

# METROPOLITAN BOROUGH OF WIRRAL

STANDARDS COMMITTEE - 6 JULY 2005

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## CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

### 1. **Executive Summary**

Members are asked to recommend to the Council that the draft Code of Conduct for Local Government Employees attached as Appendix 1 be approved.

### 2. **Background**

- 2.1 I submitted a report on the Consultation Paper issued by the Office of the Deputy Prime Minister on the Model Code of Conduct for Local Government Employees to the Standards Committee on 8 November 2004 and also to the Employment and Appointments Committee on 26 October 2004.
- 2.2 I formulated a response to the consultation exercise based on the minutes of those two meetings.
- 2.3 Although the consultation period closed in November 2004, there have been no further announcements from Central Government about the establishment of a Code of Conduct for Local Government Employees.
- 2.4 In discussions with the Chief Executive, a view has been taken that it would now be timely to proceed to have a Code of Conduct for Employees approved by the Council, which can, of course, be amended at any time following further developments from Government. Accordingly, I raised the issue with the Local Democracy Working Party at its meeting on 25 June and now submit a proposed Code of Conduct. This is the Model Code, with amendments to take account of the minutes of the Standards Committee and the Employment and Appointments Committee which are both appended hereto as Appendices 2 and 3 respectively. It is proposed that the Council at its meeting on 11 July 2005 be asked to endorse the Employee Code of Conduct, which will then be referred for information to the Employment and Appointments Committee on 19 July. The Head of Human Resources will be raising the draft with the major trade unions prior to this meeting of the Standards Committee. I will report verbally on any observations received.

### 3. **Financial and Staffing Implications**

There are no direct financial implications arising from this report. The Government propose that the Code of Conduct for Local Government employees becomes part of all contracts of employment.

4. **Equal Opportunity Implications**

There are no such direct implications arising from this report.

5. **Human Rights Implications**

There are direct implications, but the Code of Conduct when finalised will form part of contracts of employment for all employees.

6. **Local Agenda 21 Implications, Local Member Support and Planning Implications**

There are none.

7 **Background Papers**

None.

8. **Recommendation**

Members are asked to approve the Draft Code of Conduct for Local Government Employees and to recommend its approval by the Council.

J. WILKIE

Deputy Chief Executive/  
Director of Corporate Services

MER.LW.  
27 June 2005

## THE EMPLOYEES' CODE OF CONDUCT

### **Honesty, Integrity, Impartiality and Objectivity**

1. An employee must perform his/her duties with honesty, integrity, impartiality and objectivity.

### **Accountability**

2. An employee must be accountable to the authority for his/her actions.

#### *Respect for Others*

3. An employee must –
  - a) treat others with respect;
  - b) not discriminate unlawfully against any person; and
  - c) treat members and co-opted members of the authority professionally.

#### *Stewardship*

4. An employee must –
  - a) use any public funds entrusted to or handled by him/her in a responsible and lawful manner and for purposes consistent with and directed to the objectives and targets of the post; and
  - b) not make personal use of property or facilities of the authority unless properly authorised to do so.

#### *Personal Interests*

5. An employee must not in his/her official or personal capacity –
  - a) allow his/her personal interests to conflict with the authority's requirements; or
  - b) use his/her position improperly to confer an advantage or disadvantage on any person; or
  - c) do anything which would affect his/her ability, or the public's confidence in his/her ability, to do their job.

#### *Registration of Interests*

6. An employee must comply with any requirements of the authority –
  - a) to register or declare interests; and
  - b) to declare hospitality, benefits or gifts received as a consequence of his/her employment.

And the Local Authority shall determine the manner of registration and declaration of interests and make employees aware of any changes from time to time.

### *Reporting Procedures*

7. An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct. Some employees, by virtue of their membership of a professional body, may have a specific duty to report misconduct.

### *Openness*

8. An employee must –
  - a) not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he/she is by law to do so; and
  - b) not prevent another person from gaining access to information to which that person is entitled by law.

### *Appointment of staff*

9. (1) An employee must not be involved in the appointment of or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.  
  
(2) In this paragraph –
  - a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
  - b) “partner” in sub-paragraph (a) above means a member of a couple who live together.

### *Duty of Trust*

10. An employee must at all times act in accordance with the trust that the public is entitled to place in him/her.

### *Use of Internet and Electronic Mail Facilities*

11. An employee must comply with the code of practice adopted by the Council for the acceptable use of computer facilities, including electronic mail and the internet.

**STANDARDS COMMITTEE - 8 NOVEMBER 2004**

## E X T R A C T

**Minute 9 - MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

The Acting Monitoring Officer invited the Committee to comment on a consultation paper, issued by the Office of the Deputy Prime Minister, that provided a Model Code of Conduct for local government employees. It was intended that the Code apply to all local government employees unless they were specifically excluded by regulations. The Government proposed that the Code should establish requirements in the following areas:

- \* Honesty, integrity, impartiality and objectivity
- \* Accountability
- \* Respect for others
- \* Stewardship
- \* Personal interest
- \* Registration of interests
- \* Reporting procedures
- \* Openness
- \* Appointment of staff
- \* Duty of trust

The paper posed a number of questions, on matters of detail, to which the Association of Council Secretaries and Solicitors had drawn up draft responses, which were circulated as Annex A to the report. The matter had also been considered by the Employment and Appointments Committee - minute 25 (26/10/04) refers. Following a discussion, it was -  
Minute Decision :

Resolved -

- (1) That this Committee broadly accepts the responses proposed by the Association of Council Secretaries and Solicitors, subject to the following:  
Question 7 - the requirement to register hospitality, benefits or gifts should apply to all employees, not only to politically-restricted posts;  
Question 13 - the Code should recognise that some employees, by virtue of their membership of a professional body, may have a specific duty to report misconduct.
- (2) That, although it is not proposed in the Model Code, this Committee believes that any version of the Code adopted by the Council should include a provision relating to use of the internet.
- (3) That any additional comments that members might wish to make be submitted to the Acting Monitoring Officer before the deadline for submission of responses (19 November).

**EMPLOYMENT AND APPOINTMENTS COMMITTEE - 26 OCTOBER 2004****EXTRACT****Minute 25 - MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

## Minute Text :

The Deputy Chief Executive/Director of Corporate Services submitted a report which invited the committee to comment upon the Consultation Paper issued by the Office of the Deputy Prime Minister in August 2004 which provided a Model Code of Conduct for Local Government Employees. The Local Government Act 2000 provided the new statutory framework to govern the conduct of members and employees of relevant authorities in England and the Police Authorities in Wales. Under the Act, the Secretary of State, might by order, issue a code regarding the conduct which was expected of employees. Once issued, the Code would become part of the employee's terms and conditions of employment. The Code, when finalised, would stand alongside the Code for Members and seek to establish a common core of fundamental values that should underpin standards of conduct in local government. The Consultation Document was submitted as an appendix to the report.

The Employer's Code of Conduct would apply to all local authority employees unless they were specifically excluded by regulations. The Government proposed to exclude fire fighters and teachers together with community support officers. It proposed that political assistants would be subject to the Code. The Government further proposed that the Code should establish requirements in the following areas:

- honesty, integrity, impartiality and objectivity
- accountability
- respect for others
- stewardship
- personal interests
- registration of interests
- reporting procedures
- openness
- appointment of staff
- duty of trust

The Model Code of Conduct contained in the consultation document appeared to be broadly acceptable. However, consultees had been asked a number of questions on matters of detail and a draft response to the questions from the Association of Council Secretaries and Solicitors was appended to the report. The ACSS was yet to finalise its position but it did appear that the draft replies were by and large eminently sensible. Once the consultation process had ended, the results would be collated and if necessary the Government would make amendments. An Order would be prepared setting out the Code. Should there be any fundamental changes proposed, a further full consultation would take place. The Government proposed to discuss with the Local Government Association, the Local Government Employers' Organisation and the public sector unions the date on which the Order should be brought into force and the date on which it would become part of employees' terms and conditions of employment. The Government also acknowledged that

arrangements must be made for ensuring that all employees were properly informed about the content of the Code before it came into force.

Councillor Green queried why, if the Government was to set a standard list of interests, as referred to in appendix 2, then this shouldn't apply to all officers of the Authority rather than just those above a certain grade, as suggested in the ACSS response.

The Director of Corporate Services suggested that the Committee were saying that everybody should have an opportunity to declare whatever gifts or hospitality they might receive and that the code should be prescriptive and indicate what interests must be declared so that effective guidance could be given to all officers (regardless of seniority).

The Director of Personnel and Policy stated that there were already systems and processes currently in place which already went beyond this and agreed that arrangements should not be exclusive of any officer in the Authority.

Minute Decision :

Resolved - That this Committee broadly accepts the Model Code of Conduct prepared by the ODPM and formally responds to the specific consultation questions along the lines proposed by the Association of Council Secretaries and Solicitors with the incorporation of those comments made by the Committee with regard to a list of interests applying to all officers of the Authority.