

Policy and Sustainability Committee

10.00am Tuesday 17th January 2023

Employee Code of Conduct

Routine
Wards
Council Commitments

1. Recommendations

- 1.1 To note that this Code has been reviewed and revised to address the recommendations agreed following the Independent Inquiry and Whistleblowing Culture Review by Susan Tanner QC, with Pinsent Mason in 2021.
- 1.2 To approve the revised Employee Code of Conduct.

Richard Carr

Interim Executive Director, Corporate Services

Contact: Katy Miller, Service Director, Human Resources

E-mail: katy.miller@edinburgh.gov.uk | Tel: 0131 469 5522

2. Executive Summary

- 2.2 As part of the findings from the Independent Inquiry and Whistleblowing Culture Review in 2021 (“Inquiry and Review”), several employment policy recommendations were made including the recommendation to review all conduct related employment policies and, where appropriate to revise.
- 2.3 In addition to this overarching expectation, there were also a number of specific recommendations requiring the Council to put in place policies or practices to manage personal relationships between employees which could result in a potential conflict of interest.
- 2.4 As the key guide to employee behaviour and standards within the Council as well as existing practices on Conflicts of Interest, the Employee Code of Conduct has been reviewed and refreshed taking into considerations the recommendations of the Inquiry and Review. This report focuses on these proposed changes.
- 2.2 The revised Employee Code of Conduct and associated supporting guides will replace the current Code, which was approved at Committee on 12 August 2012.

3. Background

- 3.1 These updated policies will action some of the policy-related recommendations of the Inquiry and Review which focus on conduct related policies, guidance and associated learning and systems.
- 3.2 Specifically:
- That a full review of all Council policies relating to staff conduct is undertaken to determine how these could be consolidated and clarified to aid compliance and investigation in future
 - That CEC should establish a policy which stipulates relationships between Colleagues must be disclosed if one person has line management responsibility for the other
 - That this policy should also include the steps to be taken if a situation involving allegations of a sexual nature, domestic abuse or those relating to physical violence, harassment or stalking, within or out with the working day or CEC workplace, arises between employees who are, or were, involved in a relationship.
 - That familial or former familial relationships of employees within CEC should be disclosed and logged appropriately on both employees’ HR files to ensure that any actual or potential conflicts which may arise during the course of internal investigations are addressed.
- 3.3 In addition to ensuring these recommendations were captured, we also sought feedback on the application and effectiveness of the existing Code through engagement with Trade Unions, line managers and Human Resources colleagues

who are regularly involved in supporting the business through adherence to the Code. Revisions have been made to Code and supporting documentation accordingly.

4. Main report

- 4.1 The current Employee Code of Conduct (Code) was last reviewed in 2012 and links to our Corporate Values and the Seven Principles of Public Life. It outlines the behaviours, standards, and expectations we require from all employees within the Council.
- 4.2 It outlines requirements in relation to employee conduct (both within and outwith work), use of Council resources, conflicts of interest, business integrity as well as managing various relationships within the course of their work.
- 4.3 In response to the recommendations from the Inquiry and Review, it was agreed that reviewing the Code was pivotal in setting the expectations for other related policies.
- 4.4 To review the Code, we benchmarked with other local authorities as well as other public bodies to what they include within their respective codes and understand what, if anything, was missing from the Council's Code. This research identified that in the main, all local authorities followed the same themes and covered the same topic areas. While other public bodies covered the same, some focussed more on specific theme areas depending upon the nature of their organisation e.g., Scottish Fire and Rescue Service prioritised health and safety standards such as use of alcohol and drugs within the workplace.
- 4.5 We also undertook internal engagement by meeting with operational managers from all directorates who have utilised parts of the Code, HR teams who support managers and employees in Code adherence as well as Legal and Information Compliance colleagues to ensure we were protecting individuals as well as the Council.
- 4.6 The main changes in the new Code are:
 - **New appearance** – aesthetically it looks different. To encourage consistency across the employment policy landscape, we have moved the Code into our new template. We have also taken the opportunity to revise the style, tone and language of the document to make it more accessible and easier to follow.
 - **Introduction of Our Behaviours** – the previous Code was underpinned by the Corporate Values however other than being highlighted at the beginning it did not provide colleagues with an understanding of how these would be embedded within their work or actions under the Code. The intention behind introducing Our Behaviours and the supporting language of the behaviours is to demonstrate how these can be used, along with the Seven Principles of Public Life, in all decision making and actions for employees.
 - **Consistency in content** – the Code should act as the overarching document that should signpost colleagues to the relevant policies and guides. The current

Code switches between this approach and providing procedural guidance for colleagues. We have introduced more consistency in content under each theme which should focus on what it means for employees, what they are required to do and why.

- **New user guides** – As noted above, the previous Code contained a lot of procedural guidance for colleagues under some of the themes. We have removed this from the main Code and created new, more detailed user guides for colleagues on Conflicts of Interest as well as Secondary Employment as well as refreshing out Disciplinary Code. We have also introduced a new Managing Relationships within the Workplace guide.

Managing Relationships in the Workplace

- 4.7 A key finding of the Inquiry and Review was that the practices within the Council in relation to managing relationships between employees as inadequate. It was recommended that a policy was introduced to have a clear process in place for declaring and recording relationships within the Council – both familial and close personal – in particular when one individual was in the line management chain of the other. The purpose was to record and therefore mitigate any potential for a conflict of interest, and protect individuals from potential scrutiny, unconscious bias, etc.
- 4.8 Benchmarking was undertaken across other local authorities which identified that no council had a standalone policy on this issue however some had incorporated an element into their Codes of Conduct. It was therefore agreed that we would highlight the requirements and standards expected of employees under this theme within the revised Code and create a user guide to provide details on the process.
- 4.9 Throughout the engagement work with colleagues, this new theme area was discussed at length to ensure we were providing colleagues and line managers with the clear guidance on what to declare and when, and also how this will be recorded.
- 4.10 The requirement, as per the recommendation, was that this relationship information should be recorded on both employees' HR records. The HR system is not currently set up to support this, however new functionality can be created – similar to the Performance Conversations – which will allow line managers to record against an individual's record who they are in a relationship with, if there is a conflict of interest and if so, outline what the mitigation / action plan will be to address this.
- 4.11 While this information is sometimes declared locally, it is not captured or recorded centrally. As this would introduce a new process for processing personal data, a Data Protection Impact Assessment was undertaken to ensure this information was handled appropriately and in line with legislation. Through this process it was agreed that the information should be regularly reviewed by line management to ensure accuracy and will be retained on employee records until termination plus three months. It was agreed that even if a relationship ended, it did not necessarily

mean that the potential conflict of interest was removed.

4.12 The process that should be followed is:

- Both parties declare the relationship to their respective line managers. It has been agreed that this will be familial and romantic relationships. With respect to friendships, it was deemed too much to include for declaration. However, the user guide does outline guidance for colleagues in this situation and that while they do not have to declare their friendship, they must continue to be mindful of potential conflicts of interest and conduct themselves in a transparent, ethical manner with integrity as per the Seven Principles of Public Life.
- A conversation will then take place with their manager to identify any potential perceived or actual conflict of interest. Where this occurs, they should work with the manager to agree an appropriate action plan to reduce or remove the risk.
- The line manager will then record this information on the HR system. This information will only be accessible to the individual, the line manager and HR.
- The information should be reviewed annually and where necessary amendments made to any action plans, or if the individual changes roles another assessment is undertaken on potential for conflict. This information is then retained until termination plus three months.

4.13 The user guide also meets the recommendations from the Inquiry and Review in that it signposts colleagues to the appropriate policies and support available as well as the steps to take should a situation involving allegations of a sexual nature, domestic abuse or those relating to physical violence, harassment or stalking, within or out with the working day or CEC workplace, arise between employees who are, or were, involved in a relationship.

5. Next Steps

5.1 An implementation plan, including communications, will be put into effect to relaunch the Code, supporting user guides and associated e-learning to raise awareness among all colleagues. This will go live following the launch of Our Behaviours.

5.2 The HR system will require additional work to support the recording functionality.

5.3 The HR Retention Schedule will be updated to include the new retention rule.

6. Financial impact

6.1 There is no material impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 The development of this Code meets our legal obligations in relation to formal consultation. The trade unions have been engaged on the new Code and are content with the proposed changes.
- 7.2 In addition to formal consultation, the Code has been assessed for possible impacts on vulnerable groups, people with protected characteristics, equality and human rights and economic factors as part of our integrated impact assessment. In addition to formal consultation, the Code has been assessed for possible impacts on vulnerable groups, people with protected characteristics, equality and human rights and economic factors as part of our integrated impact assessment. The introduction of the Managing Relationships within the Workplace guide did highlight some potential areas for impact. For example, colleagues within a same sex relationship who are not 'out' at work and are required to declare. Through consultation with the IIA working group these have been mitigated through language used in the Code and supporting documentation and reassurance of confidentiality.

8. Background reading/external references

- 8.1 N/A

9. Appendices

- 9.1 Employee Code of Conduct

Employee Code of Conduct

The citizens of Edinburgh are entitled to have high expectations of those who are employed by the City of Edinburgh Council (the Council), and the way in which they conduct themselves in undertaking their duties.

Our shared purpose as employees of the City of Edinburgh Council is that we work together for the people of Edinburgh. Building their trust and confidence in our reputation and what we do is key for our continued success as a Council. Our Employee Code of Conduct (the Code) should be given the highest priority in delivering our services, in our decision making as well as working with each other and our citizens.

In delivering our services, and adhering to this Code, we will demonstrate Our Behaviours of:

- **Respect:** We're inclusive, we promote equality, we treat people with fairness, understanding and kindness and we consider others in all our decisions and actions.
- **Integrity:** We're open and honest, we take responsibility, we build trust, and we pull together to do what's right for our citizens, colleagues and our city.
- **Flexibility:** We're open minded, we keep it simple, we adapt to provide great service and find better ways of doing things, and we embrace opportunities for shared working and leaning.

This Code of Conduct builds upon our shared organisational purpose and Our Behaviours and sets out the standards of conduct which govern our relationship with the citizens of Edinburgh and with each other. It is designed, first and foremost, to protect you and your colleagues from being placed at risk. You are expected to carry out your work reasonably and according to the law, to conduct yourself according to high professional and ethical standards, and in a way that promotes our values and maintains our reputation.

In addition to this, as a public body, we also expect you to practice the [Seven Principles of Public Life](#) as identified by the Nolan Committee and adopted by COSLA. We expect all colleagues to adhere to these principles in all their activities.

This Code should be read in conjunction with the Council's disciplinary policies and user guides.

Author	Scope
--------	-------

Employee Relations & Policy, Human Resources, Corporate Services.

This policy applies to all Council employees.

Purpose	Review
---------	--------

This document sets out the Code of Conduct for all employees, along with supporting guidance about their rights, responsibilities and duties whilst at work.

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily as a result of changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union consultation.

Local Agreement

This policy is a local collective agreement between the Council and our recognised Trade Unions. We will make every effort to ensure that it is maintained as a local collective agreement. Any changes will be made by agreement. If we cannot agree, either party can end the local collective agreement by giving four months' notice in writing, with the policy ceasing to apply to staff at the end of that period.

Employee Code of Conduct	7
1. Your Responsibilities	9
2. Equality, Diversity and Inclusion	9
3. Professional Registration Requirements	10
4. Use of resources	10
5. Alcohol and Drugs	10
6. Inappropriate Conduct Outside of Work	11
7. Conflict of Interest	11
8. Business Integrity	12
9. Benefiting from a will or bequest	13
10. Use of Social Media	14
11. Media Contact	15
12. Working Relationships	15
13. Personal Relationships	16
14. Contractors	16
15. Politically Restricted Posts	17
16. Employees as Constituents	17
17. Secondary Employment	18

18. Raising Concerns	19
The Seven Principles of Public Life	20

1. Your responsibilities

- 1.1 All colleagues are expected to familiarise themselves with the Employee Code of Conduct, the Disciplinary Code and the Disciplinary User Guide to ensure they understand their responsibilities, rights and duties as a Council employee. To ensure our continued success and to protect yourself from any scrutiny, you should ensure you adhere to the responsibilities as outlined and make the appropriate declarations to avoid conflicts of interests where necessary.
- 1.2 You should always behave professionally and courteously towards colleagues, citizens and service users and conduct yourself in a manner that maintains the Council's good reputation. You're responsible for your own behaviour within work, however you should also be aware of your conduct out with work, and how this may impact the Council's reputation.
- 1.3 You're expected to comply with the reasonable instructions of your line manager or other senior managers.
- 1.4 Where your behaviour falls below this standard or you act in a way which breaches this Code, this will be treated seriously and may lead to disciplinary action being taken, up to and including dismissal. If you're in any doubt about whether a course of action is appropriate, you should speak to your line manager.

2. Equality, Diversity and Inclusion

- 2.1 We want to attract and retain a diverse workforce to deliver better outcomes across a range of services and can respond to the range of needs of the citizens of Edinburgh and is reflective of the people we serve.
- 2.2 The Council aims to provide a safe working environment where employees are treated fairly and with respect. As an employer, we're committed to ensuring equality of opportunity, fair treatment for all colleagues and to building a more inclusive culture which values and celebrates the diverse nature of our workforce.
- 2.3 All our colleagues are entitled to be treated with dignity and respect in the workplace. Discrimination, bullying, victimisation or harassment of any kind is not tolerated.
- 2.4 All our managers have an important leadership responsibility to promote dignity and respect in the workplace and take steps to advance equality and address concerns in their service area.

3. Professional registration requirements

- 3.1 In addition to this Code, certain occupations within the Council, for example those within education and social care, are also governed by externally set registration requirements and professional standards of conduct. It is your responsibility to ensure that you're registered with the appropriate body, that this registration is kept up to date, and that you continue to adhere to the expected standards.
- 3.2 If you fail to meet and maintain these registration requirements and standards, this may result in disciplinary action, up to and including dismissal, being taken by the Council.
- 3.3 Additionally, the Council is required to comply with certain duties to notify external registration bodies of issues concerning misconduct and/or disciplinary action taken. Where this occurs, colleagues concerned would be notified by the Council.

4. Use of resources

- 4.1 You're responsible for safeguarding Council resources, systems, and information under your control or accessed as part of your work. Resources can include (but are not limited to) property, information, equipment, vehicles, or financial transactions.
- 4.2 In your role, you may be permitted access to telephones, intranet / internet, and email systems, as well as other equipment and information systems. Your use of these must be for a legitimate Council business purpose and comply with relevant policies and codes including the [ICT Acceptable Use Policy](#).
- 4.3 Some of the information you encounter in the course of your work with the Council may be privileged or confidential in nature. This information should be held in the strictest confidence and must not be divulged to other parties without authorisation.
- 4.4 Misuse of Council resources may lead to disciplinary action and in certain cases may constitute a criminal offence. It's important that you use these resources reasonably, with integrity and in accordance with the relevant Council policy.

5. Alcohol and drugs

- 5.1 The Council is committed to providing a safe, healthy and productive working environment for all colleagues, contractors and customers. This includes ensuring that people are fit to carry out

their jobs safely and effectively in a working environment which is free from alcohol, drug and substance misuse.

- 5.2 Being under the influence of alcohol, illegal drugs or other substances during working hours is not permitted.
- 5.3 Any employee who is found to be unfit to undertake the contractual duties of their post because they are under the influence of alcohol or drugs will be sent home for the remainder of that working day, this is to ensure the highest standards of health and safety for all colleagues.
- 5.4 The matter will then be managed in accordance with the Council's Policy on Alcohol, Drugs and Substance Misuse, and appropriate strategies and arrangements will be put in place which offer help and support to employees. However, misuse of substances that impact upon the workplace may also result in disciplinary action, up to and including dismissal.

6. Inappropriate conduct outside of work

- 6.1 As a Council employee, you should be aware that your behaviour outside of work may be subject to scrutiny if it impacts negatively on your job role or the Council.
- 6.2 Inappropriate conduct outside of work may result in disciplinary action if it impacts, or has the potential to impact, your ability to do your job, and brings, or has the potential to bring, the Council into disrepute.
- 6.3 If you're arrested or charged by the Police, served with a summons on a criminal charge, issued with a fixed penalty notice or convicted of any criminal offence you must disclose this in writing to your manager as soon as possible. Failure to do so may result in disciplinary action being taken against you, up to and including dismissal. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.
- 6.4 Conviction for a criminal offence that, in the Council's opinion, may affect our reputation or our relationships with our colleagues, customers or the public, or otherwise affects your suitability to continue to work for us may result in disciplinary action.
- 6.5 All information on criminal convictions may be verified and will be treated in strict confidence. Line managers should retain a copy of the notification in line with the Council's Retention

7. Conflicts of interest

- 7.1 In line with this Code, you should conduct yourself with integrity and not misuse your position, or any information obtained in the course of your employment to further your own interests or the interests of others who don't have a right to benefit under the Council's policies. Such misuse may result in disciplinary action, up to and including dismissal, and in certain cases may constitute a criminal offence.

7.2 You should never use your position with the Council to seek special favour or preferential treatment for yourself, relatives or those with whom you have a close personal relationship.

What is a Conflict of Interest?

7.3 A conflict of interest can arise if your personal relationships or outside activities – including private, personal or financial interests - influence or interfere with the decisions you make in the course of your work for the Council. This includes perceived and potential, as well as actual, conflicts. This can include interests of close or extended family members, those who live in the same household or personal contacts.

7.4 Some examples can include (but are not limited to) financial investment in a business which is contracted with the Council, involvement in a company, club, voluntary organisation or business, that is being funded or supported in some way by the Council or having a personal relationship with someone who has applied for a role within your team or for whom you have line management responsibility.

7.5 A conflict may also occur where you have access to Council information and could be seen to be using this information for personal gain or advantage. This includes passing such information without authorisation to someone out with the Council, who then gains or could be perceived to gain an advantage or benefit by receiving this information.

Declaration

7.6 It's **your** responsibility to declare any **actual** or **potential** conflicts of interest. If you're in any doubt about whether an actual or potential conflict of interest exists, you must report it.

7.7 Reporting it will safeguard you from the possibility of future criticism and allows your manager to plan the work you're involved in accordingly to avoid actual or potential conflicts of interest arising.

7.8 Guidance on how to declare a conflict of interest and management action, please see the Guidance procedures along with the Conflicts of Interest Declaration form.

7.9 If information comes to light and the Council considers that you should have made a declaration but chose not to, or that you didn't fully disclose details of any potential conflict of interest, then your line manager will meet with you to discuss. Where you have intentionally not made a disclosure or there is a clear conflict of interest, disciplinary action may be taken.

8. Business integrity

Legal and regulatory compliance

8.1 You're required to comply with all applicable legal requirements and regulations relevant to the work you undertake. These can include (but are not limited to) compliance with externally set registration requirements and professional standards of conduct.

Bribery and coercion

8.2 The Council does not tolerate bribery or coercion of any kind.

- 8.3 Bribery occurs when you offer, pay, seek or accept a payment, gift, offer of hospitality or favour to influence a business outcome. Bribery and corruption can be direct, or indirect through third parties, such as family or friends. You should never accept any offer that may influence or appear to influence your actions or behaviour.
- 8.4 Coercion occurs when someone tries to influence your decision making in a certain direction that benefits them by issuing threats or promises. Coercion can come from Council colleagues, current or potential contractors or elected officials. You should never feel intimidated to make decisions in a certain way due to the behaviour of other parties and should raise any attempts at coercion with your line manager, or senior manager, as appropriate. This behaviour may constitute bullying.
- 8.5 You're liable to disciplinary action including dismissal, legal proceedings and possibly imprisonment if you're involved in bribery and corruption. Even 'turning a blind eye' to any suspicions of bribery and corruption can result in liability for the Council, and for you personally. You must raise any concerns as soon as possible if you believe or suspect that bribery or corruption is occurring.
- 8.6 Further guidance can be found in the Council's [Anti-Bribery Policy and Procedure](#) as well as our Whistleblowing or Grievance policies.

Gifts and hospitality

- 8.7 In certain limited circumstances, and in connection with your official duties, you may receive an offer of hospitality, gifts of limited value, or small tokens of gratitude from customers or contractors. You should not accept such offers if you can't reasonably justify it, or where you may be placed under an obligation. You must act with integrity in all such decision-making. Cash gifts should not be accepted.
- 8.8 If you're unsure, speak to your manager on the appropriateness of accepting such hospitality or gifts. Consistency should be applied across the service area. Hospitality and gifts received must be recorded in the service area's register of gifts and hospitality, in accordance with departmental arrangements.

9 Benefiting from a will or bequest

- 9.1 Under this Code, anything left to you in the will of a service user is considered to be a gift. These are also known as bequests. In certain circumstances, it may be acceptable for this to happen.
- 9.2 If you're named as a beneficiary in the will of a service user, you must declare this to your manager as soon as you become aware of this.
- 9.3 Failure to declare this information immediately may lead to disciplinary action. If you're aware that there may be a possibility that you'll be named as a beneficiary in a will in the future, you must disclose this information to your manager.

- 9.4 Each case will be investigated for evidence of coercion or behaviour designed to obtain favourable treatment. A decision on each case will be made by the appropriate Chief Officer and your manager will advise you of the outcome of these investigations.
- 9.5 If there's evidence of coercion or behaviour designed to obtain favourable treatment on your part, this will lead to disciplinary action up to and including dismissal.
- 9.6 If, prior to a decision being made, you choose to accept the bequest, this may lead to disciplinary action up to and including dismissal.
- 9.7 Where approval is given for you to accept a bequest, all bequests received should be recorded in the departmental register of gifts and hospitality.

10 Use of social media

- 10.1 'Social media' is the term commonly given to websites and online tools that allow users to share content, express opinions or interact.
- 10.2 Social media sites such as (but not limited to) Facebook and Twitter are a useful way to keep in touch with friends, family and colleagues and a useful way to exchange information and news.
However, employees who use social media should be mindful that they may be more vulnerable due to the public profile of the Council. As an employee of the Council, you must not post anything (whether the forum is open to the public or not) which may bring the Council into disrepute, result in legal action against the Council or will clearly cause distress or offence to colleagues or members of the public. You must not publish any comments or information that may undermine public confidence in the Council.
- 10.3 Whilst there's no intention to restrict any proper and sensible exercise of an individual's rights and freedoms, it is expected that all employees will conduct themselves in such a way as to avoid bringing the Council into disrepute or compromising its effectiveness or the security of its operations and assets.
- 10.4 If you use the internet or social media during your 'personal time' to post offensive material, to harass, to bully or victimise employees or members of the public, this will be considered as seriously as if it had occurred in the workplace or during working time.
- 10.5 The [Council's ICT Policy](#) outlines appropriate use of social media for employees which everyone should familiarise themselves with.
- 10.6 If you are using social media as part of your role as an employee, for example, publicising activities of your department, it is particularly incumbent on you to ensure posts do not cause offence, even unintentionally. Ensuring you have appropriate training, and follow advice from your line manager, is essential. Further information is available in the [Social Media Policy and Guidance](#).
- 10.7 Misuse of social media may lead to disciplinary action and in certain cases constitute a criminal offence.

11 Media contact

- 11.1 You should only have contact with the media in the course of your employment where this has been approved in advance.
- 11.2 Contact from the media should, in the first instance, be referred to the Council's Communications team.
- 11.3 If an aspect of your work requires contact with the media to be made, you should contact the [Council's Communications team](#).

12 Working relationships

Colleagues

- 12.1 You're entitled to expect fair and reasonable treatment from your colleagues and managers. All our colleagues are entitled to be treated with dignity and respect in the workplace and we're committed to building an inclusive culture which values and celebrates the diverse nature of our workforce.
- 12.2 We will not tolerate harassment, bullying, discrimination or abuse in any form. If you feel that you have been unfairly treated or have been discriminated against, you are entitled to raise your concerns under the appropriate policies.

The Public and service users

- 12.3 The way we treat our citizens matters because they may judge us on a single experience. If that experience is poor, it affects the way they see us. To our customers, **you** are the Council.
- 12.4 Providing good service is a priority. Even when we're telling the customer something they don't want to hear, we can do it in a way that makes them feel valued and listened to.

Elected Members

- 12.5 Mutual respect between Councillors and employees is essential to good local government. However, close personal familiarity between employees and Councillors can damage the relationship and should therefore be avoided. If you have a relationship with a Councillor outside of work, this should be declared by following the Managing Relationships at Work guidance.
- 12.6 Employees must serve all Councillors and not just those of the Administration. If you're required to advise political groups, you must do so impartially and without compromising your political neutrality.
- 12.7 You must never allow your own personal or political opinions to influence or interfere with your work.

12.8 Further guidance can be found in the [Council's Member/Officer Relations Protocol](#) available from your line manager.

13 Personal relationships

- 13.1 We recognise that colleagues who work together can also be in a personal relationship. Whilst such relationships seldom interfere with work, there is potential for a conflict of interest, breach of confidentiality or fraudulent activity to occur.
- 13.2 This section should be read in conjunction with the Managing Relationships at Work Guidance.
- 13.3 Where a family or personal relationship exists or develops between colleagues who work together in the same area, or where one employee is in the line management chain, both individuals must declare their relationship in confidence to their line managers. This is intended for the protection of both parties.
- 13.4 As a result, you should not be involved in appointments or decisions that relate to discipline, grievance, promotion or grading, or payment of additional expenses /overtime where you're related to the individual or have a close personal relationship with them outside work.
- 13.5 'A close personal relationship' in this context could include any colleague who is a close or extended family member or be someone that you're in an intimate relationship or a close friendship with, however this list is not exhaustive.
- 13.6 To decide whether to declare a relationship or not, ask yourself if you're acting in line with Our Behaviours and the Seven Principles of Public Life, and if you're protecting yourself and others from potentially valid criticism.
- 13.7 If information comes to light and the Council considers that you should have made a declaration but chose not to, or that you didn't fully disclose details of any potential conflicts of interest within a relationship, then disciplinary action may be taken.

14 Contractors

- 14.1 If you, a member of your family or a personal contact have an interest with a contractor or potential contractor, then you must declare this as detailed in the Section 7 - Conflict of interest.
- 14.2 Orders and contracts must be awarded on merit, by fair competition and without unfair discrimination. If you're involved in a tendering process, or if you're an employee who has both a 'client' and 'contractor' responsibility in the tendering process, you must follow the Council's procedures and rules about tenders and contracts.
- 14.3 If you have access to confidential information on tenders or costs for either internal or external contractors, you must never disclose that information to any unauthorised individual or

organisation.

15 Politically restricted posts

- 15.1 The public expects you to carry out your duties in a politically neutral way, and this must be respected by Councillors. The political activities of a small number of employees are “politically restricted” under the Local Government and Housing Act 1989 and they will have been advised of this restriction. You must serve the Council and all Councillors, regardless of their political outlook. The Chief Executive and senior officers have ultimate responsibility to ensure that the policies of the Council are implemented. You must implement the policies of the Council irrespective of your personal views.
- 15.2 Certain posts are ‘politically restricted’ which means that individuals who hold them are prevented from having any active political role either inside or outside the workplace. Postholders in these posts can’t:
- stand for or hold an elected office (i.e., MP, MSP, MEP, Councillor etc) whilst retaining their post within the Council.
 - participate in political activities, publicly express support for a political party or undertake other activities such as canvassing on behalf of a person who is seeking to be a candidate.
 - speak to the public at large or publish any written or artistic work that could give the impression that they advocate support for, or are an authorised representative of, a political party.
- 15.3 Politically restricted posts include specified posts detailed in the legislation as well as those who give advice on a regular basis to the Council and posts involving regular contact with the media. A list of the impacted posts can be sought from HR.

16 Employees as Constituents

Public statements / complaints to Councillors

- 16.1 Many council employees are also residents of Edinburgh therefore have dual sets of rights and responsibilities (as a worker and as a resident). It is important that these different sets of rights and responsibilities are not confused or come into conflict with each other.
- 16.2 Criticism of ideas and opinion is part of democratic debate. As such, the Council may seek the views of the citizens of Edinburgh on proposals or policy through public consultation processes. If you’re both a citizen and employee of the City of Edinburgh Council, then the potential for a conflict of interest can occur.
- 16.3 Whilst participation in local democratic debate as a citizen is to be encouraged, you should ensure that your participation doesn’t impact on or conflict with the role you deliver for the Council. For example, it may be appropriate for you as a citizen to participate in a Council

meeting as part of a deputation on a national or regional matter, or to attend a Councillor's surgery, as long as the issue under debate is unrelated to the specific role you do with the Council and that you do this in your own time.

- 16.4 Particular care must be taken to avoid situations where your personal views (including a political opinion) could be perceived as representing the Council's position.
- 16.5 Within this context, you must never release information that is not yet in the public arena or promote viewpoints that may undermine public confidence in the Council.
- 16.6 In your capacity as an employee, you must never criticise the Council through any form of media, at a public meeting, in any written communication with members of the public or in any other context likely to cause harm to the Council's reputation.
- 16.7 If you have a complaint about Council services you have received as a citizen, you're entitled to raise this with your local Councillor. However, if your complaint concerns any aspect of the service you deliver, or the work you do with the Council, it is more appropriate that this is raised internally with your line manager and/or use the Council's Grievance Procedure.
- 16.8 If you're in any doubt about what actions you can or can't take in this context, you should speak to your line manager or HR.

17 Secondary employment

- 17.1 The Council recognises that employees may wish to undertake secondary employment.
- 17.2 For the purposes of this Code, secondary employment includes:
 - secondary employment within the Council itself;
 - engaging in contracted work on a voluntary basis;
 - fee-paying roles such as appointments to Boards or tribunals;
 - self-employment; or
 - engaging in any other business activity.
- 17.3 If you're a Headteacher / Grade 8 or above, you're not permitted to undertake other employment without the written approval of your Service Director.
- 17.4 If you're Depute Teacher / Grade 7 or below, then you must tell your manager of any secondary employment that you undertake or intend to undertake.
- 17.5 Where there may be a conflict of interest in undertaking secondary employment, for example, there may be possibility that it has an adverse effect on your work, or it might impact adversely on the work of the Council - then the secondary employment will not be permitted.
- 17.6 Employee appointments as Councillors to other local authorities, membership of the Territorial Army, appointment as a Justice of the Peace, do not constitute secondary employment. While volunteer work for an organisation or charity is also not considered as secondary employment,

you should consider any potential conflicts of interest with your role within the Council before taking up the activity.

- 17.7 The Council expects that an employee's total working time shouldn't exceed an average of 48 hours per week and this total includes hours worked in any other jobs either with the Council or secondary employment. To comply with the Working Time Regulations and to support your wellbeing, we may ask you to disclose your total working hours.
- 17.8 Communications (this includes the use of personal email accounts or social media) or the conducting of any business activity which relates to secondary employment are not permitted during working hours with the Council.

18 Raising concerns

- 18.1 If you believe that your own or another colleague's behaviour contravenes this Code of Conduct and related policies, it's vital that you raise the issue with the appropriate person. If your concerns relate to your line manager, you should raise the issue with their manager. If your concerns relate to others in the management structure, above your line manager, you should raise the issue with an appropriate manager within your service, or with Human Resources (HR).
- 18.2 There may be circumstances where you feel you can't raise a concern with management or HR. In these circumstances, the Council's [Whistleblowing Policy](#) sets out the steps you can take to raise concerns.
- 18.3 All concerns raised will be taken seriously. Employees should feel they're able to raise genuine concerns without fear of reprisals or other adverse treatment, even if they turn out to be mistaken.
- 18.4 Any disclosure you make under the Council's Whistleblowing Policy will be treated sensitively and we're very aware of the importance of confidentiality. However, there may be times when not all matters can be kept confidential. For example, there may be a court order that means that we have to disclose information, or a criminal or public safety issue may be raised. The Council's Whistleblowing Policy contains further information on confidentiality.
- 18.5 The Council takes allegations of bullying, harassment or discrimination very seriously and it should be noted that all allegations of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on work premises or not) will be reported to the Monitoring Officer and investigated thoroughly in line with our procedures.

Appendix 1

The Seven Principles of Public Life

The Seven Principles of Public Life outline the ethical standards those working in the public sector are expected to adhere to.

Selflessness

You should not take decisions which 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, which will reflect the best interests of the communities it serves.

Integrity

You should not place yourself under any financial or other obligation to an individual or an organisation which might influence you in your work with the Council.

Objectivity

Any decisions that 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.

Accountability

You are accountable to the Council as your employer. The Council, in turn, is accountable to the public.

Openness

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

Honesty

You have a duty to declare any private interests which might affect your work with the Council and to ensure the appropriate and proper use of all Council equipment, materials and resources.

Leadership

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

More information is available on the [Government website](#)