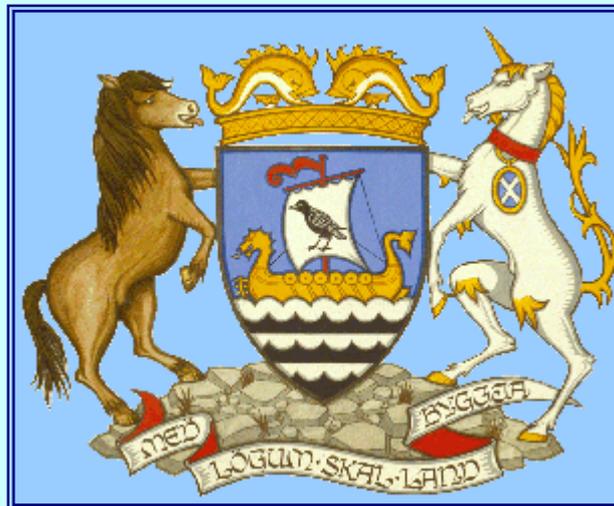


SHETLAND ISLANDS COUNCIL

CODE OF CONDUCT



Applies to: All Staff
Effective from: 13 September 2012

Shetland Islands Council

CODE OF CONDUCT

Operational Date: 13 September 2012

Review Date: 13 September 2017

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1 STATEMENT OF POLICY

- 1.1 The conduct of employees, and what the public believes about that conduct; will affect the reputation of the council. The public expects a high standard of conduct from all local government employees in Scotland. You should recognise that it is not enough to avoid actual impropriety. It is necessary, at all times, to avoid any occasion for suspicion and any appearance of improper conduct.

There is a Scottish Code of Conduct for Councillors and CoSLA developed a model Code of Conduct for Local Government Employees in Scotland for application across Scottish Local Government. The model Code for employees sets out the minimum standards of conduct that are expected of you as a Scottish council employee. This local Code is derived from the model Code and develops it to create an enforceable Code of Conduct for Shetland Island Council employees.

The Scottish Joint Council National Conditions of Service for Single Status Employees states:

- 1.2 'Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.' This means that the Code sets out a minimum standard of behaviour that ensures that the reputation and performance of the Council and its employees remain professional and well regarded.
- 1.3 There are a number of Council wide and service level policies and procedures which provide more detail on expected practice and conduct. This Code must be read alongside those.
- 1.4 A number of professions engaged by the Council also require their members to adhere to professional codes of practice; e.g. the Scottish Social Services Codes of Practice, GTCS the Code of Professionalism and Conduct (CoPAC), the GTCS Student Teacher Code and the Code of Conduct for the Merchant Navy. This code is intended to complement all of these requirements and does not replace them.
- 1.5 The Code does not affect your rights and responsibilities under the law; its purpose is to provide clear and helpful advice of expected conduct of Council employees.
- 1.6 Equally importantly, the Code also provides you with guidance about your rights and duties at work. It is important for you to note that a breach of the Code may lead to disciplinary action.

2 INTRODUCTION

2.1 Scope of the Code

This code applies to all Council workers. In this Code, the term 'employee' is used interchangeably with worker and for the purposes of this Code is intended to include all employees, relief workers, contractors providing

services, agency workers, those on work experience or volunteering schemes, apprentices and employed trainees.

All employees of the Council will have the requirements of this code of conduct brought to their attention.

2.2 Aim

The aim of the Code of Conduct is to set the standard of behaviour expected of all employees of the Council in their day-to-day duties, and communications with colleagues, managers, Councillors, service users and other organisations and members of the public. It also provides guidance where employee conduct outside of work may impact on the employment relationship.

In all that you do you should think about whether your actions may have an impact on you as an employee, on your colleagues in your own service or in others, our councillors and/or our customers. If you think it might, then think again and seek advice as necessary before you act.

2.3 Legislation

Relevant legislation in terms of this Policy includes legislation concerning pecuniary (financial) interests, disclosure by officers of interests in contracts, prevention of corruption and politically restricted posts. The main pieces of legislation that impact this Code are;

- Local Government (Scotland) Act 1973
- Local Government and Housing Act 1989
- Human Rights Act 1998
- Data Protection Act 1998
- Equality Act 2010
- Working Time Regulations 1998
- Ethical Standards in Public Life etc. (Scotland) Act 2000
- Local Democracy, Economic Development & Construction Act 2009
- Freedom of Information (Scotland) Act 2002
- Bribery Act 2010
- Merchant Shipping (Hours of Work) Regulations 2002

2.4 Links to other Policies

This Code provides a framework for all employees in terms of accepted conduct and should be read in conjunction with other relevant Council Policies and Procedures including;

- Community Care Procedure for Gifts and Donations
- Complaints Procedure
- Corporate Safeguarding Children Policy
- Data Protection Policy
- Disciplinary Procedure
- Employee Review & Development Policy
- Equal Opportunities
- Equality & Diversity Policy
- Financial Regulations

- Harassment & Bullying at Work
- ICT Security Policy
- Policy on the Disclosure of Criminal Record Information
- Protocol for Councillor / Officer Relations
- Recruitment & Selection Policy
- Reporting Concerns At Work
- Scheme of Delegations
- Strategy for the Prevention and Detection of Fraud and Corruption

3 THE SEVEN PRINCIPLES OF PUBLIC LIFE

- 3.1 The Code incorporates “The Seven Principles of Public Life” identified by the Nolan Committee on Standards in Public Life.

The Scottish Public Services Ombudsman will inevitably have regard to compliance with Codes of Conduct as a benchmark of good practice where a complaint has been made.

It is important that you embrace and adhere to the values and principles of Shetland Islands Council. Implicit to the employment relationship are the principles of trust and respect.

Equally important is that employees should adhere to the Constitution of the Council and embrace its implicit values and principles. These derive from the Nolan principles that are listed below altered slightly to place them in a local government context.

Selflessness

You should not take decisions which will result in any financial or other benefit to yourself, your family, your friends, Council elected members or other employees. Decisions should be based solely on Shetland Islands 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 Shetland Islands Council.

Objectivity

Any decisions that you make in the course of your work with Shetland Islands Council, including making appointments, awarding contracts or recommending individuals for rewards or benefits, must be based solely on merit in accordance with relevant policy and procedural guidance.

Accountability

You are accountable to Shetland Islands Council as your employer. The Council, in turn, is accountable to the public.

Openness

You should be as open as possible in all the decisions 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 that 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.

4 YOUR RIGHTS AS AN EMPLOYEE

4.1 As a citizen, you are entitled to express your views about the Council, provided you do not make use of any confidential information gained through your work with the Council or use Council resources including time to do this, please also refer to 7.2 and/or 10.3. You must be explicit in your communication that you are expressing your view as a member of the public and a receiver of services and not as an employee of the Council.

4.1.1 As per 5.1.1, you must adhere to standards of communication laid down in this Code, which includes that: -

‘You should always ensure that you communicate in an appropriate, open, accurate, constructive and straightforward way. You should ensure that you show respect for others and you must not use offensive language.’

4.2 You must not, in your work capacity criticise the Council or any of its members or officers either through the media or at a public meeting, or in any written communication with members of the public.

4.3 If, in your work capacity, you do wish to criticise, comment or question any aspect of the Council’s service then you must use internal communication channels to raise these appropriately. In the first instance you should consult the Reporting Concerns at Work Policy to decide if the procedures in that policy should be followed. If you are unsure about the appropriate channel then you should seek advice from either your line manager, Human Resources, Executive Manager – Governance & Law or your trade union in the first instance.

4.4 As a citizen, you are entitled to raise with your Councillor any complaint that you have about the services of the Council.

4.4.1 You must not however take complaints concerning any aspect of your own employment with the Council to your Councillor. These should be raised with your line manager as appropriate. If your complaint concerns your line manager then you may communicate with their line manager or seek further advice from Human Resources including the Staff Welfare Officer. You may also consider formally addressing your concern through the Council's Grievance Procedure, Harassment & Bullying Procedure or Reporting Concerns at Work Policy as appropriate.

5 RELATIONSHIPS

5.1 All Employees

5.1.1 During the course of your work you should always ensure that you communicate in an appropriate, open, accurate, constructive and straightforward way. You should ensure that you show respect for others and you must not use offensive language.

5.2 The Public

5.2.1 You may have contact with members of the public as users of services, clients or citizens. You should always be courteous, efficient, impartial and helpful. You should deal fairly, equitably and consistently with each member of the public. Close personal familiarity between employees and service users can affect impartiality and should, be avoided. Any existing relationship, or one that develops, which may impact on the work you do or may possibly be perceived by others as such should be discussed with your line manager.

5.3 Councillors

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

5.3.2 “Both Councillors and employees are servants of the public, and they work closely with 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 the Council, and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees.

5.3.3 “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.”

- 5.3.4 These national principles apply equally to this Code. Any existing relationships should be disclosed to your Executive Manager.
- 5.3.5 Shetland Islands Council has an agreed Protocol for Councillor / Officer Relations. This Code should be read in conjunction with this where you have working and / or personal relationships with Councillors.
- 5.3.6 You must not approach Councillors on employment matters and Councillors via their own code should decline to discuss such issues. You should discuss employment matters either with your line manager, their manager, Human Resources or your Trade Union representative.

Please also see section 4 and Section F of the Protocol for Councillor / Officer Relations.

5.4 Contractors

- 5.4.1 You must be fair and impartial in your dealings with contractors, sub-contractors and suppliers.
- 5.4.2 If you are involved in the tendering process you must follow the Council's procedures and rules about procurement, tenders and contracts.
- 5.4.3 If you are in a post that 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.
- 5.4.4 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors in accordance with the Council's policies and in particular relating to competitive tendering.
- 5.4.5 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.
- 5.4.6 Current or previous business or private relationships with external contractors should be disclosed to your line manager where you engage or supervise contractors.
- 5.4.7 You must provide written notification of any personal financial interest, whether direct or indirect, in a contract that has been, or is proposed to be, entered into by the Council of which you are / have become aware.
- 5.4.8 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners, relatives, current employees or former employees or their partners in the tendering

process. No part of the local community should be discriminated against.

5.4.9 Employees who engage or supervise contractors or have any other official relationship with contractors should familiarise themselves with the Council's standing orders and financial regulations and should ensure that they are fully complied with.

5.4.10 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their manager / immediate supervisor and withdraw from the contract awarding processes.

6 REGISTER OF INTERESTS

6.1 Each service area maintains records of employees' interests and other employment.

6.2 To maintain this you must complete a Register of Interests Form to declare private interests, paid employment, club and organisation membership where a potential conflict may exist and submit this to your Executive Manager. Further guidance on this is provided in sections 6 – 9.

6.3 You should ensure you notify your manager of any changes in your circumstances that need to be recorded on this form. You should review the form on at least an annual basis.

6.4 You must, in writing, declare and record an interest in, or membership of, any group or organisation: -

- Where, through your work with the Council, you are required, or likely to be required, to provide advice to other officers or the Council in relation to the activities of that group or organisation, and through membership of that group or organisation, you directly or indirectly benefit financially from the Council.
- Where membership of a group or organisation may be reasonably seen as prejudicial to the performance of your duties.

6.5 The holding of shares in any business having no direct connection or conflict of interest with the business of the Council will not be considered relevant and does not need to be registered.

7 CONFLICTS OF INTEREST

7.1 The Council has a duty to ensure that its employees avoid conflicts of interest with the Council. Equally you have a duty to avoid such conflicts and it is in the interest of all employees that there is a code in place to provide guidance in this. As a Council employee you must not allow any private interest to influence your decisions at or about your Council work.

7.2 During the hours of service required by your employment, you should devote your whole time and energies to your Council duties, unless given express consent to do otherwise. With regard to your Council employment you are not

permitted to receive any payment or benefit not specified in your contractual terms.

- 7.3 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.
- 7.4 You are not restricted from pursuing social, leisure, recreational or other interest in your own time, unless there is a reasonable likelihood of a conflict arising with your Council employment.
- 7.5 You may have a private interest that relates to the work of the Council. That interest may be a financial one or one that 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, who will seek guidance from the Executive Manager – Governance & Law as necessary.
- 7.6 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 open to the public or with restricted membership. Generally membership of a trade union will not require to be declared unless membership gives rise to a potential conflict with the work you do. It is recognised that conflicts are more likely, although not exclusively, to arise in senior levels of the organisation.
- 7.7 You may not serve as a Trustee or in a similar capacity, whether ex-officio or otherwise on trusts or similar bodies with close connections to the Council where, through your work with the Council, you are required, or may be required, to provide advice to officers or councillors in relation to the activities of that trust or body.
- 7.8 Should there be any doubt about the propriety of an arrangement, you should seek advice from your line manager in the first instance.
- 7.9 You should ensure that where a direct or indirect interest and/or conflict arises, you declare your interest to your line manager and consider with your manager whether you should withdraw from any subsequent discussion on the issue in question. Further guidance may also be sought from the Executive Manager – Governance & Law.
- 7.10 In pursuing interests outside your Council employment, you should conduct yourself in a manner that will not bring your employment or Shetland Islands Council into disrepute. Misconduct or activities outside work may have a bearing on your employment with the Council.
- 7.11 In that regard, if you are charged with a criminal offence you should inform your line manager at the earliest convenience. And, if you are convicted of a criminal offence you must inform your line manager at the earliest convenience. You should however be aware that;

It is the Council's view that; having a criminal record will not necessarily debar an applicant from working with or on behalf of Shetland Islands Council. This will depend on the nature of the position, together with the circumstances and background of the offence(s).

8 PAID EMPLOYMENT OUTSIDE THE COUNCIL

8.1 You will normally be allowed 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 or would bring you in breach of the Working Time Regulations 1998 or Merchant Shipping (Hours of Work) Regulations 2002, where applicable.

8.2 If you want to undertake paid employment including self-employment outside the Council you must seek advice and/or guidance and where appropriate approval from your manager. For Executive Managers or above written permission must be sought from the Chief Executive. The Chief Executive must seek advice/guidance from the Leader of the Council before undertaking additional paid employment.

8.3 In general the Working Time Regulations provide rights to:

- a limit of an average 48 hours a week on the hours a worker can be required to work, though individuals may choose to work longer by signing an opt-out agreement
- 5.6 weeks' paid leave a year
- 11 consecutive hours' rest in any 24-hour period
- a 20-minute rest break if the working day is longer than six hours
- one day off each week or 2 days off per fortnight
- a limit on the normal working hours of night workers to an average eight hours in any 24-hour period,
- Further guidance can be obtained from Human Resources.

8.4 Consideration of whether a conflict exists will include: -

- The nature (responsibilities and hours) of the Council employment;
- The nature (responsibilities and hours) of the proposed employment;
- The likelihood of a conflict of interest arising, whether arising from the payment of a salary or gratuity, or arising from the nature of the employment itself;
- Whether the employment is of a commercial nature, or involves such interests; and whether contracts with the Council, or financial assistance, from the Council are reasonable, foreseeable or likely to be sought.

Further advice on this may be sought from Human Resources and / or Executive Manager – Governance & Law.

8.5 All alternative employment(s) must be entered on the Register of Interests form. Please see section 5 above.

8.6 You are not allowed to use the equipment and resources of the Council in any outside employment. In that, you should have regard to the ownership of

intellectual property, including inventions, creative writings and drawings, or copyright arising out of and during the course of your employment and any rules, which the Council has adopted and may be in force. Please also refer to section 19 on the 'Use of Council Resources'.

- 8.7 It is anticipated that in most cases where you have one or more post or employment that when unfit to attend work due to poor health then you would be unable to attend any employment. If however due to the nature of the ailment and / or the work involved you believe you may be fit to work in another job then you must seek the approval of your respective line manager(s). This may also involve seeking occupational health advice through Human Resources.

9 LECTURES / SPEECHES / BROADCASTS ETC.

- 9.1 You may accept invitations to undertake lectures, speeches, broadcasts etc appropriate to your work or professional qualifications. Where lectures etc. are given outwith normal working hours any fee received should be disclosed to your line manager and may with prior authorisation be retained by you where the lecture etc is not directly related to the work of the Council and no Council resources have been used. Where the lectures are within normal working hours then prior approval should be sought for attendance. Any fee received should normally be disclosed and passed to the Council. However consideration may be given to circumstances where the lecture etc is not directly related to the work of the Council, has not used any Council resources and annual leave has been authorised to cover the period of absence.

10 OPENNESS AND DISCLOSURE OF INFORMATION AND CONFIDENTIALITY

- 10.1 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. The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. You must be aware of which information is open and that which is not, and act accordingly. If in doubt about any aspect of this provision you should seek advice from your manager or immediate supervisor. You should also ensure you adhere to requirements detailed in the Council's Data Protection Policy. Further advice may be sought from the Executive Manager – Law & Governance.
- 10.2 You should recognise the importance of confidentiality. Unless required by law; you must not disclose information concerning any member of staff, councillor, service user or customer's private affairs to any person not employed by the Council and/or to any person not reasonably entitled to know. You must first obtain express consent from the individual and/or their guardian and/or the relevant line manager explaining your reasons for the disclosure.
- 10.3 You may wish to attend public meetings and want to express views and opinions on a wide range of topics. It is important to make it clear in your communication that these views are personal and not given as a council employee. Please think about whether your actions at those meetings may

impact on you as an employee, on your colleagues within and outwith your service area, our councillors and/or our customers.

10.4 Secrecy & Security Agreement

All confidential information you may hold due to your employment should be returned to the Council before the end of your employment, or, if that employment ends without notice, immediately after its end. This includes all:

- Data
- Documents and records belonging to Shetland Islands Council
- Lists
- Computer software
- Discs or programmes
- Diaries
- Client records and company manuals which are in your possession
- All documents and records made by you in the course of your work and relating to the affairs of the Council or its clients or those using the Council's services.
- Computer hardware
- Keys

It is also important to remember that you should not verbally pass on any confidential knowledge or information you may have gained.

11 CHILD AND ADULT PROTECTION

11.1 You are expected within your working environment to take reasonable steps to ensure the safety and well being of children and adults at risk. For further information please refer to the Shetland Inter Agency Child Protection Procedures and Shetland Inter Agency Adult Support & Protection Procedures.

12 CONTACTS WITH THE MEDIA

12.1 Where there is any contact with the media in relation to your employer and employment you must follow Shetland Islands Council's Media Guide for All Staff. Where a trade union representative has contact with the media in relation to an employment issue they should be clear that they are communicating as a trade union representative and not as an employee. They should however follow the same guidance, this policy and any guidance provided by their trade union.

13 SOCIAL NETWORKS

13.1 Detailed guidance on the use of Social Media can be found in the 'Social Media Guidance for Staff and Councillors'. Due to the evolving nature of this media this guidance is designed to be updated as required by the Communications Unit.

13.2 The General Teaching Council provides very clear guidance for teachers on the use of e-mail and internet sites in the Code of Professionalism and Conduct (CoPAC), the GTCS Student Teacher Code and the GTCS

Professional Guidance on the Use of Electronic Communication and Social Media..

- 13.3 The Scottish Social Services Council provides similar guidance for Social Service Workers on Using Social Media.
- 13.4 Shetland College has a separate network administered by UHI. Employees using this network must abide by the UHI Code of Conduct
- 13.5 The Council allows employees to represent the organisation on social networking platforms where specific written authorisation is in place. This authorisation must be sought and received from ICT and your line manager.
- 13.6 Where you require to access and interact through internet sites in the course of your duties you should ensure that it is clear that you are doing so as part of your Council duties. You should ensure all communication is professional and in line with this and other Council policies and any professional codes of practice that may apply.
- 13.7 The Social Media Guidance for Staff and Councillors provides guidance on when Social media is available on the council's network. You may access this whilst taking authorised breaks or to carry out authorised work. If you need unrestricted access to social media you should outline a business case for doing so in a request to ICT.
- 13.8 When using social networking websites and chat forums on a personal basis, for example Facebook or Shetlink you should consider carefully any reference you make to any aspect of your employment to ensure your communication could not bring you in breach of this and other Council policies. You should ensure you do not communicate on these websites in a way that may be detrimental to any customer, pupil, fellow employee, Councillor or the Council. You should not make use of the Shetland Islands logo in your personal social networking accounts.

14 CORRUPTION / BRIBERY

- 14.1 The Council has introduced a variety of initiatives, which are intended to combat fraud, corruption and waste within the Council. It is the duty of anyone who suspects a malpractice to report the matter to their line manager immediately so it can be investigated. In cases where it is not appropriate to involve your line manager you may report this to the Executive Manager – Governance & Law, Executive Manager – Internal Audit or Executive Manager – Human Resources as appropriate. Further information can be found in the Reporting Concerns at Work Policy.
- 14.2 Shetland Islands Council may face criminal liability for unlawful actions taken by its employees or associated persons under the Bribery Act 2010. The Bribery Act 2010 is in force from 1 July 2011. Under the Bribery Act 2010, a bribe is a financial or other type of advantage that is offered or requested with the:
 - intention of inducing or rewarding improper performance of a function or activity; or

- knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A relevant function or activity includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another company or individual, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

14.2.1 A criminal offence will be committed under the Bribery Act 2010 if:

- an employee or associated person acting for, or on behalf of, the Council offers, promises, gives, requests, receives or agrees to receive bribes; or
- an employee or associated person acting for, or on behalf of, the Council offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties (where local law does not permit or require such influence); and
- the Council does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

All employees are required to comply with the Bribery Act 2010.

14.3 It is important that you are aware therefore 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 for the Council. This could be regarded as a bribe. Where this is found it will be considered gross misconduct and will require to be investigated in accordance with the Council's Disciplinary Procedure. Where appropriate, the police may also be advised.

14.4 If you become aware of any apparent act of bribery you must report this to your line manager and follow the guidance provided in this Code and the Reporting Concerns at Work Policy.

15 GIFTS

15.1 You must not accept personal gifts, loans, reward or advantage for doing or not doing anything or showing favour or disfavour in the course of your employment. Please also refer to section 14 on Corruption / Bribery. You may however keep items of token value, e.g. pens, diaries, or small tokens of gratitude, so long as this is declared to your line manager, recorded and complies with relevant service based policy where appropriate e.g. Social Care Procedure on Gifts & Donations.

15.2 Gifts of alcohol should not be accepted.

15.3 If you are given a gift which you will be unable to accept then you should politely explain your requirement to adhere to this Code.

- 15.4 Where outside organisations want to sponsor a Local Government activity either by invitation, tender, negotiation or voluntarily, the above guidelines concerning acceptance of gifts or hospitality will apply.
- 15.5 Where the Council wishes to sponsor, grant aid or support by financial or other means, an event or service, any employee or relative of that employee who might directly benefit from that sponsorship must make full disclosure of their interest to their line manager. Similarly you should ensure that impartial advice is given and no conflict of interest is involved in such matters.
- 15.6 Any gifts, which are received directly and without warning, should be reported to the Executive Manager – Governance & Law who will be responsible for determining whether the gift should be declined and returned. Any gifts that cannot be returned should be given to the Executive Manager – Governance & Law who will arrange for its value to be realised and disposed of appropriately.
- 15.7 All cash or monetary gifts should be respectfully refused, explaining your requirement to adhere to this Code. If the individual insists then alternatives may be suggested such as charitable donations. If they continue to insist then advice should be sought from the line manager.
- 15.8 If you know or suspect that you may be a beneficiary of a service user's will, you must notify your line manager and advice must be sought from Governance & Law. The same applies if you are approached to be a witness or executor of a service user's will.

16 HOSPITALITY

- 16.1 For the purposes of this policy then hospitality would relate to events where more than light refreshments such as tea, coffee, biscuits are provided / offered.
- 16.2 You should not consider accepting 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?" and
 - "Is there a need for Council representation at the event?"
- 16.3 You should be particularly mindful of the timing of offers of hospitality in relation to the decisions the Council may be making that might affect those providing the hospitality. If you are in any doubt, you should seek advice from your line manager.
- 16.4 If you decline an offer of hospitality for these reasons you should do so politely and explain your requirement to adhere to this Code.
- 16.5 If you wish to accept an offer of hospitality, you must declare this to your line manager and seek explicit approval for this before accepting.

- 16.6 You should only accept offers to attend social or sporting events where these are clearly part of the life of the community, and where the Council would be expected to be represented and you attend in this capacity.
- 16.7 You should not accept repeated hospitality from the same source.
- 16.8 Acceptance by employees of offers of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal. This will be considered acceptable where the line manager is satisfied that any purchasing decisions are not compromised.
- 16.9 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 to avoid compromising subsequent purchasing decisions.
- 16.10 When attending hospitality events you should remember that you are there as an ambassador of the Council and conduct yourself appropriately.
- 16.11 If through the course of your work you require to arrange or host a hospitality event you should follow these same principles and the event should be proportionate to the circumstances and be mindful of value for money principles.

17 ALCOHOL AND DRUGS AT WORK

- 17.1 The Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It also acknowledges substance misuse as a health problem that affects an employee's performance, behaviour and attendance as well as impacting on relationships at work and home. The Council encourages staff who have a dependency on alcohol or drugs to seek help through the provisions of its separate Substance Misuse policy.
- 17.2 However, it is important to realise that the performance and image of the Council should not be undermined as a result of an employee's behaviour or related lifestyle induced by alcohol and/or drugs. Therefore:
- You must not consume alcohol and/or misuse drugs or other substances during working hours (including breaks) whether within or outside the work place (for example when driving as part of work), or prior to arrival at work, where any intoxicating effect endures, or might reasonably be expected to endure, into working hours.
 - When on standby duties you must ensure that you are not unfit due to alcohol and / or substance misuse in case you are required to go to work.
 - You must not take alcohol and / or substances into your workplace with an intention to misuse these.
 - Shetland Islands Council prohibits employees distributing, manufacturing, possessing, selling or buying a controlled substance.

18 WORK RELATED SOCIAL EVENTS

18.1 This Code of Conduct continues to apply during work related social events such as Christmas and leaving parties. This means that employees who attend such events either within or outwith Council premises must adhere to the following principles;

- You must not use or attend under the influence of illegal drugs;
- The Policy on Harassment & Bullying continues to apply;
- You must not behave in a way that could bring the Council into disrepute.
- Alcohol may be made available on Council premises only for special events or functions (e.g. retirements, Christmas, etc). However, in advance of the event taking place permission should be sought from the Executive Manager

19 USE OF COUNCIL RESOURCES

19.1 As employees of the Council we all serve the public and use public funds to do so. You must remember this principle when you use Council equipment, materials and resources, in order to ensure value for money to the local community and to avoid legal challenge to the Council. You should always comply with the Council's standing orders and financial regulations.

19.2 You must take proper care of property belonging to the Council, which is within your control or possession. Any deliberate or negligent failure to take proper care of Council property will be viewed as misconduct and will be addressed in accordance with the Disciplinary Procedures.

19.3 You may make use of the internet and email services as part of your work, but you must not use these systems to break the law, break Council policy or in any way cause distress, harassment or harm to anyone.

19.4 The Council recognises and acknowledges that in certain circumstances the personal use of certain facilities e.g. telephone, computer etc could take place in a responsible and ethical manner. Any additional costs associated with this personal use must be reimbursed to the Council in accordance with financial arrangements.

Further information can be found in the ICT Security Policy

19.5 You should seek prior approval from your Executive Manager if you wish to use the equipment and resources of the Council, including time for the benefit of a voluntary or charitable organisation.

19.6 Personal mobile telephones may be used for private purposes during working hours, but this use must be kept to a minimum, be reasonable and in no way interfere with your work unless in case of emergency; e.g. unexpected changes required to caring arrangements of dependants.

- 19.7 If not covered by this Code or other Council policies, written approval must be obtained where you wish to use Council resources, including time, to pursue interests not directly related to your work. Council premises, equipment, materials and resources shall not be used in any instance where remuneration for non-Council work is involved. Please also refer to section 7.5 on Paid Employment.
- 19.8 You must not use Council resources including time to display or distribute political or religious information or materials.
- 19.9 All Council equipment and resources must be returned to the Council at the end of your employment.

20 RECRUITMENT AND OTHER EMPLOYMENT MATTERS

- 20.1 Shetland Islands Council has agreed that employees or councillors may not take any part in a selection process where an applicant is a close relative or a friend. It also recognises however that in a small community it is inevitable that some relatives may work together.
- 20.2 A close relative is defined as spouse or partner, grandparent, parent, aunt, uncle, sister, brother, child, niece, nephew, grandchild (including 'step' and 'in-law' relationship).
- 20.3 The same procedure must be followed in other personnel procedures such as grievance or disciplinary procedures or job evaluation and pay related matters.
- 20.4 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. Similarly you must also not lobby a Councillor or another colleague either directly or indirectly to the detriment of another person in appointments decisions. If an applicant, another colleague, a Councillor or any other person has lobbied you, you must report the matter to your line manager as soon as possible.

Please refer to the Recruitment & Selection Policy for more information.

21 EQUALITY ISSUES

- 21.1 The Council has an Equality & Diversity Policy, which covers both employment and service provision. As well as meeting its legal requirements in terms of the Equality Act 2010,, the Council believes that all employees have a responsibility to ensure that all members of the local community, customers, service users and other employees are treated with fairness, dignity and respect and discrimination of any sort will not be tolerated.

22 HEALTH, SAFETY AND WELFARE

- 22.1 The Council places a high priority on the health, safety and welfare of all employees, councillors, customers, service users, citizens and visitors. You have a key role to play in ensuring a safe and healthy work environment is developed and maintained

- 22.2 All employees are expected to co-operate and contribute to this fundamental principle through compliance with the policies, practices, procedures and individual codes of practice, supported through participation in appropriate training and development events.
- 22.3 Information concerning the practical arrangements for health and safety is available from your line manager. Further information may also be obtained from the Safety and Risk team, Trade Union Safety representatives and the Health & Safety Policy.

23 POLITICAL NEUTRALITY

- 23.1 The public expects you to carry out your duties in a politically neutral way. The political activities of a small number of posts are restricted by law, known as politically restricted posts.
- 23.2 You must serve the corporate interests of the Council and all Councillors collectively. The Chief Executive and senior officers have ultimate responsibility to help ensure that the policies of the Council are implemented.
- 23.3 Whether or not your post is politically restricted, you must follow every lawful expressed policy of the Council and must not allow your personal or political opinions to interfere with your work. You should not display political slogans in the course of your work and must not distribute political information / material using Council resources, including time.
- 23.4 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 required to comply with this policy and refer the matter to your line manager as appropriate.
- 23.5 The following is taken directly from the National Code and although not currently directly applicable to Shetland Islands Council, the principles should still be adhered to.
- 23.5.1 Some employees will require having 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. The following procedure should be adopted in this circumstance;
- 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.
 - Once the employee has given the advice to the group, the employee must leave the meeting before any decision is made.

- Strict confidentiality must be observed. The discussion in one political group should not be disclosed to another political group or to any member of such a group.

24 DRESS CODE

- 24.1 Anyone who comes in to contact with a Council employee carrying out their work is 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 will exercise discretion in controlling its image. This includes the appearance of its employees particularly where their duties bring them into contact with the public or where their manner of dress affects safety or hygiene standards.
- 24.2 The Council recognises and embraces the diversity of cultures and beliefs of its employees and will take a sensitive approach when this affects dress and uniform requirements. However, priority will be given to health & safety and security issues. For example in certain work areas it is not permissible to wear jewellery for health and safety reasons.
- 24.3 Each service will have specific requirements regarding personal appearance and dress standards and requirements to wear Personal Protective Equipment. These will be explained to you. Generally however you are expected to follow the undernoted standards;
- You should attend work in a clean and tidy condition
 - Clothes worn should be appropriate for the position you hold and the circumstances in which you carry out your work. Clothing should not constitute a hazard or cause embarrassment to colleagues or service users or members of the public;
 - Where a uniform or other 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 at all appropriate times, not misused and appropriately maintained;
 - Name badges, where provided, must be displayed at all appropriate times;
 - The Council reserves the right to insist that you do not wear jewellery, badges or clothing, which it believes may cause offence to service users, customers or other employees. In particular, it should be noted that political symbols, potentially offensive images or messages must not be worn or displayed.
- 24.4 If you are having difficulties in maintaining these standards you should discuss the matter in the first instance with your line manager or the Staff Welfare Officer.

25 PAYMENT OF COUNCIL TAX, COUNCIL RENT ETC

- 25.1 Employees, as with all members of our community have a duty to make any payment due to the Council in good time. In particular, checks may be made by the Executive Manager - Finance or his delegate to ensure employees are

not in arrears with payments such as Council Tax, Rent etc. All checks will be compliant with the relevant data protection legislation.

- 25.2 Where you are experiencing difficulties in making payment, advice is available from the Council Tax and Council Rent sections. You may also contact the Staff Welfare Officer for advice.

26 FAIR AND REASONABLE TREATMENT AT WORK

- 26.1 You are entitled to expect fair and reasonable treatment from your colleagues, managers, Councillors and service users and therein you are expected to treat others similarly.
- 26.2 You are expected to forge and maintain professional relationships with colleagues, managers, Councillors and service users based on mutual respect.
- 26.3 If you feel that you have been unfairly treated or have been discriminated against, you are entitled to raise this as appropriate with your line manager. If your concern involves your line manager then you may communicate with their line manager or seek further advice from Human Resources, including the Staff Welfare Officer. You may also consider formally addressing your concern through the Council's grievance procedures, Harassment & Bullying Procedure or Reporting Concerns at Work Policy as appropriate.
- 26.4 There may be rare occasions when you feel that you have been required by a colleague, a Councillor, 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 the Code of Conduct.

Where this happens;

- You must report the matter to your line manager.
If you feel that you cannot discuss the matter with your line manager then you must report the matter to their line manager, or another relevant senior officer of the Council (your Trade Union may also be able to advise and support you).
- A decision will be made – in consultation, where necessary, with the Council's Monitoring Officer on what action is to be taken, including whether the issue which you have raised can be dealt with through the Council's grievance procedure and/or the Reporting Concerns at Work Policy.
- The confidentiality of your concern will be maintained wherever possible. The only exceptions to this rule of confidentiality is where there is evidence of a serious breach of statutory positions, or evidence of serious risk to health and safety, or a evidence of criminal activity or child and adult protection issues.

27 STANDARDS

- 27.1 You are expected without fear of recrimination, to bring to the attention of your manager any deficiency in the provision of service.

- 27.2 You should report any alleged impropriety or breach of procedure to your line manager or the Executive Manager – Governance & Law so that the matter may be investigated immediately.

28 GRIEVANCE AND DISCIPLINARY MATTERS

- 28.1 Any employee who has a grievance resulting from the implementation and interpretation of this Code should seek resolution through the Council's grievance procedure.
- 28.2 Any employee who fails to act in accordance with the details of this Policy may be subject to disciplinary proceedings.

29 CONCLUSION

- 29.1 This Code has been produced to ensure that you understand what is expected and, in following the spirit and intention of the Policy, you will be able to demonstrate that your conduct is beyond reproach.
- 29.2 Each of us is accountable for our own actions and decisions. This Code of Conduct provides information and guidance on what is expected of us and how we should behave in certain work related situations. If you are unsure or unclear about any situation or circumstances you must seek advice from either your line manager, Human Resources, Governance & Law, Trade Union or any of the other contacts contained within the Policy.
- 29.3 In all that you do please think about whether your actions may impact on you as an employee, on your colleagues within and outwith your service area, our councillors and/or our customers. If you think it might, then think again and seek advice as necessary before you act.