

APPENDIX 2

A Model Code of Conduct for Local Government Employees

ANNEX A

Summary of questions posed

Q.1 Is the Government right to exclude firefighters, teachers and community support officers?

No. A code comprising essential principles should cover all local authority employees. It may be that terms and conditions for specific categories might expand on those principles to reflect particular requirements, or to emphasise some more than others, but local government would benefit from a unifying code of core principles.

Q.2 Are there other categories of employee who should not be subject to the employees' code, for example, school support staff? If so, which categories, and why should they be excluded?

No. See Q.1. The core principles should also be made known to those engaged contractually by the council insofar as the contracted services require interaction with the public, councillors or employees. The code or Government guidance should clarify that position of those employed by companies and other partnership arrangements set up by two or more public agencies, where presumably those establishing the arrangement should agree what provisions are to apply.

Q.3 Do you agree that council managers should be subject to the same code as other employees?

Yes. Council managers' terms and conditions may require specific provisions, but not at the expense of any of the core principles.

Q.4 Should different rules, or a separate Code, apply to political assistants?

No. ACSeS believes that all employees should be subject to the same core principles. Terms and conditions of political assistants may require adjustments to the rules on political activity, but these should not affect the applicability of the proposed core principles. Political assistants should be "impartial! in their dealings with all members of the relevant political group, although their terms and conditions would not require them to be politically impartial or neutral.

Q.5 Are the provisions relating to the use of public funds and property adequate to ensure effective stewardship of resources?

In addition to the question asked, the explanatory notes to Paragraphs 1 and 2 (Impartiality and Accountability) may need to reflect the fact that political assistants are expected to act in an impartial way to a single political group, and that the processes for holding such assistants to account must have regard to their duties to that group.

The phrase “responsible ... manner” in paragraph 4(a) is vague and possibly unenforceable. The employee should be required to use funds lawfully and for purposes consistent with and directed to the objectives and targets of the post.

The word “properly” in paragraph 4(b) is ambiguous; does it relate to the process of approval (e.g. that consent has been obtained from the proper level of management) or to the scope of the use?

Q.6 Is it appropriate for the code to impact on an employee’s private life or should it only apply to an employee at work?

As with the Members’ Code, ACSeS believes that provisions should only relate to an employee’s private life insofar as private activity affects the employee’s ability to do his or her job. The public’s perception of the employee’s honesty and integrity, for example, may affect a Chief Executive’s ability to do his or her duties; it may have less effect, say, to an operational firefighter. It would be wrong, therefore, to extend these provisions to a general ‘disrepute’ clause, but a sub-paragraph (c) could add (perhaps in respect only of politically restricted posts).

“(c) do anything which would affect his or her ability, or the public’s confidence in his or her ability, to do their job.”

Q.7 As with the members’ code, should there be a standard list of interests and/or hospitality/benefits/gifts that must always be registered?

No. Requirements should reflect local circumstances, and local authorities should be free to decide whether the general core principles are enough in themselves. Any requirements prescribed by central Government, however, should be restricted to politically restricted posts, on the basis that a register and declarations are relevant only to public confidence in the authority and the need to ensure that those advising elected members can be seen to be upholding the general principles in Paragraph 1. Other employees should be subject only to internal scrutiny and monitoring by the authority itself, in whatever form the authority considers appropriate.

Q.8 If so, what should the list contain? Should it mirror part 3 of the councillors’ code or be restricted to financial interests?

No. as Q7.

Q.9 Should such a list be available to the public?

No. as Q7.

Q.10 Alternatively, could the need for a list be restricted to officers above a certain salary, as applies, for example, to the current political restrictions regime?

Yes, if the Government insists on prescribing for local government.

Q.11 Should this provision be explicitly limited to interests, gifts etc that may have a bearing on the way in which the functions of the authority are discharged by the employee?

Yes, see the principles outlined in both Q.6 and Q.7.

Q.12 Does the proposal on the reporting of misconduct provide suitable protection for employees?

Yes. but the provisions go too far in relation to employees who are shown to have acted maliciously, and who should not be afforded such protection. [Check '98 Act]

Q.13 Should the Code impose a duty on employees to report misconduct?

No. Employees should not be in fear of disciplinary action for failing to report other employees; the matter should be one of individual conscience. Employees should expect monitoring arrangements to be in place within the authority, and to be able to rely on them without getting involved, if they wish. (It is accepted, however, that if employees report others' behaviour, they should be afforded some protection – see Q.12.

Q.14 Is 'friend' the appropriate term to use in the draft code? If so, should it be defined, and what should the definition be? (for example, a person with whom the employee spends recreational time outside the work environment, or actively shares a mutual interest?)

Yes. No definition should be given here, any more than in the Code for Members.

Q.15 Does the phrase 'relative or friend' as defined above adequately cover all the relationships with which this part of the code should be concerned?

Yes.

Q.16 Do you have any comments on what arrangements might be appropriate for ensuring employees are informed about the code?

An express duty should be imposed on all local authorities to bring the code to the attention of all employees, individually, and to all new employees within a reasonable period of their joining the authority.

Guidance on the use of induction, management development and training, monitoring and audit systems may assist some local authorities.

ACSeS

[Date of final response]