

11 September 2014

Agenda Item	11
Report No	VAL 20/14

**Departmental Policy Review
Code of Conduct for Employees**

1. INTRODUCTION

The public expects a high standard of conduct from all local government employees in Scotland. There is a Code of Conduct for Councillors and it is right that there should be a Code of Conduct for Employees of the Highland & Western Isles Valuation Joint Board, which is based on a National Code of Conduct. This Code sets out the minimum standards of conduct that are expected of you as a Board employee. Not only must you comply with the Code when acting as an employee or representative of the Board, you must give it due regard if activities outside work may conflict with the interests of the Board.

The Code does not affect your rights and your responsibilities under the law; its purpose is to provide clear and helpful advice to you and to provide you with guidance about your rights and duties at work. Because of the nature of your 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 lead to disciplinary action.**

The Code is consistent with the Board's aims and values. It is an important document. If you need clarification, then you should contact your line manager in the first instance. The Code incorporates "The Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life, altered slightly for local government.

2. 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, your friends, for Board elected members or other employees. Decisions should be based solely on the Board's best interests.

Integrity

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

Objectivity

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

Accountability

You are accountable to the Highland & Western Isles Valuation Joint Board as your employer. The Board, 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 Board policy or by the law.

Honesty

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

Leadership

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

The Scottish Public Services Ombudsman will use this Code as a benchmark of good practice where a complaint of maladministration has been made.

3. THE CODE

3.1 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 the Board's Equalities Mainstreaming and Equalities Outcomes.

Councillors

The Code of Conduct For Councillors, made under section 1 of The Ethical Standards in Public Life etc. (Scotland) Act 2000, gives the following guidance on the relationship between councillors and employees:-

"Councillors must respect all Board employees and the role they play, and treat them with courtesy at all times. It is expected that employees will show the same consideration in return".

Whilst both Councillors and Board employees are servants of the public, they have separate responsibilities: Councillors are responsible to the electorate but the employee is responsible to the Board as his or her employer. Councillors must also respect the different roles that they and an employee play. A Councillors role is to determine Board policy and to participate in decisions on matters placed before them, not to engage in direct operational management of the Board's services; that is the responsibility of the Board's employees. It is the responsibility of the Assessor and senior management to help ensure that the policies of the Board are implemented and to undertake statutory duties in accordance with the law. Councillors must also follow the Protocol for Relations between Councillors and Employees attached at Annex C of The Code of Conduct for Councillors. A breach of the Protocol will be considered as a breach of The Code of Conduct for Councillors."

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 the Board's procedures and rules about tenders and contracts.

If you have both a "client" and "contractor" responsibility in the tendering process, you must observe the requirements for accountability and even-handedness in undertaking these two roles.

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

3.2 Conflicts of interest

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

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

You may have a private interest which relates to the work of the Board. That interest may be financial 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 Board. All such interests must be declared to the Assessor, by the completion and return of the form "Declaration of Conflict of Interest, and Receipt/Offer of Gifts or Hospitality" available from the Assessor. The disclosure by officers of interests in contracts is specifically covered by Section 68 of the Local Government (Scotland) Act 1973.

If you are a member or office holder of an organisation or a club e.g. School Board, Community Council, PTA, Director of a company subject to companies acts', and membership might result in a conflict of interest in relation to any aspect of your work with the Board, you must declare this membership or office to the Assessor. This applies to the membership of organisations or clubs which are not generally open to the public.

Appendix 1 is a form to be completed by all staff requiring to declare a conflict of interest and the receipt or offer of gifts or hospitality. The Assessor will use this information to keep Registers of Interest and Gifts and Hospitality.

3.3 Openness and Disclosure of Information

The Board's decision making process must be transparent and open. The Board must provide the public with clear and accessible information about how it operates.

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 or Board Policy. This does not apply where there is a legal duty to provide information.

The Board has a complaints procedure for the public to use when things go wrong. Should you be in doubt about openness or the disclosure of information you should consult your line manager.

3.4 Employment Outside the Board

Except where it is already precluded by your contract of employment, you may undertake paid or unpaid employment outside the Board, unless there is a clear conflict of interest with, or it is likely to have an adverse effect on, the work of the Board, or is likely to breach current legislation particularly, that under the Health and Safety at Work Act 1974 and the Working Time Regulations. You should ask yourself the following question:

"Will this employment bring me directly or indirectly into conflict with the work or interests of the Board, or affect the proper performance of my duties as a Board employee?"

If you answer "yes", then you should not undertake the employment.

You are not allowed to use the equipment and resources of the Board in any outside employment or outside activity without the approval of the Board.

You will not be permitted to receive or retain any fee or other payment from any outside individual or body, received as a consequence of your position within the Board, without the approval of the Assessor. Any such approval should be recorded.

You must follow the Board's guidance relating to fees and the use of resources.

3.5 Voluntary Activities

Should you undertake voluntary activities (whether or not involving employment) outside the Board, you must ensure that there is no conflict of interest, and that there will be no adverse effect on the work of the Board. If you answer "yes" to the following question then you should not carry out the activity.

"Will this activity bring me directly or indirectly into conflict with the work or interests of the Board, or affect the proper performance of my duties as a Board employee?"

The Board recognises the vital contribution which the voluntary sector organisations make to sustaining and improving the quality of life. The Board encourages employees to become involved in such activities.

3.6 Hospitality and Gifts

As public service employees, Board staff must act, and be seen to act, with the highest standards of integrity. In the course of your work or as a consequence of your employment with the Board, you may encounter situations, which, if not handled properly, could call your integrity into question. Examples of such

situations include being offered tokens of appreciation or opportunities to meet socially with contractors or suppliers to the Board.

Employees should be aware that it is an offence, under the Prevention of Corruption Act 1906, for those employed by contracting authorities to corruptly accept any gift or consideration as an inducement or reward for doing, or refraining from doing anything or showing favour or disfavour to any person. This includes any money, gift or hospitality received from a person or organisation holding or seeking to obtain a contract from the Board.

The over-riding principle is that you, your family, your friends or any organisation of which you are a member or with which you are closely associated should not accept any gift, consideration or hospitality that would call into question:

- your honesty;
- your ability to deal impartially with all service users, potential or actual contractors or suppliers;
- your commitment and ability to pursue the best interests of the Board.

If you would feel uncomfortable giving an account of your actions to the Assessor – don't take the action.

To protect you and the Board there is a Register of Disclosures and Interests and a Register of Offers of Gifts and Hospitality held by the Assessor.

Subject to the conditions outlined below, any gifts or hospitality must only be accepted with the approval of the Assessor and must be registered. In the case of the Assessor, then approval should be sought from the Clerk to the Board.

If you need any guidance or advice on matters raised in this document, speak to the Assessor.

Gifts

You must not solicit gifts, additional payments or any other personal advantage (such as discounts or free services) from any service user, potential or actual contractor or supplier. You must not accept payments or any other form of personal advantage from any service user, potential or actual contractor or supplier.

You may accept gifts of token value such as pens, calendars and diaries, from potential or actual contractors or suppliers.

Such gifts may be kept for your personal or business use. You should, however, be aware of the adverse impression that may be created for competitors seeking to do business with the Board.

You may accept gifts with nominal value from visitors to the Board when the gifts are proffered as tokens of friendship between the Board and the visitors' home town or country.

If you receive a gift of more than token or nominal value and it would cause offence or be impracticable to return it, you should register the gift and inform

your manager. Such gifts will normally either be donated to a charity or may, if suitable, be kept for use on Board premises.

If you are offered a gift and you believe or suspect that the offer is made with the intention of influencing you to give favourable treatment to a service user, potential or actual contractor or supplier you must not accept the gift and you must inform the Assessor.

Hospitality

You must not solicit hospitality (for example meals, tickets to sporting or cultural events) from any service user, potential or actual contractor or supplier.

You must not accept offers of hospitality unless you have the permission of the Assessor. All offers of hospitality must be registered in the Register of Offers of Gifts and Hospitality. Permission will not normally be granted for hospitality that requires overnight accommodation at the host's expense.

You should not allow a potential or actual contractor or supplier to pay for you to visit their sites or premises to inspect their goods or services. If such visits are necessary, the Board will meet the costs involved.

When visiting potential or actual contractors or suppliers you may accept refreshments appropriate to a work situation. You do not need prior permission to accept a meal which is offered in work-related circumstances and which would enable your work to be expedited, provided that the costs are reasonable, in the context of this code of conduct.

You do not need prior permission to accept modest hospitality offered at conferences and courses provided that the hospitality is offered to numbers of people in similar roles (i.e. is corporate) rather than personal.

If you are offered hospitality and you believe or suspect that the offer is made with the intention of influencing you to give favourable treatment to a service user, potential or actual contractor or supplier, you must not accept the offer of hospitality and you must inform the Assessor.

Register of Disclosures and Interest and Offer of Gifts and Hospitality

The Board's Register of Disclosures and Interests and Register of Offer of Gifts and Hospitality are held by the Assessor.

Electronic copies of forms for registering interests, gifts and hospitality can be obtained from Declaration of Conflict of Interest, and Receipt/offers of Gifts or Hospitality. Completed forms should be e-mailed or sent by hard copy to the Assessor.

3.7 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 Board.

3.8 Bribery

It is a serious criminal offence if you commit an offence under the Bribery Act 2010. In particular, bribing another person, accepting a bribe, agreeing to a bribe, offering a bribe or promising a bribe.

3.9 Use of Resources

You serve the public, and you must remember this principle when you use the Board equipment, materials, financial and other resources, in order to ensure value for money.

You must not breach the guidance of the Board relating to the use of the Board resources.

3.10 Appointments

In recruitment, you must follow the Board's Recruitment Policy based on the principles contained in the COSLA Code of Recruitment and Selection. All appointments must be made on the basis of merit.

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 the Assessor. The Assessor will decide whether you can participate in the recruitment and selection process. The same procedure must be followed in other HR procedures such as grievance or disciplinary procedures. You must not lobby Councillors or colleagues either directly or indirectly to secure your own appointment or promotion, or the appointment/non 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 without delay to the Assessor.

3.11 Contacts with the Media

In your work with the Board, contact with the media should only take place where you have been given appropriate authority to do so by the Assessor.

If you have not been given appropriate authority you must refrain from media contacts and refer media enquiries to authorised colleagues.

The code does not prohibit lay officials of recognised trade unions from making statements to the media, provided the statements are attributed to the trade union, and in the capacity of lay official.

The code does not preclude employees from providing views to the media on professional issues provided that such views are not open to interpretation as critical of the Board or contrary to its policies.

3.12 Political Neutrality and Services to Councillors

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, as they hold "politically restricted posts" and they have been individually informed of what this means. Other than these employees, all other employees are able to participate in the activities of political parties and to hold office in those political parties.

You must serve the Board and all Councillors, regardless of their political outlook. The Assessor and Senior Management have ultimate responsibility to ensure that the policies of the Board are implemented. You must implement the policies of the Board 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 Board, you should politely inform the Councillor that you are referring the matter to the Assessor.

Some employees may have a working relationship with Councillors of a political group (or groups). Political groups may sometimes seek advice from Board employees.

The following procedure will assist employees who may be requested to give advice to political groups:

- The political group's office bearer must first approach the Assessor
- They must tell the Assessor what type of advice they are seeking
- The Assessor will decide whether the advice can be given, when and by which employee

If it involves attending a meeting, 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 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.

4. YOUR RIGHTS AS AN EMPLOYEE

4.1 Public Statements

As a citizen, you are entitled to express your views about the Board, provided you do not make use of any private information gained through your work with the Board. But you should not, in your work capacity, or as a result of your employment relationship, criticise the Board either through the media or at a public meeting, or in any written communication with members of the public.

To safeguard you the Board has a Whistleblowing Policy which is available from the Assessor.

4.2 Access to your Councillor

As a citizen, you are entitled to raise with your Councillor any complaint which you have about the services of the Board. If your complaint concerns any aspect of your employment with the Board, you should, however, raise this with your line manager or where appropriate use the Board's Grievance Procedure or Harassment Policy.

4.3 Fair and Reasonable Treatment at Work

You are entitled to expect fair and reasonable treatment from your colleagues, managers and from Councillors. If you feel that you have been unfairly treated or have been discriminated against, appropriate Board procedures, such as the Grievance Procedure or Harassment Policy, are available.

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 or the procedures of the Board. You must follow the Board's Whistleblowing Policy for dealing with such concerns, which includes the following steps:-

- You must report the matter to the Assessor
- If you feel that you cannot discuss the matter with the Assessor then you must report the matter to a senior manager or another officer appointed by the Board outwith your line management
- The Assessor or the other person appointed by the Board will then decide – in consultation, where necessary, with the Board's Monitoring Officer - what action is to be taken.
- The confidentiality of your concern will be maintained wherever possible.

4.4 Substance Misuse

Employees should refrain from consuming any alcohol immediately before or during their working day. Alcohol is not permitted on Board premises, unless specifically approved by the Assessor.

The Board prohibits the use, possession, distribution or sale of illicit or illegal drugs at work, or when doing Board business and will report any such activity to the Police.

It should be noted that it may be necessary to use the disciplinary procedure to deal with any unsatisfactory performance, attendance or behaviour caused by excess alcohol consumption or by drugs.

5. Agreement and Review

The Trade Unions have been consulted on this code, and recognise that it will be subject to periodic review and amendment.

2 September 2014

HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD

**DECLARATION OF CONFLICT OF INTEREST,
AND RECEIPT/OFFERS OF GIFTS OR HOSPITALITY**

PLEASE ANSWER EVERY QUESTION.

Name	
Service	
Address	Post Code

1. NATURE OF CONFLICT OF INTEREST (INCLUDING ORGANISATION INVOLVED)

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2. OFFER OF GIFT/HOSPITALITY

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3. ACTION TAKEN

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4. COMMENTS

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GUIDANCE NOTES

1. Please enter information on the name of the organisation with which the conflict exists and the nature of the conflict. This may include membership of clubs or associations.
2. Please enter precise information on the gift/hospitality offered, or accepted and by whom it was offered/given.
3. Please enter what action you have taken in relation to the conflict of interest or offer of the gift/hospitality.

THIS FORM SHOULD BE RETURNED TO THE ASSESSOR