUTRALITY

- 6.1 The public expects you to carry out your duties in a politically neutral way, and this must be respected by councillors. This principle is underlined in the Protocol for Relations Between Councillors and Employees in Scottish Councils and applies to all employees. The political activities of a small number of employees are restricted by law. Those of you holding such politically restricted posts will have been notified individually in writing confirming the restrictions, which apply to your post. Advice on which posts are politically restricted and the restrictions applying to them is available from Human Resources.
- 6.2 You must serve the Council and all councillors, regardless of their political outlook. The Chief Executive and senior officers have ultimate responsibility to help to ensure that the policies of the Council are implemented. This principle of equality of service to all councillors is also emphasised in the Protocol for Relations Between Councillors and Employees in Scottish Councils and applies to all employees.
- 6.3 You are required to implement the policies of the Council irrespective of your personal views.
- 6.4 If you are asked by a councillor to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the Council, you should politely refuse and inform the councillor that you are referring the matter to your line manager.

7.0 OTHER CONSIDERATIONS

- 7.1 **Appointment of Staff**
If it's part of your job to advise on the appointment of staff, suppliers or consultants you should not allow any personal or other preference to influence your judgement. Instead, you should work within the set down rules/processes/procedures for the selection that will best serve the Council in accordance with policy requirements. You must not canvass the support of colleagues for any particular candidate and should resist and report any attempt by others to canvass your support.
- 7.2 **Council property**
All property provided to you to do your job by the Council remains the property of the Council and must only be used for Council work. It is your responsibility to look after Council property as carefully as possible.

7.3 **Allowances**

You must observe carefully the Council's rules for claiming allowances for performing approved duties and for the repayment of expenses incurred for travel/subsist while doing business on the Council's behalf.

7.4 **ICT Security**

The Council recognises the benefits of Information and Communications Technology ('ICT') and encourages the use of ICT equipment, systems and services in all aspects of its business. While email, the Zone intranet and the Internet are essential workplace tools, allowing employees unlimited access to these and other systems carries risks for employers.

The Council has therefore developed an ICT Acceptable Use Policy (ICT AUP) to set standards and provide users with clear instruction and guidance on what constitutes acceptable and unacceptable use. It is every ICT user's responsibility to ensure they remain compliant with the ICT AUP. The ICT AUP can be found on the Zone but if employees have any concerns they are encouraged to speak to their line manager.

7.5 **After Leaving Employment**

Should you leave the Council for any reason either voluntarily or involuntarily you must return any property provided to you to undertake your job and ensure that any documents, data or any other information relating to your job at the Council is returned. You must not take any documents or data with you when you leave the Council.

7.6 **Confidential information**

During the course of your work, you are likely to have access to information that is private and confidential. You must ensure that such information is only made available to those who need to know it in carrying out Council work and that it is never disclosed to anyone else. Never give out confidential information over the phone unless the caller is known to you and is authorised to have access to the information. It is a breach of trust to use confidential information for personal advantage or the advantage of anyone known to you. Or to make unauthorised comment on the Council's business which may bring the Council into disrepute.

Detailed information about Data Protection and Freedom of Information can be found on the Zone or if you have any doubts, employees are encouraged to check with their line manager.

7.7 **Further Information**

Employees are encouraged to familiarise themselves with those policies, procedures and standing orders relevant to their work to ensure they fulfil their duty to work within the boundaries of those frameworks. Most information can be found on the Zone but if employees cannot find the information, they require they should always ask their line manager.

8.0 YOUR RIGHTS AS AN EMPLOYEE

8.1 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. Nevertheless, you must 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. You should also not make any comments in any media about your employment for the Council. Any views you wish to express on a Council policy issue or decision must be made as a resident of Aberdeen and not as an employee of the Council.

8.2 Access to your councillor

As a citizen, you are entitled to raise with your councillor any complaint, which you have about the services of the Council. If your complaint concerns any aspect of your work with the Council, however, you must make use of the Council's grievance procedures.

8.3 Fair and Reasonable Treatment at Work

You are entitled to expect fair and reasonable treatment from your colleagues, managers and from councillors. If you feel that you have been unfairly treated or have been discriminated against, you are entitled to make use of the appropriate council procedures.

9.0 OTHER INFORMATION SOURCES (active links to the relevant page on the Zone)

- Aberdeen City Council HR Policies
- Aberdeen City Council Customer Service Standards
- Guidance on paid employment outside the Council
- Guidance on contacts with the media
- Guidance on the personal use of Council equipment and resources
- ICT Acceptable Use Policy
- The Joint Procurement Unit
- The Freedom of Information (Scotland) Act 2002
- Data Protection
- Local Government (Access to Information) Act 1985 Summary of Rights of the Public
- List of Standing Orders