***Organisational Development, Human Resources and Performance***

***Employee Code of Conduct***

Version 4

Produced by:

Inverclyde Council

Municipal Buildings

GREENOCK

PA15 1LX

2024

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**format upon request.**

Document Control

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| **Document Responsibility** |
| **Policy Title** | **Corporate Group** | **Service** |
| Employee Code of Conduct | N/A | Organisational Development, Policy and Communications |

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| --- |
| **Change History** |
| **Version** | **Date** | **Comments** |
| 1 |  May 2000 | Corporate Business Committee |
| 2 | June 2006 | Changes to reflect new Chief Executive. |
| 3 | February 2012 | General Update |
| 4 | December 2018 | Update to Data Protection Act for GDPR |
| 5 | Sept 2021 | Appointment of new CE |
| 6 | Dec 2023 | Additional information on the link between women’s labour market inequality, violence against women, and wider gender inequalities; sexism; misogyny; sexual harassment; intersectionality |
| 7 | June 2024 | General Update |
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| **Distribution** |
| Trade Unions |
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| --- |
| **Policy Review** |
| **Updating Frequency** | **Next Review Date** | **Responsible Officer** |
| 5 years | 2029  | Service Manager (HR Operations and Health and Safety) |

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| **Policy Review and Approval** |
| **Name** | **Action**  | **Date** | **Communication** |
| Policy and Resources Committee | Approval of updated policy  | 4 June 2024 | June 2024 * briefing circulated to ECMT
* trade unions update
* policy placed on ICON
* policy uploaded to Council website
* ICON news article
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1 INTRODUCTION

* 1. EXECUTIVE SUMMARY

The public expects a high standard of conduct from all local government employees. The Council’s Code of Conduct is one of the ways we put the Council’s values into practice. The Code describes the standard of behaviours expected of all Inverclyde Council employees in their day-to-day duties, and communications with colleagues, managers, Councillors, service users, other organisations, and members of the public. It also provides guidance where your conduct outside of work may impact on the employment relations.

* 1. BACKGROUND

The Previous Code of Conduct was approved by the Council in May 2000, following consultation with the Trade Unions. This version has been updated, in consultation with the unions, to reflect some changes within the Council and legislative and policy changes.

The implementation of The Code of Conduct will help the Council meet its obligations in terms of The Equality Act 2010 and Health and Safety at Work Act 1974.

The purpose of this Code is to provide you with advice and guidance about the standards of behaviours expected of employees, your rights, and duties at work to avoid any breach of the Code of Conduct.

Where necessary more detailed advice is provided in the Appendices or where appropriate the Code refers to service specific advice which is available from service managers/ team leaders.

It is important to note that any breach of the Code of Conduct and /or relevant professional codes may lead to disciplinary action.

Where appropriate this Code should be read in conjunction with other relevant documentation such as the CONDITIONS OF SERVICE handbook (Available ICON).

Where you have any questions about the terms of this Code of Conduct you should raise them in the first instance with your line manager or with Organisational Development, Human Resources and Performance on 01475 712740.

* 1. STRATEGIC CONTEXT

This policy supports the Council in the delivery of the Council Plan 2023/28 in relation to the following outcomes:

* High quality and innovative services are provided, giving value for money
* Our employees are supported and developed

1.4 LINKS TO LEGISLATION

This policy takes into account the requirements of The Equality Act 2010, Local Government and Housing Act 1989, and Health and Safety at Work Act 1974.

* 1. AIM

This policy aims to:

* Describes the standard of behaviours expected of all Inverclyde Council employees in their day-to-day duties, and communications with colleagues, managers, Councillors, service users, other organisations, and members of the public.
* Provide guidance where conduct outside of work may impact on the employment relations
	1. LINKS TO CORPORATE GROUPS

This policy links to the Trade Union Liaison Group, which is a mechanism for local trade union representatives to meet with Human Resources and Organisational Development teams.

1. Scope

This policy and associated procedures apply to Local Government Employees, Chief Officers and Teachers.

The policy apply to ‘employees’ (as defined by the Employment Rights Act 1996) within the Council and Other workers (including casual, bank/sessional /supply teachers and agency workers).

Elected Members, external agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

Elected Members are subject to the Councillor’s Code of Conduct which is available on the Standards Commission for Scotland website: https://www.standardscommissionscotland.org.uk

The Council will ensure that good equal opportunities practice underpins the

operation of this policy and will apply to all employees irrespective of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

1. **POLICY CONTENT**

**GENERAL**

This Code of Conduct has been developed by the council taking account of relevant legislative requirements, the "Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life and endorsed by CoSLA in its Code of Conduct for Local Government Employees in Scotland.

As far as possible, you should also comply with the Code where you are appointed as a representative of the Council to any external board/organisation.

The Code does not affect your rights and your responsibilities under the law or the Council’s duty of care to you as an employee. Its purpose is to provide clear and helpful advice to you. Any employee who has any questions around the standards noted in the Code then they should raise the matter with their manager/ supervisor. Alternatively, any employee can contact Organisational Development, Human Resources helpline- 01475 712740 where all approaches by employees will be dealt with confidentially.

* 1. SEVEN PRINCIPLES OF PUBLIC LIFE

Lord Nolan in the Third Report of the Committee on Standards in Public Life outlined the following "Seven Principles of Public Life". CoSLA has refined them to place them in a Local Government context.

1. Selflessness

All employees should take decisions solely in terms of the Council's interest. They should not take decisions in order to gain financial or other material benefits for themselves, their family or friends.

2. Integrity

All employees should not place themselves under any financial or other obligation to an individual or organisation that might influence them in their work with the Council.

3. Objectivity

In carrying out Council business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, if the employee is in a position to determine such matters then choices and decisions must be made solely on merit.

4. Accountability

Employees are accountable for their decisions to the Council, and ultimately to the public.

5. Openness

Employees must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only when it is clearly demanded by Council policy or some other justifiable reason.

6. Honesty

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

7. Leadership

An employee, who is a line manager or supervisor, will promote and support the principles contained in this Code by personal leadership and example.

* 1. POLITICAL NEUTRALITY

An employee's political neutrality is expected by the public and must be respected by Councillors.

An employee must serve the Council as a whole and all Councillors, regardless of their party or political affiliation. The Chief Executive and senior employees, particularly Chief Officials, have an additional responsibility to help ensure the implementation of the policies of the Council.

An employee must implement the policies of the Council irrespective of personal views held by them.

If an employee is asked by a Councillor to provide assistance on a matter which is clearly party political or which does not have a clear link with the work of the Council then the employee should politely refuse the request and notify his/her 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. Employees in this category must follow the Council's procedures about access by political groups to the advice of employees. The procedures are detailed in Appendix 1 of this Code.

* 1. POLITICALLY RESTRICTED POSTS

Where an employee holds a politically restricted post then he/she must conform to the relevant sections of the Local Government and Housing Act 1989. Details of the restrictions are detailed in Appendix 2..

* 1. RECRUITMENT AND SELECTION

The Council's Policy and Procedures for Recruitment and Selection detail the steps to be followed by all employees involved in the recruitment and selection process. Copies of the Policy and Procedures are available from managers, supervisors and Organisational Development, Human Resources & Performance and are published on ICON.

Canvassing of councillors or employees of the Council, directly or indirectly, in connection with any appointment being made by the Council, shall disqualify the candidate. A councillor or employee of the Council shall not attempt to secure an appointment with the Council nor recommend any person for such an appointment or promotion.

However, this shall not prevent a councillor or employee giving a written reference of a candidate's ability, experience or character where such a reference is requested by the Council. Accordingly, an employee may list a councillor as a referee.

Where an employee or councillor is involved in the short listing or interviewing process and is aware of a relationship with any of the candidates then the Head of Organisational Development, Human Resources & Performance must be informed.

If an employee has any kind of relationship which might affect their ability to be impartial – this needs to be disclosed to their line manager.

* 1. CORRUPTION AND CONFLICTS OF INTEREST

Our employees have an essential and integral part to play in dealing with fraud and corruption and we will encourage our staff and members to inform us if they suspect a case of fraud.

Any employee discovered to have perpetrated a fraud with the Council or any other public agency may also face action under the Disciplinary Procedures which may lead to dismissal. This includes information that comes to light through the data matching process.

It is important 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 showing favour or disfavour to any person in the course of your work with the Council.

Accordingly it is important that the advice contained in this Code of Conduct is adhered to and that the acceptance of any gift or hospitality can be justified completely.

Similarly, you should ensure that where there might be any conflict of interest between your private and working life you take appropriate steps to ensure the conflict does not arise and that the interest is declared. This is particularly so if you have any friendships or relationship with individuals who may undertake work with the Council either as a contractor or supplier of goods or services.

Conflict of Interest

There may be occasions when an employee’s interests - especially financial interests - conflict with the interests of the Council. This interest must be declared to their line manager.

An employee must not use his/her position to further his/her own interests or the interests of others who do not have a legitimate right to benefit under the Council's policies.

If an employee has an interest in a matter, which is being discussed at a meeting of the Council or at one of its committees, subcommittees, or joint committees, he/she must declare the interest to his/her line manager and must not be present at the meeting when the matter is being discussed and decided upon.

If an employee is a member of an organisation or club where membership might result in a conflict of interest in relation to any aspect of his/her work with the Council he/she must declare this membership to his/her line manager. This does not mean that an employee cannot make their professional skills available to other organisations, rather it stresses the importance of declaring these in accordance with the rules on ‘Conflict of Interest’.

* 1. EQUAL OPPORTUNITIES

Employees should expect fair and reasonable treatment at work in line with the provisions of the Council's Equal Opportunities and other relevant policies.

The Council views discrimination, harassment, victimisation and bullying at work as serious matters. Any employee who believes that he/she has been a victim of unfair treatment should raise the matter with his/her line manager, trade union representative or contact the designated officer of Organisational Development, Human Resources and Performance.

Advice on the application of this paragraph is contained within the Council's Policy and Procedures on Discrimination, Victimisation, Harassment and Bullying available from Organisational Development, Human Resources and Performance and published on ICON.

* 1. PROTECTING CHILDREN AND VULNERABLE ADULTS

There is a statutory duty for the Council and its employees to protect children and vulnerable adults.

If any Council employee hears information or directly sees things which makes them worried about a child or adult being ill-treated, exploited, neglected or abused, all employees are responsible to take action by speaking promptly to their line manager or another manager about their concerns.

Employees must not delay in taking action or passing information as it could ensure the safety of a vulnerable child or adult.

* 1. DISCLOSURE OF MEDICAL CONDITIONS

The Health & Safety at Work etc Act 1974 requires employers to, so far as is reasonably practicable, ensure the health and safety of their employees whilst at work.

The Management of Health and Safety at Work Regulations 1999 requires employers to carry out risk assessments to identify potential risks and take necessary measures to remove or reduce and control risk.

Risk assessments are a universally acknowledged method of challenging existing methods of work, for assessing risks associated with tasks and for ensuring that best practice is achieved.

It is therefore essential that all Services ensure that appropriate risk assessments are in place, in line with this policy, and that actions are implemented to eliminate or reduce risks in the workplace. This is supportive and aims to ensure that we as an employer can ensure we can support your attendance at work and help us in our statutory obligation as a responsible employer.

All data gathered will be in-line with our Data Protection and Confidentiality procedures.

* 1. MANANGING ATTENDANCE

Managing attendance is treated as a serious issue by the Council and employees are expected to attend work unless there is a genuine reason for absence. The Council has set Council targets for absence which Services and employees are asked to achieve.

You are required to acquaint yourself with the Council’s procedures for the notification and certification of absence.

You are required to maintain a satisfactory level of attendance and provide regular and effective service to the Council. If you consistently and regularly fail to provide a satisfactory level of attendance you may be subject to disciplinary action or your employment may be terminated, on notice, on grounds of capability.

It is a condition of employment that an employee may be required, where it is considered necessary or advisable, to attend an appointment with the Council's Occupational Health provider.

If you have multiple posts – the employee is responsible for ensuring that any sickness absence is linked appropriately to the relevant post and manager. This would be similar to annual leave.

If you have another position with different organisation, you are responsible for ensuring that the other position is declared. Additionally, if the employee has a sickness absence the information in Other Renumerative Employment section applies.

* 1. USE OF COUNCIL EQUIPMENT

An employee must not make use of any Council material, resource or service to which he/she has access by virtue of his/her position for the furtherance of any external employment or personal interests. It is irrelevant whether or not the work is paid.

You are responsible for any property belonging to the Council that is under your control or in your possession and you must take proper care of any such items. Any deliberate or negligent failure to take proper care of Council property will be viewed as Misconduct and may lead to disciplinary action.

You shall promptly, whenever requested by the Council, and in any event upon the termination of your employment or precautionary suspension, deliver to the Council all property (such as keys, swipe cards, laptops, mobile phones, ID badges, uniform etc), all files, lists of clients or customers, correspondence and all other documents, records, papers, computer disks, videos, CDs and all other property which may have been prepared by you or have come into your possession, custody or control in the course of your employment and you shall not be entitled to and shall not retain any copies of them. Title to all such material and copyright in all such material created solely or in part by you shall vest in the Council.

Use of Council Vehicles

The use of Council vehicles is restricted to authorised use on Council business. However, employees can be authorised to take Council vehicles home for operational reasons. Where an employee is authorised to take a council vehicle home the vehicle should only be used to carry out council business.

Using the vehicle for any business other than official Council business is forbidden. During the period when an employee has been authorised to take a vehicle home for use on Council business, the vehicle must not be used for private purposes. Any unauthorised use of the vehicle for private purposes may result in the employee being subject to the disciplinary procedures and will result in charges being applied by the Inland Revenue.

Where an employee takes a vehicle home and no private use is allowed during that period then there will be no tax liability.

Only employees who are in receipt of a standby allowance or are otherwise authorised for operational reasons should be allowed to take a Council vehicle home.

Except where it has been authorised that a Council vehicle can be taken home for use on Council business all vehicles must be parked in designated secure parking areas out with normal working hours.

Any fines or penalties incurred whilst using a vehicle on Council business will be the liability of the employee or worker.

Driving Medical Conditions

All drivers have a legal duty to inform DVLA if they are suffering from a medical condition that makes it unsafe for them to drive. In all circumstances, the employee must report any relevant condition to the DVLA and where appropriate surrender their licence. As part of the driver’s employment with Inverclyde Council, they must also inform their manager as soon as is reasonably possible.

* 1. COMPUTER AND OTHER SYSTEMS

Employees may only operate within the areas of their own service operations and service areas. Access to other areas is restricted to authorised personnel only. Access to the systems of the Council, particularly but not exclusively, the computer systems, is reserved to authorised personnel only.

Unauthorised access to, or any tampering with, any computer system or software or computer installation may be regarded as a disciplinary offence and may be liable to prosecution under the Computer Misuse Act 1990.

Even if no actual damage results, unauthorised penetration or tampering of the system damages its integrity and confidentiality, which are of high value. It should be noted that the classification of such access as misconduct applies even where such access is performed merely as a ‘prank’ or for fun or to test the defences.

* 1. IT SECURITY & USE OF COUNCIL INTERNET, INTRANET, EMAIL & TELEPHONES

The Council’s IT Security Code must be adhered to. The code outlines what an employee must do to ensure that use of the Council’s computer equipment does not result in unnecessary risk to the system or the important data they contain. Copies of the Code are available on-line or from Service Managers.

You are required to familiarise yourself and follow the rules regarding acceptable use of the Council’s internet and email system, and use of Council telephones and mobile phones. Any breach of these rules will be regarded as misconduct and may lead to disciplinary action, including your dismissal.

A copy of the Council’s Internet and Email Acceptable Use Policy is available on request from Organisational Development, Human Resources & Performance.

If you are provided with a mobile phone, you must use it primarily for work purposes. Any inappropriate or dishonest use of your mobile will be regarded as misconduct and may lead to disciplinary action, including dismissal.

The mobile phone provided to you must be returned to Inverclyde Council on demand and you will be held personally liable for any reckless loss or damage.

You must not bring the Council into disrepute through use of online or social networking activities. Examples include uploading images or videos which show antisocial behaviour or illegal activities; making derogatory statements about the Council or Council staff; or revealing confidential information about the Council or Council staff. This list is not exhaustive.

* 1. CORPORATE COMMENTS, COMPLIMENTS AND COMPLAINTS FRAMEWORK –“INFORM”

The Council operates a corporate comments, compliments and complaints policy called InForm which sits separate to the Code of Conduct . InForm records and monitors compliments and comments and addresses complaints about Council services and maladministration on behalf of the Council.

A complaint is defined as “an expression of dissatisfaction, however made, about the standard of service, action, or lack of action by the Council, its staff or contractors” Individual complaints against employees are separate to this process and are dealt with through the Code of Conduct / Disciplinary Procedures.

It is usual that any complainants need to provide contact details so the complaint may be processed, however anonymous complaints should still be investigated by the relevant service and, if relevant, processed through the separate Whistleblowing Policy (see below).

* 1. WHISTLEBLOWING

Inverclyde Council is committed to the highest possible standards of openness, probity and accountability and expects any employee who has serious concerns about any aspect of the Council’s work to come forward to afford the Council the opportunity to address the concerns.

The Whistle blowing Policy in most cases provides a confidential reporting framework through which the employees can express their concerns without fear of victimisation, subsequent discrimination or disadvantage. If an employee discloses confidential information while making a protected disclosure, either to your employer or to a regulator (e.g. the FCA, the Care Quality Commission etc.), there can be no breach of confidence. However, various conditions need to be present in order for a disclosure to be a protected disclosure. If you have raised concerns but not actually met the conditions for a protected disclosure, or if you disclose confidential information in order to show that you’ve been victimised for whistleblowing, e.g. by downloading and submitting in evidence your employer’s private emails or documents, you may be independently liable for breach of Confidence.

An employee, who has serious concerns to raise but is unsure of how to proceed, should contact Organisational Development, Human Resources and Performance to obtain advice. The Whistle blowing Policy, can be obtained from Organisational Development, Human Resources and Performance.

Employees can report a matter which falls into one of the categories outlined in Section 2 of the Whistleblowing Procedure by contacting their Head of Service, Director, or, the Chief Executive. Alternatively, they may wish to contact the Whistleblowing Hotline or email address operated by Internal Audit as follows:

• Tel: 01475 712184

• Email: corporatefraud@inverclyde.gov.uk /online www.inverclyde.gov.uk/reportingfraud

If employees do take the matter outwith the Council, they need to first ensure that they are not disclosing confidential or privileged information. This can be checked with the Head of Organisational Development, Policy and communications in consultation with the Head of Legal, Democratic, Digital and customer Services, who will advise on ways to proceed.

If an employee reports a crime or fraud to a regulator, they may be able to rely on a common law public interest defence, as outlined in the previous section (even if it turns out that you are not making a protected disclosure).

Contact with the media is not a protected disclosure for the purposes of employment law. Any employee contacting the media will no longer enjoy the protections within this policy and may be subject to disciplinary action.

* 1. DRESS CODE

Clients and customers are inclined to form an opinion based on first impressions, which, especially if they are negative, are hard to change. Therefore, as an employer, the Council considers it is entitled to exercise discretion in controlling its image. This includes the appearance of employees particularly where their duties bring them into contact with the public or where their manner of dress affects safety or hygiene standards.

Each Service will have specific requirements regarding personal appearance and dress standards.

The Council will be willing to vary or adapt rules to accommodate employees whose cultural or religious needs might prevent them from complying with them.

The standards will be explained to employees to allow an understanding of what is expected of them in their post. Generally however employees are expected to follow the undernoted standards:

1. All employees should attend work in a clean and tidy condition.

2. Clothes worn should be appropriate for the position held by the employee and should not be such that they constitute a hazard or cause embarrassment to colleagues or members of the public.

3. Where 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.

4. Where protective and safety clothing is provided, this must be worn and maintained in an appropriate manner.

5. Name badges, where provided, must be displayed at all appropriate times.

6. The Council reserves the right to insist that employees do not wear jewellery or badges, which it believes, may cause offence to clients, customers or other employees or present a health and safety risk. In particular, it should be noted that political symbols must not be worn or displayed.

An employee having difficulties in maintaining these standards should discuss the matter in the first instance with his/her immediate line manager or HR Adviser.

* 1. OTHER REFERENCE DOCUMENTS

There are a number of other documents regarding Professional Registration/Qualification/Conduct, which give information, and advice on matters affecting these specific employees and which should be read in conjunction with our Local authority Code of Conduct. These documents are listed in Appendix 4 and can be obtained from Organisational Development, Human Resources and Performance.

Certain occupational groups have professional codes of practice or conduct which they are required to adhere to for example:

1. The Code of Practice for Social Service Workers is a list of statements that describe the standards of professional conduct and practice required of social service workers as they go about their daily work. Social service workers are responsible for making sure that their conduct does not fall below the standards set out in the code and that no action or omission on their part harms the wellbeing of service users.

2. The GTC Code of Professionalism and Conduct sets out the key principles and values for registered teachers in Scotland. Within GTC Scotland's wider framework of standards, this Code and commentary states the standard of conduct and competence expected of registered teachers.

It is the responsibility of the employee registered with such an organisation to ensure that they comply with the relevant obligations, including maintaining registration.

**WORKING WITH OTHERS**

* 1. RELATIONSHIPS – PERSONAL CONDUCT

The Council expects the highest standards of personal conduct from its employees. The way you behave during working hours and any misconduct outside your working hours reflects on the image of the Council and may have a bearing on your employment with the Council. Employees should display the following behaviours:

a. Use ordinary everyday courtesy and politeness, including the names that people would prefer.

b. Treat people as they would like to be treated.

c. Act with sincerity, integrity, honesty, fairness, impartiality, and diligence.

d. Work positively on a collaborative and co-operative basis with others.

e. Give honest feedback based on evidence.

f. Be open to constructive criticism

g. Do your job to the best of your ability

h. Do what is reasonably asked of you even if you disagree

i. Give people encouragement, help and support when they need and want it.

j. Trust and be open with your colleagues.

k. Respect the diversity of cultures, backgrounds, lifestyles, and beliefs that people bring to the workplace.

l. Listen to, respect and value the diverse ideas, contributions, and opinions of colleagues.

m. Be sensitive to the needs of others.

n. Respect the privacy, confidentiality, and personal space of others.

o. Be aware of the effect your behaviour has on others and only make reasonable and manageable demands.

p. Appreciate and praise good work

q. Actively seek to build productive working relationships and partnerships with people across and outside the council.

r. Aim to deliver a first-class service to customers both internal and external

s. Challenge inappropriate behaviour in an appropriate manner.

This list is not exhaustive.

Although not exhaustive the following are examples of inappropriate behaviours which will not be tolerated by the Council towards other employees, or towards or from third parties (client/ customers):

a. Being offensive or insulting or spreading malicious rumours.

b. Making unwelcome or insulting remarks, jokes, innuendoes, lewd comments or using abusive language.

c. Ridiculing, humiliating, demeaning, or picking on someone

d. Copying correspondence, including emails or the use of other forms of communication such as instant messenger or discussion forums/blogs/social media/apps, such as Facebook, to forward information about an individual to others who do not need to know. (Such information may also infringe other Council policies and/ or professional codes and/or breach of criminal legislation);

e. Displaying materials which may be held to be offensive e.g. posters, banners

f. Isolation and non-cooperation at work, exclusion from work related or social activities.

g. Any type of harassment including sexual harassment or victimisation

Under the Council’s Health and Safety Policy and the Health and Safety Act 1974 employees should not place themselves, work colleagues or members of the public at risk to their health and safety.

You must not attend work under the influence of either alcohol and or/drugs or other substances, as these may affect your ability to undertake your duties safely and effectively. Should you attend work under the influence of either alcohol or drugs you will be liable for action under the Council’s Disciplinary Procedures.

The Council recognise the legitimate use of over the counter and prescribed medication. If these impair performance and where employees have been prescribed substances in relation to a diagnosed medical condition which may affect their behaviour and/or ability to carry out their work, they must inform their line manager. More information can be found in our Substance Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy

You must not consume alcohol and or/misuse drugs or other substances during working hours (including breaks) whether within or outside the workplace.

You may seek support and assistance for any health and wellbeing issue including alcohol and drugs from your manager, HR or trade union. More information can be found here link the Supporting Alcohol Substance and Gambling Policy.

If you are charged/ convicted of any criminal offence (including being released on bail), you must notify your Head of Service immediately. Such charges/convicted may result in action being taken against you under the Council’s Disciplinary Procedures.

If your job involves regular contact with children or protected adults, or in the administration of the law or in certain other sensitive areas and professions, the Council reserves the right to require you to undergo a Disclosure Scotland Police check / PVG check at any stage of your employment.

3.18 COUNCILLORS AND EMPLOYEES

Whilst both Councillors and Council employees are servants of the public, and they depend on one another, 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, their committees and subcommittees.

Mutual respect between Councillors and employees is essential to good Local Government. However, close personal familiarity between individual Councillors and employees can damage the relationship and prove embarrassing to other Councillors and employees.

Employees are entitled to raise with their Elected Members any complaint which they have about the services of the Council. However, an employee must not approach Councillors on employment matters and Councillors via their own Code of Conduct should decline to discuss such issues. Employment issues should be raised with the employee’s line manager, Human Resources, or through their Trade Union.

If, however, the complaint concerns any aspect of their work with the Council they must make use of the Council's agreed Grievance Procedure and related procedures.

The Councillor/Employee Relations Protocol (available from OD, Policy and Communications and published on ICON) supplements the guidance and advice already provided in The Councillors’ Code of Conduct and in this Code of Conduct for Employees. Compliance with the Protocol is mandatory.

3.19 THE PUBLIC

When an employee has contact with members of the public - in whatever capacity - users of services, clients, or citizens - he/she should aim to be friendly, courteous, and helpful. Employees must deal equally with each member of the public and must follow the Council's Equal Opportunities Policy and Procedures. They must not disclose confidential information to a member of the public, which is forbidden under the policies of the Council.

Many Council employees have contact with service users, pupils, and/or students on a regular basis as part of their employment. Staff engaged in these roles must ensure that they always communicate in an appropriate, open, accurate, and straightforward way.

These staff are reminded of their Professional Codes of Practice e.g., the Scottish Social Services Codes of Practice (SSSC) and the General Teaching Council for Scotland (GTCS) Code of Professionalism and Conduct (CoPAC).

You must build and foster positive relationships with service users, acting and behaving in a way that develops a culture of trust and respect for self and others. It is important that you recognise and use responsibly the power and authority you have when working with pupils/students/service users.

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. You must not form inappropriate relationships with service users/pupils/students. You must maintain appropriate professional boundaries and avoid improper contact.

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 social media) with pupils/students/service users.

The actions of staff in how they communicate with pupils/students/service users may result in the employment being called into question, which is why being alert is crucial.

3.20 CONTRACTORS

Employees must be fair, even-handed, and impartial in dealing with contractors, subcontractors, and suppliers. An employee involved in the tendering process must follow the Council's procedures and rules in relation to tenders and contracts.

An employee who has access to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised individual or organisation.

If the employee dealing with the arrangement of the contractor feels that they have a conflict of interest, this should be raised with their Line Manager.

3.21 EMPLOYEES/COLLEAGUES

Mutual respect between employees is essential to effective working in a safe and inclusive working environment where they do not experience bullying, harassment (including sexual harassment), discrimination, violence/abuse (including violence against women) or victimisation. Racist, homophobic, transphobic, sexist, abusive and misogynistic language and is never acceptable in the workplace.

We recognise that colleagues who work together can also be in a personal relationship. Whilst such relationships seldom interfere with work, there is potential for a conflict of interest, breach of confidentiality or fraudulent activity to occur.

Where a family or personal relationship exists or develops between colleagues who work together in the same area, or where one employee is in the line management chain, both individuals must declare their relationship in confidence to their line managers or HR. This is intended for the protection of both parties.

As a result, you should not be involved in appointments or decisions that relate to discipline, grievance, promotion or grading, or payment of additional expenses /overtime where you’re related to the individual or have a close personal relationship with them outside work.

‘A close personal relationship’ in this context could include any colleague who is a close or extended family member or be someone that you’re in an intimate relationship or a close friendship with, however this list is not exhaustive.

If information comes to light and the Council considers that you should have made a declaration but chose not to, or that you didn’t fully disclose details of any potential conflicts of interest within a relationship, then disciplinary action may be taken.

Victimisation occurs when an employee is treated less favorably because, for example, they have made or supported a referral or raised a grievance, or because they are suspected of doing so.

3.22 HYBRID WORKING ETIQUETTE

Hybrid working refers to a flexible work arrangement where employees have the option to divide their working hours between remote (typically from home) and onsite locations, such as the office or other designated workspaces. This arrangement allows for a blend of remote and in-person collaboration, while maintaining connectivity with colleagues and the organisation.

In embracing hybrid working, employees are expected to adhere to the following etiquette guidelines:

a. Communication: Maintain clear and regular communication with colleagues and supervisors, utilising appropriate channels such as email, instant messaging, video conferencing, and phone calls as necessary. Respond to communications promptly to ensure efficient workflow and collaboration.

b. Availability: Establish and communicate your availability to team members, usually through sharing your calendar. Respect colleagues' availability and avoid unnecessary disruptions. This can be established through Jabber, email and MS Teams.

c. Accountability: Take ownership of tasks and responsibilities, meeting deadlines and fulfilling commitments regardless of location. Keep supervisors informed of progress and potential challenges, seeking assistance or clarification when needed.

d. Professionalism: Uphold professional standards in all interactions, maintaining decorum and respect in both virtual and in-person settings. Dress appropriately for virtual meetings and maintain a professional demeanour during video conferences.

e. Collaboration: Foster a collaborative environment by actively participating in team meetings, brainstorming sessions, and collaborative projects, regardless of physical location. Leverage technology to facilitate virtual collaboration, sharing ideas and contributing to collective goals. In large online sessions, to prevent background noise – it would be beneficial to ensure that you are on mute, unless you are raising a vocal contribution. Additionally, for communications – especially with your team and leaders – ensure you have your camera on in meetings.

f. Security: Exercise caution when handling sensitive information or accessing organisational systems remotely, adhering to security protocols and safeguarding confidential data. Utilise secure networks and encrypted communication tools to minimise cybersecurity risks.

g. Workspace: Establish a dedicated and ergonomic workspace conducive to productivity and focus, minimising distractions and optimizing comfort. Ensure access to necessary tools and resources to facilitate seamless remote work. This would include a DSE check, which needs to be completed every 2 years.

h. Flexibility: Remain flexible and adaptable in navigating the challenges and opportunities presented by hybrid working, embracing change and exploring innovative solutions to enhance productivity and well-being.

i. Feedback: Provide constructive feedback and suggestions for improvement to enhance the effectiveness of hybrid working arrangements, contributing to ongoing refinement and optimisation of policies and practices.

**FINANCIAL**

3.23 GIFTS

An employee must not accept personal gifts but may keep insignificant items of token value, e.g. pens, diaries, or small tokens of gratitude from a member of the public. Section 22.4 of the Financial Regulations indicates the approximate value must not be above £20 as of June 2024. If an employee is in any doubt this should be raised with their line manager.

3.24 HOSPITALITY

Offers of hospitality must be accepted only if an employee can answer, "Yes" to the questions:

(1) " Is this justified?"

(2) "Is the acceptance of hospitality beyond reproach?”

An employee in any doubt must seek the advice of a line manager who will refer to the Council’s procedures on the acceptance of hospitality.

An employee should accept offers to attend social or sporting events only where these are clearly part of the life of the community or where the Council would be expected to be represented. When representing the Council at such events, whether within or out with normal working hours, employees must ensure that their behaviour is beyond reproach. Employees should remember that improper behaviour even outside of working hours may result in disciplinary action.

An employee should not accept regular hospitality from the same source.

An employee making a visit to inspect equipment or vehicles or land or property must ensure that the costs of such visits are met by the Council.

Where an employee accepts hospitality, the details of such hospitality must be recorded in the Service Register. When an employee is offered but refuses to accept hospitality, they should also record this in the Service Register.

3.25 BENEFITTING FROM A WILL OR BEQUEST

Under this Code, anything left to you in the will of a service user is considered to be a gift. These are also known as bequests. In certain circumstances, it may be acceptable for this to happen.

If you’re named as a beneficiary in the will of a service user, you must declare this to your manager, in writing, as soon as you become aware of this.

Failure to declare this information immediately may lead to disciplinary action. If you’re aware that there may be a possibility that you’ll be named as a beneficiary in a will in the future, you must disclose this information to your manager.

Each case will be investigated for evidence of coercion or behaviour designed to obtain favourable treatment. A decision on each case will be made by the appropriate Chief Officer and your manager will advise you of the outcome of these investigations.

If there’s evidence of coercion or behaviour designed to obtain favourable treatment on your part, this will lead to disciplinary action up to and including dismissal.

If, prior to a decision being made, you choose to accept the bequest, this may lead to disciplinary action up to and including dismissal.

Where approval is given for you to accept a bequest, all bequests received should be recorded in the departmental register of gifts and hospitality.

3.26 OTHER RENUMERATIVE EMPLOYMENT

Outside Council Working Hours

All employees who undertake additional work outside the Council’s employment must notify their manager in writing for approval in order to comply with the Working Time Regulations 1998. Reference should be made to part 15.4 Conditions of Service for Local Government Employees.

Managers will consider whether requests will interfere or impair the employee’s ability to carry out efficiently his/her work with the Council; whether or not outside work could compromise his/her work with the Council or could cause a conflict of interest etc. Requests approved by Managers will be confirmed in writing and a copy forwarded to Organisational Development, Human Resources and Performance to be held on file

If an employee is absent for their role with Inverclyde Council and are claiming sick pay, they may be able to continue in their multi post role or work with another employer dependent on circumstances. The employee cannot work in their other multi-post position or for their other employer in the hours they would have been working in the role they are currently not fit to carry out, the job should not be similar or rely on a similar skill set unless in exceptional circumstances where advice should be sought from HR. Any breach of this may result in disciplinary procedures being instigated.

Within Council Working Hours

An employee may accept invitations to undertake lectures appropriate to his/her work or professional qualifications. In addition, employees may engage with external bodies that pay a fee for their attendance, e.g. employment tribunals.

Where such work is undertaken outwith normal working hours then any fee received may be retained by the employee but where a fee is paid for any such work during normal working hours then this fee must be paid to the Council, or the employee must seek approval for unpaid leave or annual leave if the fee is to be retained.

Where this work is undertaken within normal working hours the employee must first seek authorisation and is responsible for ensuring that any fees are paid to the Council.

You must not made or contribute to any publication, broadcast, speech or lecture where you would use official Council information without the written approval of the Chief Executive.

3.27 EMPLOYEES PAYMENT OF COUNCIL TAX, ETC.

The Council has a statutory duty to comply with the National Fraud Initiative (NFI) and ensure public funds are managed properly. Accordingly, the Council will use information held on employees to ensure all sums due to the Council are paid timeously, e.g. by identifying persons who are non-payers of Council Tax.

The information may also be used to prevent and detect fraud. It is also possible that this information may be shared with other Local Authorities or public bodies, which handle public funds. The use of data for NFI purposes will be strictly controlled to ensure compliance with data protection and human rights legislation. Refer to the Council’s Data Matching Policy process.

Employees have a duty to make any payment due to the Council in good time.

Regular checks will be made by the Council to ensure that employees are not in arrears with payments such as Council Tax or for any work undertaken by a Council service, in accordance with the Council’s Data Matching Policy and Data protection legislation.

Where an individual is experiencing difficulties in making payment, they should contact the Revenues & Benefit Manager or Debt Recovery Team. Welfare Advice is also available from Organisational Development, Human Resources and Performance.

Inverclyde Council will make any deductions of money owed by the employee, as appropriate.

3.28 EMPLOYEES ENGAGED IN HOUSING BENEFITS

An employee who in the course of their employment is involved with housing benefits and outwith their employment lets or sublets dwelling houses within the Inverclyde area, must report this to the Chief Financial Officer.

3.29 CORPORATE PROCUREMENT

Policy/Organisational Approach

It is important that the Council demonstrates Best Value in procuring goods, services and works. In addition, there is a range of European, national and local policies, supporting guidelines and regulations which are designed to ensure that all procurement activity is undertaken in a professional and transparent manner. All procurement activity and supporting decisions must comply with the law, and not put the Council at risk in terms of a challenge.

In order to manage this risk, the Council has moved towards a designated procurement officer model. This requires all procurement activity to be managed and directed by Officers who are “licensed” to conduct procurement activity within services/directorates. This applies to tenders/contracts above the quotation thresholds detailed within the Contract Standing Orders. Employees should not enter into work associated with tendering/contracting above these thresholds if they are not designated procurement officers or have been given the permission of the designated procurement officer for their service/ directorate to do so. Further information on European, national and local policies can be obtained from the Corporate Procurement Team, within Finance Services.

Standing Orders/Financial Regulations

Compliance with Standing Orders/Financial Regulations is essential. Procurement and in particular, tendering/contracting is governed by the Council’s Standing Orders/Financial Regulations. The Council’s Standing Orders and Financial Regulations must be observed and adhered to at all times.

The Employee Code of Conduct requires all employees who are involved in procuring goods, services and works to be fully conversant and familiar with Standing Orders and Financial Regulations relating to contracts, particularly the monetary limits/values.

Procurement guidance in relation to Standing Orders and Financial Regulations is available through the Corporate Procurement Team, within Finance.

Corporate Procurement Cards

The Council is committed to encouraging the use of corporate procurement cards, particularly in relation to low cost/high volume goods. The use of Corporate Procurement Cards is governed by clear policies and operational practices. Employees in receipt and using a corporate procurement card need to ensure they are fully conversant with the policies and practices prior to use. Further information on the use of the card is available from the Corporate Procurement Team, within Finance.

Compliance Framework

In order to ensure the Council’s approach to procurement is delivered, a Governance Procedure should be followed. This will regularly test service and employee behaviour in relation to agreed policy and operational practices.

If a service or employee is found to be acting out with the Council’s agreed policies and practices with regard to procurement, the Council’s Disciplinary Policy and Procedures will be instigated, and disciplinary action, including possible dismissal, may be taken.

3.30 SPONSORSHIP

Employees should speak to a senior manager for advice on any potential sponsorship arrangements between the Council and an outside organisation or individual.

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particularcare must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee, or any partner or relative, must benefit from such sponsorship without there being full disclosures of any such interest in accordance this code. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved. Where they are seeking to sponsor a Council activity, the policy on Gifts and Hospitality must be particularly borne in mind; if you are involved in the Council’s wish to sponsor an event, employees must consider declaring an interest.

**INFORMATION AND DATA**

3.31 OPENNESS AND DISCLOSURE OF INFORMATION

The Council has endorsed CoSLA’s Code of Practice on Openness in Local Government. There are, however exceptions to the principle of openness where confidentiality comes into play. For example, it may be necessary to keep, as confidential, information about either an individual or an organisation which might compromise the right of personal or commercial confidentiality.

Aspects of confidentiality specific to an employee’s service will be contained in service policy and procedure documents and the employee should ensure he/she is aware of the content of such documents.

Every employee, whether permanent or temporary, and including sessional workers, are required to respect the confidentiality of information, which comes into his/her possession in the course of his/her work, and this is the case both in and out of the workplace. This general duty of confidentiality regards information relating to service users, other employees and certain other Council matters, e.g. tendering and contracts. Where an employee has any doubt about releasing information to a third party, the matter must be referred to a manager for guidance. Breach of this principle will be viewed as an extremely serious matter.

The Freedom of Information (Scotland) Act 2002 provides individuals with a right of access to all recorded information held by Scotland’s public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it. Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. The Inverclyde Council publication scheme sets out the types of information that Inverclyde Council routinely makes available.

3.32 DATA PROTECTION ACT 2018 AND THE GENERAL DATA PROTECTION REGULATION 2016/679

The Council and all employees are required to comply with the above legislation. Full details of an employee’s rights and responsibilities under the Acts are outlined in the Employee relationship between the Council and employee Privacy Notice which is available on the Council’s website https://www.inverclyde.gov.uk/privacy or from Service Managers.

Employees are allowed to have access to all information relating to them, which is held on computer. The Data Protection Act 2018 and the General Data Protection Regulation 2016/679 requires the Council to respond to requests for access without undue delay and at the latest within one month of receipt of the request.

In complex cases you will be advised if this requires to be extended. You may be charged a fee for administrative costs where the request is manifestly unfounded or excessive. In the interest of openness and fairness, the Council will permit employees to have sight of personal files held manually provided they give 20 days' notice.

The employee will be accompanied by a representative of Organisational Development, Human Resources and Performance or Legal & Democratic Services when the inspection takes place.

3.33 CONFIDENTIALITY OF INFORMATION

You are required to respect the confidentiality of information which comes into your possession in the course of your work, both in and out of the workplace. This general duty of confidentiality with regard to information relates to service users, other employees and certain other Council matters e.g. tendering and contracts.

Any breach of these rules will be viewed as misconduct and may lead to disciplinary action, including your dismissal.

3.34 MANAGING INFORMATION

Employees must manage any information relating to the Council with utmost care. Distinction must be made between critical and non-critical information at the outset and proper procedures must be adhered to for any critical information.

Relevant stakeholders such as but not limited to ICT, Internal Audit, Legal & Democratic Services must be consulted where there are any doubts around handling of information. Every employee should regularly monitor the level of risk for the Council in terms of information they manage.

Employees must ensure that critical information and systems should have identified owners and that good Information Governance practice is being applied to them. Employees should know how to operate the Council’s systems most effectively and to manage their information governance responsibilities correctly.

**MEDIA**

3.35 THE MEDIA

It is important that employees of the Council are provided with the specialist support required when dealing with all aspects of the media. Therefore, employees must not deal directly with the press or the media apart from those required to do so in the course of their work (this will predominantly be appointed members of the Corporate Communications Team).

All inquiries for information or comment on issues affecting the work of the Council must be referred to the Press Office within the Corporate Communications Team. All publications or interviews given on aspects of Council policy or activity must be properly authorised by the Corporate Communications Team.

Where an accredited Trade Union official 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. In the communication with the media, any comments the individual makes should be done using appropriate language/tone which remains respectful towards the Council.

3.36 SOCIAL MEDIA

How employees and councillors communicate with people on social media sites reflects on the individual and on Inverclyde Council as an organisation. If employees choose to disclose their employment with Inverclyde Council on social media platforms, they are expected to follow the overall principles of this media and social media guidance when posting and sharing content.

Various social media sites will have their own rules and guidance, but if there is anything that could potentially be seen as breaking these rules and damaging the reputation of the council, corporate communications reserve the right to ask that it be removed or that the site be closed down. To avoid this from occurring remember when using social media:

i. Be responsible, clear and relevant. You are responsible for the content you publish on any social media platform; everything you post is a reflection of yourself and Inverclyde Council.

ii. No spamming. Do not post the same message, or very similar messages more than once.

iii. Publishing online is permanent - Be mindful that what you publish will be in the public domain for a long time and can appear in search engine results/ user screen grabs even after you delete it.

iv. Respect copyright especially in the use of images or music.

v. External links and sources should be relevant and safe and must not compromise the integrity of the Council.

vi. Respect your audience. Never behave in a manner which would not be acceptable in the workplace or a face-to-face meeting e.g. swearing, personal insults or discrimination.

vii. No defamatory comments. All employees must not make false statements to harm the reputation of an individual, organisation or community. This could in turn damage the Council’s reputation.

viii. Do not advertise products or services.

ix. Do not promote any political parties, candidates, or groups. This is of particular relevance to officers in politically restricted posts, but all other employees must ensure the balance is reached with expressing your personal views and whether this can be misinterpreted and compromise your position as a council employee.

Employees using social media for work purposes, particularly those with any form of enforcement or investigatory role must be aware of what covert surveillance is – this is monitoring someone who is unaware of this to obtain information, usually for a specific investigation, even when this is easy to find or ‘open source’.

Covert surveillance must always be authorised by an Authorising Officer. Further guidance on use of internet or social media for covert purposes can be obtained from both the Council’s Surveillance Policy and Guidelines and the Council’s Guidance on the Use of Social Media. Any employee who thinks that they could be using social media for covert surveillance must first check with their Line Manager or the Authorising Officer for their Service. A list of Authorising Officers or further advice on covert surveillance can be obtained from the Managing Solicitor, (Information Governance).

Where use of social media has been found to be unacceptable, either on the Council network or on the employee’s own personal device/ home computer, disciplinary action may be taken. Inappropriate online behaviour can also result in criminal action or in some instances civil action brought by others. Employees should also be aware that in circumstances where their behaviour is unlawful i.e. involving a hate crime incident such as sectarianism, racism or homophobia, the Council will report this to the Police

**4 ROLES AND RESPONSIBILITIES**

4.1 THE CHIEF EXECUTIVE

The Chief Executive has overall responsibility for the maintenance and operation of this Code of Conduct.

4.2 DIRECTORS

Directors are responsible for setting the strategic direction of their Service consistent with the principles within the code.

4.3 HEADS OF SERVICE

Heads of Service should promote a culture whereby employees are supported to work in accordance with the code.

4.4. SERVICE MANAGERS

Service Managers should ensure employee awareness of key policies, including the Code of Conduct.

4.5 OFFICERS

Officers should be aware of the requirements of the code.

**5 IMPLEMENTATION**

5.1 TRAINING

Specific training on the content of this policy is not planned. However it will be incorporated into wider training on Human Resources policies as appropriate.

5.2 COMMUNICATION OF THE POLICY

The policy will be available on ICON, the intranet, as well as publically via the Council website.

**6 RISK**

6.1 LEGISLATIVE RISK

This policy takes into account the requirements of the The Equality Act 2010, Local Government and Housing Act 1989, and Health and Safety at Work Act 1974.

6.2 WIDER RISKS

Without this policy there is a risk that employee behavious is not to the standards expected. This, in turn, could expose the Council to wider financial, health and safety, reputational or legal risks.

**7 EQUALITIES**

7.1 CONSULTATION AND ENGAGEMENT

This policy was updated in consultation with the cross Service Workforce Development Group, Internal Audit and the Trade Union Liaison Group.

7.2 EQUALITY IMPACT ASSESSMENT

This policy was assessed in relation to the Council’s equality duties. All employees are entitled to use, access and be subjected to the code and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their Protected Characteristics.