

Report to:	EXECUTIVE
Relevant Officer:	Carmel McKeogh, Deputy Chief Executive Mark Towers, Director of Governance and Regulatory Services
Relevant Cabinet Member:	Councillor Blackburn, Leader of the Council
Date of Meeting:	8 th September 2014

OFFICER CODE OF CONDUCT

1.0 Purpose of the report:

- 1.1 The purpose of this report is to consider a proposed draft officer code of conduct which is fit for purpose and can be considered for recommendation to the Council, as part of the Council's Constitution.

2.0 Recommendation(s):

- 2.1 The Executive is asked to recommend this draft Officer Code to the full Council, as part of the Council's Constitution.

3.0 Reasons for recommendation(s):

- 3.1 To recommend an officer code of conduct to Council for approval to be part of the Council's Constitution.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

Not to agree an officer code of conduct and retain the current 'Employee code of conduct'. This is not recommended as the current code is almost wholly about contractual obligations and disclosures and does not include sufficient sections relating to standards of behaviours or disclosure of information and safeguarding issues.

To have a different code of conduct. A variation on the proposed code would be possible but this draft has been through consultation with the union representatives and various officer groups and is also of a similar format now to that published by other Councils and

the Elected Members Code of Conduct.

4.0 Council Priority:

4.1 The relevant Council Priority is:

“Deliver quality services through a professional, well-rewarded and motivated workforce.”

5.0 Background Information

5.1 The Council’s Constitution has a section in it for an Officer Code of Conduct which dates back to the Local Government Act 2000, when it was stated that Government would issue a model officer code of conduct in the same way they did at that stage for elected members. The Act gave the Secretary of State the power to issue a statutory code of conduct for employees in England.

5.2 A consultation paper was produced by the Office of the Deputy Prime Minister in 2004. The intention was that the statutory code would be a brief statement of core values and obligations. This would underpin local codes of conduct, which would remain of great importance in communicating appropriate standards and procedures. The proposed statutory code was to be part of employees' contracts of employment and any breaches of the code would be dealt with under an authority's local disciplinary procedures. There would be no other investigation or enforcement mechanism such as applies in cases of misconduct by elected members. There were further consultation papers in December 2005 ('Standards of conduct in English local government – the future') and in 2008 (Communities in control: Real people, real power - Codes of conduct for local authority members and employees).

5.3 These consultation papers still proposed a statutory officer code, but no gave no indication of when. They included lessons learned from the review of the elected members’ code of conduct which had taken place at that time. The Local Government Association was of the view that a statutory code was not necessary, as Councils had clearly defined codes emanating from draft produced in 1994 by the Local Government Management Board and the Local Government Associations.

5.4 Finally schedule 4 of the Localism Act 2011 amended Section 82 of the Local Government Act 2000. In effect it deleted power for the Secretary of State to issue a code in England. This was done it is understood seemingly in line with localism approach where it was down to individual local authorities to adopt their own code.

5.5 All Councils, including Blackpool do have an officer code of conduct, (many now in their constitutions) but all as part of their management policies and procedures. This last 12 months has seen a review of Blackpool’s officer code of conduct to bring it up to date, in particular issues such as working with children and vulnerable adults,

updates to equality and diversity laws, references to contract procedure rules, data protection and Freedom of Information Issues.

5.6 It is also considered opportune to present the code in a way to be of a similar format to the elected members' code of conduct and also include it in the Council's constitution to provide transparency to the public in relation to the standards expected of officers. The draft code attached is in essence an 'overview' code underpinned by more detailed terms and conditions in personnel codes/ contracts of employment etc, already in existence. It is also supplemented by the Employment Procedure Rules for Chief Officers, already part of the constitution regarding employment, dismissal and disciplinary action.

5.7 Officers may also be expected to follow service related codes of conduct such as, General Teaching Council, Solicitors, Royal Town Planning Institute, Personnel and Development, Trading Standards and Social Workers. Professional codes though are about the profession not the relationship with the employer and are therefore not referenced in the attached draft code.

5.8 **Summary of proposed Changes**

5.9 Proposed changes to the code will, if agreed, bring the document in line with current Council policies and best practice that have been introduced within the Council i.e.:

- Council's customer care standards - makes reference to the key aspect of customer standards which states that employees should provide the highest possible standard of service and which makes a general reference to standards of dress which is expected in specific roles.
- Safeguarding requirements - by making reference to the government guidance document about safer working practice for Adults who work with Children and Young People Government Safeguarding and the specific Council code for employees working with vulnerable Adults.
- Information Governance Policies which were introduced as a result of a data governance audit and the extended statutory data governance requirements which the code now includes a specific section about the requirements of the data protection action, Information management and intellectual property and retaining information upon termination of employment.
- Equality Framework which was amended in accordance with the Equality Act 2010.
- Whistleblowing Policy which was amended in accordance with the Bribery Act 2010.

5.10 **Embedding the code of conduct**

As the Code of Conduct is an important part of an employee's contract, all officers regardless of level need to be made aware of its content. It is therefore intended (when approved) to communicate the launch of the approved document by the following means:

- Induction
- IPool
- IPA process
- Leaflets
- Hub News items
- Newsletters

5.11 Does the information submitted include any exempt information? No

5.12 **List of Appendices:**

Appendix 2a draft Officer Code of Conduct

6.0 **Legal considerations:**

6.1 The proposed officer code of conduct will form part of the Council's Constitution, when final approval is given by Council and will be an important part of an employee's contract.

7.0 **Human Resources considerations:**

7.1 The Code applies to all employees of Blackpool Council and will be incorporated into and form part of the contractual relationship between the Council and its employees. As such, it may be used in any proceedings under the Council's disciplinary and grievance procedures.

8.0 **Equalities considerations:**

8.1 Equality issues of this policy have been explored along side the code of conduct, and an Equality Analysis has been completed accordingly.

9.0 **Financial considerations:**

9.1 There are no financial considerations with this proposed revised code of conduct.

10.0 Risk management considerations:

10.1 A clear revised officer code of conduct will reduce or eliminate the risk of inconsistent employee practices and procedures and ensure compliance with behaviours and legal requirements.

11.0 Ethical considerations:

11.1 The proposed Code of Code of Conduct will be integral to the ethos of the Council's Core value:

'We act with integrity and we are trustworthy in all our dealings with people and we are open about the decisions we make and the services we offer'.

It is, therefore, important for the Council to provide guidance on standards of conduct which is available to and understood by staff at all levels.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation has taken place with:

- Senior Leadership Team – in the form of a specific workshop
- Recognised Trade Unions ,
- HR colleagues
- Internal Audit
- Procurement Team
- Officers involved in safeguarding issues

13.0 Background papers:

13.1 An Equalities Analysis which has been completed in relation to the draft code.

14.0 Key decision information:

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?

No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

N/A

Date approved:

N/A

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 **Date of Decision:**

19.0 Reason(s) for decision:

19.1 **Date Decision published:**

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1