



Office of the
Deputy Prime Minister

Creating sustainable communities

A Model Code of Conduct for Local Government Employees

A Consultation Paper

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A summary of responses will be published on the ODPM web site by the end of February 2005. Paper copies of the summary will also be made available. The contact details will be as set out in paragraph 1.3.

This consultation document has been produced in accordance with the Government's Code

Annex C.

3. Scope and Coverage

Categories of employees covered

3.1 Local authorities employ around 1.5 million people in a wide variety of jobs. The employees' code of conduct will⁴ apply to them all, unless they are specifically excluded by regulations.

3.2 Reflecting the conclusions of the working party referred to at paragraph 2.4, the Government proposes to exclude firefighters and teachers from being subject to the local government employees' code. This is because they already have their own codes of conduct. Consultees might wish to consider whether there is also a case for excluding school support staff, who, like teachers are guided in their conduct by the school's policies and held accountable, through the head teacher, to the governing body.

3.3 In addition, under the Police Reform Act 2002 the Home Office is committed to producing a code of practice, which will cover standards of conduct, for community support officers.

3.4 The Government does not at present propose to make any further exclusions. Therefore, subject to the outcome of this consultation, the employees' code of conduct will apply to all other employees of relevant authorities.

- Q.1 Is the Government right to exclude firefighters, teachers and community support officers?**
- 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?**

Council Managers

3.5 Part II of the Local Government Act 2000 provided that principal local authorities (ie. county, district and London borough councils) must adopt executive arrangements. The broad models allowed included mayor/council manager; mayor/cabinet or leader/cabinet. In the first of these structures, the council manager would be an employee of the whole authority, but could be responsible for taking decisions relating to the delivery and implementation of the policy framework agreed by the council.

3.6 It has been argued that the functions exercised by a council manager make his or her role similar to that of an executive member of an authority; and that a council manager should therefore be subject to a code of conduct that mirrors those to which elected members are subject.

⁴ by Section 82

4. Detailed Proposals

4.1 Relevant authorities employ a very wide range of staff. It would not be possible, within a single code of conduct, to provide a set of detailed requirements for every local government employee. In many cases, employees will be subject to detailed terms and conditions of employment, which are tailored to their particular job. In all cases, **staff** will be expected to comply with written, or oral, instructions about the way in which they tackle their duties.

4.2 The employees' code of conduct seeks to establish a set of "core principles" which underpin the concept of public service and which are applicable to all employees of relevant authorities, regardless of the precise nature of the job they do. The Government proposes that the code should establish requirements in the following areas:

- o Honesty, Integrity, Impartiality and Objectivity
- o Accountability
- o Respect for Others
- o Stewardship
- o Personal Interests
- o Registration of Interests
- o Reporting Procedures
- o Openness
- o Appointment of **Staff**
- o Duty of Trust

Honesty, Integrity, Impartiality and Objectivity

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

Paragraph 1 provides a short overarching statement of the qualities expected of relevant authority employees, regardless of their position within the authority.

Accountability

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

Paragraph 2 sets out the accountability of an employee to his employer.

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

This provision deals with the registration of employees' interests that may have a bearing on the way in which the functions of the authority are discharged.

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?

Q.8 If so, what should the list contain? Should it mirror part 3 of the councillors' code or be restricted to financial interests?

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

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?

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?

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,

This provision aims to address the need to protect employees who “blow the whistle” from victimisation. The Government attaches considerable importance to the need to ensure that individuals who are concerned about the conduct of their authority or individuals within it should be encouraged to make those concerns known,

Unlike elected and co-opted members of authorities, employees of authorities who “blow the whistle” are afforded some statutory protection. The Public Interest Disclosure Act 1998 builds on employment legislation by affording a measure of protection to workers who are dismissed or subject to detrimental treatment as a result of having ‘blown the whistle’.

This paragraph gives effect to the working party's views that this sometimes sensitive issue should be addressed within the code. Employees of authorities are, as a matter of course, frequently involved in decisions that bear on the appointment, promotion, discipline, and terms or conditions of employment of staff. The Government takes the view that it would be appropriate therefore to emphasise the need to ensure that such decisions are made impartially and objectively.

Paragraph 9(1) therefore prohibits employees from being involved in the appointment of or any other decision relating to the discipline, promotion or pay and conditions of an employee or potential employee who is a relative or close friend. Paragraph 9(2) defines "relative" and "partner" for the purposes of paragraph 9(1).

The term 'friend' is not defined in the code. The Standards Board for England's guidance on this point, in the context of the members' code of conduct, is that: *"friendship' connotes a relationship going beyond regular contact with colleagues in the course of employment... Social contact is likely to be a strong indicator of friendship, but not necessarily the only one."*

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?)

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?

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.**

Paragraph 10 emphasises the need for local government employees to carry out their duties in a way that secures public confidence in their actions.

6. Draft Model Code of Conduct for Local Authority Employees

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 authorised 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.

ANNEX A

Summary of questions posed

- Q.1 Is the Government right to exclude teachers, firefighters and community support officers?(paras 3.2, 3.3)
- 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?(para 3.2)
- Q.3 Do you agree that council managers should be subject to the same code as other employees? (paras 3.5-3.7)
- Q.4 Should different rules, or a separate Code, apply to political assistants?(paras 3.8-3.9)
- Q.5 Are the provisions relating to the use of public funds and property adequate to ensure effective stewardship of resources?(para 4 of Section 4)
- 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?(para 5 of Section 4)
- 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?(para 6 of Section 4)
- Q.8 If so, what should the list contain? Should it mirror part 3 of the councillors' code or be restricted to financial interests?(para 6 of Section 4)
- Q.9 Should such a list be available to the public?(para 6 of Section 4)
- 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?(para 6 of Section 4)
- 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?(para 6 of Section 4)
- Q.12 Does the proposal on the reporting of misconduct provide suitable protection for employees?(para 7 of Section 4)
- Q.13 Should the Code impose a duty on employees to report misconduct?(para 7 of Section 4)
- 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?) (para 9 of Section 4)

ANNEX B

List of Consultees

Copies of this consultation paper are being sent to:

- o All principal local authorities in England
- o Town and parish councils in England
- o National Parks
- o Fire and Rescue and Fire and Civil Defence Authorities in England
- o Police authorities in England and Wales
- o Local Government Associations and other organisations representing relevant authorities.

Copies are also being sent to:

- The Audit Commission
- o The Commission for Local Administration in England
- o The Standards Board for England
- o Public Sector Unions
- Other bodies and academic institutions that may have an interest in the issues raised.

