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# Code of Conduct for Employees

*Revised April 2006*

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# I. Introduction

This Code of Conduct has been developed by the council following the adoption by COSLA of the National Code of Conduct for Local Government Employees.

The public expects a high standard of conduct from all local government employees. This Code sets out the minimum standards which are expected of all employees of South Lanarkshire Council. These standards will be used as a benchmark of good practice by the Local Government Ombudsman where a complaint of maladministration has been made. The Code also incorporates “The Seven Principles of Public Life” identified by the Nolan Committee on Standards in Public Life. These are listed overleaf, as slightly altered by COSLA to place them in local government context, and are explained in the Council’s approach to corporate governance.

The Code does not affect employees’ rights and responsibilities under the law. Its purpose is to provide clear and helpful advice. While a breach of this Code may give rise to disciplinary action, it is designed to provide guidance on the standards of conduct appropriate for a public service employee. Any employee who has difficulty in meeting any of the standards contained in the Code, should contact their line manager, Resource personnel section or Trade Union Official for advice.

As the council provides a wide range of services, some sections of the Code may be more relevant to some employees than others, but all employees must comply with the standards and principles set out in the Code. Some employees may also be subject to the provisions of a code of conduct produced to meet the requirements of a professional body such as the General Teaching Council (GTC) or Scottish Social Services Commission (SSSC).

**Note:** *Details of how to access copies of relevant council policies and codes referred to in this document are provided at the end of this Code of Conduct.*

## 2. Standards in public life

### 2.1 The “Seven Principles of Public Life”

The “Seven Principles of Public Life” were identified by the Nolan Committee on Standards in Public Life and are set out below as adapted by Cosla.

**Selflessness:** You should not take decisions which will result in any financial or other benefit to yourself, your family and friends. Workplace decisions should be based solely on the council’s best interests.

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

**Objectivity:** Any decisions which you make in the course of your work with the council, including making appointments, awarding contracts, or recommending individuals for awards or benefits must be based solely on merit.

**Accountability:** You are accountable to your council as your employer. Your council, in turn, is accountable to the public.

**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 should not restrict information unless this is clearly required by Council Policy and permitted or required by the law.

**Honesty:** You have a duty to declare any private interests which might affect your work with the council.

**Leadership:** If you are a manager, or team leader, you should promote and support these principles by your leadership and set an example.

## 2.2 Code of corporate governance

The council has approved a “Code of Corporate Governance” to ensure that the business of the council is conducted within the law and proper standards, that money is safeguarded and properly accounted for and used in an economic and efficient manner. Underpinning the council’s approach to corporate governance are the following four principles:

- Openness
- Accountability
- Transparency
- Leadership

### 3. Personal conduct

Employees should be aware that the way they behave during working hours also reflects the image of the council. Managers will explain to their employees the standards of behaviour expected of them.

Employees must not attend work under the influence either of alcohol or illegal drugs, as these may affect their ability to undertake their duties safely and effectively and may damage the public image of the council. The use of council vehicles or machinery is prohibited while an employee is under the influence of alcohol, illegal drugs or any prescribed medication that may affect their ability to drive or operate machinery safely. Employees should refer to the employee information leaflet "Driving Safely at Work" for further details.

Any employee who does attend work under the influence of alcohol or illegal drugs should understand that they are likely to be liable to action under the council's disciplinary proceedings and this may lead to dismissal. However, the council has a policy to assist employees with an addiction problem and help and support is available through the Personnel Adviser (Employee Services) in Corporate Personnel Services.

Any employee charged with, or convicted of, a criminal offence or, who works in a child care position and whose name is placed on the Lists held by the Scottish Executive of those Disqualified to Work with Children (DWCL), or adults at risk, whether this is on a provisional basis or not, must advise his/her Executive Director immediately.

Employees, like all other South Lanarkshire residents, have a duty to make any payments due to the council in good time, and should be aware that the council will make regular checks to ensure that employees are not in arrears with payments such as Council Tax, rent etc.

Advice for employees experiencing difficulties in making payment is available from various sources such as Benefits and Revenues within Housing and Technical Resources, specialist money advisers within Q&As (Money Matters Service), and the Personnel Adviser (Employee Services) in Corporate Personnel Services.

Any employee who claims benefits e.g. Housing or Council Tax benefits and discounts from this or any other council to which they are not entitled, are likely to be liable to action under the council's disciplinary proceedings and this may lead to dismissal.

The council's values are based on promoting equality of opportunity and tackling discriminatory practices and prejudice. Therefore, regardless of personal beliefs and opinions, the council expects all of its employees to behave positively towards one another as well as to service users. Bullying, harassing, intimidatory or discriminatory behaviour or language, in any form is unacceptable. The council's policy on "Dignity at Work" sets out the standards expected and the process by which employees can raise complaints.

Under the Code of Corporate Governance employees are expected to take responsibility for the decisions that they may take as part of their employment. They should work within the law and be aware that the decisions they take may be scrutinised. If an employee feels that they require further training/guidance for the role they carry out, they should raise this with their line manager either directly or through the performance/staff development and review process.

## 4. Dress code

Many council employees provide valuable “front line” services, and are in regular contact with the service users and the public. They therefore represent the “public image” of the council.

The council requires employees to adopt certain dress requirements and generally dress appropriately for the type of work they do. While recognising the diversity of cultural traditions, and what might be considered a “reasonable adjustment” in respect of any disabled employee, each Resource will advise its employees of any specific requirements with regard to appearance and dress. These standards will reflect the services provided by the Resource and the work undertaken by the employees concerned. In addition:

- Unless agreed with their line manager for specific situations, name badges, where provided, will be worn at all times. Employees should also show their Council ID pass as appropriate e.g. when carrying out a home visit.
- Corporate wear, where provided, will be worn as required, and maintained in a reasonable condition
- Personal protective equipment and clothing provided for an employee’s safety will be worn as appropriate for the type of work being undertaken.

# 5. Relationships

## 5.1 Elected Members

Both Elected Members and employees are public servants and as such indispensable to each other. Employees are responsible to the council and their role is to support and give advice to Elected Members and to carry out their work under the direction and control of the council and its committees.

Any undue familiarity between Elected Members and employees should therefore be avoided as it is inappropriate and may be perceived wrongly or be embarrassing to others.

## 5.2 The public and service users

Employees may have contact with members of the public as users of services, or citizens and therefore should always behave in a courteous and helpful manner.

All members of the public should be treated fairly, equitably and consistently, in accordance with the principles of the Council's Equal Opportunities Policy.

## 5.3 Conduct towards colleagues

Council services are best delivered by employees who work together in the best interests of service users. Employees should therefore respect each other, their beliefs and opinions, and behave in an appropriate manner at work.

The council's policy on "Dignity at Work" identifies discrimination, harassment and victimisation as constituting serious misconduct, which will not be tolerated.

This policy is available on the Intranet or by contacting Corporate Personnel Services.

## **5.4 Voluntary bodies or organisations**

The council recognises the vital contribution which the voluntary sector makes to the quality of life in South Lanarkshire, and has developed a policy on volunteering to encourage its employees to support the voluntary sector by participating as “volunteers”.

However employees should also be aware of the possibility of a conflict of interest should they participate as a volunteer with an organisation which they might also come into contact with during the course of their work, and take appropriate steps to avoid this happening. Should such a situation arise, an employee should advise their line manager.

## 6. Confidentiality

See also *para 10 on Disclosure of information*

### 6.1 General duty

The council routinely handles information not only to enable services to be delivered to the public but also as part of its management system. Some of this information must be dealt with confidentially and only released to authorised individuals. For example information which may relate to service users, other employees, tenders or contracts that are to be awarded.

Releasing confidential information is a very serious matter; and employees should check with their line manager if appropriate, before giving information to a third party.

Employees should also be careful not to divulge confidential information relating to the council or its employees to others outside their work.

The council is bound by various pieces of legislation, including the Data Protection and Freedom of Information Acts. Each of these has specific requirements and guidance and employees should seek advice from their line manager. Further information is provided in para 10 on disclosure of information.

### 6.2 Committee proceedings

The council is a democratic organisation which is publicly accountable and as such the Council's Committee proceedings are subject to public scrutiny.

However, employees should not communicate information regarding any proceedings of a Committee meeting or the contents of any document relating to the council, unless this is required under the provisions of the Local Government (Scotland) Act 1973 as amended or the Freedom of Information (Scotland) Act 2002, or, they have been expressly authorised to do so.

Further guidance on the disclosure of information is provided in para 10.

### **6.3 Private information relating to employees**

Information concerning an employee's private affairs will not be supplied to any person out with the service of the council unless his/her consent has been obtained first. However, this does not apply where there is a statutory duty on the council to provide the information, or if the council is required to do so by a Court Order or warrant, or as required by Audit Scotland as part of ongoing work on the National Fraud Initiative.

## 7. Political neutrality

Local Government employees should carry out their duties and serve the council and all elected members regardless of their political outlook in a politically neutral way.

A number of posts are “politically restricted” in terms of the Local Government and Housing Act 1989 and employees holding these posts will have been advised. Such employees are disqualified from becoming or remaining, a member of a Local Authority, the Scottish Parliament, the House of Commons, European Parliament or carrying out certain political activities.

Any employee who is asked by an Elected Member to provide assistance with a matter which is clearly party political, or which does not have a clear link with the work of the council, should politely refuse and explain that the matter has to be referred to the line manager.

Some employees will have a close working relationship with Elected Members of the majority group(s) which form the administration of the council.

Political groups may seek advice from employees in which case the following procedure should be adopted:

- The office bearers of the political group should contact the Chief Executive and outline the type of advice they are seeking.
- The Chief Executive will decide whether attendance at the meeting is appropriate and which employee(s) should attend.
- Once the employee has given advice to the group, he/she must leave the meeting before any decision is made.
- Strict confidentiality must be observed by the employee. The discussion in one political group must not be revealed to another.

## 8. Conflict of interest

### 8.1 Private interests

Council employees must not allow any private interest to influence their decisions at work, and must not use their position to further their own interests, or the interests of others who do not have a right to benefit under council policies.

Any interest in the work of the council, on the part of the employee, close family members or members of an employee's household, must always be declared. If an employee is in any doubt about the relevance of their private interests, he/she should clarify the position with his/her line manager.

The delivery of council services should also not be compromised by any conflict of interest which might arise between employees and employees should therefore take steps to prevent any potential conflict of interest between their personal and professional relationships at work.

Employees should also be aware of the potential for actual or perceived conflict of interest in situations where a close personal relationship exists or develops between employees working in the same team or section, and particularly where one of the employees has a supervisory/line management responsibility for the other. In such a situation, advice should be sought as appropriate from a senior manager.

### 8.2 Contracts

Employees must be fair and impartial in their dealings with contractors, sub contractors and suppliers. If an employee is involved in the tendering process, he/she must follow the Council's Standing Orders relating to Contracts.

Employees must notify the Chief Executive, in writing, if it comes to their knowledge that a contract in which they have a personal pecuniary interest, whether direct or indirect, has been or is about to be, entered into by the council. Employees must not disclose confidential information on either internal or external contractors to any individual or organisation unless authorised to do so.

Where appropriate, the council will require an employee working in a particularly sensitive area to enter into a restrictive covenant i.e. a contract which binds the employee upon leaving the employment of the council not to act in a way which might damage the interests of the council.

### **8.3 Membership of private clubs/organisations**

Employees must declare any membership of a private club/organisation whether open to the public or with a restricted membership, which a member of the public may reasonably think could influence the decisions or actions the employee makes on behalf of the council, and might result in a conflict of interest with regard to any aspect of their employment with the council.

### **8.4 Paid work outside the council**

The council will allow employees to undertake paid work outside the council, unless there is a clear conflict of interest or it is likely to have an adverse effect on the work of the council. Any employee wishing to undertake paid work of any kind outside the council, must obtain prior written approval from his/her line manager or the appropriate personnel section.

Employees should not seek to gain business in the course of carrying out their council duties, e.g. by arranging to undertake private work, and are not allowed to use the equipment or resources of the council in any outside work whether paid or unpaid.

Approval to undertake other paid work will be reviewed should there be any change in the employee's working arrangements e.g. an increase in contracted hours or change of duties or post. It is the employee's responsibility to advise their line manager of any existing agreement should they move post within the council.

This procedure is in the interests of employees and is intended to protect them and to ensure compliance with health and safety requirements and the Working Time Regulations.

## **8.5 The giving of lectures, broadcasts etc.**

The council will normally allow employees to accept invitations to give lectures appropriate to their professional/occupational standing, however, an employee should first obtain approval from his/her Head of Service or appropriate personnel section.

Any fees received for lectures, broadcasts etc. given within normal working hours, excluding out of pocket expenses will be paid to the council, otherwise time taken to present the lecture, broadcast etc. must be set against the employee's annual leave entitlement. Fees may be retained for any lectures, broadcasts etc. given out with normal working hours.

## 9. Use of council equipment or resources

### 9.1 Use for other purposes

Employees wishing to use council equipment, for example to work at home, as part of their personal development or for study purposes must obtain permission from their line manager and have the item logged out by the Responsible Officer as per the Inventory Guidelines. Reasonable care must be taken with all such equipment.

Whilst employees are allowed some personal use of IT equipment at their workplace e.g. access to internet and use of e-mail, this should not adversely affect their work. Employees should be aware that telephone, e-mail and internet usage can be monitored.

Employees are not allowed to use the equipment or resources of the council in any outside work (see para 8.4)

### 9.2 Security of information

If IT or communications equipment is being used at any time it is essential that any information that can be accessed using the equipment is kept secure. Advice and guidance is available in the following documents which can be accessed on the Intranet:

- Desktop and Laptop Code of Practice
- Mobile Phone Acceptable Use Policy
- Information Security Policy User Responsibility statement
- The risk management bulletin on laptop security

*Note: this does not apply to equipment purchased under the home computing initiative.*

# 10. Disclosure of information

As previously stated in para 6 on “Confidentiality”, various pieces of legislation e.g. the Freedom of Information (Scotland) Act and the Data Protection Act govern how information is to be managed and the circumstances under which it can be disclosed.

Employees should therefore be careful not to divulge confidential information relating either to the council, a service user, another employee or someone else with whom the council has had contact e.g. tenderers/contractors, unless authorised to do so. This includes making contact with the media.

There are specific procedures to be followed and these are summarised below under the relevant piece of legislation

## 10.1 The Freedom of Information (Scotland) Act 2002

(See also para 10.2 on Data Protection Act 1998).

The Freedom of Information (Scotland) Act (FOISA) introduced a general right of access to information held by the council. The right of access to personal information about an individual is covered by the Data Protection Act (See para 10.2 below).

The council has produced a Publication Scheme which sets out all the information it publishes, how it can be obtained and whether any charges apply. Guidance on handling requests for information is available on the council’s intranet along with the Publication Scheme.

Employees who might receive a request for information should familiarise themselves with the guidance notes and the categories of information that might be requested, and seek advice as appropriate from their line manager

There are a few general principles to note:

- The only legal requirement is that the request is made in a permanent format e.g. writing, e-mail or fax. Anyone making a verbal request should be advised of this. Employees may not ask the applicant the reason for their request
- Except in a small number of cases, the council must provide the information requested. Generally this means supplying information about how to find the information using the details provided in the Council's Publication Scheme.
- If the information is requested is not usually made available to the public, it will be provided, as long as it is data that the council already has. There is no requirement for the council to carry out a specific piece of work e.g. analyse information, just to meet a request.

Employees should be aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure of that information after the council has received an FOISA request, unless permitted to do so under the provisions of the Act. Any employee who does so is likely to be liable to action under the Council's Disciplinary Proceedings.

## **10.2 Data Protection Act 1998**

The right of access to personal information held by the council whether on employees or service users, is covered by the Data Protection Act.

The Act places strict requirements on the council with regard to the security of any personal data held, whether this is paper based and held in a structured filing system, or in electronic format.

This means that an employee asked by an individual to provide access to personal information held by the council about themselves, must seek advice from their line manager and follow an agreed procedure. Generally any requests must be made in writing, and proof of identity will be required before the access is provided.

Unless there is a statutory requirement, or a court order or warrant has been obtained, information relating to an employee's private affairs will not be released without their prior consent. Any council employee wishing access to their personal file must do so by contacting their Resource personnel section who will make appropriate arrangements.

(See also para 6.3 on Private Information Relating to Employees ).

### **10.3 Contact with the media**

The council recognises that in the course of their day to day work there may be occasions where employees will deal directly with the media, for example:

- School information e.g. sports days, fetes, holiday arrangements etc.
- Advertising or promoting council services
- Work related to Corporate Communications and Public Affairs.

However all contact with the media (press/television/radio) regarding 'sensitive' or 'confidential' issues should be made through the Head of Corporate Communications and Public Affairs.

Examples of these circumstances may include a request to disclose information relating to a service user or commercially sensitive information. If an employee is in doubt he/she must contact his/her line manager or the Head of Corporate Communications and Public Affairs, Corporate Resources.

This requirement does not apply where an accredited Trade Union official contacts the media in their trade union capacity and not as a council employee.

Any employee wishing to disclose information in the public interest should use the confidential reporting procedure described in para 10.4. below

## 10.4 Confidential procedure for reporting concerns at work

The public rightly have an expectation of high standards from public organisations such as the council, both in terms of the services provided and ethics. The Public Interest Disclosure Act 1998, provides a process whereby an employee can report concerns about serious wrongdoing or improper behaviour. This could apply to an aspect of individual behaviour or council practice.

The council's procedure on "confidential reporting" enables employees to raise such concerns internally rather than going directly to an outside person or body. The procedure applies to the following areas:

- a possible criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- a danger to the health and safety of an individual
- damage to the environment
- deliberate concealment of information tending to show that any of the above matters is being deliberately concealed
- gross breach of the Council's code of governance.

Employees can raise their concern with their Head of Service, their Executive Director, the Council's Monitoring Officer the Executive Director (Corporate Resources), the Council's Risk and Audit Manager, a trade union representative or, where this is not appropriate, the Chief Executive. The council will ensure that any employee reporting a concern under the Act will not experience any detriment as a result. This applies, as long as the report has been made in good faith, even if following investigation, there is found to be no substance to the allegation.

Only where a false allegation has been made deliberately or maliciously, will the matter be viewed seriously, and the complainant may be liable to action being taken under the Council's Disciplinary procedures.

Any employee considering making a disclosure out with the council, for example to the press, should be aware that they may not automatically be protected by the Act. Before doing this, in their own interest, they should seek advice from their trade union or a legal adviser.

Full information on the procedure is provided in an employee information booklet detailing the "Procedure on Confidential Reporting" which is available on the Intranet or from Personnel Services, Corporate Resources. The Council also has a Fraud Prevention Strategy details of which are available on the Intranet under Finance & Information Technology Resources.

# 11. Rights as a citizen

## 11.1 Expression of personal views

As a citizen, an employee is entitled to express their views about the council. However, this does not include making use of any private information gained through their employment with the council.

However, in their work capacity, employees should not criticise the council either through the media, at a public meeting or in any written communication with members of the public.

Employees who hold a politically restricted post should be careful not to speak in public in favour of any particular political party.

## 11.2 Access to Elected Members

As an individual citizen or service user, an employee can raise a complaint about the services of the council with his/her Elected Member.

However, any complaint relating to the employee's work with the council, should be taken up through the appropriate complaints procedure e.g. the Policy on Dignity at Work or Grievance Procedures.

## 12. Register of gifts, hospitality and services

The council has established a policy on the declaration of gifts, hospitality and services. Generally, no employee should accept gifts, gratuities etc. from any customer or service user other than a token item and frequent personal gifts, hospitality or services should not be accepted from the same source. The main points of the policy are outlined below:

- Employees should not accept personal gifts, hospitality or services from anyone, which would, or might appear to place that individual under any obligation. Frequent personal gifts, hospitality or services should not be accepted from the same source.
- Should an employee be offered a personal gift, hospitality or services which they estimate is more than a token gesture, they should discuss the matter with their line manager. Any decision to accept such an offer must be authorised by the employee's line manager who will countersign the pro forma.
- All offers of personal gifts, hospitality or services which have an estimated value of more than £25 should be registered, whether accepted or not, as this provides a record of the offer having been made. Those which have an estimated value of £25 or less, do not need to be registered.
- Completed and signed pro formas must be returned to the Head of Administration Services, Corporate Resources who holds the register of personal gifts, hospitality or services. An employee can see the entries recorded against their name at any time.

# **13. Operation of council policies**

## **13.1 Recruitment**

All appointments to the council will be made on the basis of merit and in line with the Council's Recruitment Policy. Any employee who participates in the recruitment process must immediately disclose any relationship, or other interest, known to exist between themselves and any of the applicants to the Chair of the Selection Panel or their Head of Service. A decision will then be made as to whether it is appropriate for the employee to continue in the recruitment process, either as a member of the selection panel or in any other role e.g. in administering a test.

Any canvassing by employees of the council, either directly or indirectly, with regard to recruitment, will immediately disqualify a candidate, however, this does not preclude them from acting as a referee where appropriate.

## **13.2 Operation of personnel policies**

Managers and supervisors involved in the operation of the Council's Employment Policies, for example "Maximising Attendance", Scheme of Special Leave, Discipline or Grievance Procedures, must do so fairly and equitably.

As described above, any personal interest or relationship must be declared to a senior manager who will decide whether the individual should continue to be involved in the process.

# 14. Equal opportunities

The council is committed to ensuring that equality considerations are central to all that it does. This includes tackling all forms of discrimination, promoting equality of opportunity and removing the barriers that some groups and individuals might experience in accessing employment or council services.

The council's policy on equal opportunities identifies the following grounds on which people might experience discrimination or less favourable treatment:

- Age
- Gender
- Caring responsibilities
- Employment status
- Religion or belief
- Disability
- Race, colour or ethnic origin
- Sexual orientation
- Ex-offender status
- Trade Union activity.

The council has developed a range of employment policies and employee benefits intended to attract, retain, develop and support the workforce it requires to deliver services to the people of South Lanarkshire. As part of this commitment, any instances of discrimination, harassment or victimisation at work will be viewed as a serious matter.

Any employee who feels that they have been the victim of unfair treatment can raise a complaint using the procedure set out in the Policy on "Dignity at Work". Support and advice will be available from the Personnel Adviser (Employee Services) in Corporate Personnel Services.

## Relevant policies and codes

### Employment policies:

A copy of these can be obtained by contacting the Corporate Personnel helpline on tel:01698 454667 or on the Intranet.

- Policy on Equal Opportunities
- Policy on Dignity at Work
- Grievance Procedures: local government employees/teaching staff
- Disciplinary Procedures: local government employees/teaching staff
- Recruitment Policy
- Confidential procedures for reporting concerns at work

### Disclosure of information

- Publication scheme
- Fraud prevention strategy
- Data protection policy
- Desk and laptop code of practice
- Mobile phone acceptable use policy
- Information security policy

### Corporate Standards

- Code of Governance
- Employer liability insurance cover
- Managers' handbook on corporate standards

### Codes of Practice

- Code of Practice for Social Work Employees

For further information or to enquire about having this information supplied in an alternative format or language, please contact 01698 454667 or email [personnel.online@southlanarkshire.gov.uk](mailto:personnel.online@southlanarkshire.gov.uk)



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