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## MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

### 1 SUMMARY

- 1.1 This report suggests a response to the Office of the Deputy Prime Minister's consultation document proposing a model Code of Conduct for Local Government Employees.

### 2 INTRODUCTION

- 2.1 Continuing to develop the new ethical framework, the Local Government Act 2000 provides for the Secretary of State to specify, by order, a code of conduct for relevant local government employees. The aim of the legislation is to establish a common core of fundamental values for both officers and Members to underpin standards of conduct in local government.
- 2.2 Before making an order, the Secretary of State is required to consult representatives and employees of relevant authorities, the Audit Commission and the Commission for Local Administration in England.

### 3 THE DRAFT CODE

- 3.1 The draft code defines the minimum standards of conduct that council employees will be expected to observe when carrying out their duties. By virtue of section 82(7) of the Act, once the Order containing the code has been made, these standards become part of the employee's terms and conditions of employment. The Council, therefore, will be expected to deal with any breaches of the code in the same way as any other breach of the employee's contract or terms and conditions.
- 3.2 A copy of the draft code is attached as Appendix 1.
- 3.3 As with other similar consultations, the Office of the Deputy Prime Minister has proposed a series of questions for consideration. These, together with a suggested response, are attached at Appendix 2.

### 4 RECOMMENDATION

- 4.1 It is proposed that the Committee **RESOLVES**

to determine its response to the Office of the Deputy Prime Minister's consultation on a Code of Conduct for Local Government Employees

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**Background Papers:-**

None

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## APPENDIX 1

## THE EMPLOYEES' CODE OF CONDUCT

*Honesty, Integrity, Impartiality and Objectivity*

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

***Accountability***

2. An employee must be accountable to the authority for his 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 in a responsible and lawful manner; and
  - b) not make personal use of property or facilities of the authority unless properly authorized to do so.

*Personal Interests*

5. An employee must not in his official or personal capacity –
  - a) allow his personal interests to conflict with the authority's requirements; or
  - b) use his position improperly to confer an advantage or disadvantage on any person.

*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 employment.

*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.

*Openness*

8. An employee must –
- a) not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorized to give it, or unless he is required 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 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, stepdaughter, child of a 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.

## APPENDIX 2

## SUMMARY OF QUESTIONS POSED WITH PROPOSED RESPONSE

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. This should also include Agency staff employed on a short term basis.**

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 above.**

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. 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?

**The phrase "in a responsible and lawful 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.**

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?

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**As with the Members' Code, 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.**

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?

**Any such requirement should be applicable to senior and politically restricted posts, on the basis that a register and declarations are relevant only to public confidence in the Council and the need to ensure that those advising elected members can be seen to be upholding the general principles of honesty, integrity, etc. 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?

**Generally, it would be appropriate to have a uniform requirement subject to Q7 above.**

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

**As Q8 above.**

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.**

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.**

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

**Yes.**

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 whistle blowing/monitoring arrangements to be in place within the authority, and to be able to rely on them.**

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. There is no definition given in the Code for Members and any interpretation of "friendship" should be uniform.**

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?

**All local authorities should be required to bring the code to the attention of their employees and to all new employees within a reasonable period of their joining the authority.**