

THE LOCAL GOVERNMENT STAFF COMMISSION FOR NORTHERN IRELAND

**CODE OF CONDUCT FOR
LOCAL GOVERNMENT EMPLOYEES**

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CODE OF CONDUCT FOR LOCAL GOVERNMENT OFFICERS

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CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

1.0 INTRODUCTION

1.1 Status of the Code

Under Article 35(1)(b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992, the functions of the Local Government Staff Commission include :

“establishing and issuing a code of recommended practice as regards conduct of officers of councils”.

This Code is therefore issued as a statutory recommendation for implementation in district councils in Northern Ireland. It sets out the minimum standards of conduct that should apply. The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

It is desirable for the protection of the public and the protection of employees that guidance be given to local government employees as to the conduct expected of them. This Code provides guidance to assist councils and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.

This Code is a model which councils should adapt to suit their particular requirements, structures and procedures.

2.0 FRAMEWORK FOR THE CODE

The public is entitled to expect the highest standards of conduct from all employees who work for district councils and this Code has been developed in line with best practice, existing legislation and the following guidance.

The provisions of this Code apply to all staff employed by district councils (see Appendix 2 for a definition of ‘employee’/‘member of staff’) in Northern Ireland in the performance of their duties on a day-to-day basis including any additional offices to which they may be appointed in their capacity as a district council employee.

2.1 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (the National Agreement):

2. Official Conduct

2.1 Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

2.2 Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.

2.2 Seven Principles of Public Life

This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) which emphasises that those in public life should:

- **Selflessness** *take decisions based solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.*
- **Integrity** *not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*
- **Objectivity** *in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.*
- **Accountability** *are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*
- **Openness** *be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*
- **Honesty** *have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*
- **Leadership** *promote and support these principles by leadership and example.*

3.0 CONSULTATION AND IMPLEMENTATION

This Code was originally issued in March 1997 following consultation with the Joint Council for Administrative, Professional, Technical and Clerical Services, the Joint Industrial Council for Manual Staff and the Joint Negotiating Committee for Clerks/Chief Executives.

It was issued for pilot implementation in March 1997. A review of the operation of the Code was undertaken at the end of the pilot period and in line with developments nationally on a statutory ethical framework for Elected Members and Officers it was decided to extend the pilot period until the revised Code could be issued.

This Code has now been revised and is issued for implementation with effect from 01 September 2002.

MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

1. Standards of Behaviour, Impartiality and Conflicts of Interest

Council employees (see Appendix 2 for a definition of 'employee'/'member of staff') are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Where it is part of their duties to provide appropriate advice to councillors and fellow employees this must be done with impartiality at all times.

Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service (see paragraph 14. *Whistleblowing*).

Responsibility is placed on every member of staff for disclosing to an appropriate manager or officer of the council every potential conflict of interest in which he/she may be involved. In general employees' private interests must not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute. Employees should not misuse their official position or information acquired in their official duties to further their private interest or those of others.

Employees must report to the appropriate manager any impropriety or breach of the terms of this Code.

Any breach of the terms of this Code will be dealt with in accordance with the provisions of the Disciplinary Procedure of the Council.

2. Disclosure of Information

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may also decide to be open about other types of information.

The Council should therefore make clear to employees:

- the types of information which must be made available, and to whom;
- the types of information which the Council has voluntarily made open, and to whom;
- the types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the Data Protection Act 1998. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the authority's publication scheme.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to the councillor and does not belong to the council should not be divulged by the employee

without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.

3. Political Neutrality

Employees serve the Council as a whole. They must serve all councillors and not just those of a particular group and must ensure that the individual rights of all councillors are respected.

Subject to individual Councils' conventions, employees may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

4. Potential Conflict of Interest Situations

As specified in paragraph 1. *Standards of Behaviour, Impartiality and Conflicts of Interest*, staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute. In particular attention is drawn to the following examples of situations where potential conflicts of interest can occur.

Relationships with Councillors

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to councillors. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors and should therefore be avoided (see paragraph 1. *Standards etc.* in relation to disclosing every potential conflict of interest).

Employees should deal with councillors in a polite and efficient manner. They should not approach nor attempt to influence councillors out of personal motives and should report to an appropriate manager if a councillor attempts to pressurise them to deal with a matter outside of Council procedure or policy.

Further advice and guidance is given in the Draft Protocol for Relations between Councillors and Employees in District Councils in Northern Ireland attached at Appendix 3.

Contact with the Local Community and Service Users

The community and service users have a right to expect a high standard of service from the Council. Employees have a responsibility to the community they serve and should, ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

Relationships with Contractors

All relationships with contractors or potential contractors must be made known to the appropriate manager. Orders and contracts must be in accordance with Council procurement procedures and no special favour should be shown in the tendering process to any businesses or potential suppliers particularly those run by, for example, friends, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship').

Employees who deal with, engage or supervise contractors with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager.

Employees must not accept money or any other reward from anyone who may benefit from work or funding provided by the council. To do so would, in law, be corrupt.

Political Activity

Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. Employees who have concerns about whether there is a potential conflict of interest should raise the matter with an appropriate manager.

5. Appointments and Other Employment Matters

Employees involved in appointments should at all times act in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures).

The Code of Procedures at Stage 2 - Composition of Panels page D:28 states:

"Responsibility is placed on every panel member to disclose to an appropriate manager or officer of the council where potential conflict of interest may be present, for example partners or persons where a family relationship is deemed to exist."

And

"Where a potential conflict of interest exists, the issue is not about satisfying the conscience of the individual. Public perceptions and also those of other candidates must be considered and, in such cases, it may be appropriate for the individual to withdraw from the recruitment exercise."

Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee who is a friend, partner or person where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship').

6. Outside Commitments

An employee must not subordinate his/her duty to the Council to his/her private interests or put himself/herself in a position where duty and private interests conflict. The Council should not attempt to preclude officers from undertaking additional employment outside their hours of duty with the Council, but any such employment must not, in the view of the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business.

Employees should devote their whole-time service to the work of their Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council. Where an officer wishes to engage in other business or take up additional appointment/s he/she must seek the permission of the Council and act at all times in accordance any contractual obligations in this respect.

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

7. Personal Interests

Employees must declare to an appropriate manager any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:

- membership of an organisation receiving grant aid from the council
- membership of an organisation or pressure group which may seek to influence the Council's policies
- membership of any organisation not generally open to the public without formal membership and requires a commitment of allegiance or has secrecy about rules, membership or conduct (see Appendix 1 for a definition of a such societies).

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends or family might benefit and should ensure that the matter is referred immediately to their line manager.

8. Equality Issues

All members of the local community, customers and employees have a right to be treated with fairness and equity.

In this regard employees must:

- be made aware of their obligations under Section 75 of the Northern Ireland Act 1998 and relevant employment law (see Appendix 1);
- co-operate with the Council in the application of any policies agreed by the Council relating to equality issues;
- not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions.

9. Separation of Roles During Tendering

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information relating to the tendering process should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that in awarding contracts, no special favour is shown to current or recent former employees or their friends, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship') to businesses run by them or employing them in a senior or relevant managerial capacity.

10. Corruption

Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in his/her official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained (see paragraph 12. for guidance on *Hospitality*).

11. Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

12. Hospitality and Gifts (see Appendix 2)

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when they are part of the life of the community or where the Council should be seen to be represented. They must be properly authorised and recorded in accordance with the Council's agreed procedure.

When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

Employees should not accept significant personal gifts from contractors, members of the public and outside suppliers, although the Council may wish to allow employees to keep items of token value such as pens, diaries etc.

When considering whether or not to accept authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- it is clear that the hospitality is corporate rather than personal;
- where the Council consents in advance;

or

- where the Council is satisfied that any procurement decisions are not compromised.

Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent procurement decisions.

13. Sponsorship - Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service neither an employee nor any friends, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship') must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14. Whistleblowing

If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Council's confidential reporting procedure, or any other procedure designed for this purpose.

NJC, LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT

1. Standards (paragraph 1.)

Part 2 paragraph 2., Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (the National Agreement).

2. Disclosure of Information (paragraph 2.)

Data Protection Act 1998.

Freedom of Information Act 2000.

Sections 23 - 25 of the Local Government Act (NI) 1972 deals with admissions of the public and press to local authority committee meetings.

3. Potential Conflict of Interest Situations (paragraph 4.)

Councillors - paras. 22 - 24 of the Northern Ireland Code of Local Government Conduct for Councillors deals with the role of councillors in relation to officers.

Family Relationship - Stage 2 - Composition of Panels paragraph entitled Canvassing on page D:28 of the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures) states that a relevant family relationship is deemed to exist between a Council officer and/or member and the person (i.e. the contractor, potential contractor, partner in a business etc.) if they are husband or wife or if the person is the:

- parent
- son or daughter
- brother or sister
- uncle or aunt
- nephew or niece
- grandparent
- grandson or grand-daughter

of the Council officer or member, or of the spouse of the Council officer or member.

For the purposes of potential conflicts of interest, as outlined in this Code, this definition is extended to cover partner relationships.

4. Appointments and Other Employment Matters (paragraph 5.)

Code of Procedures on Recruitment and Selection

Part B - General Principles Underpinning the Code (on page B:2) recommends actions to ensure that appointments are made under the merit principle.

Section 41 of Local Government Act (NI) 1972 deals with appointments to councils.

5. **Personal Interests (paragraph 7.)**

Local Government Management Board Working Group definition of a 'secret' society:

"Any lodge, chapter, society, trust or regular gathering or meeting which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion."

6. **Equality Issues (paragraph 8.)**

Legislation

- Sex Discrimination (NI) Order 1976
- Fair Employment and Treatment (NI) Order 1998
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Rehabilitation of Offenders (NI) Order 1978 and Exceptions Order 1979
- Equal Pay Act (Northern Ireland) 1970
- Northern Ireland Act 1998
- Human Rights Act 1998

7. **Corruption (paragraph 10.)**

Section 46 of Local Government Act (NI) 1972 deals with the declaration of interest where an employee has a pecuniary interest and with recording of such interests. Not to do so will be an offence.

Section 47 of the Local Government Act (NI) 1972 forbids employees to accept payment apart from their salary/wage.

KEY TERMS USED IN THE CODE OF CONDUCT

EMPLOYEE/S OR MEMBER/S OF STAFF

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a district council including those working both full time and part time on a permanent, temporary or fixed term basis. The Code also applies to seasonal and casual staff while they are engaged in carrying out duties for the council.

HOSPITALITY AND GIFTS

The Department of the Environment's current guidance on the 'Acceptance of Gifts and Hospitality' dated October 1995 may be used as a source document in the context of this Code.

The document sets out the background as follows:

- "2. *The basic requirements are contained in paragraphs 944-949 of the NICS Pay and Conditions of Service Code and indicate that Civil Servants should conduct themselves with honesty and impartiality in the exercise of their duties and, as a consequence, that they should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. More specifically, under the respective provisions of the Prevention of Corruption Acts 1906 and 1916:*
- (a) *it is an offence for a Civil Servant corruptly to accept any gift or consideration as an inducement or reward for doing (or refraining from doing) anything in his or her official capacity, or showing favour (or disfavour) to anyone in his or her official capacity; and*
 - (b) *the Courts will assume that any money, gift or consideration which a Civil Servant receives from a person or organisation which has obtained (or is trying to obtain) a Government contract has been received corruptly unless the officer proves otherwise.*

If any offer, gift or irregular suggestion is made to an officer either in connection with a contract or with the object of obtaining preferential treatment the facts must be reported immediately to the Head of Division at Grade 6 or 5 level."

The document also includes guidance notes on 'Offers of Hospitality' in terms of the need for prior approval to accept, and the action required to record in a Hospitality Register, such offers of hospitality.

A DRAFT PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES IN DISTRICT COUNCILS IN NORTHERN IRELAND

Introduction

1. Councillors and employees should work together in an atmosphere of mutual trust. Neither party should seek to take unfair advantage of their position. Each should observe reasonable courtesy in their dealings with the other.
2. This Protocol is intended to guide councillors and council employees in their behaviour towards each other. It does so by focusing on the more common issues that may arise. It is hoped that the recommended approach will “read across” to any other issues.
3. The Protocol seeks to reflect the content of the respective Codes of Conduct for councillors and employees. Both Codes aim to maintain and further enhance the integrity of local government. They therefore demand high standards of personal conduct at all times.

Relations between Officers and Committee Chairpersons

4. It is important that there should be good working relationships between senior council employees and Chairs of Committees. However such relationships should not be allowed to become so close as to cast doubt either on an officer’s ability to deal impartially with other councillors, or the Chair’s ability to deal impartially with other employees.
5. Employees will regularly consult the Chair on the preparation of Committee Agendas and Reports. Ultimately, however, they will have responsibility for any material submitted in their name, and should never exceed the authority given to them by their senior management. Chairs should bear this in mind in their dealings with employees.
6. Any issues of concern should be referred to the Chief Executive, who should discuss these with the Council Mayor or Chair.

Officer Advice to Party Groups

7. Employees should treat all political groups and individual members equally and fairly. Employees must observe any council rules about political groups’ access to employees, and must remain politically neutral at all times.
8. Employees should only provide party groups with advice and information in relation to **council business**. They should not be expected to attend meetings where matters of **party business** are to be discussed. Moreover, they will still be expected to provide all necessary information to the relevant committee or sub-committee when the relevant matter is due for discussion.
9. Where employees attend a political group meeting, the Chair must ensure that members present are clear about the basis on which those employees attend. Similarly, employees must respect the confidentiality of any party group meetings that they attend, and must not relay details to another party group, or individual councillor.
10. Any issues of concern should be raised with the Chief Executive, who will discuss them with the relevant group leaders.

Correspondence

11. An officer should not normally copy any correspondence with an individual councillor to any other councillor. Where it is considered necessary to do so, this should be made clear to the original councillor at that time.

Appointment of Employees

12. Where councillors are involved in the appointment of employees they must act fairly and openly, judging applicants solely on merit. Appointment must be made in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection.

Social Relationships

13. Positive, friendly relationships between councillors and employees will help project a positive image of the Council to local people. However close personal relationships could damage the relationship of mutual respect and perhaps lead local people to doubt an employee's objectivity and professionalism. Councillor and employees should therefore be cautious in developing close personal friendships while they have an official relationship.

Public Comment

14. Councillors or employees should not publicly discuss the conduct of council members or officials. Employees and councillors must show respect and courtesy to each other at all times.

Support Services to Councillors and Party Groups

15. Employees can provide councillors with support services to help them discharge their role as members of the council. However, such services must not be provided for party political or campaigning activity, or for private purposes.

Members' Access to Council Documents and Information

16. Members can ask any Council Department to provide information that they need to discharge their role as council members. An approach should normally be made through the Chief Officer or senior official of the Department concerned. Members should only use such information for the purpose for which it was provided.