

ANGUS COUNCIL

PERSONNEL AND PROPERTY SERVICES COMMITTEE - 1 FEBRUARY 2000

REPORT BY DIRECTOR OF PERSONNEL

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

ABSTRACT

This report recommends adoption in principle of the National Code of Conduct for Local Government employees as prepared by COSLA and asks Committee to note that an officer working group has been established to develop the Code within the Council and to put it into an Angus Council context.

1 RECOMMENDATION

The Committee note and approve the terms of this report.

2 DEVELOPMENT OF CODE OF CONDUCT FOR EMPLOYEES

The Nolan Committee which published a Report on Standards in Public Life in 1997 concluded that there was in local government a profusion of roles resulting in a growing lack of clarity over standards of conduct. Consequently one of the recommendations in the Nolan Report was that each Council draw up a Code of Conduct for its employees.

At a national level, and in response to Nolan, COSLA adopted and circulated a National Code of Conduct for Local Government Employees in November 1997. All Councils in Scotland have subsequently been asked to adopt this Code or develop their own, this latter course being with the proviso that it should have at least the same effect; the standards cannot be less.

The Scottish Executive is currently considering whether a statutory duty should be placed on each Council to adopt a Code for Employees.

Included within the Personnel Department's Service Plan for 1999/2000 is a commitment to develop a Code of Conduct for employees within Angus Council.

A copy of the National Code of Conduct for Local Government Employees is attached. As indicated above the Council could simply choose to adopt the National Code or it could develop its own Code - but in doing so that Code must have the same effect as the National Code and the standards cannot be less.

Accordingly, and irrespective of whether the Council decides to adopt the National Code or develop its own Code, perusal of the National Code shows that certain policies and procedures need to be in place. For ease of reference these are listed below:

- procedures about tenders and contracts
- policy on information to be made available to the public
- policy on paid employment outside the Council
- policy on fees received for publications, broadcasts, speeches or lectures
- policy on assistance to voluntary or charitable organisations
- policy on declaration of offers of hospitality
- policy on use of Council equipment and resources
- policy on recruitment and selection
- policy on contact with the media
- policy on access by political groups to advice of employees
- procedure on expressing concerns outwith line management - "whistleblowing"

The Council has procedures about tenders and contracts and policies on paid employment outside the Council, recruitment and selection and on declaration of offers of hospitality. A whistleblowing procedure is currently being drafted. No formal policies appear to exist in relation to the other areas albeit in some areas guidelines have been issued.

The remit for developing policies for the outstanding issues lies outwith the direct remit of the Personnel Department and accordingly to take the development of a Code forward the Chief Officers' Management Team has agreed that a short life working group be established chaired by the Personnel Department and comprising representatives from the Chief Executive's, Law and Administration, Finance and Education Departments.

The Committee is asked to approve that the working group take the development of a Code forward on the basis that the National Code of Conduct be adopted in principle albeit it is recognised that some amendment will be required to put it into an Angus Council context and some amendment may be required to reflect the outcomes of the working group. The Committee is asked to note that the Code in its draft version would also need to be subject to consultation with the trade unions.

3 CONSULTATION

The Chief Officers' Management Team has been consulted on the terms of this report.

Janice Torbet
Director of Personnel
December 1999
HMR

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

COSLA

Promoting Scottish Local Government

National Code of
Conduct for Local
Government
Employees in
Scotland

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The public expects a high standard of conduct from all local government employees in Scotland. There is a National Code of Conduct for Councillors and it is right that there should be a National Code of Conduct for Employees. This National Code sets out the minimum standards of conduct that are expected of you as a council employee. Each council should, after discussion with trades unions, develop and adopt a local code in line with this National Code. This will allow each council to take into account specific local circumstances, for example to cover specific groups of employees. Each local code must achieve at least the same effect as the National Code and a council can simply adopt this National Code as its local code. All councils should ensure that new employees know about their local code, and that all employees are helped to understand the local code.

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

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

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

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

You should be as open as possible in all the decisions and actions that you take. You should give reasons for your decisions and should not restrict information unless this is clearly required by council policy or by the law.

Honesty

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

Leadership

If you are a manager, you should promote and support these principles by your leadership and example.

The Local Government Ombudsman will use the National Code as a benchmark of good practice where a complaint of maladministration has been made.

Relationships

The public

You may have contact with members of the public as users of services, clients or citizens. You should always be courteous and helpful. You should deal fairly, equitably and consistently with each member of the public, and you must follow your council's equal opportunities policy.

Councillors

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

"23. Both councillors and employees are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only as long as their term of office lasts. Employees are responsible to the council. Their job is to give advice to councillors and their council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.

"24. Mutual respect between councillors and employees is essential to good local government. Close personal familiarity between individual councillors and employees can damage the relationship and prove embarrassing to other councillors and employees."

These principles apply equally in this Code.

Contractors

You must be fair and impartial in your dealings with contractors, sub-contractors and suppliers.

If you are involved in the tendering process you must follow your council's procedures and rules about tenders and contracts.

If you are an employee who has both a "client" and "contractor" responsibility in the tendering process, you must observe the requirement for accountability and even-handedness in undertaking these two roles.

Conflicts of interest

If you have access to confidential information on tenders or costs for either internal or external contractors you must not disclose that information to any unauthorised individual or organisation.

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

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

You may have a private interest which relates to the work of the council. That interest may be a financial one or one which a member of the public might reasonably think could influence your judgement. In addition, close family members or people living in your household may have financial interests in the work of the council. All such interests must be declared to your line manager.

If you are a member of an organisation or a club, and membership might result in a conflict of interest in relation to any aspect of your work with the council, you must declare this membership to your line manager. This applies equally to membership of organisations or clubs which are not open to the public, eg Freemasonry.

Openness and disclosure of information

The council's decision making process must be transparent and open. The council must provide the public with clear and accessible information about how it operates. It must also ensure that there is an effective complaints procedure in place for the public to use when things go wrong. But there are exceptions to the principle of openness where confidentiality is involved, and information may be withheld if, for example, it would compromise a right of personal or commercial confidentiality. This does not apply where there is a legal duty to provide information.

You must follow your council's policy on making information available to the public, and you must not break the law in this area.

Paid employment
outside the
council

The council will normally allow you to undertake paid employment outside the council unless there is a clear conflict of interest, or it is likely to have an adverse effect on the work of the council. If you want to undertake paid employment outside the council you must first obtain the council's approval. This procedure is in your interests and will protect you. You are not allowed to use the equipment and resources of the council in any outside employment.

You must follow your council's policy about fees which you may receive for a publication, broadcast, speech or lecture where you have used official information or your own work experience.

If you wish to use the equipment and resources of the council for the benefit of a voluntary or charitable organisation, you must follow your council's policy on what assistance can be given to such organisations.

Hospitality

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

- "Can I justify this?" and
- "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 your council's policy on declaring offers of hospitality, and follow the current procedures for having any offers authorised.

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

You should not accept repeated hospitality from the same source.

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

Gifts	You must not accept personal gifts, but you may keep items of token value, eg pens, diaries, or small tokens of gratitude, so long as this complies with the policy of your council.
Corruption	It is important that 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 for showing favour or disfavour to any person, in the course of your work with the council.
Use of resources	You and your colleagues serve the public, and you must remember this principle when you use council equipment, materials and resources, in order to ensure value for money. You must not breach the policy of your council on the personal use of council equipment.
Appointments	All councils have a Recruitment and Selection Policy based on the principles contained in the COSLA Code on Recruitment and Selection. All appointments must be made on the basis of merit. You must follow your council's policy. If you are involved in the recruitment and selection process, and have any kind of relationship which might affect your ability to be impartial, that relationship must be declared to your line manager. Your line manager will decide whether you can participate in the recruitment and selection process. The same procedure must be followed in other personnel procedures such as grievance or disciplinary procedures or job evaluation. You must not lobby a councillor or another colleague either directly or indirectly to secure your own appointment or promotion, or the appointment or promotion of another person. If you have been lobbied by an applicant, another colleague, a councillor or any other person, you must report the matter to your line manager.

Contacts with the
media

In your work with the council, contact with the media should only take place where this has been authorised by the council. You must follow your council's policy in relation to contact with the media.

Political neutrality

The public expects you to carry out your duties in a politically neutral way, and this must be respected by councillors. The political activities of a small number of employees are restricted by law.

You must serve the council and all councillors, regardless of their political outlook. The Chief Executive and senior officers have ultimate responsibility to help ensure that the policies of the council are implemented.

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

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.

Some employees will have a close working relationship with councillors of the majority political group (or groups) which form the administration of the council. Political groups may sometimes seek advice from council employees. You must follow the council's procedure.

- The following is an example of good practice in regulating access by political groups to the advice of employees:

The office bearers (of the group) must first approach the Chief Executive.

The office bearers must tell the Chief Executive what type of advice they are seeking.

The Chief Executive will decide whether attendance at the meeting is appropriate and which employee or employees should attend.

	<p>Once the employee has given the advice to the group, the employee must leave the meeting before any decision is made.</p> <p>Strict confidentiality must be observed by the employee. The discussion in one political group should not be disclosed to another political group or to any member of such a group.</p>
<p>Your rights as an employee Public statements</p>	<p>As a citizen, you are entitled to express your views about the council, provided you do not make use of any private information gained through your work with the council. But you should not, in your work capacity, criticise the council either through the media or at a public meeting, or in any written communication with members of the public.</p>
<p>Access to your councillor</p>	<p>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 your council's grievance procedures.</p>
<p>Fair and reasonable treatment at work</p>	<p>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.</p> <p>There may be rare occasions when you feel that you have been required by a colleague, a councillor or a member of the public, or by an organisation, to act in a way which might be illegal, improper or unethical, or which is otherwise in conflict with the principles of this Code of Conduct. You must follow your council's procedure for dealing with such concerns.</p> <p>The following is an example of good practice which allows concerns of this nature to be raised confidentially inside the council.</p> <ul style="list-style-type: none"> • If you are in this situation you must report the matter to your line manager.

- If, however, you feel that you cannot discuss the matter with your line manager then you must report the matter to the Chief Executive or another officer appointed by the council outwith your line management.
- The Chief Executive or your line manager or the other person appointed by the council will then decide - in consultation, where necessary, with the council's monitoring officer - what action is to be taken, including whether the issue which you have raised can be dealt with through the council's grievance procedure.
- The confidentiality of your concern will be maintained wherever possible.