

Codes of Conduct for Local Authority Members and Employees – Chapter 3 Consultation Response

Report of the Chief Fire Officer

For further information about this report please contact Alan Taylor, Chief Fire Officer, on 01743 260225 or Louise McKenzie, Assistant Chief Officer, on 01743 260205.

1 Purpose of Report:

To brief members on the proposed code of conduct for local government employees and to provide a suggested response to the consultation exercise currently underway. The full consultation report is available at www.communities.gov.uk

2 Recommendations

The Human Resources Committee is asked to consider and approve the suggested responses to the consultation paper insofar as it relates to an employee code of conduct (Chapter 3).

3 Background

This report explains Chapter 3 of the consultation document, Communities in control: Real people, real power: Codes of conduct for local authority members and employees. It then provides the questions and suggested responses for members' approval.

Chapter 3 details the model code of conduct for local government employees. In August 2004, the then Office of the Deputy Prime Minister issued a consultation paper, a Model Code of Conduct for Local Government Employees. The responses indicated that the proposed code was not felt to be adequate and that universal application may be needlessly bureaucratic. The matter was therefore not progressed in 2004 and further work was undertaken.

In light of that further work and the introduction of the 2007 members' code, a draft employee code was delayed until the government department had an opportunity to consider the employee's code in the context of the wider review of the conduct regime for local government and the lessons learned from the implementation of the new code for members.

Many local authorities already have a code of conduct for employees and within our own authority a code of conduct for staff was adopted in September 2006. The consultation paper recognises that a nationally agreed code of conduct exists for firefighters (Grey Book staff) and asks whether the proposed code should also apply to those staff.

From a legislative perspective, the Local Government Act 2000 provides that provisions of a code of conduct made under section 82(1) of that Act will be deemed to be incorporated in employees' terms and conditions of employment.

4 Chapter 3: Model Code of Conduct for Local Government Employees – Responses to Questions

A copy of the proposed core values and the model employees' code: values for qualifying employees are appended to this report.

Questions and suggested responses:

Question 13:

Do you agree that a mandatory code of conduct for local government employees, which would be incorporated in to employees' terms and conditions of employment, is needed?

We believe it is needed insofar as high level principles should be commonly provided to all those working in local government to ensure a common obligation and understanding.

Question 14:

Should we apply the employee's code to firefighters, teachers, community support officers, and solicitors?

As we employ staff on more than one set of terms and conditions (Green and Grey Book) and have our own code already in place we would prefer high level principles to be introduced which could be applied to all staff within our organisation regardless of the terms and conditions on which they are employed.

Question 15:

Are there any other categories of employee in respect of whom it is not necessary to apply the code?

Not within our organisation.

Question 16:

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

The core values defined seem appropriate, it should however be noted that as an Authority (and like many others) we have our own established set of 'core values' and an additional set of 'core values' for staff to take account of is likely to cause confusion. We would suggest referring to them as 'core principles'.

Question 17:

Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?

The political restriction model would be preferred as it is well established and staff are aware of it.

Question 18:

Should the code contain a requirement for qualifying employees to publicly register any interests?

Yes, as long as privacy can be protected where necessary

Question 19:

Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

No response

Question 20:

Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code. Have any been omitted?

No response

Question 21:

Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

One section of the code seems unclear 'Considering advice provided to you and giving reasons', as there is no commentary as regards the giving of reasons. Otherwise the sections appear relevant.

Question 22:
Should the employees' code extend to employees of parish councils?

No response

5 Financial Implications

There are no direct financial implications arising from this report.

6 Legal Comment

There are no direct financial implications arising from this report.

7 Equality Impact Assessment

This report details the Authority's proposed response to a consultation exercise. An Equality Impact Assessment is therefore not required.

8 Appendix

Proposed Core Values and The model employees' code: values for qualifying employees

9 Background Papers

Communities in control: Real people, real power
 Codes of conduct for local authority members and employees
 A consultation

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial		Staff	*
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	

Proposed core values

The model employees' code: core values for all employees

General principles

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

Employees are accountable, and owe a duty to, their employing authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Relations with members, the public and other employees

Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias.

Equality

Employees must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

Stewardship

Employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person or body seeking to do business with the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by their authority.

Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the model code of conduct for employees, the employee should report the matter, acting in accordance with the employees rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

Treatment of Information

Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Appointment of staff

Employees of the authority, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Investigations by monitoring officers

Where a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

The model employees' code: values for qualifying employees

Compromising the impartiality of officers of the authority

A qualifying employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

Using your position improperly

A qualifying employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

Considering advice provided to you and giving reasons

If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the qualifying employee must have regard to this advice.

Personal interest

Qualifying employees must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the authority's monitoring officer or, in the case of a parish council, through the parish clerk.

The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

These are:

- Your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company you have an interest in, as above.
- Any land or property in the authority's area in which you have a beneficial interest.

A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with their monitoring officer.