



POLICY & PROCEDURE FOR DEALING WITH CODE OF CONDUCT FOR EMPLOYEES

**(Including gifts &
hospitality register)**

Personnel & Office Services
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LOTHIAN VALUATION JOINT BOARD

CODE OF CONDUCT FOR EMPLOYEES**CONTENTS**

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CODE OF CONDUCT FOR EMPLOYEES

1 INTRODUCTION

- 1.1 Within these notes Lothian Valuation Joint Board is referred to as “The Board.”
- 1.2 This Code of Conduct applies to employees of Lothian Valuation Joint Board and is based upon the National Code for Local Government Employees in Scotland produced by COSLA.
- 1.3 The Public expects a high standard of conduct from all Local Government employees in Scotland. There is a National Code of Conduct for Councillors and it is right that there should be a Code of Conduct for Employees. This Code sets out the minimum standards of conduct that are expected of you as a Board employee. The Board shall ensure that new employees know about their Code, and that all employees are helped to understand the Code.
- 1.4 The Code does not affect employees’ rights and responsibilities under the law; its purpose is to provide clear and helpful advice. Parts of the Code may be more applicable to some employees than others because of the nature of their work, but all employees must comply with the Code. Adherence to the Code will be part of the terms and conditions of employment and a breach of the Code may give rise to disciplinary action. As far as possible, employees should also comply with the Code where they are appointed as a representative of the Board on any organisation, Trust or Company.
- 1.5 Equally importantly, the Code also provides employees with guidance about their rights and duties at work.
- 1.6 The Code incorporates the Key Principles identified by the Begg Committee on Standards in Public Life. These are listed below, altered slightly to place them in a Local Government context.

- **Selflessness**

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

- **Integrity**

Employees must not place themselves under any financial or other obligation that might reasonably be thought to influence them in the performance of their duties.

- **Objectivity**

Employees must make decisions solely on merit when carrying out Board business including making appointments, awarding contracts or recommending individuals for rewards or benefits.

- **Accountability and Stewardship**

As an employee, you are accountable for your decisions and actions to the Board as your employer. The Board, in turn, is accountable to the public.

- **Openness**

Employees should be as open as possible in all the decisions and actions taken, giving reasons for decisions and should not restrict information unless this is clearly required by the provision of the Data Protection Act and/or Freedom of Information Act.

- **Honesty**

As an employee, you have a duty to declare any private interest which might affect your work with the Board.

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- **Leadership**

Managers have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Board.

- **Respect**

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

The Local Government Ombudsman will use the Code as a benchmark of good practice where a complaint of maladministration has been made.

2 RELATIONSHIPS

2.1 The Public

2.1.1 As an employee, you may have contact with members of the public as users of services, clients or citizens. You should always be courteous and helpful. You should deal fairly, equitably and consistently with each member of the public, and you must follow the Board's policies including the Equal Opportunities Policy.

2.2 Councillors

2.2.1 Employees are responsible to the Board. Their job is to give advice to Members of the Board, and to carry out the Board's work under the direction of the Assessor and Electoral Registration Officer.

2.3 Contractors

2.3.1 As an employee, you must be fair and impartial in your dealings with contractors, sub-contractors and suppliers.

2.3.2 If employees are involved in the tendering process they must follow the Board's procedures and rules about tenders and contracts.

2.3.3 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.

2.3.4 If employees have access to confidential information on tenders or costs for either internal or external contractors they must not disclose that information to any unauthorised individual or organisation.

2.3.5 Employees must follow the Lothian Valuation Joint Board's Standing Orders for Contracts, which have been adopted by the Board.

3 CONFLICTS OF INTEREST

3.1 As a Board employee, you must not allow any private interest to influence your decisions.

3.2 Employees must not use their position to further their own interests or the interests of others who do not have a right to benefit under the Board's policies.

3.3 /....

- 3.3 As an employee, you may have a private interest which relates to the work of the Board. That interest may be a financial one or one which a member of the public might reasonably think could influence your judgement. In addition, close family members or people living in your household may have financial interests in the work of the Board. All such interests must be declared to the Assessor and Electoral Registration Officer.

4 OPENNESS & DISCLOSURE OF INFORMATION

- 4.1 The Board's decision-making process must be transparent and open. The Board must provide the public with clear and accessible information about how it operates. It must also ensure that there is an effective complaints procedure in place for the public to use when things go wrong. However, there are exceptions to the principle of openness where confidentiality is involved, and information may be withheld if, for example, it would compromise a right of personal or commercial confidentiality. This does not apply where there is a legal duty to provide information. If employees are in any doubt whatsoever regarding whether or not to provide particular information, they should consult the Assessor and Electoral Registration Officer.
- 4.2 Employees must, subject to these qualifications, adopt the principle of openness on making information available to the public, and must not break the law in this area.

5 PAID EMPLOYMENT OUTWITH THE BOARD

- 5.1 The Board will normally allow employees to undertake paid employment outside the Board unless there is a clear conflict of interest, or it is likely to have an adverse effect on the work of the Board or the health of the employee and their ability to undertake their duties at work. If an employee is graded PO1 or above and wants to undertake paid employment outside the Board, he/she must first obtain the approval of the Assessor and Electoral Registration Officer. This procedure is in employees' interests and will protect them. Employees are not allowed to use the equipment and resources of the Board in any outside employment except with the express approval of the Assessor and Electoral Registration Officer.
- 5.2 The rules concerning paid employment apply equally to fees which an employee may receive for a publication, broadcast, speech or lecture where he/she has used official information or your own work experience. If an employee is in any doubt, he/she should consult the Assessor and Electoral Registration Officer.
- 5.3 If an employee wishes to use the equipment and resources of the Board for the benefit of a voluntary or charitable organisation, the Board's policy on what assistance can be given to such organisations should be clarified.

6 HOSPITALITY

- 6.1 Employees may receive offers of hospitality when dealing with outside bodies and such offers should be treated with caution. Employees should not accept offers of hospitality unless having considered the following questions: -

"Can I justify this?"

"Would accepting the hospitality lead to legitimate criticism?"

"Am I expected to attend because of my position?"

"What is the motivation behind the offer?"

- 6.2 /....

- 6.2 If an employee is in any doubt, they should seek the advice of the Assessor and Electoral Registration Officer.
- Employees must follow the Board's policy on declaring offers of hospitality and follow the current procedures for having any offers authorised.
 - Employees must record hospitality received or given in the Register maintained by the Board.

7 GIFTS

- 7.1 Employees must not accept personal gifts in any case where this might reasonably influence judgement. Employees may keep items of token value, e.g. pens, diaries or small tokens received in thanks. Other than such modest items, all offers of gifts must be recorded in the Register maintained by the Board.

8 CORRUPTION

- 8.1 It is important that employees are aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person, in the course of working within the Board.

9 USE OF RESOURCES

- 9.1 Employees serve the public, and must remember this principle when using Board equipment, materials and resources, in order to ensure value for money. The personal use of Board equipment should only occur with the prior approval of the Assessor and Electoral Registration Officer.

10 APPOINTMENTS

- 10.1 The Board has an approved Recruitment and Selection Policy and employees must follow the Board's policies and all appointments must be made on the basis of merit.
- 10.2 If employees are involved in the recruitment and selection process and have any kind of relationship, which might affect their ability to be impartial, that relationship must be declared to the Human Resources Manager. The Human Resources Manager will decide whether that employee can participate in the recruitment and selection process.
- 10.3 The same procedure must be followed in applying other human resource procedures such as grievance or disciplinary procedures or job evaluation.
- 10.4 Employees must not lobby a Councillor or another colleague either directly or indirectly to secure his/her own appointment or promotion, or the appointment or promotion of another person. If you have been lobbied by an applicant, another colleague, a Councillor or any other person, you must report the matter to the Assessor and Electoral Registration Officer.

11 /....

11 CONTACT WITH THE MEDIA

- 11.1 In an employee's work with the Board, contact with the media should only take place where this has been authorised by the Assessor and Electoral Registration Officer. Unless specific arrangements have been made, all such contact, including telephone calls should be referred to the Assessor or Depute Assessors.

12 POLITICAL NEUTRALITY

- 12.1 The public expects employees to carry out their duties in a politically neutral way, and this must be respected by Councillors. The political activities of a small number of employees are restricted by law. The Board has produced guidance on Politically Restricted Posts where employees holding these posts are disqualified from being or becoming a member of a local authority, member of the Scottish Parliament, member of the House of Commons or member of the European Parliament.
- 12.2 Employees must serve the Board and all Members of the Board, regardless of their political outlook.
- 12.3 Employees must implement the policies of the Board irrespective of personal views.
- 12.4 If employees are asked by a Councillor to provide assistance with a matter that is clearly party political or which does not have a clear link with the work of the Board, they should politely refuse and inform the Councillor that the matter is being referred to the Assessor and Electoral Registration Officer.
- 12.5 Political groups may sometimes seek advice from Board employees. As an employee, you must follow the Board's procedure.
- 12.6 The following is an example of good practice in regulating access by political groups to the advice of employees:-
- The office-bearers (of the group) must first approach the Assessor and Electoral Registration Officer.
 - The office-bearers must tell the Assessor and Electoral Registration Officer what type of advice they are seeking.
 - The Assessor and Electoral Registration Officer 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.

13 YOUR RIGHTS AS AN EMPLOYEE

13.1 Public Statements

- 13.1 As a citizen, an employee is entitled to express his/her views about the Board, provided it is not done making use of any private information gained through work with the Board. However, an employee should not, in work capacity, criticise the Board either through the media or at a public meeting, or in any written communication with members of the public.
- 13.2 /....

13.2 Access to your Councillor

As a citizen, employees are entitled to raise with their Councillor any complaint which they have about the services of the Board.

However, if an employee complaint concerns any aspect of his/her work with the Board, however, the employee must make use of the Board's Grievance Procedure.

13.3 Equality at Work

Employees are entitled to expect fair and reasonable treatment from colleagues, managers and Councillors. If an employee feels that he/she has been unfairly treated or has been discriminated against, he/she is entitled to make use of the appropriate Board procedures, eg, Fair Treatment at Work or the Board's Grievance Procedure.

The Board recognises the benefits to be gained from developing good employment relationships at all levels within the organisation and acknowledges the valuable role trade unions play in maintaining this relationship. It is essential, therefore, that employee relation issues are resolved through effective communication and in a climate of mutual respect.

There may be rare occasions when an employee feels that he/she has 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. You must report this to the Assessor & Electoral Registration Officer immediately.

The following is an example of good practice which allows concerns of this nature to be raised confidentially inside the Board: -

- If you are in this situation you must report the matter to your line manager.
- If, however, you feel that you cannot discuss the matter with your line manager then you must report the matter to the Assessor and Electoral Registration Officer.
- The Assessor and Electoral Registration Officer will then decide - in consultation, where necessary, with the Board's Monitoring Officer - what action is to be taken, including whether the issue which you have raised can be dealt with through the Board's Grievance Procedure.
- The confidentiality of your concern will be maintained wherever possible.

(The Board's Monitoring Officer is the Director of Corporate Services, City of Edinburgh Council.)

14 EMPLOYEE APPEARANCE

14.1 All employees are required to be neat and tidy in appearance, look smart and be well groomed. Employees should use their judgement and common sense to wear clothes appropriate to their work environment and schedule each day. Attention should be given to personal hygiene.

14.2 The Board reserves the right to insist that employees do not wear items and/or jewellery that it believes may cause offence to customers or other members of staff. In particular, it should be noted that symbols, which are overtly party political or political in the wider sense, will not be tolerated.

14.3 /....

- 14.3 Employees who are required to wear personal protective equipment should wear these throughout appropriate working periods. Failure to wear personal protective equipment will be treated as a disciplinary offence.
- 14.5 The Board supports the wearing of cultural and religious dress. The exception to this is where the health, safety and welfare of the wearer are compromised by the wearing of such dress and/or where it is likely to enhance the risk to other employees.

15 FINANCIAL REGULATIONS

- 15.1 Lothian Valuation Joint Board is accountable for the stewardship of public funds. Stewardship is a function of management, and, therefore, a responsibility placed upon the Elected Members and Officers of the Board. That responsibility is discharged by the establishment of sound arrangements and systems for the planning, appraisal, authorisation and control over the use of resources, and by the preparation, maintenance and reporting of accurate and informative accounts. Employees are expected to adhere to the Board's Financial Regulations.

16 STANDARDS OF CONDUCT & BEHAVIOUR

- 16.1 The Public expects a high standard of conduct from all Local Government employees in Scotland. Employees are, therefore, reminded that they should not engage in conduct which may discredit the Board.
- 16.2 It is the duty of all employees to report any criminal convictions they may incur and should you be charged with any criminal activity which might be detrimental to undertaking the duties of your post, or which might bring the Board into disrepute, you must inform the Assessor and Electoral Registration Officer as soon as possible.
- 16.3 The Board has an E-mail & Internet Policy which all employees must adhere to.
- 16.4 Personal use of Board e-mail facilities can be used in accordance with the current E-mail and Internet Policy.
- 16.5 The Board recognises that there are potential risks associated with the internet and has implemented a security policy. Employees are reminded that they should not use the Board's IT equipment to bring the Board into disrepute for example creating "web-logs". Employees must adhere to the Board's policy/instructions on the use of the internet.
- 16.6 Lothian Valuation Joint Board expects employees to conduct themselves in an appropriate and reasonable manner and in accordance with the standards set down within the range of Board policies.
- 16.7 The Board has a duty to protect the public funds it administers and to this end, expects that its employees should only claim those benefits to which they are entitled. If there is any doubt the employee should speak with their Line Manager or may seek advice from the Human Resources Manager.

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

GIFTS & HOSPITALITY REGISTER

1 GENERAL

- 1.1 Uncertainty can arise in relation to the correct approach to take with regard to the offer of gifts, hospitality and other benefits in kind to Officers in connection with their official duties.
- 1.2 Officers will be faced, from time to time, with the difficulty of deciding whether or not to accept gifts and hospitality. It is impossible within a Code of Conduct to cover every sort of circumstances which may arise and an exercise in good judgement will sometimes be required to decide how the public interest, and the Board's good name, may be best served.
- 1.3 This Code of Conduct has been drawn up to provide a basis for making a decision in the vast majority of cases.

2 ASSESSOR & ELECTORAL REGISTRATION OFFICER

- 2.1 The Assessor & Electoral Registration Officer is in a unique position, as the creation of good external relations, both inside and outside the Board's area, is one of the important responsibilities of the Assessor & Electoral Registration Officer, so he/she will inevitably be faced with offers of gifts and hospitality.
- 2.2 A reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness could give unnecessary offence to people and organisations with whom the Board's relationship should be cordial.
- 2.3 However, an appearance of improper influence can be easily created and therefore it is important in the case of doubt that the Assessor & Electoral Registration Officer should err on the side of caution.
- 2.4 The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group than to accept something unique to oneself.
- 2.5 When a particular person or body has a matter currently in issue with the Board then a more restrictive approach must be taken. An important criterion in reaching a decision is what interpretation others may reasonably put on a decision to accept an invitation/gift.

3 OTHER EMPLOYEES

- 3.1 Employees at lower levels will often run a greater risk of their actions being misinterpreted, simply because they are often in a much closer working relationship with donors.
- 3.2 Employees must, therefore, report to the Assessor & Electoral Registration Officer on the offer of any gifts or hospitality all offers of gifts and hospitality and whether they should be accepted or refused are recorded on the Gifts and Hospitality Register maintained by the Board.
- 3.3 The Assessor & Electoral Registration Officer will retain a similar Register within which he/she will record offers of gifts or hospitality made to himself/herself and to the Depute Assessors.
- 3.4 /...

- 3.4 All Registers are to be open for inspection by the Assessor & Electoral Registration Officer and Internal Auditor.
- 3.5 Decisions on whether to accept or refuse offers must be made in writing to the donor.

4 *CORRUPTION*

- 4.1 Employees should be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.
- 4.2 If an allegation is made, it is for the employee to demonstrate that any such reward has not been corruptly obtained.
- 4.3 Employees must report immediately to the Assessor & Electoral Registration Officer if they are concerned that an individual or organisation has made them an offer of a gift or hospitality with a view to gaining preferential treatment in their dealings with the Board.

5 *GIFTS*

- 5.1 Employees should treat with caution any offer of a gift or favour that is made to them, or to a member of his/her family, by a person or body who have, or may seek to have, dealings with the Board, eg who do, or might, provide work, goods or services to the Board or who need some decision from the Board.
- 5.2 The individual or organisation making an offer may hope to gain preferential treatment in any dealings they have with the Board. Even if this is not their intention, acceptance could lead others to believe this was a factor.
- 5.3 As a general rule, therefore, Board employees are not permitted to accept personal gifts and they must tactfully refuse any such gift offered to him/her by any persons who have or seek dealings with the Board. The offer should be reported to the Assessor & Electoral Registration Officer and recorded in the Gifts and Hospitality Register described above.
- 5.4 The only exception to this rule is a modest gift, given to a wide range of people and not uniquely to the employee. These gifts are usually given at Christmas time, when commercial custom and practice may lead to gifts being sent to customers, including possibly, Board Officers. Nothing more than a calendar, diary or other simple item of office equipment of modest value should be accepted.
- 5.5 An expensive gift should raise a question in the mind of an employee. If in doubt the advice of the Assessor & Electoral Registration Officer should be obtained.
- 5.6 All gifts to be returned should be returned via the Assessor & Electoral Registration Officer. Where the gift is of a perishable nature, the Assessor & Electoral Registration Officer will make arrangements to have it sent to some charitable organisation and the donor informed.

6 *HOSPITALITY*

- 6.1 Hospitality can have many forms - lunch/dinner invitations, tickets to sporting, theatre or other events.
- 6.2 /....

- 6.2 Whilst it would be wrong to produce an atmosphere in which all invitations for social involvement with outside bodies were refused, it is important to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence. Employees should, therefore, treat with caution offers of hospitality. In particular, caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from, the Board.
- 6.3 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Board in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Board should be seen to be represented.
- 6.4 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Board may be taking affecting those providing the hospitality.
- 6.5 It is particularly important that any hospitality accepted is of an appropriate scale and nature to the affairs in hand.
- 6.6 Employees must never canvass or ask for hospitality, even in the belief that this may save the Board money. There is too much scope for misinterpretation of intentions and uncertainty about the impartiality of the Officer concerned.
- 6.7 Particular care should be exercised in dealing with contractors, developers, etc. In general, their offers of hospitality should be declined because acceptance, particularly if repeated, may make it difficult to avoid an obligation or may be capable of misconstruction.
- 6.8 Where it is clearly evident that the work of the Board would be facilitated, invitations to attend receptions, lunches, cocktail parties, etc., may be accepted.
- 6.9 All offers of hospitality should be reported to the Assessor & Electoral Registration and recorded within the Gifts and Hospitality Register described above.

7 OFFERING HOSPITALITY/GIFTS

- 7.1 There may be occasions when Officers are in a position to offer hospitality/gifts to be provided at the Board's expense. The above considerations in relation to appropriateness, appearance of improper influence, apparent closeness of personal relationships and public perception have equal application.
- 7.2 Officers should have continual regard to the scope for misinterpretation of intentions and uncertainty about the impartiality of the Officer concerned.
- 7.3 All instances of offering hospitality/gifts at the Board's expense should be reported to the Assessor and Electoral Registration Officer and recorded within the Gifts and Hospitality Register described above.