



Report of the Chief Officer (Human Resources)

Standards Committee

Date: 16 February 2011

Subject: Officer Code of Conduct / Employee 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. This report updates the Standards Committee on the HR work programme associated with the Code of Conduct which applies to employees.
2. The Chief Officer (HR) sets out the plans which are in place to ensure that the Standards Committee is consulted appropriately in regard to a future full review of the Code of Conduct which applies to employees.

1.0 Purpose Of This Report

- 1.1 This report provides an update to the Standards Committee on work which has taken place, and is taking place, around the Code of Conduct which applies to staff.
- 1.2 In particular, attention is given to the status of the Code in the local terms and conditions or employment, the status of the Code in the council's constitution, and specific work relating to the registers of interests and gifts and hospitality.

2.0 Background Information

- 2.1 On 15 October 2009 the Chief Officer (HR) provided a report to the Standards Committee setting out her intention to conduct a light touch review of the Officer Code of Conduct.
- 2.2 In that report, the Chief Officer (HR) set out the reasons for not conducting a full review at this time.

3.0 Main Issues

3.1 Terms and conditions of employment

- 3.1.1 Agreement has now been reached with the trade unions for a series of "light-touch" amendments in line with the principles set out in the report of 15 October 2009.
- 3.1.2 One of the principles of the review was to remove, where possible, terminology which was no longer current. The replacement policy is to be known as the Employee Code of Conduct.
- 3.1.3 The Chief Officer (HR), in accordance with the Director of Resources' sub-delegation scheme, will exercise her delegated authority to incorporate the agreed amendments into the local terms and conditions of all council staff. This decision is on hold, pending actions noted at point 3.2.1.
- 3.1.4 The Chief Officer (HR) will advise the Committee when a full review of the Employee Code of Conduct takes place, and will ensure that there is opportunity to receive guidance from the Committee.
- 3.1.5 The government has introduced a Localism Bill. Section 14 of Chapter 5 of the Bill will repeal the authority to create a national officer code of conduct (which is currently derived from section 82(1) of Part III of the Local Government Act 2000).
- 3.1.6 A copy of the new Employee Code of Conduct is attached as appendix one.

3.2 Code of Conduct relating to staff in the constitution

- 3.2.1 The Chief Officer (HR) has asked the Director of Resources to amend his sub-delegation scheme to explicitly grant authority to the Chief Officer (HR) to make amendments – required by changes to the terms and conditions of employment - to the version of the Code of Conduct in the Constitution.

- 3.2.2 To minimise confusion, the new Employee Code of Conduct will be brought into effect in the local terms and conditions and the Constitution at the same time.
- 3.2.3 By seeking this authority, the Chief Officer (HR) seeks to ensure clarity, as, over the years, the Officer Code of Conduct in the Constitution had diverged from that in the local terms and conditions (as referenced in the 15 October 2009 report).
- 3.2.4 Colleagues in Corporate Governance have identified the subsequent amendments that will be required to the Constitution to replace references to the Officer Code of Conduct with references to the Employee Code of Conduct.

3.3 Procedural changes to the process for the register of gifts and hospitality

- 3.3.1 An intranet item and reminders to managers were issued to preempt any gifts which might have been received over the festive period.
- 3.3.2 Directors have been reminded that any delegation of their authority to approve gifts and hospitality should be reflected in their sub-delegation schemes.
- 3.3.3 All gifts and hospitality registers are signed off (either as agreed or declined) by the relevant directors (or their nominees as set out in their sub-delegation schemes) and then sent to the business support team, who log them onto an electronic register.
- 3.3.4 Directors will be provided with regular reports on the gifts and hospitality forms for their areas in order that they can review these for trends (and for any misapplication of their sub-delegations).
- 3.3.5 Starting from March 2011 an annual report will also be made to the HR Leadership Team who will identify any levels of returns or trends which appear to merit further discussion with services; such queries will be progressed by HR.

3.4 Process for the register of interests

- 3.4.1 As the Committee is aware, the council adopted a two-tier approach to the register of interests. Although the provisions in the Officer Code of Conduct in the constitution, and the new Employee Code of Conduct in the local terms and conditions apply to all employees, the council will only deploy resources in proactively pursuing returns from employees who are employed in posts which are deemed by their director to place them in a higher risk of encountering conflicts of interest.
- 3.4.2 The guidance to directors on determining which posts are likely to be of higher risk has been reviewed and reissued and, with the assistance of HR officers, the lists that had been used for 2009/10 have been reviewed.
- 3.4.3 Emails will go out to all employees in "high risk" posts in Q4 2010/11. The forms have been slightly amended, so although hard-copy returns will not be prohibited, electronic responses from individual's council email accounts can be recorded.
- 3.4.4 Historically there have been large numbers of employees who have not responded to requests to complete a declaration of interests and, anecdotally, it has been suggested that this is because they have nothing to declare.

Functionality in Outlook will simplify the process for employees to make a “nothing to declare” response.

4.0 Implications For Council Policy And Governance

4.1 The ongoing work will make the Code of Conduct and the associated registers clearer and more accessible to employees. There are no policy changes.

5.0 Legal And Resource Implications

5.1 None.

6.0 Conclusions

6.1 Work has been ongoing to make the Code of Conduct more accessible to the people it applies to, and to ensure there is certainty about the content of the Code.

6.2 Steps have been taken to improve the administration of the registers to reduce the administrative burden and to make it easier for employees to register interests, gifts and hospitality.

6.3 The review of the “high risk” posts lists in relation to the register of interests ensures that best use is made of scarce Council resources.

7.0 Recommendations

7.1 The Standards Committee is asked to note the information contained in this report.

8.0 Background Papers

- Report to the Standards Committee 15 October 2009, Officer Code of Conduct