

Bullying and the Code of Conduct

Paragraph 3(2)(b) of the Code of Conduct says 'you must not bully any person'. This includes other members, officers and members of the public.

What is 'bullying'?

We characterise bullying as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability and health.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of the Code of Conduct).

It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

What are the consequences of bullying?

When officers are bullied, it can affect the authority's ability to provide services. This is because bullying can create a working environment with an atmosphere of mistrust, insecurity and fear.

In some cases, bullied officers require long periods of leave because of ill-health or stress which can damage the running of an authority. This can particularly be the case in parish and town councils, where there may only be a small team of employees. Quite often, officers feel unable to return to their role.

What about criticism of officers?

Criticism of officers will not in itself constitute bullying. Members are allowed to express disagreement with officers, and question officer performance, so long as it is done in an appropriate and private way. A personal attack, or criticism that is offensive, is likely to cross the line of what is acceptable behaviour.

Complaining about bullying

If you believe you have been the victim of bullying by a member you can complain to the local standards committee. Information about making a complaint to a local standards committee can be found [here](#).

Anyone alleging bullying should:

provide examples of the words or actions used provide clear, objective evidence of bullying try to describe the specific behaviour they are concerned about, providing dates, times and locations. This is because it is more


difficult to judge bullying from general remarks.

Find out more

Please read our Code of Conduct: Guidance for members 2007

Call our enquiries line on 0845 078 8181

Email us at enquiries@standardsforengland.gov.uk

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Disclosing Confidential Information

Confidential information is covered by paragraph 4(a) of the Code

Paragraph 4(a) of the Code says you must not disclose information given to you in confidence by anyone. You must also not disclose information which you believe, or ought reasonably to be aware, is of a confidential nature – except where certain exceptions apply.

What is 'confidential information'?

Information is a broad term. It includes facts, advice and opinions. It also covers written materials, including tapes, videos, CDs, DVDs and other electronic media.

Information is confidential:

- if it is about something serious and not trivial
- if the nature of the information is sensitive or personal, for example it is a business secret
- if it is information that you would expect people would want to be private
- if it was divulged in a way which implied it should be kept confidential
- if disclosing the information would be detrimental to the person who wishes to keep it confidential

If the council, the executive or a committee of the council has voted to treat the information as exempt, then you should maintain it as confidential.

When can confidential information be disclosed?

You are able to disclose confidential information when:

- the person authorised to give it has given you the consent to disclose it
- you are required by law to do so
- the disclosure is made to a third party in order to obtain professional advice, for example a lawyer
- the disclosure is in the public interest.

Justification for disclosure in the public interest

Disclosing confidential information in the public interest can only be justified when **all** of the following points are met:

- **the disclosure must be reasonable** – this is a matter of judgment. However, when making this decision, you should consider carefully why you want to disclose the information, whether it is true, how serious the

issue is and who to tell

- **the disclosure must be in the public interest** – information is in the public interest if:
 - a criminal offence is committed
 - the authority fails to comply with its legal obligations
 - a miscarriage of justice occurs
 - the health and safety of an individual is in danger
 - the environment is likely to be damaged
 - information about any of the issues above is deliberately concealed
- **the disclosure must be made in good faith** – the disclosure will not be justified if it is being made to promote your interests or is for political gain
- **the disclosure must be made in compliance with any reasonable requirements of your authority** – you must first raise your concerns through the appropriate channels set out in your authority's policies and procedures. For example, policies on whistle-blowing or member-officer relationships should be followed before making a disclosure.

When would a public interest disclosure not be justified?

If the disclosure would amount to a criminal offence or when information is protected by legal professional privilege, it is unlikely that its release could be justified as being in the public interest.

Find out more

- Please read our Code of Conduct: Guidance for members 2007
- Call our enquiries line on 0845 078 8181
- Email us at enquiries@standardsforengland.gov.uk

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Freemasons and the Code of Conduct

What is a Freemason?

Freemasonry is one of the world's oldest secular, fraternal and charitable societies. The United Grand Lodge of England administers Lodges of Freemasons in England and Wales. When freemasons pay their annual subscription fee to their respective Lodges, part of the fee goes automatically to the Freemasons' Grand Charity. The United Grand Lodge distributes charitable grants to individuals and groups through the Grand Charity.

Why do I need to declare my membership?

Personal and prejudicial interests are covered by paragraphs 8-13 of the Code of Conduct.

You have a personal interest in any business of your authority where either it relates to or is likely to affect any body directed to charitable purposes.

Overall, freemasons are not singled out by the Code. The Code applies to membership of any body that is directed to charitable purposes.

Under paragraph 8(1)(a) (ii) (bb) of the Code, freemasons who are members of the Grand Charity must register membership of the Grand Charity in their register of members' interests and, where appropriate, declare their membership of the Grand Charity as a personal or prejudicial interest before or during council meetings. If an individual lodge is one which has charitable status or could be described as a body directed towards charitable purposes, then membership of that lodge would also need to be registered.

Councillors who are freemasons will also need to declare membership of their lodge as a personal interest in a matter to be discussed if that matter would affect the member to a greater extent than the majority of other people in the area affected by the decision. The member will also need to consider whether that interest is prejudicial. For example, if the councillor's own lodge was making a planning application it would be necessary to declare a personal and prejudicial interest when that matter is considered.

The recent government decision that freemasons will no longer need to declare their membership when applying for positions on the judiciary does not affect the need to register membership as an interest under the Code.

Find out more

- Please read our Code of Conduct: Guidance for members 2007
- Call our enquiries line on 0845 078 8181
- Email us at enquiries@standardsforengland.gov.uk

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Gifts and hospitality

Gifts and hospitality are covered by paragraphs 8 and 13 of the Code.

What do I have to do?

- You must register any gifts or hospitality worth £25 or over.
- You must also register the donor (for example, the person, company or body) of the gift or hospitality.
- You only have to register gifts that you receive in connection with your official duties as a member. You do not have to register other gifts and hospitality, such as birthday gifts from family.
- Ask yourself "Have I been given this because I am a member?" If the answer is "yes" then you must register the item.
- You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £25 or more.
- You must register the gift or hospitality and its donor within 28 days of receiving it, and if an accumulation, when it gets to £25.

What are the implications?

- You will have a **personal interest** in a matter if it relates to, or is likely to affect, the donor of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the donor and how the business under consideration relates to that donor. You must then decide whether that interest is also a prejudicial interest.
- If more than three years have passed since you registered the gift or hospitality, you will no longer have to declare a personal interest in a matter that relates to or is likely to affect the donor.

For further information on interests see our factsheet on personal and prejudicial interests.

What happens if I do not know the value of the gift?

- We suggest you register it anyway as a matter of good practice.

Do I have to register gifts or hospitality I do not accept?

- No, but you may wish to do so as a matter of good practice.

What does “hospitality” mean under the Code?

- Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.

Do I have to register the interests of the donor of the gifts or hospitality?

- No. We believe the Code only requires you to register the gift or hospitality worth £25 or over, received in connection with your official duties, and the donor of that gift or hospitality.

Do I have to register gifts or hospitality from council-owned companies?

- Yes. Wholly-owned companies are separate bodies from the authority.

What about official gifts or hospitality given to the civic mayor or chair of a council?

- There are no special rules for those who serve as mayor or chair of an authority.
- Gifts that are clearly made to the authority do not need to be registered.
- Gifts made directly to a mayor or chair's charity appeal also do not need to be registered.
- We take the view that there is no requirement under the Code to register hospitality, if that hospitality has been extended to the office holder for the time being rather than the individual.

Find out more

- The Code of Conduct: Guide for members May 2007 offers more guidance on the Code and can be downloaded [here](#).
- Call our enquiries line on **0845 078 8181**
- Email us at enquiries@standardsforengland.gov.uk

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Independent members

Who is an independent member?

Independent members are members of standards committees with no link to the authority they are overseeing. They are important in helping increase public confidence in the local standards framework. They provide a clear signal that the standards committee is acting fairly and impartially. Independent members also bring a wider perspective from their outside experiences. A person can only be an independent member if they:

- have not been a member or employee of the authority for the previous five years, or
- are not a member or officer of that or any other relevant authority, or
- are not a relative or close friend of a member or employee of your authority.

Attributes and skills of an independent member

Coming from outside the authority gives the independent member a different perspective and gives balance to the standards committee. Some of the attributes and skills expected of an independent member are:

- a keen interest in standards in public life
- a wish to serve the local community and uphold local democracy
- high standards of personal integrity
- the ability to be objective, independent and impartial
- sound decision-making skills
- questioning skills
- leadership qualities
- the ability to chair meetings.

The process of selecting an independent member

The position of independent member will be published in at least one local newspaper and in other similar publications or websites.

Each authority will have slightly different procedures for the recruitment of independent members but all will have an application and interview process. The appointment of an independent member has to be approved by a majority of the members of the council.

Each authority decides how to select independent members and how long an independent member should sit on the committee. This period of time should be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that independence is lost.

Independent members on multiple standards committees

An independent member can be a member of several standards committees, for example on county and district committees. Independent members may also be temporarily appointed to another standards committee to consider a particular assessment, review or hearing or for a particular period of time. For example, an independent member can be appointed to a neighbouring standards committee for a short period in situations where a permanent member is unwell or if there is a conflict of interest.

Reappointment of independent members


Standards for England recommend independent members should serve no longer than two four year terms, but this is at the discretion of each authority.

Independent members cannot be automatically reappointed, and must go through a recruitment process.

Find out more

- Please read our Code of Conduct: Guidance for members 2007
- Call our enquiries line on 0845 078 8181
- Email us at enquiries@standardsforengland.gov.uk

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Lobbying

Lobbying is covered by paragraphs 8 to 12 of the Code of Conduct.

What is Lobbying?

Lobbying and campaigning is the practice of influencing decisions made by government at a national or local level. Many local councillors are involved in a number of groups or campaigns either as a member of a particular interest group or as an individual.

What should I do?

1) Register your interest

Membership of lobby or campaign groups should be included on your register of interests, as these are bodies "whose principal purposes include the influence of public opinion or policy".

Even if your lobby group does not keep a formal membership list, the Code of Conduct still applies to you. If you are acting as a member of the group – perhaps attending meetings or participating in group activities – you should still register your membership of the group and declare interests, where appropriate.

2) Declare your interest

If you are a member of a group that lobbies or campaigns about an issue that comes up for discussion or decision at your authority you are required to declare a personal interest.

You will not normally have a personal interest in the related discussion or decision of your authority if you merely campaigned on an issue as an individual, perhaps during an election campaign, but you are not a member of or in a position of general control or management of a lobby group campaigning on the same issue.

You should declare the existence and nature of your interest at the meeting so that members of the public are informed about interests that may relate to your decisions.

You can continue to participate unless the interest is also prejudicial.

3) Consider whether to withdraw from the meeting

Under the Code of Conduct, you only have to withdraw from a meeting where your personal interest is also prejudicial.

You cannot have a prejudicial interest in a matter if:

- The matter falls within one of the exempt categories of decisions under paragraph 10(2) (c). A full list of exempt categories can be found in the Standards Board's Code of Conduct guidance, which is available on our website - www.standardsforengland.gov.uk
- The matter does not affect your financial interests or does not relate to a licensing or regulatory matter brought by you or a person or body in which you have a personal interest.

For example, you will not have a prejudicial interest in a developer's planning proposal which you and any groups you are a member of have campaigned against, if you, any person, or any body you have a personal interest in is not financially affected by the proposal.

If your personal interest in a matter falls outside the exempt categories mentioned above, and does affect your financial or regulatory interests, you will then have to consider the following general test for prejudicial interests:


- Would a member of the public, who knows the relevant facts, reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest?

If the answer is 'yes' then you would have a prejudicial interest.

If a prejudicial interest arose, you would still be allowed to address the meeting on the issue in order to answer questions or make representations, provided that same right was available to members of the public.

Find out more

- The Code of Conduct: Guide for members May 2007 offers more guidance on the Code and can be downloaded here.
- Call our enquiries line on **0845 078 8181**
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Personal and prejudicial interests

Personal and prejudicial interests are covered by paragraphs 8-13 of the Code of Conduct.

What is a personal interest?

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 1) An interest that you must register.
- 2) An interest that is not on your register but where the well-being or financial position of you, members of your family, or people or bodies with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:
 - inhabitants of the ward or electoral divisions affected by the decision (in the case of authorities with wards or electoral divisions)
 - inhabitants of the assembly constituency affected by the decision (in the case of the Greater London Authority)
 - inhabitants of the authority's area (in all other cases).

What should I do if I have a personal interest?

You must declare that you have a personal interest and the nature of the interest as soon as it becomes apparent to you in all formal meetings before the matter is discussed.

However, where an interest arises solely from membership of, position of control or management on:

- any other body to which you were appointed or nominated by the authority
- any other body exercising functions of a public nature, for example if you have been appointed as a school governor
- you will only need to declare your interest if and when you speak on a matter, provided that you do not have a prejudicial interest.

What is a prejudicial interest?

Your personal interest will also be a prejudicial interest if it meets all of the following conditions:

- a) The matter does not fall within one of the exempt categories of decisions under paragraph 10(2) (c), for example setting the council tax.
- b) The matter affects your interests financially or is about a licensing, planning or other regulatory matter that might affect your interests.
- c) A member of the public, who knows the relevant facts, would reasonably think your personal interest so

significant that it is likely to prejudice your judgement of the public interest.

What should I do if I have a prejudicial interest?

You must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent.

You should leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, you can also attend the meeting for that purpose.

You must leave the room immediately once you have finished speaking, or when the meeting decides that you have finished (if that is earlier).


If your authority does not provide members of the public with any right to speak, you would need to leave the meeting room after declaring the nature and extent of your interest. However, you can:

- Make written representations in your private capacity. These should be addressed to officers rather than members of the authority.
- Use a professional representative to make an application, for example a planning application, on your behalf.
- Arrange for another member of the authority to represent the views of your constituents.

Find out more

- Please read our Code of Conduct: Guidance for members 2007
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