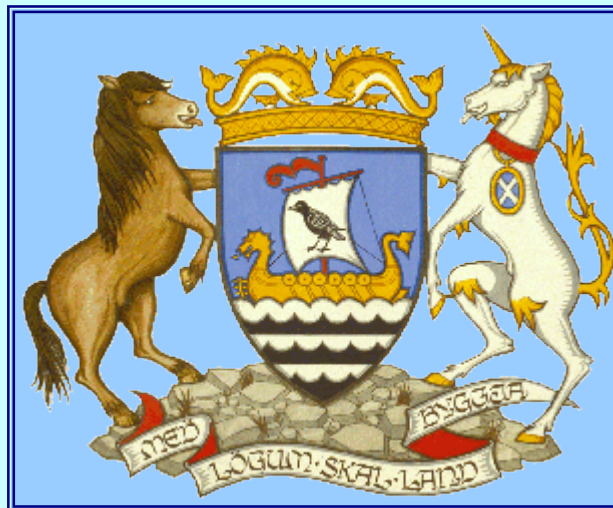


# **SHETLAND ISLANDS COUNCIL**

## **EMPLOYEE CODE OF CONDUCT**



**Applies to: All Staff**  
**Effective from: 11 March 2020**

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# Shetland Islands Council

## EMPLOYEE CODE OF CONDUCT

Operational Date: 11 March 2020

Review Date: March 2023

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## **1 STATEMENT OF POLICY**

- 1.1 The Council's Code of Conduct is one of the ways we put the Council's values into practice. It is built around the recognition that everything we do in connection with our work at the Council will be measured against these standards of conduct. Our commitment to these high standards helps us to recruit and retain great people and provide great public services.
- 1.2 The Code of Conduct describes 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 your conduct outside of work may impact on the employment relationship.
- 1.3 In all that you do, you must think about whether your actions may have an impact on you as an employee, on others in the course of your work or on the Council. If you think it might, then think again and seek advice as necessary before you act.
- 1.4 There are a number of Council wide and service level policies and procedures which provide more detail on expected practice and conduct. In addition to this, 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 (SSSC), 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 important, 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.
- 1.7 Sometimes you may face a situation where the right thing to do is not obvious. That is where this Code can help. It is here as a guide to preserving the Council's reputation and living our values. While the Code cannot answer every question, it can show you where to go for guidance when the answer is not clear. It is important to use good judgement in everything you do and to ask for help if you are ever unsure about the right course of action.

## **2 SCOPE OF THE CODE**

- 2.1 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, supply staff, contractors providing services, agency workers, those on work experience or volunteering schemes.

### **3 HOW THIS CODE CAN HELP YOU**

- 3.1 The Code enables you to;
- Conduct yourself honestly and ethically
  - Uphold our values and protect our reputation
  - Understand what the Council expects from you
  - Make good decisions every day
  - Comply with the rules that apply to the Council
  - Understand where to go for assistance or guidance if you have questions

### **4 THE SEVEN PRINCIPLES OF PUBLIC LIFE**

- 4.1 The Code incorporates “The Seven Principles of Public Life” identified by the Nolan Committee on Standards in Public Life, published on 31 May 1995.

It is vital 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.

#### **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.

## **5 COUNCIL VALUES AND BEHAVIOURS**

- 5.1 You are expected to behave in a way that upholds the Council's values. "Excellent service is at the heart of everything we do. We provide excellent service by taking personal responsibility and working well together".

### **Excellent service:**

Providing an excellent level of service, by making sure we understand, meet and manage our service users' needs.

I demonstrate this value by doing the following:

- I listen properly to our service users and understand their needs
- I put myself in others' shoes and show empathy
- I find the best practical solutions while managing expectations.

### **Taking Personal Responsibility:**

Having a positive attitude and taking our responsibilities as employees of the Council seriously, working in an open and honest way, reflecting on our performance and looking for opportunities to improve and develop.

I demonstrate this value by doing the following:

- I find solutions to problems
- I do what I say I will do
- I take pride in my work

### **Working Well Together:**

Demonstrating a positive attitude by being open-minded, fair, respectful, trustworthy and honest.

I demonstrate this value by doing the following:

- I support my colleagues and treat everyone – service users and work colleagues – fairly and with respect
- I listen to the views of others and accept they may be different to mine
- I am aware of my own behaviour and how it affects others.

## **6 YOUR RIGHTS AS AN EMPLOYEE**

- 6.1 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 14.1, 14.2 and 18.1. You must be clear 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.

- 6.2 You must not, in your work capacity criticise the Council or any of its members or officers or service users either through the media, social media or at a public meeting, or in any written communication with members of the public.
- 6.3 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. 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 must seek advice from either your line manager, Human Resources, Executive Manager – Governance & Law in the first instance.

## **7 RELATIONSHIPS**

### **7.1 Employees, Workers and Others**

- 7.1.1 During the course of your work you must always communicate in an appropriate, open, accurate, constructive and straightforward way. You must show respect for others and you must not use offensive language.
- 7.1.2 The Council is committed to equality and diversity and therefore you must be inclusive and respectful to others.

### **7.2 The Public**

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

### **7.3 Pupils, Students and Service Users**

- 7.3.1 Many Council employees have contact with service users, pupils and/or students on a regular basis. Staff engaged in these roles must ensure that they always communicate in an appropriate, open, accurate and straightforward way.
- 7.3.2 You must be truthful, honest, respectful and trustworthy.
- 7.3.3 You must not abuse, neglect, harm or exploit people who use Council services.

- 7.3.4 It is important that you recognise and use responsibly the power and authority you have when working with pupils/students/service users.
- 7.3.5 You must not form inappropriate relationships with service users/pupils/students.
- 7.3.6 You must maintain appropriate professional boundaries and avoid improper contact.
- 7.3.7 You must be mindful that the internet and social media can quickly blur the professional boundary between yourself and pupils/students/service users. You must be alert to the risk that actions which might, on the face of it, seem quite innocent, but can be misunderstood and misconstrued by others. You must avoid inappropriate communication (including via social media) with service users/pupils/students and about them.
- 7.3.8 Generally you must be mindful of your actions and not behave while in or outside work, in a way which would bring your suitability to work in the role into question.
- 7.3.9 You have a duty to raise any concern which you may have about the behaviour of any colleague or other person in connection with a child or vulnerable adult, using the appropriate procedures in place.

#### **7.4 Councillors**

- 7.4.1 The National Code of Local Government Conduct gives the following guidance on the relationship between Councillors and employees –
- 7.4.2 “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.
- 7.4.3 “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.”
- 7.4.4 These national principles apply equally to this Code. Any existing relationship with a Councillor must be disclosed to your Executive Manager/Director.
- 7.4.5 Shetland Islands Council has an agreed Protocol for Councillor / Officer Relations. This Protocol (found in the Council's Constitution section F1) must be read in conjunction with this Code where you have working and / or personal relationships with Councillors.



- 7.4.6 You must not approach Councillors on employment matters and Councillors via their own code should decline to discuss such issues. Employment matters should be raised either with your manager, Human Resources or your Trade Union representative.

Please also see Section F1 of the Council's Constitution.

## **7.5 Businesses and Contractors**

- 7.5.1 You must be fair and impartial in your dealings with businesses, contractors, sub-contractors, service providers and suppliers.
- 7.5.2 If you are involved in the tendering process you must follow the Council's procedures and rules about procurement, tenders and contracts.
- 7.5.3 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.
- 7.5.4 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.
- 7.5.5 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.
- 7.5.6 Current or previous business or private relationships with external contractors must be disclosed to your line manager where you engage or supervise contractors.
- 7.5.7 You must update the Register of Interests form if you have 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.
- 7.5.8 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour will 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 will be discriminated against.
- 7.5.9 Employees who engage or supervise contractors or have any other official relationship with contractors must familiarise themselves with the Council's Contract standing orders and financial regulations and must ensure that they are fully complied with. Advice must be sought regarding the Contract Standing Orders and/or the Financial Regulations where required at the earliest opportunity.

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

## **8 FAIR AND REASONABLE TREATMENT AT WORK**

- 8.1 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.
- 8.2 You are expected to forge and maintain professional relationships with colleagues, managers, Councillors and service users based on mutual respect.

## **9 CHILD AND ADULT PROTECTION**

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

## **10 RECRUITMENT AND OTHER EMPLOYMENT MATTERS**

- 10.1 Shetland Islands Council has agreed that employees or councillors may not take any part in a formal Human Resources process where an applicant/worker is a close relative or a friend. Examples of such processes include, Recruitment and Selection, Grievance, Disciplinary or job evaluation and pay related matters. 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).
- 10.2 You must not lobby a Councillor or Council officer 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.
- 10.3 If you are charged or convicted of a criminal offence you must inform your line manager. You should however be aware that the Policy on Disclosure Information states that ;
- 10.4 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).

## **11 PROFESSIONAL QUALIFICATIONS, REGISTRATIONS AND CONDUCT**

- 11.1 If your employment with the Council is in a post which requires you to either be registered with a statutory and/or professional organisation, to hold membership of a professional body or hold any other qualification, it is your duty to ensure you are able to comply with the relevant obligation, including maintaining registration with that body. You may be requested to provide evidence of compliance to your manager. You must also comply with any duty you have to inform your professional body of a matter which may impact on your registration or membership. You must inform your line manager of the matter too.
- 11.2 You must ensure that the relevant code of practice is followed during the course of your duties, this includes formal reporting to the professional body on any matter where there is a duty to do so.

## **12 CHARACTER REFERENCE**

- 12.1 References are provided by the Council, in line with the Recruitment and Selection policy, for the purposes of candidates seeking employment. When you provide a reference you are doing so in your Council role and on behalf of the Council
- 12.2 A character reference or personal reference attests to the subject's character and abilities and showcases their personality and people skills. It is usually sought as it is thought to boost the subject's chances of making a good impression.
- 12.3 When asked to provide a character reference you must take advice from your line manager and Human Resources.
- 12.4 If you are asked to provide a character reference because of your Council role, you must be mindful that the Council is responsible for the content of it. You must therefore carefully consider its content and avoid any potential negative implications that it may have on the Council.
- 12.5 Any character reference provided must apply the same standards as those outlined in the Recruitment and Selection policy and toolkit. References should be provided by Team Leader/Head Teacher or above, unless where this has been delegated by the Director; a list of delegated authority is maintained in Human Resources.

## **13 REGISTER OF INTERESTS**

- 13.1 Within each service a record is kept of employees' interests and other employment. This is required to ensure that employees' health and safety isn't affected by unsafe working hours. It also makes sure that managers are aware of any potential conflicts of interests.

- 13.2 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 then submit this to your Executive Manager.
- 13.3 You must ensure you notify your manager of any changes in your circumstances that need to be recorded on this form. You must review the form on at least an annual basis. Managers are also expected to confirm, at the employee's annual review, if there has been any change in circumstances.
- 13.4 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.
- 13.5 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.

## **14 CONFLICTS OF INTEREST**

- 14.1 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.
- 14.2 During the hours of service required by your employment, you must 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.
- 14.3 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.
- 14.4 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.
- 14.5 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.

- 14.6 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.
- 14.7 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.
- 14.8 Should there be any doubt about the propriety of an arrangement, you must seek advice from your line manager in the first instance.
- 14.9 You must 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 will withdraw from any subsequent discussion on the issue in question. Further guidance may also be sought from the Executive Manager – Governance & Law.
- 14.10 In pursuing interests outside your Council employment, you must 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.
- 14.11 If you are charged or convicted of a criminal offence you must inform your line manager. You should however be aware that the Policy on Disclosure Information states 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).

## **15 PAID EMPLOYMENT OUTSIDE THE COUNCIL AND MULTIPLE POSTS WITHIN THE COUNCIL**

- 15.1 You will normally be allowed to undertake paid employment outside the Council and have multiple posts within 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.

15.2 If you want to undertake paid employment including self-employment outside the Council or additional employment within the Council you must inform your line manager and where appropriate, seek approval. For Executive Managers/Directors 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.

15.3 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, (including the rights of young workers which differ from those above), can be obtained from Human Resources.

15.4 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 Executive Manager – Governance & Law.

15.5 All alternative employment(s) must be entered on the Register of Interests form. Please see section 13 above.

15.6 It is anticipated that in most cases where you have one or more post of 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) and retain evidence of this approval. Occupational health advice may also need to be sought.

15.7 If you are signed as unfit to work in one post (post 1) but you have approval to work in your other post (post 2) you must not work in post 2 during the normal working hours of post 1. This is applicable to employment both within and out with the Council.

- 15.8 This is also applicable to employees who have been suspended from work. In this situation, employees must not work in post 2 during the normal working hours of the post (post 1) which they have been suspended from.

## **16 LECTURES / SPEECHES / BROADCASTS ETC.**

- 16.1 You may accept invitations to undertake lectures, speeches, broadcasts etc. appropriate to your work or professional qualifications. Where lectures etc. are given out with normal working hours any fee received must 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 prior approval must be sought for attendance. Any fee received will normally be disclosed and passed to the Council.

## **17 POLITICAL NEUTRALITY**

- 17.1 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.
- 17.2 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.
- 17.3 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 must not display political slogans in the course of your work and must not distribute political information / material using Council resources, including time.
- 17.4 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 must 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.
- 17.5 The following is taken directly from the National Code and although not currently directly applicable to Shetland Islands Council, the principles will still be adhered to.
- 17.6 Some employees will require to 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. The following procedure must 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 will 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 must not be disclosed to another political group or to any member of such a group

## **18 OPENNESS AND DISCLOSURE OF INFORMATION AND CONFIDENTIALITY**

- 18.1 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 must seek advice from your manager or immediate supervisor. You must 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.
- 18.2 During the course of your work, you are likely to have access to information that is sensitive, private and confidential. You must 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. It is a breach of trust to use confidential information for personal advantage or the advantage of anyone known to you.
- 18.3 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 out with your service area, our councillors and/or our customers.
- 18.4 All confidential information and equipment you hold due to your employment must be returned to the Council before the end of your employment, or if that employment ends without notice, immediately after its end.
- 18.5 You must not pass on any confidential knowledge or information you may have gained during your work with the Council.



## **19 CONTACTS WITH THE MEDIA**

- 19.1 Where there is any contact with the media in relation to your employer and employment, you must discuss with your Executive Manager or Director, and, if necessary, the Communications Unit. Where a trade union representative has contact with the media in relation to an employment issue they must be clear that they are communicating as a trade union representative and not as an employee.

## **20 SOCIAL MEDIA**

- 20.1 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.
- 20.2 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.
- 20.3 The Scottish Social Services Council provides similar guidance for Social Service Workers on Using Social Media.
- 20.4 The Council allows employees to represent the organisation on social media platforms where specific written authorisation is in place. This authorisation must be sought and received from the Communications Unit and your line manager.
- 20.5 Where you require to access and interact through internet sites in the course of your duties you must ensure that it is clear that you are doing so as part of your Council duties. You must ensure all communication is professional and in line with this and other Council policies and any professional codes of practice that may apply.
- 20.6 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 must outline a business case for doing so in a request to ICT.
- 20.7 When using social media websites and chat forums on a personal basis, you must 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 must ensure you do not communicate on these websites in a way that may be detrimental to any customer, pupil, employee, Councillor or the Council. You must not make use of the Shetland Islands crest in your personal social media accounts.

## 21 CORRUPTION / BRIBERY

- 21.1 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, or Executive Manager – Human Resources as appropriate. Further information can be found in the Reporting Concerns at Work Policy.
- 21.2 Shetland Islands Council may face criminal liability for unlawful actions taken by its employees or associated persons 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.

21.2.1 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.

- 21.3 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 suspected it will be investigated in accordance with the Council's Disciplinary Procedure and if found it will be considered as gross misconduct. Where appropriate, the police may also be advised.
- 21.4 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.

## **22 GIFTS**

- 22.1 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 21 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 guidance or protocol where appropriate e.g. Social Care Procedure on Gifts & Donations.
- 22.2 Gifts of alcohol must not be accepted.
- 22.3 If you are given a gift which you will be unable to accept then you must politely explain your requirement to adhere to this Code.
- 22.4 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.
- 22.5 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 must ensure that impartial advice is given and no conflict of interest is involved in such matters.
- 22.6 Any gifts, which are received directly and without warning, must 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 must be given to the Executive Manager – Governance & Law who will arrange for its value to be realised and disposed of appropriately.
- 22.7 All cash or monetary gifts must 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 must be sought from the line manager.
- 22.8 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.

## **23 HOSPITALITY**

- 23.1 For the purposes of this policy then hospitality relates to events where more than light refreshments such as tea, coffee, biscuits are provided / offered.
- 23.2 You must 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?”
- 23.3 You must 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 must seek advice from your line manager.
- 23.4 If you decline an offer of hospitality for these reasons you must do so politely and explain your requirement to adhere to this Code.
- 23.5 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.
- 23.6 You must 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.
- 23.7 You must not accept repeated hospitality from the same source.
- 23.8 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.
- 23.9 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.
- 23.10 When attending hospitality events you must remember that you are there as an ambassador of the Council and conduct yourself appropriately.
- 23.11 If through the course of your work you require to arrange or host a hospitality event you must follow these same principles and the event must be proportionate to the circumstances and be mindful of value for money principles.

## **24 PAYMENT OF COUNCIL TAX, COUNCIL RENT ETC**

- 24.1 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 their 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.
- 24.2 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.

## **25 ALCOHOL AND DRUGS AT WORK**

25.1 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 issue 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.

25.2 However, it is important to realise that the performance and image of the Council must 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.

## **26 WORK RELATED SOCIAL EVENTS**

26.1 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 out with 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 must be sought from the Executive Manager

## **27 USE OF COUNCIL RESOURCES**

27.1 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 must always comply with the Council's standing orders and financial regulations.

- 27.2 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.
- 27.3 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.
- 27.4 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, reasonable and ethical manner. Any additional costs associated with this personal use may be reimbursed to the Council in accordance with financial arrangements.

Further information can be found in the ICT Security Policy

- 27.5 You must 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.
- 27.6 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.
- 27.7 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.
- 27.8 You must not use Council resources including time to display or distribute political or religious information or materials.
- 27.9 All Council equipment and resources must be returned to the Council at the end of your employment.

## **28 USE OF PERSONAL DEVICES**

- 28.1 It is recognised that staff can carry out their work on their personal laptops, tablets and smartphones instead of on Council issued equipment. When working in this way, you must ensure that your work is secure. Advice on how to do this is available through the ICT help desk. You must be careful not to divulge confidential or personal/sensitive information relative to the Council or its employees to others outside your work. You must be particularly careful if working on a non-Council device to ensure that

information is not downloaded or otherwise saved to the device, or accounts left logged in, allowing access to information by others using the device.

28.2 You should be mindful that when you work from a personal device you are acting on behalf of the Council and therefore you must always act appropriately and responsibly.

28.3 You are required to cooperate with the Council where it believes it has a legitimate reason to access or ask you to delete the information held on your personal device.

## **29 INTELLECTUAL PROPERTY**

29.1 Intellectual property is a legal term that refers to the rights and obligations received and granted, including copyright. Ownership of intellectual property is determined by considering the circumstances in which it was conceived and developed. The Council owns the copyright in material made by, or under its direction. Whether you are an employee or a contractor, copyright in material you produce in the course of your work belongs to the Council unless otherwise explicitly provided for in your contract of employment.

## **30 EQUALITY ISSUES**

30.1 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.

30.2 All employees are expected to demonstrate a positive attitude by being open minded, fair, respectful, trustworthy and honest. A working environment free from gender inequality is an essential part of this.

## **31 GENDER EQUALITY AND VIOLENCE AGAINST WOMEN**

31.1 The Council recognises that violence against women is a cause and consequence of wider gender inequality. Women's labour market inequality also sustains, and is a result of, wider gender inequality in society. Addressing women's labour market inequality is therefore a necessary step in preventing violence against women, both within and out with the workplace.

31.2 The Council is committed to creating and maintaining a culture free from sexism, sexual harassment, misogyny and other forms of violence against women.

31.3 Sexist, misogynistic or androcentric\* conduct by Council employees within or out with the workplace will be investigated and may result in action being taken through the Council's Disciplinary Procedures.

- Sexism is prejudice or discrimination based on a person's sex or gender. Sexism can affect anyone but it primarily affects women and girls. It has been linked to stereotypes and gender roles and may include the belief that one sex or gender is intrinsically superior to another.
- Misogyny is the hatred of, contempt for, or prejudice against women or girls. Misogyny manifests in numerous ways, including social exclusion, sex discrimination, hostility, androcentrism, patriarchy, male privilege, belittling of women, disenfranchisement of women, violence of women and sexual objectification.
- \*Androcentrism is the practice, conscious or otherwise of placing a masculine point of view at the centre of one's world view, culture and history, thereby culturally marginalising femininity.
- Intersectionality in gender discrimination – an intersectional approach recognises that women are not a homogenous group, but their experiences will vary according to their multiple identities. For example, disabled and black and minority ethnic women's experiences.

31.4 The Council takes a zero-tolerance approach towards any employee or worker who commit violence against women

## **32 VIOLENCE**

32.1 The Council does not tolerate acts of violence or threats of violence carried out by an employee during the course of employment, against another employee, worker, contractor, service user or member of the public. Where violent conduct is alleged it will be investigated under the Council's disciplinary procedure and where found, will be viewed as gross misconduct.

## **33 HEALTH, SAFETY AND WELFARE**

33.1 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

33.2 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.

33.3 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, and the Health & Safety Policy.



## **34 DRESS CODE**

- 34.1 You must ensure that standards of your appearance are appropriate and professional in relation to your duties.
- 34.2 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.
- 34.3 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 must attend work in a clean and tidy condition
  - Clothes worn must be appropriate for the position you hold and the circumstances in which you carry out your work. Clothing must 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 must be noted that political symbols, potentially offensive images or messages must not be worn or displayed.
- 34.4 If you are having difficulties in maintaining these standards you must discuss the matter in the first instance with your line manager or the Staff Welfare Officer.

## **35 RAISING CONCERNS AND ACCOUNTABILITY**

- 35.1 If you have a question, problem or concern or if you think you have been unfairly treated or discriminated against, in most cases your line manager should be your first point of contact. He/she is likely to be the best position to understand your concern and take the appropriate action. If you are uncomfortable speaking with your line manager or if you have already shared a concern and feel it's not being addressed appropriately, then you can contact a more senior manager or Human Resources for advice. You may also consider formally addressing your concern through the Council's Grievance Procedures or Harassment & Bullying Procedure.

- 35.2 When you report concerns, you help the Council to handle issues properly, fix problems before they occur and remedy situations that have already happened. You also help to build trust with each other and with our service users and the community.
- 35.3 The Reporting Concerns at Work Policy describes the procedure for raising concerns about serious wrongdoing, dangerous practices or malpractice or crimes such as fraud or corruption.

## **36 GRIEVANCE AND DISCIPLINARY MATTERS**

- 36.1 Any employee who has a grievance resulting from the implementation and interpretation of this Code should seek resolution through the Council's grievance procedure.
- 36.2 Any employee who fails to act in accordance with this Code may be subject to disciplinary proceedings.
- 36.3 Workers will not be subjected to disciplinary action or to any other detriment simply because their complaint is not upheld. Report what you have a reasonable, good-faith belief to be true but never knowingly make a false accusation, lie to investigators or refuse to cooperate in an investigation. Workers will only be subject to disciplinary action if it is found that both the allegation is false and made in bad faith, that is, without an honest truth in its belief.
- 36.4 The Council will not tolerate retaliation against anyone who makes a good faith report about possible misconduct or assists in an investigation of misconduct.

## **37 CONCLUSION**

- 37.1 This Code has been produced to ensure that you understand what is expected. 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 must 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 or Governance & Law.
- 37.2 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.