

Introduction

The purpose of the Code of Conduct is to provide a clear framework that helps guide employee behaviour and acts as a reference for employees when faced with difficult situations.

The code provides guidance about employees' rights and responsibilities at work. All employees must comply with the code but depending on the nature of your work, some parts of the code may be more relevant than others. Every employee has a responsibility to represent the Council's views on integrity, respect and accountability.

The code is based on the National Code of Conduct for Local Government Employees. There is also a National Code of Conduct for Councillors that provides guidance to Councillors on their relationship with employees.

The Council is committed to maintaining high standards and expects employees will understand the need to follow this code. Disciplinary action may take place if an employee, at any level, breaches the Code.

The Principles of Public Life

The Code of Conduct is based on the Government's principles of public life.

Selflessness

Decisions should be based solely on the Council's best interests. Employees should not take decisions which will result in any financial or other benefit to themselves, their family or their friends.

Integrity

Employees should always act with integrity and not place themselves under any financial or other obligation to any individual or any organisation which might influence them in their work with the Council.

Objectivity

Any decisions which are made in the course of an employee's work with the Council, including making appointments, awarding contracts or recommending individuals for rewards or benefits, must be based solely on merit.

Accountability

Employees are accountable to Fife Council as their employer. Fife Council, in turn, is accountable to the public.

Openness

Employees should be as open as possible in all the decisions and actions that they take. Employees should give reasons for their decisions and should not restrict information unless this is clearly required by Council policy or by the law.

Honesty

Employees have a duty to declare any private interests which might affect their work with the Council.

Leadership

Managers should promote and support these principles by leadership and example.

Respect

Employees must respect all other employees and councillors and the role they play, treating them with courtesy at all times.

Relationships

The Public

You may have contact with members of the public as users of services, clients, citizens or potential employees. You should be courteous and impartial to all within the community.

Fife Council is committed to promoting equality of opportunity and to eliminating discrimination within its own employment practices and service delivery and therefore you must follow **EO01 Equality of Opportunity Policy** and **EO11 Equality of Opportunity Guidelines**.

Councillors

The Councillors' Code of Conduct gives the following guidance in the relationship between Councillors and employees:-

"3.2 Councillors must respect all Council 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.

3.3 Whilst both Councillors and Council employees are servants of the public, Councillors have separate responsibilities: Councillors are responsible to the electorate but the employee is responsible to the Council as his or her employer. Councillors must also respect the different roles that they and an employee play. The

Councillor's role is to determine policy and to participate in decisions on matters placed before them, not to engage in direct operational management of the Council's services; that is the responsibility of the Council's employees. It is also the responsibility of the Chief Executive and senior employees to help ensure that the policies of the Council are implemented."

In addition, the following provision from the Protocol for relations between Councillors and Employees in Scottish Councils is also relevant:-

"19 The relationship between Councillors and employees depends upon trust and this will be enhanced by the development of positive, friendly relationships. Councillors and employees will often be thrown together in social situations within the community and they have a responsibility to project a positive image of the Council. Nonetheless, close personal familiarity between individual employees and Councillors can damage the relationship of mutual respect and the belief that employees give objective and professional advice and commitment to the Council. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship."

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 comply with the Council's Standing Orders Scheme of Tender procedures.

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.

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.

Other Council Employees

You may have dealings with the Council on a personal level, for instance as a Council taxpayer, as a tenant, or as an applicant for a grant of planning permission. You should never seek or accept preferential treatment in those dealings because of your position. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment: for instance, by owing money to the Council in respect of a matter which is the responsibility of your Service or by using your position to discuss a planning application personally with officers when other members of the public would not have the opportunity to do so.

Likewise, you should never use your position to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

Conflicts of Interest

The best interests of the Council should always be the paramount consideration and you must not allow any private interest to influence your decisions.

You must not offer advice or guidance or participate in or influence any decision-making process where you have a private interest, or a member of the public may reasonably think you have a private interest.

You should always act for the benefit of the Council and not to further your own interests or the interests of others who do not have a right to benefit under Fife Council's policies.

You may have a private interest which relates to the work of the Council. You should be particularly alert to any decisions taken within your Service in respect of which you exercise delegated powers or may have to offer advice or guidance.

Your 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, using **CC11 Conflict of Interest Declaration Guidance and Form**, as soon as you become aware of these interests.

If the interest involves a decision to be taken by the Council, whether at Committee or under delegated powers, you should take no part in the process by which the decision is taken.

If you are a member of an organisation or a club, and membership might result in a conflict of interest or could reasonably be perceived by a member of the public as creating a possible conflict of interest in relation to any aspect of your work with the Council, then you must declare this membership to your line manager. This applies equally to membership of organisations or clubs or secret societies which are not open to the public.

Where you declare a private interest or membership of an organisation or club then you should do so using **CC11 Conflict of Interest Declaration Guidance and Form**. The completed form will be held on your personal file and the fact that you have declared an interest may be disclosed to officers or members of the Council if necessary.

Information – Security, Openness and Disclosure

The confidentiality and integrity of all sensitive information is essential. The Council's Information Security Policy and related guidance must be followed at all times to protect all information held by the Council.

Fife Council is committed to being transparent and open in the use of information and in its decision-making processes. The Freedom of Information (Scotland) Act 2002 provides rights of access to anyone wishing to see information held by the Council (except personal data which is subject to the UK GDPR and the Data Protection Act 2018). You must assist any person to gain access to information to which they are entitled by law. The Council's Freedom of Information procedures and guidance provide further detail on your responsibilities in this area.

You must not allow access to information given to you in confidence or information which you believe is of a confidential nature without the consent of a person authorised to give it or unless you are required by law to do so. The UK GDPR and the Data Protection Act 2018 and the Council's Data Protection Policy set out key requirements for the handling of personal data held electronically and in paper-based systems.

The use of electronic systems for accessing and storing information has major benefits for the Council. However, you should remember that the telephone, internet and e-mail are not secure methods of communication and that unauthorised access to, or use of, any electronic equipment could damage the integrity, security and functioning of the whole network. You must follow the Council's procedures and guidance when using electronic equipment outwith or within the Council environment. See **CC13 Appropriate Use of Technology Guidelines**.

The Council is committed to ensuring that its electronic systems are only used for purposes which are lawful and acceptable to the Council. You should be aware that the Council has the right to monitor all e-mail messages, phone calls, all web sites visited and all files created by you. You should bear in mind the office environment and respect your colleagues in terms of messages or images on mobile phones and PCs.

Making recordings without permission from those being recorded is prohibited and may be grounds for disciplinary action. If a recording is requested as a reasonable adjustment, extra time may be allowed for notetaking or a notetaker may be provided as an alternative.

Paid Employment Outside The Council

Chief Officers are discouraged against secondary employment/business activity, paid or otherwise, unless agreement has been obtained from the Chief Executive or relevant Executive Director.

For other employees, secondary employment is acceptable so long as it is not in conflict with your Fife Council job and there is mutual agreement to that effect

between you and your manager. This agreement will be recorded on your personal file.

If your Service already has rules or procedures regarding secondary employment then you should take advice from your line manager about which provisions should prevail.

The use of the equipment and resources of the Council in any outside employment is not permitted. Any misuse of Council equipment and resources for any outside or secondary employment may be considered under the Council's Disciplinary Procedure as gross misconduct.

If you receive a fee for a publication, broadcast, speech or lecture where you have used Council time or Council resources to prepare, then you should agree with your line manager how much of the fee it would be equitable to pay to the Council.

Where you wish to publish work produced in the course of carrying out your duties as an employee of Fife Council, agreement should be reached with the Executive Director on the publication of the work and any fee arising out of the publication.

Hospitality

You must refer all offers of hospitality to your line manager and follow the decision of your line manager as to whether and on what conditions the offer can be accepted.

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

- Can I justify this to the Council, public and media?
- Can I be sure I will not be subject to legitimate criticism?
- Is the extent of the hospitality reasonable and appropriate?
- Can I/the Council respond to the level of hospitality in an appropriate fashion?
- Am I comfortable with the decision to accept the hospitality?

You should only accept offers to attend social or sporting events where these are clearly part of the life of the community served by the Council, or where the Council would expect to be represented. 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. Exceptions from this general rule would include modest gifts (e.g. calendars, diaries, or other small articles for office use) or an inexpensive gift from a pupil or client. Guidance should be sought from your line manager if you are offered a gift which has or could have more than a token value.

See **CC51 Advice Note ECOC 7 July 2006 Gifts and Hospitality**

See **CC52 Hospitality and Gift Register**

Corruption

Corruption is a serious criminal offence. Receiving or giving loans, fees, gifts, rewards or advantages for doing or not doing something, or for showing favour or disfavour to any person, or the wilful misapplication of Council policy or procedure to gain advantage or disadvantage for a person, may constitute corruption. Therefore, you should seek advice and, or, approval from your manager before dealing with any such action.

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 use Council equipment or resources for personal purposes unless:-

- the use is minor in nature (e.g. making a short telephone call, sending the occasional e-mail, brief use of the internet or photocopying a letter); and
- any costs are reimbursed to the Council.

There are rules enabling you to claim expenses incurred in connection with your work. These rules should be scrupulously observed.

Appointments

Policies covering recruitment and selection must be followed to ensure that all appointments are made on the basis of merit.

If you are involved in the recruitment and selection process and have any kind of relationship with any applicant which might affect your ability to be impartial, that relationship must be declared to your manager. The existence of such a relationship will normally preclude your involvement in the recruitment and selection process. If a close relationship is involved (e.g. family member or close relation or friend) you will not be allowed to participate.

If you have been lobbied by an applicant, a colleague, a councillor or any other person, you must report the matter to your line manager. You must not lobby a councillor or a colleague either directly or indirectly to secure your own appointment or promotion, or the appointment or promotion of another person.

Contacts with the Media

When acting in your capacity as an employee and in dealing with matters pertaining to your relationship with the Council, initiating or responding to contact with the media should only take place where this has been authorised by the Council. You must follow the Council's Media policy and guidelines.

The provisions set out in the previous paragraph do not apply to employees where they are acting in their capacity as trade union representatives and they are communicating the views of their trade union to 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 Fife Council and all Fife's 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 the 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 ensure that the following procedure is complied with in connection with the provision of such advice.

- The appropriate office bearer of the Group e.g. the Group Secretary, should first approach the Chief Executive or the appropriate Executive Director.
- The office bearer should tell the Chief Executive or Executive Director what type of advice they are seeking.
- The Chief Executive or Executive Director will decide whether attendance at the Group meeting is appropriate and which employee or employees should attend.
- Once the employee has given advice to the Group, the employee must leave the meeting before any decision is made.
- Strict confidentiality must be observed by the employee concerned. Discussion in one political Group must not be disclosed to another political Group or to any member of such a Group.

Your Rights as an Employee

Public Statements

As a citizen, you are entitled to express your views about the Council, provided you do not make use of any private or confidential information gained through your work with Fife Council. However, you should not in your capacity as an employee criticise the Council either through the media or at a public meeting or in any written communication with members of the public. This does not preclude an employee of the Council reporting on, or acknowledging, improvements required in the work of the Council where this is a requirement of the employee's duties or responsibilities, for example, as may be required of an internal auditor or press officer.

This does not apply to employees who are acting on behalf of their Trade Union and are reflecting the views or interests of their Union's membership, so long as they ensure it is made clear they are doing so in their Trade Union capacity. Any communication which might oppose the Council's position must recognise the Partnership Agreement.

CC14 Social Media Guidelines provide a framework for good practice and outlines appropriate and reasonable safeguards for our employees when using social media.

Access to your Councillor and Use of Complaints Procedure

As a member of the public, you are entitled to raise with your councillor any complaint which you have about the services of Fife Council. Employees are expected to do this in their own time and should not use Council resources to express their views or to lobby Councillors. You are also entitled to pursue your complaint using the Council's corporate complaints procedure. If your complaint concerns any aspect of your work with the Council, however, you must make use of the Council's grievance procedures.

Fair and reasonable treatment at work

You are entitled to expect fair and reasonable treatment from your colleagues, managers and from Councillors. If you feel that you have been unfairly treated or have been discriminated against, you are entitled to make use of the appropriate grievance procedure. You may approach a Trade Union for advice if you are a member or you may choose to take legal action if you prefer.

Right to raise concerns without fear of being victimised (Whistle blowing).

December 2022 - This guidance is currently under review. If you wish to raise a whistleblowing concern or are considering doing so please contact Pamela Redpath, Service Manager - Audit & Risk Management Service.

There may be rare occasions when you feel you have been required by a colleague, a Councillor, a member of the public or by an organisation, to act in a way which may be illegal, improper or unethical or which is otherwise in conflict with the principles of this Code of Conduct. The Council is committed to providing you with an effective mechanism for dealing with such a situation and you have the right to raise any concerns you may have with your Line Manager, your Head of Service, your Executive Director, the Chief Executive, the Executive Director Finance & Corporate Services, and the Head of Legal Services as Monitoring Officer.

In addition, the Public Interest Disclosure Act of 1998 gives you the right to raise concerns about the Council's behaviour or the behaviour of any person without fear of being punished or victimised for doing so (as long as you are acting in good faith). The Act covers behaviour which amounts to:-

- a criminal offence;
- failure to comply with any legal obligation;
- a miscarriage of justice;
- danger to the health and safety of any individual;
- damage to the environment; and
- deliberate concealment of information about any of the above matters.

If you have any concerns about any such behaviour and you wish to raise them, you should report your concerns to your line manager who must advise you about the action that they take in response to your concerns.

If, however, you feel you do not wish to discuss your concerns with your line manager or other Chief Officer within your Service then you are entitled to report your concerns to the Chief Executive or the Council's Monitoring Officer, currently the Head of Legal Services. If your concerns relate to a financial matter, you may wish to raise them with the Executive Director Finance & Corporate Services. If the concerns relate to a matter that you consider may be illegal, improper or unethical, you may wish to contact the Head of Legal Services. If your concerns relate to a matter you do not feel able to raise with an officer of the Council, you can raise such concerns with an elected member of Fife Council. The elected member is obliged to raise the matter with the Chief Executive or the Head of Legal Services as Monitoring Officer on your behalf.

The Chief Executive or Head of Legal Services will then decide what action is to be taken.

You also have the right to raise a relevant disclosure with one of the prescribed persons listed in the Schedule to The Public Interest Disclosure (Prescribed Persons) Order 1999. This Schedule includes the Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government bodies. However relevant disclosures should only be raised with a body external to the Council if you have good reason to suspect that no action will be taken by the Council.

The Chief Executive should also be consulted if you have concerns regarding any matters not covered by the Public Interest Disclosure Act 1998 including operational issues relating to your Service if you feel you cannot resolve your concerns within the Service.

The confidentiality of your concerns shall be maintained wherever possible, and you will not suffer any personal detriment as a result of raising any concern provided you have acted in good faith.

Further Information

If you require further advice, please contact your manager or HR Online on First Contact.

Further documentation is available on the intranet:

CC11 Conflict of Interest Declaration Guidance and Form

CC51 Advice Note ECOC 7 July 2006 Gifts and Hospitality

CC52 Hospitality and Gift Register

CC13 Appropriate Use of Technology Guidelines

CC14 Social Media Guidelines

DI02 Discipline Policy and Procedure

DI08 Discipline Policy and Procedure Teachers (LNCT/03)

Produced by Fife Council Human Resources Service
9th January 2023: Issue Number 4.5