

HR Policy & Procedure: Employee Code of Conduct

Version: 2.7

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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Version Control

Version Number	Effective Date	Details of Last Revision
2	17th November 2014	Updated Policy Cover sheet and further guidance on criminal charges, a few other minor amendments.
2.1	25th July 2017	Additional Information in Section 5 on Register of Officer Interests. Change to Section 11 on authorisation of gifts and hospitality. Minor amendments to wording re Corporate Fraud Team in Sections 6 & 7.
2.2	6th March 2018	Added point at 12.3 to reflect Terms and Conditions 8.2.2
2.3	3rd September 2019	Updated to reference Social Media Guidance
2.4	28th August 2020	Updated hyperlinks and reviewed point 9.1
2.5	16th December 2020	Updated onto new accessibility policy template
2.6	25th February 2022	Updated links to new Connects
2.7	25 th April 2024	Updated in line with accessibility requirements

Equality Impact Assessment: tbc

Prepared by: HR Team

1. Introduction

- 1.1 All North Ayrshire Council employees are asked to read and understand this Code of Conduct prior to accepting an offer of employment from us. Please note that the Code does not affect your rights and responsibilities under the law.
- 1.2 This Code of Conduct is important; if there are any aspects which you do not understand please ask your line manager in the first instance or contact Human Resources for clarification.
- 1.3 These principles do not impinge in any way on the requirements of conduct set down by any employee's professional body.
- 1.4 The public expects the highest standard of conduct from all employees who work for North Ayrshire Council and this document provides guidance to assist in meeting these requirements. The vast majority of employees meet and exceed these standards every working day.
- 1.5 There is a wide and diverse range of occupations within the Council, and the Code of Conduct has been written to cover them all.

2. The key principles of public life

- 2.1 The Code of Conduct incorporates "the Key Principles of Public Life". These Principles can be found in the Councillors' Code of Conduct.
- 2.2 North Ayrshire Council consider these Key Principles are applicable to all employees 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.
- 2.3 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.
- 2.4 The Key Principles of Public Life are:

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 benefits 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, is 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

Managers should promote and support these principles by 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, Councillors, public and service users and the role they play, treating them with courtesy at all times.

3. Relationships

3.1 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 Equality Policy, and Protection of Vulnerable Groups Policy & Procedure.

3.2 Councillors

Both Councillors and employees are servants of the public. 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. Councillors determine policy and issues which are placed before them for decision and officers are responsible for the

operational management of Council services. Any undue familiarity between Councillors and employees should be avoided as it is inappropriate and may be perceived wrongly or be embarrassing to others.

3.3 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 policy on Equalities. This ensures that all employees work in an environment that is free from discrimination, victimisation, intimidation, bullying or harassment.

3.4 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

- 4.1 Employees should carry out their duties and serve the Council and Councillors 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 (as amended) and such employees will have been advised of this.
- 4.2 The Council is not permitted to issue political publicity or assist others to do so. Nor should the Council facilities be used for political purposes. 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, they should politely refuse and explain that the matter has to be referred to their line manager or relevant Head of Service.
- 4.3 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 support is appropriate and which employee(s) should be involved. 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

5.1 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 to the Head of Service by submitting a Declaration of Interests Form. 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.

5.2 Register of Officer Interests

Some employees are required to register details of their financial and other personal interests to identify any interests that may conflict with those of the Council. These details are maintained by the Head of Democratic Services (the Council's Monitoring Officer) in a Register of Interests. The employees who are required to complete a Register of Interests Form are:

- (a) Chief Officers
- (b) Officer responsible for the Procurement Service
- (c) Officer responsible for the Internal Audit Service

The Register of Interests Form must be completed within 28 days of appointment and thereafter on an annual basis. Employees are also responsible for immediately notifying the Head of Democratic Services of any change to financial and other personal interests.

5.3 Contracts

Any employee, or employees, involved in the decision-making process must notify their Head of Service by submitting a Declaration of Interests Form 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.

5.4 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 or unpaid 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 offset against the employee's annual 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

- 6.1 North Ayrshire Council is required to protect the privacy of personal data it holds about individuals (this includes customers and employees) in accordance with the principles of the Data Protection Act 2018. While the Council needs to process certain data about such individuals, this data must be collected and used fairly for the purposes for which it was collected, stored safely and securely and not disclosed to any third party unlawfully.
- 6.2 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. The Council has an Employee Privacy Notice which provides information about the types of data held about employees, the nature of the processing activities and employee rights under Data Protection legislation.
- 6.3 An employee may have access to information that is private and confidential to the Council, current or former employees, Council residents or suppliers. Employees should only make any such information available to those who need to know in their pursuit of the Council's work. Unless covered either by legal obligation, by Internal Audit, the Corporate Fraud Team or in the prevention or detection of crime, employees should not share 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. All electronic communication using Council equipment should be carried out in line with the Council's Acceptable Computer Use Policy.
- 6.4 Confidential information is never to be used for personal advantage or for the advantage of anyone known to employees.
- 6.5 Employees should ensure that any information being shared is clearly marked with the appropriate information classification e.g. public, official or official-protect as detailed within the Information Classification Guidelines.

- 6.6 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 the Whistleblowing Policy. Any suspicion of fraudulent or corrupt activity can be reported anonymously to the Council's Corporate Fraud Team.

7. Prevention of fraud

- 7.1 The Council is committed to the prevention and detection of fraud and the protection of public funds. This includes carrying out data matching exercises both within the Council and with partner agencies.
- 7.2 Employees who have responsibility for Council monies or materials must strictly adhere to the Council's Financial Regulations and Codes of Financial Practice.
- 7.3 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.
- 7.4 In addition, employees who claim statutory allowances, benefits, reductions, discounts, reliefs, grants or other payments are to ensure it is only for those to which they are entitled. It should be noted that it is the Council's policy that where a fraudulent claim is proven, e.g. where it is found that an employee has provided false or misleading information to obtain public services, allowances, benefits, reductions, discounts, reliefs, grants, or other payments for themselves or others, services provided, monies paid, monies outstanding or materials missing will be recovered by the Council. The Council may also refer the fraud to the Corporate Fraud Team, the police or other agencies as appropriate.

8. Contacts with the media

- 8.1 The Communications Team deal with all enquiries from the Media. Executive Directors are encouraged to speak to the media directly on issues relating to their areas of responsibility after prior consultation with the Communications Team.
- 8.2 As a general rule employees 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 Executive Directors and Heads of Service in liaison with Communications. However, there may be limited and defined situations where senior management or designated employees may deal directly with the press, such as Human Resources employees dealing with recruitment advertising or

Headteachers providing school information on, for example, sports days, fetes etc.

9. The internet and social media

- 9.1 The use of social networking sites and the internet is available during working hours for employees to use as part of their role. A number of employees also use the internet and social media in their personal life. The Council has therefore produced a Social Media Guide which provides practical guidance to employees, and also an e-learning package is available to support the guide. Employees with access to ICT must make themselves aware and comply with the Council's Acceptable Computer Use Policy.
- 9.2 Comments and messages posted on the internet and social media 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.
- 9.3 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 any messages and comments posted in employees own time that relate to fellow colleagues and the workplace.
- 9.4 Posting of defamatory or potentially damaging comments about the Council would be a breach of contract and would be investigated under the Council's Disciplinary Procedures. The Council could also instigate legal proceedings against an employee who has posted defamatory comments.
- 9.5 Some websites allow the posting of images and videos. Care should be taken in relation to GDPR regulations and having permission for any photographs of children. Care should also 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, inappropriate or illegal. The Council will investigate any such behaviour with action being taken under the disciplinary procedures if required.
- 9.6 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 professional guidance](#) contained in the Code of Professionalism and Conduct relating to the use of Social Networking Sites.

10. Rights as a citizen

- 10.1 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 Executive Director or Head of Service to comment as an employee.
- 10.2 An employee as a citizen can raise with their Councillor any complaint which they have 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.
- 10.3 Employees are not permitted to raise anything to do with their individual pay or terms and conditions with any Councillor. Furthermore, there are agreed procedures for dealing with matters relating to discipline, grievance, dignity and respect, redundancy, retirement etc. for employees and these procedures must be used in these circumstances.

11. Gifts and hospitality

- 11.1 Employees must ensure that gifts and 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. This arrangement also applies to employees who may work for another employer out with the Council but carry out duties in Council property or for Council clients.
- 11.2 Employees should not accept from or give any gift or hospitality 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. If you are unsure whether the gift is a 'gift of value' please contact Human Resources for further advice.
- 11.3 Any employee offered a gift of value/hospitality or giving a gift/hospitality has to inform their Head of Service; or, in the case of a Chief Officer, the Chief Executive; or, in the case of the Chief Executive, the Section 95 Officer or

Monitoring Officer. The employee can only accept or give the gift if permitted to do so.

- 11.4 For clarification, even where approval has been sought from a senior officer, employees should not accept gifts or hospitality of value from a party doing or seeking to do business with the Council. This is in accordance with the Bribery Act 2010.
- 11.5 A record of all such gifts or hospitality given or received should be kept by each Service. If you are unsure who retains the list within your Service, please contact your Head of Service.

12. Use of council vehicles

- 12.1 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 vehicle for any business other than official Council business is forbidden.
- 12.2 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.
- 12.3 Any fines or penalties incurred whilst using a vehicle on Council business will be the liability of the employee or worker.

13. Reporting of criminal convictions and charges and/or police involvement

- 13.1 Where an employee is charged by the police or is subject to a report to the Procurator Fiscal and/or a registered agency which is connected to their employment or is convicted in a Court of Law on any matter that occurs during or outside of their work and which has a bearing on his/her employment with the Council, then they must report this immediately to their Head of Service or designated Manager.
- 13.2 A charge or conviction for any offence may result in disciplinary proceedings being taken against the employee. For example, where, in the opinion of the Council, the charge or conviction is such as to affect, or is likely to affect, the suitability of the employee for the position in which he/she is employed, or brings the Council into disrepute, or could, in the opinion of the Council, otherwise seriously undermine the trust and confidence that the Council has in the employee.

- 13.3 Where an employee is charged or convicted specifically in connection with offences outside working hours relating to illegal drugs, dishonesty, violence, or of a sexual nature, such criminal charges or convictions may result in disciplinary proceedings being taken against the employee, up to and including summary dismissal. In making any decision, the Council will reasonably consider the circumstances of each case as well as any employment implications that the employee's actions may have on the Council.

14. The Bribery Act

- 14.1 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
 - 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
 - Furthermore, a bribe does not have to be paid to you as an individual. It could be paid to someone else to improperly influence you in the performance of your duties.
- 14.2 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.
- 14.3 All employees should ensure that they are familiar with the following HR policies and procedures – the Code of Conduct, Defalcation Procedures, Disciplinary Rules and the Whistleblowing Procedures.
- 14.4 In addition, all 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 Counter Fraud and Corruption Strategy.
- 14.4 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.