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CODE OF CONDUCT FOR EMPLOYEES OF SCOTTISH BORDERS COUNCIL

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CODE OF CONDUCT FOR EMPLOYEES OF SCOTTISH BORDERS COUNCIL

Contents Page:

	Page No.
1. INTRODUCTION	3
2. THE SEVEN PRINCIPLES OF PUBLIC LIFE	3
3. PERSONAL CONDUCT and YOUR RELATIONSHIPS	4
4. CONFLICTS OF INTEREST	7
5. OPENNESS AND DISCLOSURE OF INFORMATION	7
6. PAID EMPLOYMENT AND VOLUNTARY WORK OUTSIDE THE COUNCIL	8
7. HOSPITALITY	8
8. GIFTS	9
9. CORRUPTION	9
10. USE OF RESOURCES	9
11. APPOINTMENTS	10
12. CONTACT WITH THE MEDIA	10
13. POLITICAL NEUTRALITY	10
14. YOUR RIGHTS AS AN EMPLOYEE	11
15. DRESS CODE	12
16. PERSONAL PROPERTY	13
17. PERSONAL PROTECTIVE EQUIPMENT (PPE)	13
18. ASSOCIATED POLICIES AND PROCEDURES	13

List of Appendices:

	Page No
1. <u>Guidance On Responding to Offers of Hospitality or Gifts</u>	14
2. <u>Guidance On Register of Employee Interests</u>	16
3. <u>Procedure on the Disclosure of Unlawful or Improper Actions – otherwise known as “Whistle Blowing”</u>	19

CODE OF CONDUCT FOR EMPLOYEES OF SCOTTISH BORDERS COUNCIL

1 INTRODUCTION

- 1.1 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 COSLA (Convention of Scottish Local Authorities) has produced a National Code of Conduct for local government employees in Scotland. The Scottish Public Services Ombudsman will use this National Code as a benchmark of good practice where a complaint of maladministration has been made. The Code of Conduct for Employees of Scottish Borders Council (the Code) is therefore based on the National Code, and it sets out the minimum standards of conduct that are expected of you as an employee of Scottish Borders Council. This Code applies to all employees at all levels, whether permanent, temporary or fixed term employees. Scottish Borders Council also expects the same standards of conduct from consultants, independent contractors and volunteers.
- 1.2 The Bribery Act 2010 imposes severe criminal penalties on any employee who is found guilty of requesting, accepting or agreeing to accept any financial or other advantage for carrying out activities in the course of their employment or while carrying out a function of a public nature.
- 1.3 The Code does not affect your rights and your responsibilities under the law; its purpose is to provide clear and helpful advice to you. Some parts of the Code may apply more to some employees than to others because of the nature of their work, but all employees must act in accordance with the Code. Those employees involved in processing applications for services or resources, licences or statutory consents and also those involved in the procurement of goods and services need to pay particular attention to the Code. A breach of the Code by any employee may give rise to disciplinary action.
- 1.4 Equally importantly, the Code also provides you with guidance about your rights and responsibilities at work.
- 1.5 As far as possible you should also comply with the Code where you are appointed as a representative of the Council on any organisation, Trust or company.
- 1.6 **Please ensure therefore that you are familiar with the contents of this code.**
- 1.7 The Council also has a Staff Charter, which is a quick reference guide to what is expected of employees and managers and what they can expect in return. The Charter complements this Code and the [Competency Behaviours Framework](#).

2 THE SEVEN PRINCIPLES OF PUBLIC LIFE

- 2.1 The Code incorporates “The Seven Principles of Public Life” identified by the Nolan Committee on Standards in Public Life. They are listed below, altered slightly to place them in a local government context.
- 2.2 Selflessness
You should take decisions solely in terms of the Council’s interests. You should not take decisions in order to gain financial or other benefits for yourself, your family, your friends or any other person.

2.3 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.

2.4 Objectivity

Any decisions or recommendations which you make in the course of your employment including making appointments, awarding contracts, or recommending individuals for rewards or benefits must be based solely on merit.

2.5 Accountability

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

2.6 Openness

You should be as open as possible in all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when it is clearly demanded by Council policy or the law.

2.7 Honesty

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

2.8 Leadership

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

3 PERSONAL CONDUCT and YOUR RELATIONSHIPS

3.1 Personal Conduct

3.1.1 The Council expects the highest standards of personal conduct from its employees, both within and outwith the workplace. The public image of the Council is enhanced or diminished by the conduct of its employees. This includes

3.1.2 You must comply with all Council policies, procedures and applicable external Codes of Practice and keep yourself up to date with any new or revised policies, procedures or relevant external Codes.

3.1.3 You must treat with respect anyone you come into contact with in the course of your employment with the Council, including fellow Council employees, councillors, members of the public and contractors. You must behave courteously at all times. This includes times when you are not at work. This includes your presence on social media.

3.1.4 You should not make or publish derogatory statements about any such person by any means. This includes making the statement directly, by text message or by electronic means, for example through social networking sites.

3.1.5

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.

Inappropriate conduct outside work may result in disciplinary action if it impacts, or has the potential to impact, your ability to do your job, or brings, or has the potential to bring, the Council into disrepute. This includes your presence on social media.

If you are 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 which potentially affects your ability to carry out your role or brings the Council into disrepute, 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.

All information on criminal convictions may be verified and will be treated in strict confidence.

Examples of what should be reported, which are not exhaustive, are:

- Roles that require a driving licence – any event that may result in the loss of a driving licence.
- Care roles – any event that involves a child, young person or vulnerable adult or the use of violence.
- Roles in schools - any event that involves a child, young person or vulnerable adult or the use of violence.
- Roles governed by professional standards or codes of conduct – any event which constitutes a breach of the relevant standards or code.

If in doubt, confidential advice can be sought from the HR Case Management Team: (askhr@acotborders.gov.uk/ Tel: 01835 825015,) or from your trade union representative.

3.2 Relationships

3.2.1 The Public

You may have contact with members of the public as users of services, clients, citizens or potential employees. You should always be courteous and helpful. You should deal fairly, equitably and consistently with each member of the public.

3.2.2 The Council is committed to promoting equality of opportunity and eliminating discrimination within its own employment practices and service delivery. You must therefore comply with any equality and diversity policies adopted by the Council.

3.2.3 Councillors

The Code of Conduct for Councillors gives the following guidance on the relationship between Councillors and employees:-

3.2.4 *“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.

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.

- 3.2.5 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.

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.”

- 3.2.6 These principles apply equally in this Code.

The Council has published a [Protocol on Relationships between Political Groups, Elected Members and Officers](#) which sets out clearly the responsibilities of Officers in their engagement with Elected Members. This Protocol must be adhered to at all times.

3.2.7 **Colleagues**

As an employee of Scottish Borders Council you must treat your fellow employees with courtesy and respect and have regard to relevant policies and procedures of the Council, for example, the [Equality, Diversity and Human Rights Policy](#) and [Dignity and Respect Policy](#).

3.2.8 **Contractors**

You must be fair and impartial in your dealings with contractors, sub-contractors and suppliers. By law you must give written notice to the Council of any interest you have in any contract or proposed contract. This must be discussed with your line manager and you must then complete a Register of Interest form on Business World. For further details see the [Guidelines on the Register of Interests](#)..

- 3.2.9 If you are involved in the ordering of works, goods or services and/or the tendering process you must follow the procedures and rules contained in the [Council's Financial Regulations](#) and [Standing Orders](#) in relation to tenders and contracts.

- 3.2.10 If you are an employee who has both a “client” and “contractor” responsibility you must observe the requirement for accountability and even-handedness in undertaking these two roles.

- 3.2.11 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. If you are in any doubt, you must discuss any proposed disclosure with your line manager.

4 CONFLICTS OF INTEREST

- 4.1 As an employee of Scottish Borders Council you must not allow any private interest to influence your decisions.
- 4.2 You must not use your position to further your own interests or the interests of others who do not have a legitimate right to benefit under the policies of this Council.
- 4.3 You may have a private interest which relates to the work of the Council. 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 Council.
- 4.4 Each Department must ensure that all relevant interests are recorded in the Register of Employee Interests on Business World. Although the Register of Employee Interests is confidential it may be referred to by Senior Managers, Internal Audit and other relevant employees.
- 4.5 Any entry in the Register of Employee Interests should be retained for a period of 7 years after the date on which the interest became irrelevant, i.e. the date it expired or the date the employee left Scottish Borders Council. This is because an interest may be relevant to an HMRC review of the Council which could go back for up to 7 years.
- 4.6 It is the responsibility of each employee to notify their line manager of any interest and to ensure that the Entry for the Register of Employee Interests is completed. If in any doubt whether or not to register something, the employee should err on the side of caution and complete the register. If an employee fails to register an interest and this is later discovered, they may be subject to action being taken under the disciplinary procedure.
- 4.7 Before making an entry, the employee should discuss the nature of their interest with their line manager and agree any potential conflict and appropriate restrictions and, if appropriate, an expiry date (see
- 4.8 You may feel able to state truthfully that an interest would not influence you. However, you must always comply with the “objective test” which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussions or decisions.

For further details see [Appendix 2](#).

5 OPENNESS AND DISCLOSURE OF INFORMATION

- 5.1 Scottish Borders Council’s decision making process must be transparent and open and the Council must provide the public with clear and accessible information about how it operates. There is a comments and complaints

procedure which is in place for the public to use when things go wrong but also to express satisfaction with our services.

- 5.2 You should be aware however that there are exceptions to the principle of openness where confidentiality is involved and information may be withheld. For example, it may be necessary to keep, as confidential, information about either an individual or an organisation which might compromise the right of personal or commercial confidentiality or breach Data Protection legislation. Any legal duty to provide such information may override these considerations.
- 5.3 In the course of your employment you may become aware of details of the personal circumstances of members of the public, whether known to you or not, councillors or other employees. You must not discuss these personal details with anyone, including family members, friends or fellow employees, except when it is necessary for the performance of your duties.
- 5.4 You must follow any policy of the Council or guidance issued on making information available to the public and you must not break the law in this area. If you are in any doubt, you should seek guidance through your line manager or The Information Team as appropriate: dataprotection@scotborders.gov.uk

6.0 PAID EMPLOYMENT AND VOLUNTARY WORK OUTSIDE THE COUNCIL

- 6.1 Your loyalty as an employee should be to the Council. However you are permitted to undertake work outside the Council unless there is a possible conflict or adverse effect on the work of the Council. With the exception of the Chief Executive, Directors and Chief Officers, who are required to obtain written permission, there is no specific requirement for any other employee to obtain permission to undertake other work. You are advised however to seek the advice of your line manager where any doubt exists or where there is some similarity between your job with the Council and the other work outwith the Council. Under no circumstances should you make use of confidential or sensitive information gained through your employment with the Council. You are not permitted to use the equipment or resources of the Council when carrying out work outside the Council except with the specific approval of your Director (see Section 10 Use of Resources) and you must not undertake such work during your normal working hours. You must ensure that the total hours you work for the Council and any other employer together do not breach the requirements of the [Working Time Regulations](#).
- 6.2 If you receive a fee for a publication, broadcast, speech or lecture where you have used official information, Council time or Council resources then the fee should be paid to the Council.
- 6.3 **Employees whose job involves processing applications for services or resources, licences or statutory consents and also those involved in the procurement of goods and services must pay particular attention to the sections on Hospitality and Gifts**

7 HOSPITALITY

- 7.1 In the course of your employment you should only accept offers of hospitality if you can answer 'Yes' to the questions
- 'Can I justify this?' and
 - 'Can I be sure I will not be subject to legitimate criticism?'

- 7.2 If you are in any doubt, you should seek the advice of your line manager, but err on the side of caution.
- 7.3 Employees must declare any offer of hospitality valued at over £50, whether accepted or not, by completing the Register of Hospitality and Gifts form on Business World. .
- 7.4 You should only accept offers to attend social or sporting events where these are clearly part of the life of the community or where the Council would be expected to be represented. Before accepting any such invitation you must seek specific authority from your Director. You should not accept regular hospitality from the same source.
- 7.5 If you are making a visit to inspect equipment, vehicles, land or property with a view to possible purchase on behalf of the Council, or to attend meetings to discuss such matters, you must ensure that the costs are met by the Council.
- 7.6 **Appendix 1 contains further guidance to assist you in responding to offers of hospitality.**

8 GIFTS

- 8.1 In the course of your employment you must not accept personal gifts from other organisations or members of the public, colleagues, pupils etc. except for items of nominal value for example pens, diaries, calendars, flowers or other small tokens of gratitude.
- 8.2 In accordance with the good governance employees must declare the offer of gifts valued at over £50, whether accepted or not, by completing the Register of Hospitality and Gifts form on Business World.
- 8.3 **Appendix 1 contains further guidance to assist you in responding to offers of gifts.**

9 CORRUPTION

- 9.1 It is important that you are aware that it is a serious criminal offence (and disciplinary matter) for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in the course of your work with the Council.
- 9.2 The Bribery Act 2010 provides that it is a criminal offence for an employee to request, accept or agree to accept any financial or other advantage for carrying out a function or activity in the course of their employment. This applies where there is an expectation that the function or activity will be performed in good faith and/ or impartially. This covers any duty an employee undertakes in their employment with the Council.
- 9.3 The penalties for a breach of this Act can extend to up to ten years' imprisonment and an unlimited fine.
- 9.4 It should be noted that there is a breach of the Act when an employee agrees to accept an advantage even if that advantage is never actually gained.
- 9.5 The Act applies whether the advantage is to be given to the employee personally or to any other person.

10 USE OF RESOURCES

- 10.1 You and your colleagues serve the public and you must remember this principle when you use Council equipment, materials and resources, in order to ensure value for money. You must follow any policy/practices of the Council on the personal use of Council equipment.
- 10.2 In accordance with the [Financial Regulations](#) no Council property or equipment may be used other than for Council purposes except with the specific approval of your Director.

11 APPOINTMENTS

- 11.1 Employees must follow the principles contained in the Council's Recruitment and Selection Policy and Procedure. All appointments must be made solely on the basis of merit.
- 11.2 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 who will decide whether you can or cannot participate in the recruitment and selection process.
- 11.3 The same procedure must be followed by you where, any other personnel procedure is involved, for example, grievance, discipline or job evaluation and where a similar kind of relationship exists. Where any doubt exists, the advice of your line manager should be sought.
- 11.4 You must not lobby a Councillor or another colleague either directly or indirectly to secure either your own appointment or promotion or the appointment or promotion of another person. If you have been lobbied either by an applicant, another colleague, a Councillor or any other person you must report the matter to your line manager. Your line manager may discuss this with departmental managers and/or the HR Case Management Team (askhr@scotborders.gov.uk / Tel 01835 825052/3) as appropriate.

12 CONTACT WITH THE MEDIA

- 12.1 In the course of your employment with the Council, you should only make contact with the media or respond to enquiries from the media where you have been authorised to do so by the Chief Executive, or your Director. Any such statement you make must reflect the policies and views of the Council. You must follow any Departmental instructions and where appropriate the in relation to contact with the media.
- 12.2 The provisions set out in the previous paragraph do not apply to employees where they are acting in their capacity as trade union representatives and are communicating the view of their trade union to the media.

13 POLITICAL NEUTRALITY

- 13.1 Your political neutrality as an employee is expected by the public and must be respected by Councillors. The political activities of a small number of employees are restricted by law. Those employees holding politically restricted posts will

have been notified individually in writing by HR confirming the restrictions which apply.

- 13.2 You must serve the Council as a whole and all Councillors, regardless of their political outlook. The Chief Executive and senior officers have an additional responsibility to help ensure the implementation of the policies of the Council.
- 13.3 You must implement the policies of your Council irrespective of your personal view
- 13.4 If you are asked by a Councillor to provide assistance on a matter which is clearly party political or which does not have a clear link with the work of the Council you should politely refuse the request and inform the Councillor that you are referring the matter to your line manager, who must ensure that it is reported via email to the Chief Executive.
- 13.5 Some employees will have a close working relationship with Councillors of the majority political group (or groups) which form the administration of the Council. However, any political group may wish a Council employee to attend a meeting to advise the group. The following procedure about access by political groups to the advice of employees must be followed, therefore if you are approached directly you should refer the Councillor(s) to the Chief Executive.
 - a) The office Bearer(s) (of the group) must first approach the Chief Executive.
 - b) The nature of the advice sought must be indicated to the Chief Executive.
 - c) The Chief Executive will decide whether attendance at the meeting is appropriate and if so which employee(s) should attend.
 - d) Once the employee has given the advice to the group the employee must leave the meeting before any decision is made.
 - e) 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 that group.

14 YOUR RIGHTS AS AN EMPLOYEE

14.1 Public Statements

As a member of the public, you are entitled to express your views about the Council, provided you do not make use of any confidential information gained through your work with the Council. However, in your work capacity you should not knowingly criticise the Council either through the media or at a public meeting, or in any written or oral communication with members of the public.

14.2 Access to Councillors

As a member of the public, you are entitled to raise with Councillors any complaint which you have about the services of the Council, but if your complaint concerns any aspect of your work you must make use of the Council's [Grievance Procedure](#).

Similarly, you should not contact an MP or MSP regarding any aspect of your employment.

14.3 Fair and Reasonable Treatment at Work

You are entitled to expect fair and reasonable treatment by your colleagues, managers and by Councillors. If you feel that you have been unfairly treated or have been discriminated against you are entitled to make use of [the Council's Grievance Procedure, Dignity & Respect Policy or other relevant policy or procedure](#).

14.4 Disclosure of Unlawful or Improper Actions: "Whistle Blowing"

There may be rare occasions when you feel that you have been or may be required by a colleague, a Councillor or a member of the public, or by an organisation, to act in a way which is dangerous, fraudulent or otherwise illegal, improper, unethical or which is otherwise in conflict with the principles or the spirit of this Code of Conduct. There may also be occasions where you have information leading you to believe that an employee, Councillor or other person associated with the Council is behaving dangerously, fraudulently or otherwise illegally, improperly, unethically or in a way which is otherwise in conflict with the principles of this Code of Conduct.

14.5 Examples of this type of unacceptable behaviour are:

- failure to comply with a legal obligation
- improper or unauthorised use of public or other funds
- a criminal offence
- financial irregularity
- dishonesty
- malpractice
- corruption
- bribery
- abuse of people within the Council's care
- miscarriage of justice
- danger to the health or safety of any individual
- damage to the environment
- the deliberate concealing of information about unlawful or improper actions.

14.6 In these circumstances you must follow the Council's procedure for dealing with such matters which aims to ensure that they are raised and addressed appropriately within the Council (see [Appendix 3](#)).

15 **DRESS CODE**

15.1 Whilst the Council does not have a formal dress code the clothes you wear should be appropriate to your work. Employees in offices are not necessarily expected to wear suits but will be expected to dress smartly. If you are in any doubt please ask your line manager. The Council provides uniforms for some operations in order to present a smart image to our customers. Where these are issued they must be worn. Where no uniforms are issued then dress should be appropriate to your area of service.

15.2 Employees who have Council uniforms should be aware that they are viewed as representing the Council by the public when wearing their uniform. Accordingly if an employee is involved in an incident or engages in inappropriate conduct while wearing their uniform, this may be viewed as bringing the Council into disrepute and action may be taken as appropriate.

- 15.3 Employees who have Council ID badges/ lanyards should be aware that these are issued for identification and security purposes only and should not be worn outwith working times. Lanyards should not be worn while driving a motor vehicle.

16 PERSONAL PROPERTY

- 16.1 You are responsible for your own property. The Council cannot accept responsibility for any personal possessions damaged or lost on Council premises. You should not leave money or valuables unattended in offices or cloakrooms.
- 16.2 The Council will not accept responsibility or liability for loss of or damage to any vehicle or property (either owned or being used by you). This is irrespective of whether the loss or damage is caused by a Council employee or by a third party. All goods left on Council premises will be at your sole risk.

17 PERSONAL PROTECTIVE EQUIPMENT (PPE)

- 17.1 This covers the clothing and safety equipment provided by Scottish Borders Council that you must wear to work safely. You will be told of what PPE you will need to do your job and it will be given to you by your line manager.
- 17.2 Where eye protection, protective clothing or any other safety equipment is issued it must be worn or used where appropriate.
- 17.3 You will be trained in its correct use, storage and maintenance.
- 17.4 The safety equipment and clothing given to you must be used when needed. You must look after it and keep it in good condition ready for use. Replacement PPE is available from your line manager.
- 17.5 The use of safety equipment is compulsory and disciplinary action may be taken against anyone who does not use the appropriate equipment or does not follow safety instructions.

18 ASSOCIATED POLICIES AND PROCEDURES

This policy is associated to the following key policies/guidelines and where applicable these should be cross referenced to gain further detail:

- [Dignity & Respect Policy](#).
- [Disciplinary Procedures for Misconduct](#)
- [Equality, Diversity & Human Rights Policy](#)
- [Guidelines for Employees](#)
- [Guidelines for Line Managers](#)
- [Guidelines on Conducting Investigations](#)
- [Grievance Policy and Procedure](#)
- [Financial Regulations](#)
- [Media Relations Protocol](#)
- [Guidance on Politically Restricted Posts](#)
- [Procurement and Contract Standing Orders](#)
- [Protocol on Relationships between Political Groups, Elected Members and Officers](#)

- [Recruitment and Selection Policy](#)
- [Guide to the Working Time Regulations](#)

Appendix 1

**CODE OF CONDUCT FOR EMPLOYEES OF
SCOTTISH BORDERS COUNCIL****Guidance On Responding To Offers Of Hospitality Or Gifts****1 GENERAL GUIDANCE**

- 1.1 This guidance note is intended to give you, as a Scottish Borders Council employee, further guidance on what action is appropriate if you receive an offer of hospitality or a gift in the course of your employment.
- 1.2 The following apply to offers of both hospitality and gifts:
- you should treat all offers of hospitality or gifts 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, for example, during the tendering process for awarding contracts or the processing of an application through a Council service such as licensing or planning
 - you must reject any offer where it might be seen as intended 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 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 offerer of the requirements and standards of the Council as set out in the Code.
 - you must declare any offer of hospitality or gifts valued at over £50, whether accepted or not, as soon as possible after the offer by completing the Register of Hospitality and Gifts form on Business World.

2 GUIDANCE ON OFFERS OF HOSPITALITY

- 2.1 Offers of hospitality may be made to Council employees for a variety of reasons and whether any such offers should be accepted will depend on a number of different factors. The following guidance is intended to assist you in making judgements on these matters.
- you should only accept offers of hospitality if you can answer 'Yes' to the questions
 - 'Can I justify this?' and
 - 'Can I be sure I will not be subject to legitimate criticism?'
 - 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.
 - you should only accept offers to attend social or sporting events where these are clearly a part of the life of the community or where the Council would be expected to be represented.
 - you should not accept regular hospitality from the same source.

3 GUIDANCE ON OFFERS OF GIFTS

- 3.1 Similar considerations apply to dealing with the offer of gifts. Such offers may vary from items of token value which it would be discourteous to refuse, to items of value where the offer may be interpreted as either an attempt to influence your judgement or to reward you for services supplied or to be supplied to the offerer of the gift.
- 3.2 You may only accept small personal gifts of low value such as pens, diaries, calendars, flowers or other small tokens of gratitude.
- 3.3 You must not encourage anyone to offer you a gift or other personal benefit from any organisation or individual in connection with your duties. Also you must not accept an offer of a gift from any company which you know to be in negotiation with, or tendering for a contract with the Council.
- 3.4 On rare occasions senior officers may be asked to accept a gift on behalf of the Council. Such gifts should only be accepted following consultation with the Director of the department and will become the property of the Council. A record of the receipt of such official gifts will be maintained by the Monitoring Officer (currently the Director of Corporate Governance).
- 3.5 The acceptance of a gift or other hospitality may constitute a breach of the Bribery Act 2010, which carries severe criminal sanctions (see Section 9).

Appendix 2**CODE OF CONDUCT FOR EMPLOYEES OF
SCOTTISH BORDERS COUNCIL****Guidance On Register of Employee Interests****Background**

1. Scottish Borders Council maintains a Register of Employee Interests as part of its commitment to demonstrate the highest standards of propriety and accountability. The register is consistent with the Seven Principles of Public Life identified by the Nolan Committee as detailed in Paragraph 2 of this Code. In addition, the register will help to protect employees against accusations of impropriety.

What Interests should be Registered?

2. As detailed in Paragraph 4, any interest you or a close family member have which a member of the public might reasonably think may influence your judgement in relation to your work with the Council.

In this context “close family member” includes a husband, wife, partner, child, parent, sibling or in law.

The interest may be financial or non-financial, e.g. membership of a club or society. This applies equally to membership of organisations or clubs which are not open to the public, e.g. Freemasonry.

The following are examples of the type of interest which should be recorded but are not exhaustive.

1. Interest in an organisation, including ownership, partnership or shareholding*, with a contract or proposed contract (e.g. involved in a tendering process) with the Council where, as a consequence of their work with the Council, the employee might be in a position to influence a decision or be involved in processing or authorising payments

[*Shareholding – only register where the value of shares held is in excess of 5% of the issued share capital]

2. Office Bearer in a voluntary or community organisation (e.g. Chair of Sports Council, Treasurer of Village Hall Committee, Secretary of Community Council) where, as a consequence of their work with the Council, the employee might be in a position to influence a decision to award a grant or be involved in processing or authorising payments

3. Membership of club or society (e.g. Roundtable, Tennis Club) where, as a consequence of their work with the Council, the employee might be in a position to influence a decision to award a grant or be involved in processing or authorising payments

4. A close family member (including husband, wife, partner, child, parent, sibling or in law) making a job application where, as a consequence of their work with the Council, the employee might be involved in the recruitment and selection process

3.

What is the Effect of Registering an Interest?

Restrictions should be put in place to avoid the potential conflict as far as possible.

The following are examples of the types of restrictions that can be put in place but are not exhaustive:

1. Interest in an organisation with a contract or proposed contract with the Council.

In such circumstances a reasonable restriction would be that the employee takes no part in the ordering, payment, evaluation or monitoring process with the relevant organisation.

2. Office Bearer in voluntary or community organisation.

In such circumstances a reasonable restriction would be that the employee takes no part in the decision making process, leaves any meeting where decisions about awarding a grant to the organisation is being discussed or that they take no part in the processing or authorising of payments to the organisation.

3. Membership of club or society.

In such circumstances a reasonable restriction would be that the employee does not take any part in the decision making process, leaves any meeting where decisions about awarding a grant to the organisation is being discussed or takes no part in the processing or authorising of payments to the organisation.

4. A close family member making a job application – a conflict might arise where the employee is involved in the recruitment and selection process.

In such circumstances a reasonable restriction would be that the employee takes no part in any aspect of the recruitment and selection process.

5. If you have an interest in a matter which is being discussed at a meeting of the Council, at one of its committees, sub-committees or joint committees, COSLA, or, at any other

work related meeting which you are due to attend you must declare the interest to your line manager or other senior officer prior to the meeting or immediately it becomes apparent. You must not be present at the meeting when the matter is being discussed and decided upon.

Appendix 3**CODE OF CONDUCT FOR EMPLOYEES OF
SCOTTISH BORDERS COUNCIL****Procedure on the Disclosure of Unlawful or Improper Actions – otherwise known as
“Whistle Blowing”****1 INTRODUCTION**

- 1.1 This procedure provides a mechanism to enable employees to raise genuine and legitimate concerns about behaviour which is dangerous, fraudulent or otherwise illegal, improper, unethical, or which is otherwise in conflict with the principles or the spirit of the Code of Conduct. Examples of this type of unacceptable behaviour are detailed in paragraph 14.5 of this Code of Conduct. It is intended to protect:
- employees who raise genuine and legitimate concerns internally and in exceptional circumstances with appropriate external regulatory bodies
 - the Council and other employees against false, vexatious, malicious or frivolous accusations
- 1.2 The Council recognises that sometimes it will be very difficult for employees to report a concern, especially if it relates to a fellow employee. You are assured that you will not be penalised in any way for bringing forward genuine concerns. The Council will not tolerate harassment or victimisation and will take action to protect those who raise a concern in good faith. However, where an employee makes an allegation they know to be false or which is vexatious, malicious or frivolous disciplinary action may be considered against the employee making the allegation.
- 1.3 The Council also recognises that employees will wish their concerns to be raised and dealt with in a confidential manner. The Council will do its best to protect an individual's identity when a concern is raised. Your initial contact will always be dealt with in the strictest confidence and discussed only with other relevant persons for the purpose of seeking advice. You must understand however, that the investigation process may reveal you as the source of the information and the information or concerns you express may lead to you becoming involved in other processes which may include being a witness under the Council's disciplinary procedure or a criminal investigation. In these circumstances anonymity is unlikely to be maintained, however, you will be given as much support as possible throughout such processes.
- 1.4 Employees are encouraged to put their names to allegations as concerns raised anonymously are much less powerful. However, concerns raised anonymously may be investigated at the discretion of the Council, taking into account
- the seriousness of the issue raised
 - the credibility of the concern, and
 - the likelihood of confirming the allegation from attributable sources

2 PROCEDURE

- 2.1 If you have been required or requested to behave in a way which is dangerous, fraudulent or otherwise illegal, improper, unethical or which is otherwise in conflict with the principles or the spirit of the Code of Conduct, or you have information leading you to believe that an employee, Councillor or other person associated with the Council is acting in this manner, you must report this. Concerns may be reported orally or in writing.

2.2 WHO SHOULD I REPORT TO?

In the first instance you should report the matter to your line manager. If you feel unable to approach your line manager (because for example it is the behaviour of your line manager that is the cause of your concern) you must report the matter to the next appropriate more senior officer in your department.

If it is not appropriate to raise the matter within your department or the concern relates to an Elected Member, you must report the matter to the Monitoring Officer for the Council, currently the Director of Corporate Governance.

If you feel that it is not appropriate to approach any of the above you should report the matter to the Chief Executive.

If you feel that it is not appropriate to approach any officer of the Council, including the Chief Executive, you should report the matter to one of the following Councillors who in turn will raise the matter with an appropriate senior officer of the Council:

- Leader
- Deputy Leader
- Convenor
- Vice Convenor

WHAT HAPPENS NEXT?

- 2.3 Following this report, and after appropriate consultation, we will investigate the matters raised as appropriate. We may request that you provide us with additional information to assist us in our efforts. We may also decide to involve relevant external (or internal) specialists to help us conduct a thorough, fair and responsible investigation.

- 2.4 We will always endeavour to reassure you, as best as we can, of the fact that we are taking your concerns seriously and that we are conducting a responsible investigation.

For a number of reasons, relating to legal obligations, including obligations of confidence, to others, or in relation to any legal advice that we may decide to take on our own behalf, we will not be able to share any of the details of our discoveries or deliberations with you.

- 2.5 Once the investigation is complete the investigating officer will send their report to the appropriate managers, normally including the appropriate Director and Chief Executive. Where it is considered that a complaint raises issues of employee misconduct, , appropriate action, possibly including a disciplinary hearing, will be

taken. Although you might be involved in such a hearing as a witness you will not be informed of the outcome of the hearing as this is confidential. Where there is evidence of possible criminal activity, the Chief Executive will decide whether to inform the police, who may carry out their own investigation.

2.6 All concerns should normally be reported as detailed above in the first instance. You may only make a disclosure to other parties where you remain dissatisfied with the outcome of the internal procedure or in exceptional circumstances where you reasonably believe that:

- you would be victimised as a result of raising the issue, and/or
- that relevant evidence would be concealed or destroyed by the Council, and/or
- the alleged breach of conduct was so exceptionally serious as to justify bypassing the internal procedure.

2.7 Appropriate other parties are:

- **External Auditors** – Audit Scotland scrutinise the Council's finances and performance. Tel No: 0131 625 1500. [website](#).
- **the Police** – suspicions of fraud or corruption may be investigated by the Police
- **The Scottish Public Services Ombudsman** – this is an independent body set up by the Government to deal with complaints against public bodies in Scotland. Scottish Public Services Ombudsman Tel No: 0800 377 7330. Complaints can also be logged on their [website](#).
- **Protect** – this is a charity which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest. They have advice pages and an Advice Line on their [website](#) .
- **The Health and Safety Executive** - for health and safety issues. Contact details are on their [website](#).
<https://www.hse.gov.uk/contact/concerns.htm>
- **your Trade Union**