

Stirling Council



Code of Conduct

Code Statement

- 1.1 The public expects a high standard of conduct from all local government employees. This Code of Conduct (otherwise referred to as the **Code** or the **Policy**) sets out the minimum standards which are expected of all employees of Stirling Council. This Code also incorporates "The Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life, and has been developed in line with COSLA guidance and in consultation with management and trades unions at Stirling Council.
- 1.2 This Code does not affect the rights and responsibilities of employees under the law. Its purpose is to provide clear standards of conduct which employees must adhere to. Those employees who have any difficulties in meeting the standards of this Code should approach their line manager in the first instance, and then a member of the Service Human Resources (**HR**) team or trade union official for further advice and assistance.
- 1.3 Employees who wish to review any of the associated policies that are referred to in this Code and do not have intranet access, should contact their line manager or Service HR team in order to obtain copies of those policies and/or any relevant information.

2. Scope and Implementation

- 2.1 This Code applies to all employees of Stirling Council.
- 2.2 Every employee will be issued with a personal copy of this Code. New employees will be issued with a copy of the Code during their induction. As employees are expected to comply with the Code, employees should be familiar with its contents and if required seek advice and guidance from their line manager or Human Resources team.
- 2.3 Employees must read, understand and ensure that they comply with this Policy. If any employee is unsure about any part of this Policy or are in doubt about the appropriateness of any action they should discuss with their line manager in the first instance. If any employee needs support or assistance to understand this Policy, they should contact their line manager, trade union representative or HR.
- 2.4 All employees must comply with this Policy, as a breach of this Policy within work but also outside of work if that breach directly impacts on or affects the employee's ability to do their job or otherwise has the potential to impact or damage the reputation of the Council, may result in disciplinary action being taken against the employee up to and including dismissal.

3. Principles

3.1 The Principles of Public Life are: -

- 3.1.1 **Selflessness:** Employees should not take decisions which will result in any financial or other benefit to themselves or family and friends. Workplace decisions should be based solely on the Council's best interests.

- 3.1.2 Integrity:** Employees should not place themselves under any financial or other obligation to an individual which might influence employees in their work with the Council.
- 3.1.3 Objectivity:** In carrying out Council business, including making appointments, awarding contracts, or recommending individuals for awards or benefits, employees must make choices solely on merit.
- 3.1.4 Accountability:** Employees are accountable for their actions to the Council as their employer and should act responsibly in evaluating risks and actions.
- 3.1.5 Openness:** Employees should be as open as possible in all the decisions and actions taken. Reasons should be given for decisions and information should not be restricted unless this is clearly required by Council policy, by the law or when public interest demands. This should however be balanced with the duty on every employee to respect the confidentiality of information which comes into their possession in the course of their work.
- 3.1.6 Honesty:** Employees have a duty to declare any private interests that might affect their work with the Council and to be honest in their working practice.
- 3.1.7 Leadership:** Those employees in a supervisory position, must promote and support these principles by leadership and example and maintain and strengthen the trust and confidence in the integrity of the Council and its employees.
- 3.2** Stirling Council also considers “Respect” to be a key principle for its employees. Employees must respect all other Council employees, Councillors, users of Council services and the general public and treat them with courtesy at all times.
- 3.3** The Council expects all employees to adhere to the principles set out at this Section 3 in carrying out their role with the Council.

4. Personal Conduct

- 4.1** Please be aware that an employee’s behaviour during working hours and in some cases outwith working hours reflects on the image of the Council. Employees are expected to conduct themselves in a positive manner which is consistent with the Council’s policies and procedures. These include, but are not limited to, the Council’s Equal Opportunities in Employment Policy, Information Securities Policy, Social Media Policy, Public Interest Disclosure (Whistleblowing) Policy, Health and Safety Policy and Anti-Fraud, Corruption and Bribery Policy, together with any related employee guidance. Please note that this is not an exhaustive list of Council policies and it is the responsibility of each employee to read and understand the Council’s policies which are applicable to them.

- 4.2 If an employee is arrested or convicted of a criminal offence which may impact on their ability to perform work duties, the employee must advise their line manager or HR immediately. This disclosure does not mean that an employee will automatically be subject to disciplinary proceedings, each situation will be considered on its own merits. If employed in a post which is exempted from the provisions of the Rehabilitation of Offenders Act 1974 (the **1974 Act**), employees must advise their manager immediately in the event that they have been charged with a criminal offence. If an employee is convicted of an offence which is not immediately 'spent' under the 1974 Act then they must, if they have not already done so, immediately inform their line manager of that conviction in the first instance. Please note that in certain cases the police have an obligation to inform the Council directly as the employer of the arrest or of an impending criminal investigation.
- 4.3 If employees working in an occupation with professional standards and codes of conduct are required to register with a professional organisation, employees should be aware that the Council may have a statutory or other obligation to inform the relevant regulating body of any misconduct and, for some bodies, any investigation into misconduct. If this is applicable to the employee's post, the employee's line manager will advise the employee in the event of information being passed onto the relevant regulating body. Any such sharing of information relating to an employee with an external professional organisation will be done in accordance with proper procedures applicable to such referrals. Employees are required to comply with all applicable professional and legal obligations relevant to the work they undertake, including but not limited to professional standards, training and any registration or other requirements set by professional organisations or other external bodies. Employees are responsible for ensuring they are aware of and comply with any such obligations.
- 4.4 Employees who are subject to professional codes of conduct (such as those registered with the General Teaching Council for Scotland, the Scottish Social Services Council or the Law Society of Scotland) must act in compliance with those codes in carrying out their role as an employee of the Council. If any employee is concerned about a conflict between the terms of this Code, and their professional obligations, they should consult with the Chief Officer – Governance, and the Chief Officer – HR/OD, to agree appropriate action.
- 4.5 Employees living within the Council's local authority area, like all other residents, have an obligation to make any payments due to the Council when they are due. If an employee is experiencing difficulties in making payment, helpful advice is available from sources such as Income Maximisation Officers and the Council Tax Department.
- 4.6 Employees must comply with reasonable instructions given to them by their line managers or other relevant managers(s). If an employee considers any such instruction to be unreasonable, they should escalate the matter to an appropriate senior colleague, or seek advice from their trade union representative or from HR.
- 4.7 All employees must adhere to the Council's governance regime, including with the Council's Scheme of Delegation and with decisions or directions of Council, and its sub-committees. An employee must not take any decision in carrying out their job that they are not authorised to take. An employee must not make any representations to a third party on behalf of the Council that they are not authorised to make.

- 4.8 If any employee has a concern that their, or any employee's, conduct may constitute a breach of this Code, they must raise that concern with their line manager or another appropriate person as soon as reasonably practicable. Failure to do so without good reason may in itself result in disciplinary action up to and including dismissal. Employees should refer to and where appropriate act in accordance with, the Public Interest Disclosure (Whistleblowing) Policy. If an employee needs extra support in doing so, they should seek advice from their trade union representative or from HR.

5. Dress Code

- 5.1 The Council requires employees to adopt reasonable dress standards related to the type of work being undertaken. Each Service may have specific reasonable requirements about personal appearance and dress standards. This may include wearing Corporate/Service clothing that is provided. Employees must comply with any specific reasonable requirements regarding dress code which are applicable to them in their role.
- 5.2 Employees must carry their ID badge at all times while at work.
- 5.3 The Council recognises the diversity of cultural traditions and will take account of this when discussing standards of dress.
- 5.4 Where protective and safety clothing is provided to employees, this must be worn and maintained in an appropriate manner, and in accordance with the Council's policy and procedures on the use of personal/protective equipment specific to an employee's role. Failure to do so is a direct breach of the Council's Health and Safety Policy.
- 5.5 Employees must return any Council workwear ID or other equipment or resources belonging to the Council on termination of employment.

6. Relationships

6.1 Elected Members

- 6.1.1 The Ethical Standards in Public Life etc. (Scotland) Act 2000 (the **2000 Act**) introduced an ethical framework in Scotland, key elements of which are statutory Codes of Conduct for Elected Members and a Protocol for relations between Councillors and Employees. The 2000 Act underlines a strong commitment to the promotion of high standards in public life which are at the heart of decision-making in Scotland.
- 6.1.2 As employees go about Council business, Annex C to the Code of Conduct for Councillors - Protocol for Relations between Councillors and Employees (which can be accessed here: <http://www.gov.scot/Publications/2010/12/10145144/11>) should guide behaviour towards Councillors. The Protocol, also sets out how Councillors should behave towards employees.
- 6.1.3 An atmosphere of trust and respect between Councillors and Officers is essential to good local government, with neither party seeking to take unfair advantage of their position. Employees of the Council have a legal, and may

also have a managerial, responsibility to the Council and not to any individual Councillor or political party Groups. The role of the employee is to provide advice and carry out those duties which have been delegated/allocated to them in line with the Council's Standing Orders and Scheme of Delegation.

- 6.1.4 It is clearly important, however, that there should be close, professional working relationships between Senior Officers in particular, and Chairs of Committees and other Senior Elected Members, such as the Leaders of the respective Groups. However, close or personal familiarity between individual Councillors and officers can damage working relationships and could be perceived wrongly or be embarrassing to others. Relationships should never be allowed to become so close, or appear to be so close, as to bring into question employees' ability to deal impartially with other Councillors.
- 6.1.5 The important thing to remember is that employees are first and foremost accountable to the Council through their line manager. Any issue of conflicting priorities, conduct or performance should be referred to their line manager immediately so that appropriate guidance and support can be offered.

6.2 The Public and Service Users

- 6.2.1 Employees may have contact with members of the public, service users, clients or citizens, and should always behave with integrity and in a professional manner. This includes being clear, open and honest. Each member of the public should be treated fairly and equitably.
- 6.2.2 If an employee has concerns about child protection or adult protection arising from something witnessed in the course of their employment, they should refer those concerns to the appropriate Council service or officer (for example, Children or Adult Social Work Services) or, if appropriate in the circumstances, to the appropriate external agency. Further information about such referrals can be found on the Council's website. This general duty is not intended to substitute for any formal referral procedures that exist within Council services.
- 6.2.3 Employees must deal appropriately with any expression of dissatisfaction by a member of the public made to them and, in accordance with applicable complaints procedures.

6.3 Conduct towards Colleagues

- 6.3.1 Employees should also respect each other and behave in an appropriate manner and in accordance with the provisions of the Council's Policy on Equal Opportunities in Employment.
- 6.3.2 Employees should report any instances of discrimination, including indirect discrimination or harassment, within the workplace to their line manager, HR or their trade union representative.

6.4 Partner Organisations

- 6.4.1 The Council is committed to community planning as a foundation for partnership working with partner organisations in the public, private, community and voluntary sectors. The Council is the facilitating body in the Stirling Community Planning Partnership and undertakes its statutory duty with diligence.

- 6.4.2 The Community Planning Partnership will agree a Local Outcome Improvement Plan which outlines the responsibilities of all partners and their individual and collective duties to engage in the process.
- 6.4.3 The Council is also committed to the National Standards for Community Engagement, again as part of its Community Planning responsibilities.
- 6.4.3 Employees may have contact with employees or representatives from third sector organisations, Trade Unions, or other public or private authorities in the course of their work, for example, in connection with Health & Social Care Integration. Employees should always behave with integrity and in a professional manner in all such interactions.

7. Confidentiality

7.1 Maintaining Confidentiality

- 7.1.1 Every employee is required to respect and maintain the confidentiality of all information which comes into their possession or which they otherwise have access to in the course of their work with the Council. This applies equally when employees are at work and in their own time.
- 7.1.2 The Council is bound by the provisions of data protection legislation (see also Section 11.2) in respect of any personal information it holds which relates to individuals. Employees must treat information confidentially, in line with Council procedures including the Personal Data and Information Security Policies, and with applicable data protection legislation (including the Data Protection Act 1998, the General Data Protection Regulation (from May 2018) and the new Data Protection Act (when enacted)). There are specific restrictions on the use and disclosure of information relating to individuals and guidance should be sought from the Council's Records & Information Compliance Team by any employee who is considering disclosure of such information.
- 7.1.3 Employees must never access any personal information that they are not required to access in connection with their role with the Council, or intentionally access any information which relates to someone with whom they have a close connection to outside of work.
- 7.1.4 Employees must not disclose any personal data that they have obtained in the course of their work. Employees must not breach confidentiality or share or supply any information, including information concerning employees or service users, out with the Council except as required by law or as authorised by the Council's Records & Information Compliance Team. Personal data must be disclosed only with great care and only in specific circumstances in accordance with the Council's Personal Data Policy, normally after discussion with the Council's Records & Information Compliance Team.
- 7.1.5 This general duty of confidentiality has to be balanced against the Council's responsibilities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, which require the Council to be as open as possible. Also relevant is the Protection of Vulnerable Groups (Scotland) Act 2007 (**2007 Act**), which places a statutory duty on the Council to make a referral to Scottish Ministers regarding a person carrying out regulated work in a position with children or protected adults, in certain defined circumstances. Employees who carry out regulated work and/ or who have managerial responsibility for those carrying out regulated work should be aware

of the terms of the 2007 Act. Employees should generally not make a determination themselves about releasing information under the above legislation but should refer the matter either to their line manager or if appropriate in compliance with the Council's procedures for dealing with information requests.

7.2 Committee Proceedings

7.2.1 In carrying forward the Council's strategic aim of local democracy and community leadership the Council seeks to provide information on its decision-making process to the public in an open and accessible way. Information is provided to the public through the publication of agendas, supporting reports and minuted decisions on the Council's website.

7.2.2 Although the Council seeks to take its decisions in public it is sometimes necessary, for contractual or various other reasons, to reach decisions in private. These reasons are specified in the provisions of the Local Government (Scotland) Act 1973, further details of which are also found in Section 11.1. If a decision has been taken in private under the provisions of this Act employees of the Council should not discuss the decision or supporting information in public.

7.2.3 As a result of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, in certain circumstances such information may be made available if it is requested. Any requests for information that are being considered in private by Council or Committee should be directed to the Council's Chief Governance Officer for consideration.

7.3 Personal Information Relating to Employees

Employees must not pass on to any third party any information in relation to another employee which is retained by the Council, for example home addresses and next of kin, without the prior consent of the employee to whom the information relates. This will not apply however, where there is a legal duty to provide the information or in an emergency situation where it is necessary to communicate the relevant information.

8. Political Neutrality

8.1 Local Government employees should carry out their duties and serve the Council and all Elected Members in a politically neutral way and regardless of their personal political outlook. A number of posts are "politically restricted" in terms of the Local Government and Housing Act 1989, and such employees will have been advised where appropriate. In these cases, employees are disqualified from becoming or remaining a member of a Local Authority, the Scottish Parliament, the House of Commons or the European Parliament, and from carrying out certain political activities.

8.2 Employees asked by an Elected Member to provide assistance with a matter which is clearly party political, or which does not have a clear link with their role/work, should politely refuse and explain that the matter has to be referred to their line manager. Annex C of the Code of Conduct for Councillors as referred to at 6.1.2 above should be referred to and complied with in these situations.

- 8.3 Some employees will have a close working relationship with Elected Members of the majority group(s) which form the Administration of the Council. Employees might be approached by political groups or Elected Members seeking advice, in which case the following procedure should be adopted:

8.3.1 The office bearers of the political group should contact the Chief Executive and outline the type of advice they are seeking.

8.3.2 The Chief Executive will decide whether or not attendance at the meeting is appropriate and which employee(s) should attend.

8.3.3 Once the employee has given advice to the group, he/she must leave the meeting before any decision is made.

8.3.4 Strict confidentiality must be observed by the employee. The discussion in one political group must not be revealed to another.

- 8.4 Section 8.3 is not intended to apply to Elected Member enquiries which are directed to Council employees to respond to, in accordance with proper procedure.

9. Conflict of Interest

9.1 Private Interests

- 9.1.1 Employees have an obligation to act in the best interests of the Council and to avoid situations in which there might be a potential conflict of interest. Employees must not allow any private interest to influence the decisions they take in their role as an employee of the Council.
- 9.1.2 If an issue or item of work involves an employee's private interests, or those of a relative, friend, associate or external organisation with whom the employee has a close connection, information of any such connection should always be passed on to their line manager as soon as reasonably practicable when the employee becomes aware of the issue, so that employees cannot be accused of putting other interests before those of the Council. Employees in any doubt about the relevance of private interests, should clarify the position with their line manager. This Code does not attempt the task of defining "relative" or "friend" or "associate". Not only is such a task fraught with difficulty but is also unlikely that such definitions would reflect the intention of this part of the Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting an employee's responsibilities as an employee of the Council in carrying out their role.
- 9.1.3 A conflict of interest could also occur when an employee has access to Council information and passes this information to a relative, friend, associate or external organisation with whom they have a close connection, who then may, or may be reasonably be perceived to, benefit from receipt of this information. Employees must not share any information learned in the course of their employment with any such persons or bodies.

- 9.1.4 It is the responsibility of each employee to declare any actual or potential conflict of interest to their line manager. If an employee is in any doubt as to whether an actual or potential conflict of interest exists, they should discuss with their line manager. On being notified of any conflict of interest or potential conflict of interest, a line manager should take appropriate action.
- 9.1.5 If a line manager becomes aware of any actual or potential conflict of interest in respect of any employee which has not been disclosed to them by that employee, they will raise the matter with the employee and take appropriate action.

9.2 Contracts

- 9.2.1 Employees must be fair and impartial in the procurement process and in their dealing with contractors, sub-contractors and suppliers.
- 9.2.2 Employees completing any procurement process must ensure full compliance with EU Public Procurement Directives, UK and Scottish legal frameworks, Stirling Council's Contract Standing Orders and Best Value legislation and regulation. That includes a requirement to be open, transparent and accountable in every process and to ensure that discrimination of any kind is totally excluded from every process by ensuring every company is treated fairly and equally.
- 9.2.2 Employees must not accept any gift or consideration of any kind as an inducement or reward in relation to any aspect of any contract. This is not to be interpreted as preventing employees from accepting basic hospitality such as tea, coffee or sandwiches during meetings that may take place in accordance with the proper process for determining the award of any contract.
- 9.2.3 If an employee becomes aware of any attempts that may reasonably be perceived as trying to influence the award of any contract, they should notify their line manager as soon as practicable.
- 9.2.4 Employees have a strict obligation to notify their Director, in writing, where the Council has, or is about to, enter into a contract in which they or any member or their family has a personal financial interest, whether direct or indirect.
- 9.2.5 Employees must not disclose information of a contractual or non-contractual nature or information relating to internal or external contractors to any individual or organisation unless specifically authorised to do so by their relevant Director or Senior Manager. Any enquiry for information must be directed to the Records & Information Compliance Team.
- 9.2.6 It is inappropriate for one person to be both the client and contractor in a procurement exercise as this presents a potential conflict of interest and as such requires a separation of duties. If an employee is required to open a tender they must not have responsibility for accepting and/or evaluating any subsequent tender submissions.

9.3 Membership of Private Clubs/Organisations or Work with Voluntary Groups

- 9.3.1 Employees who are a members/volunteer with private clubs/voluntary organisations, should ensure that there is no conflict of interest between that

role and their employment with Stirling Council. Employees concerned about a potential or actual conflict of interest must disclose that to their line manager. That duty still applies even where membership of organisations/clubs is not open to the public.

- 9.3.4 Employees must declare to their line manager as soon as they become aware of any conflict of interest, or potential conflict of interest, between their private membership of any club or role in any external organisation, and their role as an employee of the Council.
- 9.3.2 For the avoidance of doubt, employees must not be members of proscribed organisations, which are identified as such under the Terrorism Act 2000.

9.4 The Giving of Lectures, Broadcasts, Publications and so on

- 9.4.1 The Council will normally allow employees to accept invitations to give lectures appropriate to their professional/occupational standing. However, employees should obtain prior written approval (for example, via email) from their line manager.
- 9.4.2 Any fees received by employees for lectures, presentations, broadcasts, publications or similar activities carried out within normal working hours which are connected to the carrying out of the employee's duties in their role with the Council, excluding any out of pocket expenses incurred by the employee, will be paid to the Council. Employees must disclose all such activities and any fees associated with those activities to the Council.
- 9.4.3 Any lectures, presentations, broadcasts, publications or similar activities which are undertaken by employees during normal working time but which are not part of employment duties must be agreed in advance with the employee's line manager. Any time off for such activities should be taken as annual leave or under other arrangement agreed with the employee's line manager.
- 9.4.4 This section of the Code is not intended to apply to any seminar or presentation that an employee carries out as a normal part of their employment with the Council. That determination will be one for the employee's service to make.

9.5 Employment outside the Council

- 9.5.1 Secondary employment may be acceptable so long as it meets the requirements of the Council's policy on secondary employment. Employees are responsible for bringing to their line manager's attention any paid or unpaid work that they want to undertake or are undertaking. This is to ensure that there is no issue which would require further consideration by their line manager. Such consideration would include exploring how the secondary employment may impact on the employee's ability to fulfil work duties with the Council, and how it impacts on the Council's duties to the employee under the Working Time Regulations 1998.
- 9.5.2 Written agreement must be obtained from an employee's line manager for secondary paid employment. Agreement will normally be given, so long as no conflict of interest is presented and provided that the secondary employment is not likely to impact on their role with the Council. A record of this written agreement will be kept in an employee's personnel file. Any line manager should escalate the matter to more senior management within their

Service and/or to the Service HR Team where they have any concern as to the Council's agreement to the secondary employment.

9.6 Community Emergency Services

- 9.6.1 Employees who wish to participate in community emergency services or to commit to any independent role or service that may require their immediate attention during their working hours with the Council (for example retained fire fighters) should first obtain written agreement from their line manager to attend emergencies which occur within normal working hours. A record of this written agreement will be kept in employees' personnel files.

9.7 Employment Matters

- 9.7.1 Employees should not be involved in appointments or decisions about discipline, grievance, promotion, grading of a post, or payment of any monies to any person to whom the employee has a close relationship with outside of work.
- 9.7.2 Employees must not lobby a Councillor or another employee, directly or indirectly, to secure their appointment or promotion, or that of another person.

10. Use of Council Resources and Equipment

- 10.1 Employees must ensure that any public funds entrusted to them are used in a responsible and lawful manner. Employees must authorise, administer and otherwise deal with all funds in the course of their employment appropriately and in accordance with applicable service procedures.
- 10.2 One of the principal aims for the Council with regards to Best Value is that we manage and utilise our resources (including our time) properly and effectively, and ensure that high quality services are there when they are needed at the best possible cost. All employees have an individual responsibility to ensure that Best Value is delivered.
- 10.3 Employees wishing to use Council equipment to, for example, work at home must obtain permission from their line manager and have any relevant equipment logged out in accordance with the requirements applicable to that piece of equipment.
- 10.4 Employees are not permitted to use the equipment and resources of the Council in any secondary employment or for personal gain. For the avoidance of doubt, this is not intended to apply to any equipment or resources that belong to an employee.

11. Disclosure of Information

11.1. Local Government (Scotland) Act 1973 (the 1973 Act)

- 11.1.1 The Council's policy on disclosure of information is based on the Local Government (Access to Information) Act 1985 which details the rights of members of the public to attend Council meetings and to inspect documents and papers.

- 11.1.2 These principles apply unless the information is deemed to be "confidential" or "exempt" in terms of the 1973 Act. Council employees are legally required to comply with the provisions of the 1973 Act. "Confidential" information is generally information supplied to the Council by a government resource which forbids its disclosure, or where disclosure is prohibited by a court order. There are 15 categories of "exempt" information including information about past and present employees, office holders, recipients of services or relating to the adoption, fostering or education of any particular child.
- 11.1.3 As well as having the same rights as members of the public in this regard, Elected Members have the right of access to information on a "need to know" basis.
- 11.1.4 Employees should seek advice from the Chief Governance Officer if in any doubt as to what may constitute "confidential" or "exempted" information, or a "need to know" basis.

11.2 Data Protection Legislation

- 11.2.1 Data protection legislation (currently the Data Protection Act 1998, but from May 2018 the General Data Protection Regulation and thereafter the new Data Protection Act) regulates the processing of personal information and allows any person to find out what information about them is held on computer and in paper records. This is called the 'right of subject access'. Employees must refer all subject access requests to the Records & Information Compliance Team as soon as practicable on receipt. Employees should not individually respond to any such request. If an employee is unsure whether a request for information constitutes a subject access request, they should contact the Records & Information Compliance team for advice.

11.3 Freedom of Information (Scotland) Act 2002 (the FOI Act) and the Environmental Information (Scotland) Regulations 2004 (the Environmental Regulations)

- 11.3.1 The FOI Act and the Environmental Regulations provide rights of access to recorded information held by the Council as a public authority. The Council must consider disclosing any information requested, subject to any applicable exemptions in the FOI Act or the Environmental Regulations. The Council is under an obligation to provide any such information within a defined timescale. Employees must therefore refer all freedom of information requests or requests under the Environmental Regulations to the Records & Information Compliance Team as soon as practicable on receipt. Employees should not individually respond to any such request. If an employee is unsure whether a request for information constitutes a freedom of information request or a request under the Environmental Regulations, they should contact the Records & Information Compliance team for advice. Employees must bear in mind in carrying out their roles that any written records, including emails, notes, minutes and reports produced by them may be subject to public disclosure under the above legislation.
- 11.3.2 Employees must comply appropriately and in line with any timescales imposed, with any requests from the Records & Information Compliance Team or otherwise communicated to them by another employee acting to progress an information request on behalf of the Council.

11.4 Contact with the Media

- 11.4.1 Employees should only have contact with the media in the course of their employment if such contact has been approved in advance by their Director or Senior Manager. Employees must comply with the Council's Media Policy.
- 11.4.2 Any employee authorised to have contact with the media, must approach any such contact professionally.
- 11.4.3 The Communications Team should be the principal point of contact for all media enquiries. Employees should refer media enquiries to the Communications Team.
- 11.4.4 The provisions at 11.4.1 – 11.4.3 do not apply where an accredited trade union representative or official contacts the media in that capacity and not in their capacity as an employee of the Council.
- 11.4.5 Any employee wishing to disclose information to the media in the public interest should consult the Council's Public Interest Disclosure (Whistleblowing) Policy.

11.5 Social Media

- 11.5.1 Employees must comply with the Council's Social Media Policy, to the extent that it is relevant to their conduct whilst at work, and potentially also outside of work. Employees must act in compliance with that policy in their use of social media.

11.6 Confidential Procedure for Reporting Concerns at Work ("Whistleblowing")

- 11.6.1 Employees who become aware of any wrongdoing, malpractice or improper behaviour within the Council, should raise the matter under the Council's Public Interest Disclosure (Whistleblowing) Policy under the Public Interest Disclosure Act 1998, employees are protected from dismissal or any other detriment because they have disclosed information, as long as the information disclosed falls into a specified category and is disclosed in a specific manner. Employees are encouraged to disclose information through the appropriate internal channels in the first instance, in accordance with the Council's Public Interest Disclosure (Whistleblowing) Policy, rather than going directly to an outside person.

12. Rights as an Employee

12.1 Expression of Personal Views

- 12.1.1 Employees are entitled to express views about the Council and to participate in local democratic debate. However, employees must not make use of any information gained through working for the Council when doing so. Employees must not release any information which is not in the public domain which was made available to them in the course of their employment. Employees must not promote views which may undermine public confidence in the Council.
- 12.1.2 Employees who hold a politically restricted post must not to speak in public in favour of any particular political party.
- 12.1.3 Whilst acting in their capacity as employees of the Council employees must not criticise any aspect of the Council's activities through the media, at a public

meeting or in any written or verbal communication with members of the public. It is the responsibility of each employee to ensure that their personal views could not reasonably be viewed as representing the Council's position. However, when acting in a private capacity and not as an employee of the Council, employees are not prevented from commenting on the Council's activities as they relate to their personal lives.

- 12.1.4 These provisions (at 12.1.1 – 12.1.3) are not intended to limit the activities of or comment by accredited Trade Union officials or representatives when acting in that capacity.

12.2 Access to Councillors

- 12.2.1 Employees can raise with their Councillor any complaint which they have as a private individual using the service in question.
- 12.2.2 Employees must not raise any issues relating to their employment directly with Councillors. If the complaint concerns any aspect of their work with the Council, this should be pursued through their line manager and/ or through the Council's Grievance Policy, as appropriate.

13. Gifts and Hospitality

13.1 Receipt of Gifts and Hospitality

- 13.1.1 As a general rule, employees should not accept gifts, gratuities or hospitality from any service user, customer, supplier or business organisation other than a token item. Any gifts which are offered or accepted should always be disclosed to an employee's line manager and registered in line with the requirements of their service. The procedure concerning Gifts and Hospitality should be adhered to by all employees (see Appendix 1).
- 13.1.2 The Chief Governance Officer shall maintain a central register of any Gifts and/or Hospitality offered to and/or received by the Chief Executive, Directors or any Senior Manager/ Chief Officer. For all other employees, the Senior Manager of their service is responsible for making arrangements in respect of their service regarding the establishment and maintenance of such a register.

13.2 Corruption

Employees must not during the course of their employment with the Council 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 for corrupt purposes. As well as an internal disciplinary investigation which could lead to sanction up to and including dismissal, this could also lead to a criminal investigation by the police. Employees must comply with the Council's Anti-Fraud Corruption and Bribery Policy.

13.3 Corporate Sponsorship

- 13.3.1 This section is not intended to relate to any personal charitable sponsorship between employees.

- 13.3.2 This section provides employees with guidance on relationships with existing and potential sponsors. The intention, in all cases, is to enhance provision of the Council's services and activities.
- 13.3.3 To sponsor something is to support an asset, event, activity, person, or organisation financially or by providing products or services. It can be defined as "a business relationship of mutual benefit involving the transference of funds, resources or services from the sponsor to the sponsored party in return for an association which is to the mutual satisfaction of both parties".
- 13.3.4 The Council welcomes opportunities to work in sponsorship partnerships. It should not, however, put itself or the sponsoring partner in a position where it might be said that such a partnership has or may thought:
- 13.3.4.1 to have influenced the Council, or its Officers, in carrying out its functions;
 - 13.3.4.2 was in order to gain favourable terms from the Council in any business or other agreement;
 - 13.3.4.3 to have aligned the Council with any organisation which conducted itself in a manner which conflicted with Council priorities and values. In connection with this, the Council will not consider agreements for advertising or sponsorship from:
 - 13.3.4.4 to include organisations not complying with the Code of Practice of the Advertising Standards Authority. (The Advertising Codes contain wide ranging rules designed to ensure that advertising does not mislead, harm or offend. Advertisements must be socially responsible and prepared in line with the principles of fair competition. These broad principles apply regardless of the product being advertised.);
 - 13.3.4.5 to include organisations known to be in financial or legal dispute with the Council;
 - 13.3.4.6 to include organisations which knowingly support or are associated with a particular political party and/or viewpoint;
 - 13.3.4.7 to include organisations whose purpose or operation may reasonably be considered to be inconsistent with the Council's values (for example, organisations known to be involved in the production of weapons or cigarettes).
- 13.3.5 Content that is not permitted for advertising or sponsorship includes, but is not limited to, content that contains, infers or suggests any of the following:
- 13.3.5.1 advocacy of, or opposition to, any politically, environmentally or socially controversial subjects or issues;
 - 13.3.5.2 disparagement or promotion of any person or class of persons;
 - 13.3.5.3 promotion or incitement of illegal, violent or socially undesirable acts;
 - 13.3.5.4 promotion or availability of tobacco products, weapons, gambling or illegal drugs;
 - 13.3.5.5 advertising of financial organisations and loan advancers with punitive interest rates;
 - 13.3.5.6 promotion or availability of adult or sexually orientated entertainment materials;
 - 13.3.5.7 advertising that infringes on any trademark, copyright or patent rights of another company; or
 - 13.3.5.8 claims or representations in violation of advertising or consumer protection laws.

- 13.3.5 The Council aims to adopt a consistent, and coordinated approach towards seeking sponsorship. The Council requires to ensure that Best Value is obtained and provided in all agreements. The Council's position and reputation should be protected in sponsorship agreements. The Council will ensure that any proposed arrangements do not constitute unlawful financial aid. Where necessary, the Council will seek legal, planning, procurement or other professional advice prior to approval.
- 13.3.6 No employee can offer or accept sponsorship, funding or other support to or from any external organisation, company or individual on the Council's behalf without authorisation from the relevant Senior Manager. Committee authorisation may be required for certain sponsorship arrangements.
- 13.3.7 Subject to 13.3.6 above, in considering whether an offer or acceptance of sponsorship is appropriate Council Officers must, in addition to those listed above, act in accordance with the following provisions:
- 13.3.7.1 Sponsorship must be of specific assets, events, activities or programmes and not of people;
 - 13.3.7.2 Sponsorship, funding or support must be aligned with the Council's Key Priorities;
 - 13.3.7.3 Ensure that a risk assessment is completed for any sponsorship proposal;
 - 13.3.7.4 Adhere to the principles of transparency and clear reporting and ensure a project management approach is applied to any sponsorship arrangement;
 - 13.3.7.5 Ensure the Council's Communications Team is notified from the outset of any sponsorship proposal;
 - 13.3.7.6 Any sponsorship, funding or support arrangement must not be prohibited by law, for example by the Local Government Act 1986;
 - 13.3.7.7 Reasonable steps should be taken to ensure that the organisation, company or individual to or from whom the Council is to provide or accept sponsorship, funding or support does not have any public views or associations which would, or would be likely to, impact negatively on the Council as a result of any sponsorship association;
 - 13.3.7.8 Reasonable steps should be taken to ensure that individuals or organisations entering into a sponsorship arrangement with the Council disclose any current regulatory applications/consents relating to them in respect of the local authority area (including any planning applications or planning matters), or if the individual or organisation is involved in any current dispute with the Council, or if there are outstanding debts owed to the council;
 - 13.3.7.9 Reasonable steps should be taken to ensure that the asset, event or activity for which the Council is to provide or accept sponsorship, funding or support does not have any public associations which would, or would be likely to, impact negatively on the Council as a result of any sponsorship association;
 - 13.3.7.10 Sponsorship should not imply endorsement of a product, company, organisation or individual by the Council and any associations with external organisations, companies or individuals by the Council should be proportionate so as not to suggest such an endorsement;
 - 13.3.7.11 Sponsorship for any asset, event or activity which involves children should be referred to the Chief Education Officer and/or

the Chief Social Work Officer, as appropriate, particular care must be taken that sponsorship relating to any event which involves children is appropriate and that the nature of the organisation, company or individual's business or interests is one which is appropriate to be associated with children;

13.3.7.12 The provisions regarding Private Interests at 9.1 apply equally in relation to sponsorship. Employees who have such an association, or who may reasonably be viewed as having an association, with an organisation, company or individual should not be involved in taking any decisions as to sponsorship relating to that organisation, company or individual;

13.3.7.13 Sponsorship should not place Councillors, employees or the Council under undue obligation; and

13.3.7.14 Sponsorship should be used to add value, in addition to core funding making it possible to extend assets, events, activities or projects;

13.3.7.15 Sponsorship arrangements, once approved by the relevant Senior Manager, should be enforced via a Sponsorship Agreement which ensures transparency and contains clear statements of objectives and benefits achieved.

14. Operation of Council Policies

14.1 Employees involved in the administration or enforcement of any of the Council's policies or procedures must do so fairly and equitably.

15. Equal Opportunities

15.1 Stirling Council is committed to being an equal opportunities employer with a diverse workforce. Matters related to employment are decided on the basis of qualifications, merit and business need.

15.2 The Council has a legal requirement to adhere to all anti-discrimination legislation, which currently includes all the protected characteristics under the Equality Act 2010, namely: gender, sex, race, age, disability, sexual orientation, pregnancy and maternity, religion or philosophical belief, marriage and civil partnership and/ or gender reassignment. The Council will continue to incorporate other discrimination legislation into its policies and practices as and when they become law.

15.3 The Council also recognises that there are other reasons, some which may not be directly covered by anti-discrimination legislation, which may lead to individuals being unfairly treated, for example domestic circumstances, cultural belief, employment status, or being Aids or HIV positive. The Council aspires to counter all unfair treatment and will work towards not only ensuring that it is compliant in terms of the relevant legislation but also able to reflect and demonstrate best practice as an equal opportunities employer with a diverse workforce.

15.4 Employees must not discriminate against others in any way in the course of their employment in connection with any of the protected characteristics under the Equality Act 2010 as listed at 15.2, or otherwise.

- 15.5 The Council is also committed to tackling harassment, bullying and victimisation at work, all of which are viewed as matters of serious concern. Employees must not harass or bully other employees or any individual who they come across in the course of their employment. Employees should refer to the Council's Grievance Policy when wishing to raise a complaint regarding harassment or bullying, as well as raising the matter with their line manager, trade union representative or HR Adviser, as appropriate.

16. Implementation and Review

- 16.1 This Code will be reviewed on an ongoing basis in order to ensure that it remains relevant and up to date. The Chief Governance Officer will have responsibility for undertaking a review of the Code not less than every two years, in consultation with management and trade unions. Updates to this Code required by law may not require full consultation with management and trade unions.
- 16.2 All employees are encouraged to contribute their ideas about any changes necessary to achieve full equality of opportunity in employment or regarding the promotion of standards for employees by writing to the Chief Governance Officer.

Procedure for Gifts and Hospitality**SECTION 1 - INTRODUCTION**

- 1.1 The following guidelines provide a general approach that employees should follow when in the position of receiving or offering gifts or hospitality in connection with the work that they do on behalf of Stirling Council.
- 1.2 Gifts and hospitality may be offered to employees during the course of their employment, either as a personal gift from an individual such as a service user (a member of the public, a parent or a school pupil), or as a corporate gift on behalf of an organisation or business such as a customer or supplier. It is important that the following procedures and rules are adhered to by all employees.
- 1.3 The term “gift” includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.
- 1.4 The guidelines have been adapted from Section 3 of the national Councillors’ Code of Conduct.
- 1.5 Whilst the guidelines provide a minimum set of rules based on a reasonable and practical approach in this matter, they may not account for every eventuality that may occur across each Service. It is therefore necessary that employees always consult with their line manager to ensure that they comply with any Service specific rules or guidelines that apply to them.

SECTION 2 - GENERAL RULES**2. The offer of gifts and hospitality**

- 2.1 As a general guide, it is usually appropriate to refuse offers of gifts or hospitality. However, the Council does recognise that there are occasions when offers of gifts, (often these are token gifts) or hospitality are made, usually as a gesture of gratitude for an activity that an employee has carried out or as a gesture of seasonal goodwill. (Examples of token gifts include inexpensive pens, office desk accessories such as paperweights, diaries, calendars, a box of chocolates, or flowers. Note that this is not an exhaustive list). Civic gifts are also offered on behalf of the Council. The Council recognises that in some cases refusal may be considered to be discourteous or impolite.
- 2.2 Employees must never ask for or encourage anyone to offer them gifts, hospitality or other personal benefits from any organisation or individual in connection with their duties.
- 2.3 Employees must not accept repeated gifts or hospitality from the same source.
- 2.4 Employees must not accept any offer by way of gift or hospitality which could give rise to a reasonable suspicion of influence on their part to show favour.
- 2.5 Employees must not during the course of their employment with the Council receive or give any gift, loan, fee, reward or advantage for doing, or not doing,

anything, or for showing favour or disadvantage to any individual or organisation. If corruption is found this could also lead to a criminal investigation by the police.

- 2.6 Employees must also consider whether there are any reasonable perceptions that any gift received by their spouse or cohabitee, or by any company in which they have a controlling interest, or by a partnership of which they are a partner, may be seen to influence their judgement.

3. Advise line management

- 3.1 If an employee has been offered any gift or hospitality other than a token gift, whether as a personal or corporate gesture, they must disclose it to their line manager. If an employee is not aware of any Service specific guidelines that may apply to their type of work, they should always consult their line manager for advice, in advance where possible, of accepting any gifts or hospitality. An employee can then be advised on the appropriate response.
- 3.2 In the absence of being able to contact their line manager or another appropriate manager, employees should only accept offers of gifts or hospitality if they can answer 'Yes' to the following questions:-
- 'Can I justify this?' and
 - Have I referred to the Council's procedures relating to Gifts and Hospitality?
- 3.3 Employees should always err on the side of caution and inform their line manager afterwards if it has not been possible to do so before. Gifts may be politely returned if an employee's acceptance of them is not considered appropriate.

4. Donations of money

- 4.1 As a general rule, employees must not accept money if offered or given and under no circumstances must they keep or spend money that they have been offered/given.
- 4.2 It is, however, important to maintain the trust and integrity that employees have developed with their service user and to limit any offence that refusal might cause. Employees will normally be able to identify the most appropriate response to such expressions of gratitude with guidance from their line manager.
- 4.3 There are, however, two responses which depending on the circumstances may be reasonable. Employees must always consult with their line manager to ensure that the appropriate approach is followed.
- 4.3.1 The first response is to decline or return any money that has been offered/given to them. Employees should politely decline the offer of money at the point it is being offered to them, explaining that it is not Council policy to accept offers of money.

If the money has been sent to an employee or left for them, then they should return the money by registered post and include a letter to the individual which:

- confirms receipt of the money and the amount
- expresses the employee's appreciation
- explains why the employee must decline.

Employees should also sign and date the letter and have it counter-signed by their line manager before sealing. This is to ensure that they have a witness to their actions which protects them from any possible recrimination.

- 4.3.2 In exceptional circumstances and only after discussion with their line manager, the second response, which is acceptable for an employee to follow only where an offer of money up to a maximum value of £10.00 is made/received, is to donate the money to a charity that the employee's Service or the Council sponsors.

In this case the process to follow is to write a letter to the individual who gave the money:

- confirming receipt of the money and the amount
- expressing the employee's appreciation
- informing them that the money will be used as a donation for charity, specifying the charity.

As with returned donations of money, employees should also sign and date the letter and have it counter-signed by their line manager before sealing. This is to ensure that they have a witness to their actions which protects them from any possible recrimination.

5. Corporate gifts or hospitality

- 5.1 Generally any offer of a gift or hospitality made to employees at work on behalf of another organisation, and which the organisation pays for, is considered as a 'corporate' gift or hospitality.
- 5.2 Corporate gifts may include items of token value, such as mugs, inexpensive pens or desk accessories such as paperweights, and usually they carry the logo of the company who has provided the gift. Frequently however, corporate gifts are expensive and may include bottles of whisky, expensive pens or expensive desk accessories. Note that this is not an exhaustive list and employees are required to exercise reasonable judgment as to what constitutes a 'corporate gift'.
- 5.3. Corporate hospitality may include offers of lunch, a golfing outing, the corporate box at football, or a day at the races. Note that this is not an exhaustive list and employees are required to exercise reasonable judgment as to what constitutes 'corporate hospitality'.
- 5.4 Employees should only accept offers to attend social or sporting events where these are clearly part of the life of the community or where the Council would be expected to be represented. Before accepting any such invitation employees must seek specific authority from their Service Director or Senior Manager.
- 5.5 If employees are making a visit to inspect equipment, vehicles, schools, land or property with a view to possible purchase on behalf of the Council, or to attend meetings to discuss such matters, employees must ensure that the Council meets the costs. This section is not to be interpreted as preventing employees from accepting basic hospitality such as tea or coffee when appropriate to do so whilst visiting any external premises in the proper course of their employment.

6. Tendering for contracts and awaiting decisions

- 6.1 Employees must not accept an offer of a gift or hospitality from any company which is in negotiation with, or tendering for, a contract with the Council.
- 6.2 Employees must not accept any offer of a gift or hospitality from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council.

7. Registration of gifts or hospitality

- 7.1 In accordance with the Council's Financial Regulations, employees must declare any offer of a gift or hospitality, whether accepted or not, to their Director in line with Service requirements. The Registration of Offers or Acceptance of Gifts and Hospitality form should be completed. A copy of this Form is included as Appendix 1b.
- 7.2 A central registrar is held by the Chief Governance Officer in respect of gifts or hospitality received by or offered to the Chief Executive, Directors and Senior Managers/ Chief Officers. Each Senior Manager is responsible for recording any notifications of receipt or offers of gifts or hospitality in respect of employees within their Service. These records will be made available for audit and public inspection.

8. Exceptional circumstances

- 8.1 Whilst these guidelines do not pertain to every eventuality, it has been known for service users to make donations, perhaps of cash, furniture or books, to a particular team, or establishment, such as a school.
- 8.2 Such gifts should only be accepted following consultation with an employee's Service Director and will become the property of the Council. Directors or, if appropriate, Senior Managers, will maintain a record of the receipt of such official gifts. Such gifts cannot be received on behalf of a specific individual, but may be able to be received on behalf of the Council or a specific establishment or service within the Council.

9. Offering gifts or hospitality on behalf of Stirling Council.

- 9.1 There may be occasions when it is appropriate and acceptable for employees to offer gifts or hospitality. However, as with receiving gifts or hospitality, at no time must employees offer gifts or hospitality to any company which they have entered into a contract tendering relationship with. This section is not to be interpreted as preventing employees from offering basic hospitality such as tea or coffee to external parties/ representatives when appropriate to do so in the proper course of their employment.
- 9.2 In all circumstances employees must seek full written permission from their Director before making any offer of gifts or hospitality.

Employee Name:							
Designation:							
Service:							
Name of Line Manager:							
Date when offered:							
<p>Please tick appropriate boxes</p> <table border="0"> <tr> <td>• Hospitality Offered to you <input type="checkbox"/></td> <td>Gifts Offered to you <input type="checkbox"/></td> </tr> <tr> <td>• Hospitality Received by you <input type="checkbox"/></td> <td>Gifts Received by you <input type="checkbox"/></td> </tr> <tr> <td>• Money/cheque/voucher <input type="checkbox"/> offered to or received by you</td> <td>To the value of £ _____</td> </tr> </table>		• Hospitality Offered to you <input type="checkbox"/>	Gifts Offered to you <input type="checkbox"/>	• Hospitality Received by you <input type="checkbox"/>	Gifts Received by you <input type="checkbox"/>	• Money/cheque/voucher <input type="checkbox"/> offered to or received by you	To the value of £ _____
• Hospitality Offered to you <input type="checkbox"/>	Gifts Offered to you <input type="checkbox"/>						
• Hospitality Received by you <input type="checkbox"/>	Gifts Received by you <input type="checkbox"/>						
• Money/cheque/voucher <input type="checkbox"/> offered to or received by you	To the value of £ _____						
<p>Please record details of the gifts or hospitality which was offered to you, or received by you. This should include an accurate description of the gift(s)/hospitality, who offered this to you, why this was offered and an estimate of the value of the gift(s)/hospitality.</p>							
<p>Please record any action that you have taken</p>							
<p>Continue on a separate sheet if necessary</p>							
Employee Signature:	Date:						
Line Manager/Delegated Authority Signature:	Date:						