

DATA LABEL: PUBLIC



POLICY DEVELOPMENT AND SCRUTINY PANEL

EMPLOYEE CODE OF CONDUCT

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To present to the Panel, a revised Employee Code of Conduct.

B. RECOMMENDATION

It is recommended that the Panel considers the revised Employee Code of Conduct for referral to Council Executive for approval.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none"> • Focusing on our customers' needs • being honest, open and accountable • providing equality of opportunities • making best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Review of the Employee Code of Conduct is required annually and reported to the Governance and Risk Board and Governance and Risk Committee.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	None to date.
VIII Other consultations	The recognised Trade Unions will be consulted on the proposed revisions to the Employee Code of Conduct. The council's Governance Manager.

D. TERMS OF REPORT

D.1 Background

[The Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(“the Act”\)](#) provides a framework to encourage, and where necessary enforce, high ethical standards in public life.

The Act established the Councillors’ Code of Conduct. A revised 2021 Code effective from 21 December 2021 has been issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

It is the 2021 [Councillors’ Code of Conduct](#) that provides the basis for the revised Employee Code of Conduct as appended to this report. It should be noted however, that the changes to the Employee Code of Conduct do not alter the obligations that it places on staff in the Code itself or other documents that it references.

D.2 Employee Code of Conduct

Key to reflecting the 2021 Councillors’ Code of Conduct in the Employee Code of Conduct is the Protocol for Relations Between Councillors and Employees contained in Appendix 2 and extracted from the Councillors’ Code itself.

The rules of the Protocol for Relations Between Councillors and Employees are likewise reflected in the Code of Conduct for Working with Councillors (Appendix 1 of the Employee Code of Conduct) therefore helping to secure the relationship of trust and respect between Councillors and council officers which is essential to achieving best value.

In reviewing the Employee Code of Conduct, the opportunity was also taken to reflect the council’s Officer/Member protocol in section 4.2 with regard to sharing information with councillors and section 15 on political neutrality.

D.3 Corporate Governance

The Employee Code of Conduct is listed for review each term and reported to the Governance and Risk Board and Governance and Risk Committee.

Therefore, in addition to revising the Employee Code of Conduct to reflect the 2021 Councillors’ Code of Conduct, the Code has been reviewed in relation to current legislation, best practice and fitness for purpose.

Some further minor amendments have been made to the language used in the code and to reference the rules on disclosure of spent convictions. These revisions will be reported in the annual compliance statement which will be prepared in April 2022.

E. CONCLUSION

The proposed changes to the Employee Code of Conduct are in the main due to external developments and do not change the obligations placed on employees. Employees will however be reminded of the content of the code of conduct as part of annual compliance processes.

The Policy Development and Scrutiny Panel are requested to consider the revisions to the Employee Code of Conduct for referral to Council Executive for approval

F. BACKGROUND REFERENCES

- [Councillors' Code of Conduct](#)

Appendix 1: Employee Code of Conduct

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Interim Head of Corporate Services
4 February 2022



Code of Conduct

For Employees



Original approved by PP&R Committee 26 October 1999
Last Revised January 2022

CODE OF CONDUCT

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WEST Lothian Council

CODE OF CONDUCT (Covering all employees)

1. PURPOSE

- 1.1 The public expects a high standard of conduct from all local government employees in Scotland. This Code, which is based on the recommendations of the Nolan Committee on standards of conduct in public life, sets out the minimum standards West Lothian Council expects from its employees. There is also a national [Code of Conduct for Councillors](#) approved by the Scottish Parliament and enforced through the Standards Commission for Scotland.
- 1.2 The purpose of the Code of Conduct for Employees is to provide employees with clear advice and guidance about their rights and duties at work. It does not affect their rights and responsibilities under the law, or the council's duty of care towards its employees.
- 1.3 The Code reflects the council's Mission Statement and Values. Further details of those values are contained in the council's [Corporate Plan](#).
- 1.4 Services should ensure that employees are aware of the provisions of this Code and should remind employees annually of their obligations under the code. In addition to the provisions of this Code, employees should also familiarise themselves with the Scheme of Delegation to Officers applicable to the service in which they are employed. The Scheme sets out the levels of authority delegated to officers to make decisions on behalf of the council. Details of the Scheme relevant to your service should be available on request from your line manager.
- 1.5 Employees involved in processing applications for services or resources, licences or statutory consents, and those involved in the procurement of goods and services, need to be particularly vigilant in complying with this Code. Any breach of the Code will be investigated and dealt with under the council's [Disciplinary Procedure](#) and may result in disciplinary action. The [Disciplinary Code](#) gives examples of misconduct and the disciplinary action that might be taken in those circumstances.
- 1.6 The Seven Principles of Public Life identified by the Nolan Committee are listed below, altered slightly to place them in a local government context.

2. THE SEVEN PRINCIPLES OF PUBLIC LIFE

- 2.1 **Selflessness**
You should not make decisions that will result in any financial or other benefit to yourself, your family, or your friends. Decisions should be based solely on the council's best interests.
- 2.2 **Integrity**
You should not place yourself under any financial or other obligation to an individual or an organisation that might influence you in your work with the council.
- 2.3 **Objectivity**
Decisions you make in the course of your work with the council, including making appointments, awarding contracts, or recommending individuals for rewards or benefits, must be based solely on merit.

2.4 Accountability

You are accountable to the council as your employer, and the council is accountable to the public.

2.5 Openness

You should be as open as possible in all decisions and actions you take. You should give reasons for your decisions and should not restrict information unless it is clearly required by council policy or by the law.

2.6 Honesty

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

2.7 Leadership

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

3. YOUR RELATIONSHIPS**3.1 The Public**

You should always be courteous and helpful when dealing with members of the public as users of services, clients or citizens. You must comply with statutory rules, such as the Data protection Act 2018 and Freedom of Information (Scotland) Act 2002. You should deal fairly, equitably and consistently with each member of the public, and follow the council's [Policy on Equality in Employment and Service Provision](#). Advice on the application of the policy is available from Human Resources.

Detailed guidance on how to deal with the council's customers and the general public is contained in our Communications Strategy [The West Lothian Way](#). Advice is available from Corporate Communications, Corporate Services.

3.2 Councillors

Appendix 1 is the councils Code of Conduct for working with councillors. Appendix 2 contains a Protocol for Relations Between Councillors and Employees. The same Protocol is part of the Councillors' Code of Conduct. The same rules therefore apply to councillors and council officers which helps to secure the relationship of trust and respect which is essential to achieving best value.

4. OPENNESS AND DISCLOSURE OF INFORMATION**4.1 General Principles**

In striving for excellence, the council has set as one of its values, the objective of being honest, open and accountable in its decision-making process. The council aims to provide the public with clear and accessible information about how it operates. This is achieved through:

- transparency in decision-making;
- providing the public with accessible and understandable information about the council and its services;
- involving the public in the council's decision-making processes;
- ensuring that an effective complaints procedure is operated throughout the council and is communicated effectively to the public;

- conducting the council's business openly with access for councillors and the public alike to all relevant documents and information, unless there is a justifiable reason identified for denying access.

The right to access information is harnessed in a number of pieces of legislation, as follows:

- [The Freedom of Information \(Scotland\) Act 2002](#)
- [Environmental Information \(Scotland\) Regulations 2004](#)
- [Local Government \(Access to Information\) Act 1985 Summary of Rights of the Public](#)

4.2 Sharing Information with Councillors

The following paragraphs extracted from the council's [Officer/Member Protocol](#) outline the protocols for sharing information with Councillors whether it is in response to a request for assistance (member work), or where an officer is taking something to members without such a request (service work):

Contact from members:-

- Enquiries from members for assistance on all kinds of business should be kept confidential and simply responded to in an appropriate way and without being disclosed to any other member
- The same information should be provided to all members making the same enquiry, unless a member has additional rights as a result of his or her council responsibilities
- If another member makes the same enquiry separately, it should be considered on its own merits and circumstances, which may result in the same information being given separately
- Where appropriate, informing other officers is acceptable, but other members should not be informed unless the member making the request gives consent
- If the request for assistance is for a meeting then members must provide officers with enough information to let them decide how to respond. They need to know what kind of business is involved, and they need to know if members of the public will be present (regardless if it is an open-doors public meeting, or by invitation only).

Business being taken to members:-

- Some recurring issues may have their own procedures which call for consultation with members, and those should be followed in all cases. For example, a proposed roads order or parking restriction will mean that ward members are asked for their views which are then passed on to committee; ward members will be notified in advance of proposals to dispose of council property in their ward
- Ward members have a right to be informed of service developments significant to their ward area, and officers will have to judge when that becomes appropriate
- When officers do take information to members about ward business, all ward members should be given the same information at the same time. Committee Chairs do not automatically have any greater rights than their ward colleagues
- Where officers intend to use certain delegated decision-making powers the Scheme of Delegations to Officers states that they should not do so if a ward member objects, and a committee decision will be needed. For instance, proposed planning decisions are notified to members who may then have them referred to committee

- Members with additional responsibilities are entitled to earlier information and consultation about issues within their area of responsibility

4.2.1 Confidentiality

“Confidential” should be the starting point in dealing with enquiries from members. If officers wish to inform other members then they must have consent, or else be able to rely on some other rule in this guide to justify it.

Information which originally was passed to a member in response to an enquiry may be legitimately disclosed at a later point in time. Something that started as an enquiry from a member may move on to become a different kind of business, and so call for information to be passed on to other members. For example, a ward member may bring a planning breach to officers. They will take it up initially on a confidential basis but any proposed enforcement action will have to be notified to all ward members.

There may also be exceptional circumstances in which other members will as a matter of necessity become aware of communications between officers and a member (for instance, information about theft or misuse of council property, or some serious risk to the health and safety of officers or members of the public). If officers consider that such circumstances apply then they should consult their line manager and make sure that the member concerned is fully informed.

In making a request for information which includes personal data (usually in relation to a constituent enquiry) there is generally no need for the member to produce a written letter of authority. However, officers must apply data protection principles when they respond. That may mean that some sensitive or extremely personal data is redacted, or that a formal letter of authority is requested before responding in more detail.

4.2.2 Cases of Difficulty

In cases of difficulty, officers receiving a communication from an individual councillor should consult their line manager, Head of Service or Depute Chief Executive, and if need be, advice can be sought from the Chief Executive Office or the Governance Manager.

Depute Chief Executives and Heads of Service must keep the Chief Executive appraised at all times of any major issues, which they may be discussing with councillors.

You must follow the council’s guidelines on making information available to councillors and the public and you must not break the law in this area. If you are in any doubt about whether information can be given out, you should check the position with your line manager.

5. DECLARATION OF INTEREST

5.1 The following paragraphs outline the requirements for employees to register any interests with their line manager that fall under the following categories:

- Employee’s Interest in Contract entered into by West Lothian Council
- Employee’s Private Interest in Work of West Lothian Council
- Employee’s Paid Employment Outside the Council
- Approval of Contribution to Publication/Broadcast/Speech/Lecture and Record of Retention of any Fee or Commission
- Employee’s Acceptance of Offer of Gifts and Hospitality

- Authorisation to use Council Equipment and Resources for Personal Use or Benefit of Voluntary Organisations

- 5.2 Failure to register an interest will be investigated and dealt with under the Council's [Disciplinary Procedure](#) and may result in disciplinary action.
- 5.3 Line Managers must review the content of any declaration forms submitted by employees in order to determine whether a conflict of interest exists. All declarations forms must be signed by the line manager.
- 5.4 Services must retain all declaration forms submitted by employees in order to maintain a register of declared interests which must be reviewed annually. Where a declaration of interest is no longer relevant, it should be destroyed at the annual review.

6. INTEREST IN THE CONTRACTS OF THE COUNCIL (REGISTER 1)

- 6.1 You must be fair and impartial in your dealings with contractors, subcontractors and suppliers.
- 6.2 By law, you must give the council written notice of any personal interest you have in any contract or proposed contract with the council by completing declaration form **"Employees' Interests in Contracts Entered into by West Lothian Council"** (see Appendix 3).
- 6.3 If you are involved in ordering works, goods or services, including the tendering process, you must follow the procedures and rules about official orders, tenders and contracts, contained in the council's Standing Orders and Financial Regulations.
- 6.4 If you are an employee who has both a 'client' and 'contractor' responsibility in the tendering process, you must observe the requirement for accountability and even-handedness in undertaking these two roles.
- 6.5 If you have access to confidential information on tenders or costs for either internal or external contractors you must not disclose that information to any unauthorised individual or organisation.

7. PRIVATE INTEREST IN THE WORK OF THE COUNCIL (REGISTER 2)

- 7.1 As an employee of West Lothian Council, you must not allow any private interest to influence your decisions.
- 7.2 You must not use your position to further your own interests or the interests of others who do not have a right to benefit under the council's policies.
- 7.3 You should not involve yourself in any decision on allocation of council services or resources from which you or a person known to you might benefit (e.g. allocation of council housing or assessment of housing benefit, or processing a planning application). Persons known to you will include, but are not limited to, family members, friends, neighbours, colleagues or if you are a landlord, any tenants living in your West Lothian Properties. You should refer such matters to your line manager immediately.
- 7.4 Any private interest you have relating to the work of the council must be declared to your line manager. The interest may be a financial one for you; one that a member of the public might reasonably think could influence your judgement; or a financial interest that a person known to you may have in the work of the council.

7.5 If you are a member of an organisation or club, and membership might result in conflict of interests in relation to any aspect of your work with the council, you must declare this membership to your line manager.

7.6 Declaration form **“Employees’ Private Interests in Work of West Lothian Council”** is attached as Appendix 4.

8. PAID EMPLOYMENT OUTSIDE THE COUNCIL (REGISTER 3)

8.1 You may not be aware that employees who undertake particular paid employment (including self-employment) outside the council could place both the council and employee in a position that causes a conflict of interest and contravenes the requirements of the Code. In order to protect your interests and those of the council, it is important that you follow the advice given.

8.2 If you choose to undertake paid employment outside the council (including self-employment) you should inform your line manager by completing declaration form **“Register of Employee’s Paid Employment Outside the Council”** (see Appendix 5).

8.3 You will be advised if the proposed employment is considered to constitute a potential conflict, and you will be expected to take appropriate action to avoid or remove the possibility of such conflict arising.

9. PAYMENT OF FEES FOR PUBLICATIONS, LECTURES etc. (REGISTER 4)

9.1 The law prevents you, as a result of being in your job or holding your particular office, from accepting any fee or reward whatsoever other than your proper remuneration.

9.2 However, because of particular knowledge or expertise gained through your work with the council, you may be requested to make or contribute to a publication, broadcast, speech or lecture, or you may wish to do so on your own initiative. The council welcomes the recognition that such publication, broadcasts, etc. can bring to the council through the professional standing of its workforce, and encourages its employees to achieve such independent recognition.

9.3 Where you wish to make or contribute to any publication, broadcast, speech or lecture, arising out of your work with the council or where you would use official council information, the following procedure should be followed:

- you should obtain the approval of your Depute Chief Executive before doing so, by completing form **“Approval of Contribution to Publication/Broadcast/Speech/Lecture and Record of Retention of any Fee or Commission”** (see Appendix 6 attached);
- you should hand any fee, commission or other payment (including any payment in kind), over to the council by arrangement with your Depute Chief Executive and the Head of Finance and Property Services, unless there are justifiable reasons for not doing so. An example of where you can retain such fee or commission, in whole or in part, would be where the skills, knowledge or information required to make or contribute to the publication, lecture, etc. had little or no relevance to your job;
- the retention by you of any part of a fee or commission must always be authorised by your Depute Chief Executive.

9.4 These arrangements do not, however, prevent you from making your professional skills available to voluntary or charitable organisations of which you are a member or supporter, or from holding office in such organisations, subject to you declaring, where

relevant, your membership of such an organisation in accordance with the rules on “conflicts of interest” referred to above. You are not permitted however to make use of the council’s equipment, materials or resources for the benefit of a voluntary or charitable organisation unless this is approved in accordance with council procedures (see paragraph 11.2 below).

10. DECLARING OFFERS OF HOSPITALITY OF GIFTS (REGISTER 5)

10.1 Guidance on appropriate action

You are personally responsible for all decisions relating to any offers of gifts or hospitality that you receive in the course of your employment. If in doubt as to the proper course of action to take, you should seek the advice of your line manager. However, it must be stressed that responsibility for any decision to accept an offer remains with yourself, even where you receive advice or authorisation to accept.

10.2 General Rules

The Code of Conduct adopted by the council for its employees provides the following general approach:

- you should treat all offers of gifts or hospitality with caution;
- where you receive any offers of hospitality or gifts, you should be sensitive to the timing of decisions, which affect the provider of the offer, e.g. during the tendering process for letting contracts or processing an application for a council service such as planning, licensing or housing;
- you should reject any offer where it might be seen as an intention to influence you in the discharge of your duties;
- you should accept an offer only if you feel that by doing so you can comply with these guidelines. If you feel that an offer should not be accepted, or that you have any doubt that it should be accepted, you should err on the side of caution and refuse the offer;
- Where you decline an offer of hospitality or a gift, you should do so courteously and inform the offeror of the procedures and standards operating within the council.
- Where meetings are necessary during tender periods (i.e. between the issue of invitations to tender and award of contract), those meetings should not be conducted out-with the working environment or workplace setting.
- Where it is necessary to conduct authorised meetings between officers and representatives of outside companies at other times, out-with the working environment, those meetings should be recorded in the workplace register used for recording the Declaration of Offers of Hospitality or Gifts.

10.3 Guidance - Offers of Hospitality

Offers of hospitality may be extended to council employees for a variety of reasons and whether such offers should be accepted will depend on a number of different factors. You should not accept offers of hospitality unless you can answer “Yes” to the following questions:

- “Can I justify this?”
- “Can I be sure I will not be subject to legitimate criticism?”

If you are in any doubt, you should seek the advice of your line manager.

You must follow the council's policy and guidance on declaring offers of hospitality, and the procedures for having any offers authorised. The following guidance is given to assist in making these judgements:

10.3.1 Where acceptance is possible:

- You should accept an offer of hospitality only if there is a genuine need for you to impart information or represent the council in the community.
- Offers to attend purely social or sporting functions should be accepted only when these form part of the life of the community or where the council is expected and should be represented.
- Offers of hospitality from companies who are advertising their products or services to the council should only be accepted if it is clear that there is direct benefit to the council in your attending the hospitality event. Examples of where such direct benefit could arise are:
 - it is important that West Lothian Council has a representative present.
 - to obtain information on any services or products supplied by the company.
 - to gain contacts or improve liaison with other groups or organisations that may be helpful to West Lothian Council.
 - to discover how other organisations are organised and structured, or see different management techniques or methods of service delivery, if these are areas that can be observed by attending a function.
- If you are making a visit to inspect equipment, vehicles, land or property, you must ensure that the council pays for the cost of these visits to avoid jeopardising the integrity of subsequent purchasing decisions.

10.3.2 Where refusal is likely or required:

- You should reject repeated offers of hospitality from the same source;
- You must not accept any offer, which is made with a view to influencing you in the discharge of your duties;
- You should not accept any offer, which may be seen as intended to influence you in the discharge of your duties;
- You must not accept an offer from a company that is in negotiation with or is tendering for a contract with the council;
- You should reject any offer that appears to you in any way excessive.

10.4 Guidance - Offers of Gifts

Similar considerations apply to dealing with the receipt of gifts. These may vary from items of token value where it would be churlish to refuse them, to items of significant value where the impression could be given that the offer is made either to influence your judgement or to reward you for services supplied or to be supplied to the offeror.

The following guidance is given to assist you in judging whether a gift should be accepted:

10.4.1 Where acceptance is possible:

- In general, only small gifts of token or low value, such as pens, diaries or calendars, may be accepted.
- Any gift other than such a token should be accepted only after consultation with your line manager and, where appropriate, Depute Chief Executive, and thereafter handed over to the council. You should not retain such gifts. Acceptance of such gifts and how they are used by the council should be recorded following the procedures set out in paragraph 10.5 below.

10.4.2 Where refusal is likely or required:

- You must not accept any gift or other personal benefit in any case where this might reasonably be supposed to influence your judgement;
- You should not accept any gift or other personal benefit where the gift appears in any way excessive.
- You must not solicit a gift or any other personal benefit from any outside individual or body in connection with any part of your duties.
- You must not accept an offer of a gift from any company, which is in negotiation with or is tendering for a contract with the council.
- In all cases of doubt you should consult your line manager, and where appropriate, the Depute Chief Executive.

10.5 Procedure for Declaring/Accepting Offers of Gifts and Hospitality

- You must declare to your line manager all offers of hospitality or gifts (other than token gifts) where you propose to accept such an offer. See form “**Register of Employees’ Acceptance of Offers of Gifts and Hospitality**” attached as Appendix 7;
- Your line manager will record on the form his/her authorisation to accept such offers;
- Depute Chief Executives will ensure that proper arrangements are put in place within their Service areas for the retention of completed forms in a register which can be inspected by Internal Audit or other appropriate officers as required.

10.6 Corruption

It is important that you are aware that it is a serious criminal offence for you to corruptly receive any gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person, in the course of your work with the council.

In this regard, you should note that any act committed in contravention of the Bribery Act 2010 relating to the giving or taking of a bribe whilst engaged on council business (including vicarious liability of senior officers for bribery offences committed by the council through its elected members or council employees with the consent or connivance of senior officers), will be treated as gross misconduct in accordance with the council’s Disciplinary Code.

11. POLICY ON USE OF COUNCIL EQUIPMENT AND RESOURCES (REGISTER 6)

The council is required by law to achieve value for money by ensuring that it has arrangements for securing economy, efficiency and effectiveness in the delivery of services. You and your colleagues serve the public, and in order to ensure value for

money you must remember this principle when you use council equipment, materials and resources.

You must not breach the policy of the council on the personal use of council equipment and resources and similarly if you wish to use the equipment and resources of the council for the benefit of a voluntary or charitable organisation, you must follow the council's policy on what assistance can be given to such organisations (see section 11.2 below).

11.1 Use of Equipment and Resources for Personal Purposes

Council resources such as equipment, transport and consumables must only be used for genuine council purposes.

In exceptional circumstances, the Depute Chief Executive, or nominee, can give written permission for a council resource to be utilised for personal purposes, for example when an employee requests to use a council computer for examination studies.

Requests to use council equipment and resources for personal purposes must be submitted on form “**Authorisation to use council Equipment and Resources for Personal use or Benefit of Voluntary Organisations**” (see Appendix 8 attached).

Employees are also permitted to make personal telephone calls provided they adhere to the relevant guidelines by maintaining a record of all calls made, and arranging repayment on the agreed cost basis.

Within certain services, employees are required to take council vehicles home for valid operational reasons. These vehicles must not be used for personal journeys as such action could give rise to serious insurance implications, and would be a breach of the council's policy.

The only other circumstances where an employee can potentially use a council resource for non-council purposes are where an employee has a personal involvement with a voluntary organisation. The following section of this policy document sets out the ground rules that would apply in this particular case.

11.2 Use of Equipment and Resources for the Benefit of Voluntary Organisations

Voluntary Organisations are deemed to be independent bodies with self-governing structures and a wholly or predominantly voluntary governing body. They do not distribute profits and are run for the benefit of others or for the community. Many, though not all, are recognised charities. Voluntary organisations are accountable to their membership and more generally to the people and groups they serve or represent.

The term ‘Voluntary Sector’ is used to distinguish those organisations, which are not public or private. For the purpose of these guidelines, this does not include religious organisations, political organisations or trade unions, when pursuing their primary objectives.

The council is aware that many staff are actively involved as volunteers in their local communities and that numerous others may be keen to participate. It recognises that it has a role in supporting and encouraging volunteering among employees. The council is also a major funder of the voluntary and not for profit sector, with an increasing number of services now being provided by the voluntary sector on behalf of the council.

The council has previously adopted a funding policy for voluntary organisations together with supporting guidelines covering the requisite controls and procedures.

The council also makes available material resources, e.g. through the Community Education Service, which voluntary organisations can borrow to assist in their service delivery. Procedures for the booking and control of use of such equipment are in place.

There will be other occasions, however, where a council employee may wish to use a piece of equipment or resource to assist an organisation with which they are associated, but that piece of equipment or resource is not generally advertised as being available to the voluntary sector. In order to protect the interests of the council and its employees, the following rules require to be followed in such cases:

11.2.1 Procedure – Use of Equipment and Resources

- Specific permission must be sought and given before any council resource that is not normally made available to the voluntary sector, may be used by an employee to assist the activity of an external body.
- Requests must be submitted on form “**Authorisation to use Council Equipment and Resources for Personal use of Benefit of Voluntary Organisations**” (see Appendix 8 attached). The form is also available on-line or from your line manager. Your manager will enter the details in a register kept for this purpose. Where the materials used are of a consumable nature, the value of such materials shall also be recorded.
- The right to give approval shall lie with each Depute Chief Executive, who may delegate these powers to a specified nominee. A charge, where appropriate, should be made so as to avoid costs for the use of council equipment falling on the council.
- No financial gain shall accrue to any council employee from the use of this resource.
- In giving consideration to any request the following factors shall be taken into account:
 - the nature and activity of the organisation which seeks to benefit from the use of the resource (is this an organisation/activity, which the council would wish to be associated with?);
 - is there an existing relationship between the council and the organisation?;
 - is there a detrimental impact on council service delivery and operational matters if that resource is temporarily diverted to another use, is lost or damaged?;
 - the competencies of the likely users;
 - the ability to ensure adequate security of the equipment/resource;
 - the requirement to seek an indemnity from the organisation benefiting from the use of the resource for loss or damage to that resource.

The above rules do not apply to situations where council equipment and resources are made available to voluntary organisations as part of normal service delivery.

12. APPOINTMENTS

The council has a recruitment and selection policy based on the principles contained in the CoSLA code on recruitment and selection. Advice on this policy should be

obtained if required from your Human Resources Adviser. All appointments must, by law, be made on the basis of merit. You must follow the council's policy.

If you are involved in the recruitment and selection process, and have any kind of relationship which might affect your ability to be impartial, that relationship must be declared to your line manager. Your line manager will decide whether you can participate in the recruitment and selection process. The same procedure must be followed in matters relating to discipline, grievance, job evaluation and appraisal development reviews.

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

13. DUTY TO DISCLOSE CRIMINAL CONVICTIONS

Subject to the provisions of the Rehabilitation of Offenders Act 1974 you must disclose any unspent criminal conviction received prior to commencing or during the course of employment with the council.

If your post involves carrying out regulated work with children or protected adults, you must in addition disclose any police caution, criminal charge, spent criminal conviction (according to the [rules on disclosure of spent convictions](#)) or involvement in any police investigation. You must also disclose details of any disciplinary action taken against you by a professional or regulatory body. A failure to do so may result in the matter being dealt with under the terms of the council's Disciplinary Procedures.

14. CONTACT WITH THE MEDIA

In your work with the council, contact with the media should only take place where this has been authorised by the council. You must follow the council's policy in relation to contact with the media. This policy is set out in the council's communications strategy [The West Lothian Way](#).

15. POLITICAL NEUTRALITY

Officers must, at all times, maintain political neutrality.

It is the responsibility of officers to implement the policy of the council and to support members, regardless of their political outlook, and irrespective of the officer's own personal or political views.

Officers must serve all elected members equally, regardless of political affiliation and ensure that the individual rights of all elected members are respected. Officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. The advice given to different councillors and party groups must be consistent.

If you are asked by a councillor to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the council, you should politely refuse and inform the councillor that you are referring the matter to your line manager.

The political activities of a small number of employees are restricted by law. Those of you holding such politically restricted posts will have been notified individually in writing confirming the restrictions, which apply to your post. Advice on which posts are

politically restricted and the restrictions applying to them is available from Human Resources.

15.1 Briefing Party Groups

Some employees will have a close working relationship with councillors of the majority political group (or groups) which form the administration of the council. Political groups may sometimes seek advice from council employees, and in such circumstances, the following procedure should be followed:

- the office bearers (of the group) must first approach the Chief Executive;
- the office bearers must tell the Chief Executive what type of advice they are seeking;
- the Chief Executive will decide whether attendance at the meeting is appropriate and which employee or employees should attend;
- once the employee has given the advice to the group, the employee must leave the meeting before any decision is made;
- strict confidentiality must be observed by the employee. The discussion in one political group should not be disclosed to another political group or to any member of such a group.

16. YOUR RIGHTS AS AN EMPLOYEE

16.1 Public Statements

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

The council respects an employee's right to freedom of expression when privately using the internet, social media and email out with the workplace in their own time. Employees should however, be careful to ensure that they do not inadvertently or otherwise engage in online conduct that could undermine their contractual obligations as an employee of the council. Further guidance is contained in the council's [Internet, Social Media and Email Policy](#)

16.2 Access to your councillor

As a citizen, you are entitled to raise with your councillor any complaint, which you have about the services of the council. However, if your complaint concerns any aspect of your employment with the council, you should instead raise the matter with your line manager in the first place or if appropriate make use of the council's grievance procedures. The Councillors' Code of Conduct says that councillors should not take up any such requests for staff.

16.3 Fair and Reasonable Treatment at Work

You are entitled to expect fair and reasonable treatment from your colleagues, managers and from councillors. If you feel that you have been unfairly treated or have been discriminated against, you are entitled to make use of the appropriate council procedures.

16.4 Disclosure of Unlawful or Improper Actions Occurring Within the Council

There may be rare occasions when you feel that you have been required by a colleague, a councillor or a member of the public, or by an organisation, to act in a way

which might be illegal, improper or unethical, or which is otherwise in conflict with the principles of this Code of Conduct.

In other instances you may have information leading you to believe that an employee, councillor or other person associated with the council is behaving unlawfully or in some other improper manner. In all of the above circumstances, you must follow the council's procedure in dealing with such matters which aims to ensure that these are raised and addressed within the council. For comprehensive guidance, reference should be made to the council's Policy and Procedure on the Disclosure of Information by Employees ('Whistle-blowing') available at [MyToolkit](#)



West Lothian
Council

APPENDIX 1

CODE OF CONDUCT - WORKING WITH COUNCILLORS

West Lothian Council is committed to providing quality and valued services which meet people's needs and which are delivered on the basis of fairness and equity.

The recognition by the council that its employees are its greatest asset in working to achieve these aims, places a particular significance on the working relationships between elected members and employees of the council at all levels.

The council has set out a clear sense of overall purpose and direction through its Mission Statement and declared values which put the customer first and provide quality and value for money services through effective team working.

West Lothian Council is a politically led organisation and as such it has members who are responsible to the electorate and set the overall direction, purpose and policies of the council. As representatives of the people, elected members' feedback is an important source for quality monitoring and improvement to services.

As in any partnership, effective working relationships can only be achieved through mutual respect and understanding for each other's roles, based upon agreed guidelines governing the day to day relationships between elected members and employees. This is particularly important in terms of cost restraint.

These agreed guidelines in West Lothian Council are as follows:

Political neutrality of employees

Members should respect the political neutrality of employees. Employees should not be asked to provide assistance on a matter, which could be construed as being overtly political. An employee placed in such a situation is entitled to refuse such a request and notify his/her manager.

Equality of service to all elected members

It is the responsibility of all employees to implement the policy of the council and to support members irrespective of the individual employee's own personal or political views. Employees must serve all elected members equally, regardless of political affiliation and ensure that the individual rights of all elected members are respected.

Relationship between employees and elected members

The rapport between individual employees and councillors should be maintained as a professional, courteous, working relationship which engenders mutual confidence and respect whilst still observing an appropriate degree of formality.

Agreed channels of communication

Members should ensure that requests for information or for action are processed through the appropriate Depute Chief Executive or Head of Service through the appropriate level of employee identified on the approved list of contacts within each service.

If at any time an employee is unsure about the right of an elected member to receive a particular piece of information, or whether or not it would be appropriate to carry out the action requested, they should explain their concern to the member involved and seek immediate clarification and guidance from their manager.

Management of staff

The responsibility for the management of the council's workforce rests with the Chief Executive and the Corporate Management Team. Any complaints from members about either the service or individual members of staff should be referred to the appropriate Depute Chief Executive in the first instance and thereafter to the Chief Executive.

Complaint by employee

In the event of complaint by an employee, the employee will have the right to refer the matter to the Chief Executive or, on a formal basis, to the councils Monitoring Officer for investigation. Complaints that the Councillors' Code of Conduct has not been followed may also be made to the [Ethical Standards Commissioner](#).

APPENDIX 2**PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS
AND EMPLOYEES IN SCOTTISH COUNCILS**

(As extracted from the [Councillors' Code of Conduct](#) effective from 7 December 2021)

Principles

1. This protocol outlines the way in which councillors and employees should behave towards one another. It should be noted that while some scenarios are included, these are not exhaustive. The protocol should be treated, therefore, as applying in all situations where there is interaction between councillors and employees.
2. Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position or influence.

Roles

3. Councillors are required to provide strategic leadership and oversight. This involves setting strategy and policy, scrutinising and making major, complex decisions that concern the Council as a whole. Councillors are not, however, responsible for operational management (being the planning, organising and execution involved in day to day activities) as this is the role of employees. Chief Executives and senior employees have ultimate responsibility to ensure that the Council meets its responsibilities.
4. Legally, employees are employed by the Council / other body and are accountable to it as an entity. Employees are responsible for serving the Council / other body as a whole, and not any particular political group, combination of groups or individual councillor. It is nevertheless appropriate for employees to be called upon to assist any political group in its deliberations or to help individual councillors fulfil their different roles (see the section on political groups below).

Office bearers

5. For the Council to perform effectively, it is important that there is a close professional working relationship between a committee convener and the director and other senior employees of any service reporting to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an employee's ability to deal with other councillors impartially, or the ability of a convener to deal with other employees impartially.
6. Conveners will have many dealings with employees. While employees should always seek to assist committee chairs, they are ultimately responsible to the relevant chief officer and not to any convener.
7. Conveners will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible, however, for the contents of any report submitted in their name and will always have the right to submit reports to councillors on their areas of professional competence. The Convener does not have a right to veto this course of action.
8. Conveners are recognised as the legitimate elected spokesperson on their committee's area of responsibility. Where authority is delegated to employees, they

may choose to consult the relevant convener about any action they propose to take. The employee nevertheless retains responsibility for the final decision (as long as the delegated authority remains in place).

Political groups

9. Most councils operate through a system of groups of councillors, many of them based on political affiliation. All employees must treat all political groups and individual councillors in a fair and even-handed manner and must maintain political neutrality at all times.
10. Employees can provide political groups with support (such as discussing matters with the convener and vice-convener before a committee meeting or presenting information to a group meeting). While, in practice, such support is likely to be most in demand from whichever political group is in control of the Council, it nevertheless should be available to all political groups. The advice given by employees to different party or political groups should be consistent.
11. Councillors and employees must act in accordance with the council's rules about the access and support to be provided to political groups (for example, that all requests must be approved by the Chief Executive).
12. Employee support for political groups must not extend beyond providing information and advice in relation to matters of council business. Employees should not be asked, or be expected, to be present at meetings or parts of meetings when matters concerning party business are being discussed. It is the responsibility of the Convener of the political group meeting to ensure that all attending are clear on the status of the meeting and the basis on which any employees are present.
13. Councillors and employees must note that while political group meetings may form part of the preliminaries to council decision-making, political groups are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings are not council decisions and it is essential that they are not interpreted or treated as such.
14. Employees can provide information and advice in relation to matters of council business to political groups. Employees are nevertheless responsible for ensuring that all necessary information and advice is still provided to the relevant committee or sub-committee when the matter in question is considered.
15. Political groups must recognise that information and advice given by employees should be used to enhance discussion and debate at council and committee meetings. Such information or advice should not be used for political advantage (for example by issuing media briefings before a decision is made), as doing so could devalue the decision-making process and can place employees in a difficult position.
16. Employees should take special care when providing information and advice to a meeting of a political group where other individuals who are not elected members of the Council are in attendance, as such individuals will not be bound by the Councillors' Code (and, in particular, the provisions concerning the declaration of interests and confidentiality).
17. Employees must treat any discussions with a political group or individual councillor as being strictly confidential.

18. Any difficulties or uncertainty about the extent of advice and information that can be provided to political groups should be raised with the Chief Executive (who should then discuss the matter with the group leader).

Councillors as local representatives

19. Councillors should ensure they act in accordance with the provisions of the Councillors' Code and this protocol when performing such a role. Elected members must recognise that, when performing their local representative role, they are representing the Council. Employees must treat all councillors fairly and openly in their role as local representatives.

Communications

20. Employees should not normally copy any communications they have with an individual councillor to any other councillor, unless they have been clear in advance that they intend to do so (or this has been agreed).

Human resource issues

21. Where councillors are involved in the appointments of employees they must act fairly and openly, and make decisions solely on merit.
22. Councillors should not become involved in issues relating to any individual employee's pay or terms and conditions of appointment, except while serving on a committee tasked with dealing with such matters.

Social relationships

23. The relationship between councillors and employees depends upon trust, which will be enhanced by the development of positive and professional relationships. While councillors and employees may often find themselves in the same social situations, they should take care to avoid close personal familiarity as this can damage the relationship of mutual respect and the belief that employees can undertake their role in an impartial and objective manner. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

Public comment

24. Councillors and employees both have a responsibility to project a positive image of the Council and should avoid making any public comments that could bring it into disrepute.
25. Councillors should not raise any adverse matters relating to the performance, conduct or capability of employees in public. Employees must ensure they treat councillors with similar respect and courtesy.

Employees supporting councillors

26. Where councils arrange for employees to provide direct administrative or practical support for individual councillors to help them undertake their duties, particular considerations will apply. While councillors may ask employees to provide such support in a particular way, they must nevertheless remember that the employee is accountable to their line manager. Any issues about conflicting priorities, conduct or performance must be referred to the line manager.



REGISTER 1 - EMPLOYEE'S INTEREST IN CONTRACT ENTERED INTO BY WEST LOTHIAN COUNCIL
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Employee's name:

Service Unit:

Details of the Company/Firm/individual with whom the council has (or proposes to have) a contract to supply/receive goods, services or works

Name of Company/Firm/individual:

Type of goods/services/works provided:
--

Council service unit letting the contract:
--

Contract commencement date:

Contract expiry date:

Nature of employee's interest:

Employee's Signature:

Date:

Line Manager's Name (please PRINT):

Designation:

Line Manager's Signature:

Date:

Example of when form should be used:

A company with whom the Council propose to have a contract is owned by a relative of an employee.



**REGISTER 2 - EMPLOYEE'S PRIVATE INTEREST
IN WORK OF WEST LOTHIAN COUNCIL**

Employee's Name:	
Service Unit:	
Particular council service in which employee's interest arises:	
How interest arises:	

If interest arises through membership of a club or organisation, state details below	
Organisation/Club's name:	
Address:	
Organisation/Club's main activity:	

(✓relevant boxes below)

Employee's interest is:	<input type="checkbox"/> Financial	<input type="checkbox"/> Non-financial
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If the interest is financial, state whether:		
<ul style="list-style-type: none"> • direct (i.e. employee's own financial interest); or • indirect (i.e. interest of member of their family/household) 		
Employee's interest is:	<input type="checkbox"/> Direct	<input type="checkbox"/> Indirect

Employee's Signature:	Date:
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Line Manager's Name (please PRINT):	
Designation:	
Line Manager's Signature:	Date:

Examples of when form should be used:

An employee who works in Housing Allocations has a relative who is applying for a Council house.

An employee who works in Licensing is chairman of a club who are seeking a Liquor License.



**REGISTER 3 - EMPLOYEE'S PAID EMPLOYMENT
OUTSIDE THE COUNCIL
DECLARATION FORM**

Employee's Name:

Service Unit:

**DETAILS OF PROPOSED OUTSIDE EMPLOYER
INCLUDING SELF EMPLOYMENT**

Name:

Address:

Type of business

Type of work involved:

Date outside employment to commence:

Date outside employment to end (if known):

Date of intimation to Manager:

Employee's Signature:

Date:

Line Manager's Name (please PRINT):

Designation:

Line Manager's Signature:

Date:

Examples of when form should be used:

An employee would like to take on a second job out with the Council e.g. working as a self employed tradesman at weekends or waiting tables in the evening.

An employee wishes to take on a one of paid piece of work out with the council e.g. preparing a set of accounts for a club.



West Lothian
Council

APPENDIX 6

REGISTER 4 - EMPLOYEE'S INTERESTS

APPROVAL OF CONTRIBUTION TO PUBLICATION/BROADCAST/SPEECH/LECTURE AND RECORD OF RETENTION OF ANY FEE OR COMMISSION

Employee's Name:

Service Unit:

Details of company/firm/individual inviting the contribution

Name:

Address:

Details of proposed publication:

Venue of proposed publication (if applicable):

Date of proposed publication:

Employee's Signature:

Date:

AUTHORITY FOR EMPLOYEE TO RETAIN ANY FEE OR COMMISSION

Total fee/commission :

£

Amount to be retained by employee:

£

Amount to be remitted to Finance and
Property Services:

£

Reason for retention of fee/commission:

Line Manager's Name (please PRINT):

Designation:

Line Manager's Signature:

Date:

Examples of when the form should be used:

Where an employee is requested because of their skills acquired through their work with the Council to produce training materials for another organisation or any work where the individuals professional skills were retained for a fee.

PROTECT: PRIVATE/CONFIDENTIAL



**REGISTER 5 - EMPLOYEE'S ACCEPTANCE
OF OFFER OF GIFTS AND HOSPITALITY
DECLARATION/ACCEPTANCE FORM**

Name of employee receiving offer:

Service Unit:

Name of person making offer:

Company/body represented:

Date offer received:

Details of gift or hospitality offered

Estimated Value:

Employee's Signature:

Date:

AUTHORITY TO ACCEPT OFFER

Line Manager's Name (please PRINT):

Designation:

Line Manager's Signature:

Date:

Details of how accepted gift is used

Examples of when the form should be used:

An employee is offered a bottle of whisky as a thank you from a member of the public who has been in receipt of council services OR an offer of hospitality from a partner organisation to attend an award ceremony.



REGISTER 6 - EMPLOYEES' INTERESTS

AUTHORISATION TO USE COUNCIL EQUIPMENT AND RESOURCES FOR PERSONAL USE OR BENEFIT OF VOLUNTARY ORGANISATIONS

Employee's Name:

Service Unit:

Identity of equipment, transport or consumables to be used

Describe Intended use of resource

Start date:

Finish date:

For whose benefit resource will be used (✓ relevant boxes below)

For employee personally

For a Voluntary Organisation

Name of Voluntary Organisation:

Address:

Purposes/Activities:

Reason(s) why council resource is required:

Employee's Signature:

Date:

AUTHORITY TO USE RESOURCE

Any conditions to apply to use including any charge to be made

Cost of resource (if consumable):

£

Charge payable by employee (if any):

£

Reason for retention of fee/commission:

Line Manager's Name (please PRINT):

Designation:

Line Manager's Signature:

Date:

Examples of when the form should be used:

An employee requests to use lawn feed equipment (not consumables) on behalf of the bowling club of which they are a member

An employee requests to borrow a Council Vehicle to use during their house move.

PROTECT: PRIVATE/CONFIDENTIAL