



Report of the Chief Officer (Human Resources)

Standards Committee

Date: 15th October 2009

Subject: Officer Code of Conduct

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The current Officer Code of Conduct was last reviewed in 1998.
2. The latest information from DCLG is that a further consultation on the Officer Code of Conduct will take place in 2010. In view of this it is proposed at this stage to make a number of minor changes to the current Code to reflect Organisational Changes within the Council, and to reflect the significant technological advances that have taken place in the last years.

1.0 Purpose Of This Report

- 1.1 This report informs the Standards Committee of the current position on the proposed National Officer Code of Conduct.
- 1.2 The report also informs the Standards Committee of the changes that are proposed to the Leeds City Council Officer Code of Conduct.

2.0 Background Information

- 2.1 The current Officer Code of Conduct (Appendix 1) was last reviewed in 1998.
- 2.2 The core of the current Officer Code of Conduct is believed to date back to the 1970s, when the government of the day commissioned both the 1974 Prime Minister's Committee on Local Government Rules of Conduct (the Redcliffe-Maud Committee) and the 1976 Royal Commission on Standards of Conduct in Public Life (the Salmon Commission). The Redcliff-Maud Committee made recommendations for a national Officer Code of Conduct at that time, and these formed the basis of our current Code. The current Code also reflects the model code of conduct for local government employees proposed by the Local Government Management Board in 1994.
- 2.3 It should be noted at this point that the Code of Conduct is part of the contractual arrangements for all Leeds City Council employees and that any proposed changes would need to be negotiated with the Trade Unions.
- 2.4 Other Core Cities are also using Officer Codes of Conduct which have not been reviewed recently. Although Manchester issued its current Code of Conduct in 2008, the other Core Cities are using Codes of similar age to our own:
 - Newcastle's Code was written in 1997, and remains the same, albeit with an additional appendix, and some additional wording in 2001 about hospitality;
 - Bristol City's Code was written in 2001, and although it was reviewed in 2006 this didn't lead to any changes;
 - Sheffield's Code was also adopted in 2001; and
 - Birmingham's Code was revised on 2004, 2007 and 2008 but only to reiterate that the provisions would remain unchanged until the government consultation on the national Code of Conduct for Officers was complete.
- 2.5 An examination of other Core Cities' Officer Codes of Conduct reveals a broad agreement about the matters contained therein. There are no areas of our Current Code of Conduct which are not covered in all (or most) of the other cities' Codes. Similarly, some items in other Council's Codes of Conduct do not appear in Leeds'. Where there are discrepancies, the same subject matter is still addressed by the Councils, just not in their Code of Conduct.

3.0 Main Issues

Department of Communities and Local Government's position

- 3.1 The DCLG's last consultation document on Member and Officer Codes of Conduct was considered by the Standards Committee on 16 December 2008.
- 3.2 The DCLG had advised that the National Officer Code of Conduct would form part of the Community Empowerment, Housing and Economic Regeneration Bill, which was

on the draft legislative programme for 2008/09. This Bill has not, however, had its first reading yet.

- 3.3 The office of Paul Rowsell, Deputy Director, Local Democracy & Local Governance Division at the DCLG, advise that they intend to publish the Government's response to the consultation this later this month which will set out how the Government intends to proceed with the proposals in the consultation document.
- 3.4 It seems unlikely, therefore, that this matter will be included in the legislative programme during the lifetime of this parliament.
- 3.5 The consultation document, broadly, proposed that there be some general universal principles that apply to all officers, and that officers who exercise delegated powers should be subject to a similar (though not identical) set of standards as Members.

Organisational Changes

- 3.6 The current code of conduct in local terms and conditions is expressed as only applying to "employees of Leeds City Council whose employment falls within the purview of the LCC Personnel Panel." This wording does not appear in the version of the Code contained within the Constitution itself.
- 3.7 There are a number of other housekeeping issues, such as reference to the disciplinary procedure by its previous appendix number, references to teams within Finance that no longer exist, references to departments (rather than directorates), references to Personnel Sections, and so forth. It is proposed that these are reviewed and brought into line with current equivalents.

Technological Changes

- 3.8 At present any use of social networking sites (such as Facebook) by employees outside work which is highly derogatory to the Council, is covered in paragraph 1.5 of the existing code. It is acknowledged, however, that much more could be done to make clear the extent of the prohibitions in that paragraph and to explicitly state that those provisions include the use of social networking sites, email etc.
- 3.9 Other provisions may benefit from specifically mentioning that activities carried out through various electronic media would also be covered, for example friendships with contractors formed over social networking sites.

Information Knowledge Management

- 3.10 There are a number of aspects of the Council's Information Security – Policy and Procedure Development programme which have implications for rules currently reflected in the Code of Conduct.
- 3.11 In particular there could be arguments to:
- extend paragraph 13 (Use of Financial Resources) to include other resources, such as equipment and data, which is increasingly being recognised as a valuable commodity;
 - review paragraph 4 (Disclosure of Information) to ensure compliance with IKM best practice. It is also noted that significant legislation covering Data Protection Act and Freedom of Information Act may not be adequately reflected in these sections; and

- include specific reference to the use of Council stationery and elements of corporate identity such as the crest, sign-offs etc.

4.0 Implications For Council Policy And Governance

- 4.1 It is clearly the case that the Council's officer Code of Conduct is past the point where a review would be desirable. Conversely we are faced with the likelihood of a nationally imposed Code of Conduct.
- 4.2 If a National Code of Conduct is imposed, this will require an extensive review of the Code of Conduct current at that time to ensure compliance and compatibility.
- 4.3 Where specific service areas are experiencing isolated difficulties with the current Code of Conduct - for example some areas of Adults' Services have requested greater clarity over the issue of gifts from clients - it is entirely possible for managers to issue local work instructions providing these are clear, communicated to the employee, and are reasonable in all the circumstances. Postponing reviewing the Code does not compromise the Council's ability to address such concerns.

5.0 Legal And Resource Implications

- 5.1 A fundamental review of the current Code of Conduct would require significant officer time, including extensive consultation with Legal Services and with the trade unions.

6.0 Conclusions

- 6.1 The Code of Conduct does require a full review.
- 6.2 The lack of resolution on the proposed National Code of Conduct has led Leeds, like other major cities, to postpone any significant work on reviewing the current Officer Code of Conduct.
- 6.3 There is no suggestion that Leeds' current Officer Code of Conduct is not comparable with the Codes currently in use in other Core Cities.
- 6.4 The Information Knowledge Management review is still ongoing, and, in time will provide clear outcomes which should inform any review of those sections relating to data security, the corporate identity, and misuse of facilities.
- 6.5 In the interim, a relatively "light touch" series of amendments could assist in employees having greater clarity as to their responsibilities under the Code.
- 6.6 In summary, therefore, it is proposed that rather than engage in a fundamental review, that:
- The Code of Conduct be reviewed and updated for current terminology;
 - That amendments are made to make the scope of existing duties more explicit, e.g. to make it clear that the duty of loyalty applies to personal use of social networking sites; and
 - To include references to other significant legislative duties, e.g. the Freedom of Information Act.
- 6.7 Any changes proposed as a result would require consultation with representative trade unions.

7.0 Recommendations

7.1 That the Standards Committee considers the content of this report.

Background Documents

Officer Code of Conduct from Manchester City Council, Newcastle City Council, Bristol City Council, Sheffield City Council and Birmingham City Council

DCLG Consultation Document (October 2008): Communities in Control: Real people, real power – Codes of Conduct for local authority members and employees