

Part 5

CODES AND PROTOCOLS

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- (a) is a member of any committee or sub-committee of the authority, or;
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty.
- I act lawfully.
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

I impartially exercise my responsibilities in the interests of the local community.

- I do not improperly seek to confer an advantage, or disadvantage, on any person.
- I avoid conflicts of interest.
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor.
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings.
- at online or telephone meetings.
- in written communication.
- in verbal communication.
- in non-verbal communication.
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously.

Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1. I do not misuse council resources.

7.2. I will, when using the resources of the local authority or authorizing their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support.
- stationery.
- equipment such as phones, and computers.
- transport.
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding

that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority.

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality.

However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A -The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which ***affects:***
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.
9. Where a matter (referred to in paragraph 8 above) ***affects*** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:
a) any unpaid directorships; b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority; c) any body. i. exercising functions of a public nature; ii. directed to charitable purposes or; iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions.
- An appeals process through the Local Government Ombudsman.
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
- Updates to the Local Government Transparency Code.
- Changes to the role and responsibilities of the Independent Person.
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillor to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Warwick District Council Employee Code of Conduct



Employee Code of Conduct



www.warwickdc.gov.uk

Employee Code of Conduct

Revision History

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	23.1.19	RB TD GL	Full Council Approval
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Approvals

This document requires the following approvals:

Name	
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Full Council	

Distribution

This document has been distributed to:

Name	
All Staff/Unions	

EMPLOYEE CODE OF CONDUCT

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Appendices:

**Declaration Form for Interests
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Warwick District Council Employee Code of Conduct

1. Introduction

- 1.1 The people of Warwick District Council expect and deserve the highest standards of service and behaviour from all Council staff. This Code sets out our values, rules and principles. It is not a complete list of what you can and cannot do, but its aim is to enable all employees of the Council to understand the ground rules that all must observe and the standards we expect from you as a Council employee.
- 1.2 This code is based upon the Seven Principles of Public Life (known as 'The Nolan Principles'). These principles are relevant to everyone who works in public service and are set out in full as Appendix 1 to this Code.
- 1.3 In addition, the Council has adopted five core values. These provide a framework for every action and decision that the Council takes. The five core values are:
- Honesty and openness
 - Community focus
 - Fairness and equity
 - Environmental awareness
 - Value for money
- 1.4 Our standards are high because Council services affect the health and wellbeing of the community we serve.
- 1.5 Our work is democratically controlled and open to public scrutiny. It is often politically sensitive, and can depend on public confidence in the Council.
- 1.6 This Code applies to all Council staff. This Code does not form part of your contract of employment with the Council, and the Council reserves the right to amend it at any time.
- 1.7 Repeated or intentional breaches of the Code and the standards it expresses may result in disciplinary action, with one possible consequence being dismissal from your employment. In some cases, for example, if there is evidence of corruption or fraud, the Council may even refer the matter to the police for prosecution. We also expect all staff to operate within the law. Unlawful or criminal behaviour, even away from work, may lead to action against you by the Council and/or a referral to the police.
- 1.8 It is your responsibility to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your manager or with HR. Copies of any documents referred to in this Code are available via the intranet or from your manager on request.
- 1.9 This Code applies to all staff including those professionally qualified staff that may be subject to codes of conduct or ethics imposed by their own professional bodies. In the unlikely event of a conflict arising between this Code and an external code or requirement then the officer concerned must raise the matter with their Head of Service or Monitoring Officer as soon as possible.

Warwick District Council Employee Code of Conduct

1.10 This Code forms part of the Constitution of the Council.

2. Working for the public and with other staff

2.1 We are here to serve the people who live in, work in, or visit the District. This requires a positive commitment to public service and putting our customers and the community first. Our services can have a profound effect on the quality of their lives and we have a duty to give our best at all times. They have the right to expect us to be receptive, open, honest, helpful, considerate, responsible, sensitive, and maintain confidentiality.

2.2 You must:

- (a) report any inappropriate behaviour, such as verbal or physical abuse by customers, colleagues or Councillors, to your manager
- (b) never demean, distress or offend the decency of others by, for example:
 - posting or displaying any commentary, content or images which could reasonably be seen by others as discriminatory, defamatory, offensive, pornographic, threatening, harassing, bullying, intimidating, degrading, sexually suggestive or any other inappropriate or insensitive remarks
- (c) follow the Council's Equal Opportunities Policy and must not discriminate against people you meet in the course of your work on any grounds.

You should also be aware of the Council's policy on harassment, and behave in a way that creates an inclusive, open work environment. If you become a victim of harassment in the course of your work you should report this in accordance with the agreed procedure

- (d) never take advantage of anyone, or use your position at work to further any aims that are not related to the Council or which improperly confers an advantage or disadvantage on any person
- (e) never use your work or position at work to further the aims of any political party or political activity
- (f) not use your work to further the aims of any group other than the Council whilst at work, (whether or not the group's ideas are in conflict with Council policies)
- (g) not inappropriately disclose or misuse confidential information that you know about Councillors, customers, staff, contractors, or other organisations working with the Council
- (h) disclose any matter to your manager that it is your duty to report within this Policy
- (i) respect other people, their rights and property

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- (j) ensure your conduct does not give anyone any reason to question your motives
- (k) comply with the requirements of Council policies.

2.3 You should:

- (a) meet or exceed established standards of service when dealing with people in person, by phone, letter or e-mail, whether they are customers, colleagues at work, colleagues employed outside the Council or other delegates on a training course. Always be:
 - polite, positive, responsive and considerate. Always take a positive approach in all dealings with our customers
 - as clear as possible about the decisions and actions that we take and the reasons for them
 - accountable to the public, by identifying yourself (with name badges, if issued)
- (b) avoid actions in public areas that may discredit the Council
- (c) maintain a professional approach to your job. Do not let friendships lead to a conflict between your own interests and that of the Council
- (d) treat colleagues with respect, in day-to-day working relationships, in all forms of communication.

3. Management and staff relations

3.1 Working with your manager

- 3.1.1 Your manager is there to support you and give you direction in your work. You are expected to be accountable and show loyalty to the Council and to support its managers and other officers. A climate of mutual confidence, trust and respect between managers and staff is essential to achieving work targets and providing a high quality service.
- 3.1.2 You must carry out all relevant and reasonable instructions that apply to your role.
- 3.1.3 You should work reliably and never neglect your work.

3.2 Working with your staff

- 3.2.1 For the Council, the people it employs make a difference. The Council expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills and to jointly deliver quality services to the public.
- 3.2.2 You must:

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- (a) manage according to the principles set down in the Council's Policies (in, for example, matters of recruitment, discipline, performance management)
- (b) deal with staff fairly and consistently
- (c) provide your staff with a working environment that is free from any form of unfair discrimination, victimisation, harassment, or hostility
- (d) provide your staff with a safe and healthy working environment.

3.2.3 You should:

- (a) set standards of work, give constructive feedback and advice to staff on performance and, where necessary, on how improvements can be made to working practices to ensure standards are met
- (b) set work priorities for staff in consultation with them
- (c) support and assist staff to carry out their work properly
- (d) be aware and monitor the hours being worked by staff to ensure a consistent work life balance
- (e) develop your staff to meet the current and future needs of the individual, team and service.

4. Working practices

4.1 Health and Safety

- 4.1.1 It is a legal duty to ensure, so far as reasonably practicable, the health, safety, wellbeing and welfare of everyone in the workplace (including members of the public). Therefore, the Council aims to promote a good healthy and safe working environment amongst its staff. You have a responsibility to comply with the Council's Health and Safety Policy and to contribute to a safe working environment. Failure to do so may put you, the public or other staff at risk.
- 4.1.2 All employees have the responsibility to co-operate with supervisors and managers to achieve a healthy and safe workplace and to take reasonable care of themselves and others and, where appropriate, to use safety/protective equipment that is supplied. Whenever an employee, supervisor or manager notices a health and safety problem which they are not able to put right, they must immediately inform their line manager.
- 4.1.3 An employee of Warwick District Council must comply with the safety requirements of any contractor whilst on their premises or on Warwick District Council premises being managed by others. If any employee identifies safety standards which are below those required by Warwick District Council, that employee will first bring them to the attention of the senior person at that location and if the condition is not immediately

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rectified, advise their supervisor within Warwick District Council of their intention not to proceed further until rectification has taken place.

- 4.1.4 Where the employee considers there is possible danger to themselves or others, they must not proceed further until the situation, equipment, or machinery has been rendered safe.
- 4.1.5 Each member of staff should have particular regard to Sections 7 and 8 of the Health and Safety at Work (abridged) Act 1974 which places responsibilities on all employees.

4.2 Sickiness Absence

- 4.2.1 You must follow the Council's Sickness Absence Policy. You must never claim sick leave when you are not sick.

4.3 Hours and attendance

- 4.3.1 Integrity in attendance at your place of work and reporting absences is critical to the success of Council services. Poor attendance and time keeping increases costs, reduces service levels and undermines the reputation of you and the Council. You should not accrue amounts of flexitime credit or time off in lieu, outside the levels in the relevant policies, unless agreeing this with your line manager first.
- 4.3.2 You must:
 - (a) comply with the time keeping requirements of your job
 - (b) be in your place of work and working when you should be
 - (c) ask your supervisor/manager if you need to take time off (for example, for a doctor's visit)
 - (d) agree with your manager any leave or time off you want in advance.

4.4 Working honestly and with integrity and impartiality

- 4.4.1 We expect you to perform your duties and use the Council's money and resources with honesty and be able to demonstrate this at all times. It is a criminal offence for you to give, receive or ask for any gift, reward or advantage for work done in your official capacity.
- 4.4.2 As a Council employee, you are expected to meet the highest standards of conduct and integrity. These high standards must equally apply, and be seen to apply, in your conduct and relationships with the public. From the way you conduct yourself there should be no reason to suspect you are seeking opportunities for private gain. You must not undertake any private commitments or activities that may reasonably be considered to bring the Council into disrepute or impair your performance or detrimentally conflict with the Council's interests.

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4.4.3 Certain posts within the Council are legally designated as politically-restricted. This means that as an employee you would be debarred from any form of political activity as this would be seen to produce conflicts of interest. A list of these posts is published on the intranet together with relevant guidance. You should familiarise yourself with these. You should discuss any concerns you have with your head of service, the Deputy Chief Executive or the Monitoring Officer.

4.4.4 The relationships that the Council has with its partners, contractors, consultants, community groups, suppliers and others, must be managed so that there can be no suspicion of corruption or dishonesty with public money. The Council may require you to complete a declaration of related party transactions and this information could be disclosed in the annual Statement of Accounts.

4.4.5 You must:

- (a) not act corruptly and you must avoid any actions that could be interpreted in this way by others

Examples could include:

- asking or accepting bribes or inducements of any sort
 - seeking or taking any reward or favour for providing Council services apart from your pay
 - taking a reward from anyone who has, or might have a contract with the Council, or work in partnership with it.
- (b) report to your Head of Service, as soon as possible, any offers of money, favours, gifts or hospitality you are offered or receive (even if you refuse them). As an officer you should ensure that these approaches/offers are recorded in line with the Gifts and Hospitality procedure by recording it in the register and that you retain a copy of the necessary declaration for your own records
 - (c) return any gifts and refuse any hospitality your Head of Service says you cannot accept
 - (d) never ask for or accept a gift or tip or 'Christmas box', because:
 - you are already paid for the work you do
 - people may believe they will get better service if they tip well and worse if they do not
 - this is not the basis on which the Council delivers services.
 - (e) not become involved with the making of service users' wills or with soliciting any form of bequest or legacy from a service user

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- (f) report to your Head of Service if people you meet through work leave you things in their Will
- (g) not borrow money from, lend money to, sell or dispose of goods belonging to service users
- (h) comply with the Council's Codes of Financial Practice and Procurement Practice. If your job includes making payments or letting contracts, you should make sure you understand the Council's rules
- (i) never obtain Council property or money when you are not lawfully entitled to it (this includes subletting Council property without authority)
- (j) not act fraudulently and you must report any suspicion or evidence of fraud you may have. Fraud happens when someone gets some benefit (usually money or property) through deception. This could include examples of:
 - falsifying documents to claim pay, bonus or sick pay
 - claiming housing benefit (and similar benefits) to which you are not entitled
- (k) serve the people of the District honestly and deal honestly with the Council. This could include examples of:
 - never wilfully withhold any payments owed to the Council (like rent or Council Tax)
 - never make fraudulent claims for public money (like housing benefit or income support)
- (l) inform your line manager in writing of all work undertaken outside of your employment with the Council and declare any actual or potential conflicts of interest between your work, other colleagues and outside activities of yourself and close family.

If your employment with the Council is paid on scale point 32 (or equivalent) and above, you must have written permission from your Head of Service, or if you are a Head of Service from the CMT, prior to commencing any additional employment.

All such work should be recorded on Appendix 2 to this document and issued to your Head of Service (or the CMT) and it will be retained on your personnel file.

You must ensure that any outside work does not affect adversely your work with the Council and that it does not create a conflict of interest with the Council. Your prime loyalty should be to the Council.

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- (m) never do private work when you are claiming time for working for the Council
- (n) never abuse your position with the Council to benefit yourself, your family, your friends or any outside organisation or political party. If you live in the District you must not use your working relationships to influence matters such as planning applications or enquiries
- (o) respect Council property or equipment. Take care not to waste, lose or damage it. Do not use Council property and equipment for your own personal benefit. You should use the Council's equipment in accordance with the Council's relevant rules, codes and policies
- (p) obtain written permission for any private use of Council equipment, whether at home or in the Council's offices, as agreed by your manager for use on Council business
- (q) fill in accurately and honestly any document, form or record your managers need for work. Never destroy, damage, alter or falsify any such document or record
- (r) not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a member of your family or any person with whom you have a close association.

4.4.6 You should:

- (a) do nothing that could be seen as likely to bias your work, your decisions or your impartiality. Therefore you must be fair and impartial in dealing with all customers, competitors, suppliers, contractors, sub-contractors, partner organisations and sponsors
- (b) be careful about pursuing an association with someone who may benefit from your work for the Council. For example, it is unwise to allow yourself to become indebted to someone who may wish to benefit from your work or position in the Council
- (c) seek prior approval from your Head of Service if you are asked to give lectures, or wish to publish material, inventions or patents, that are related to the work you do with the Council

4.4.7 You must advise your Head of Service in writing if:

- (a) you have links with a group whose aims might be in conflict with Council policy, or involvement with an organisation receiving grant aid from the Council, or involvement with an organisation or pressure group which may seek to influence the Council's policies. This also applies to membership of any organisation not open to the public, with commitment of allegiance and which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others

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- (b) you have, or develop a relationship with someone, that might be seen to lead to a potential conflict of interest. This is only necessary where there is likely to be a conflict of interests but could include being someone's landlord, being in debt to someone, having a close personal relationship with a Councillor, client, customer, service user, employee or contractor
- (c) you are offered a job with a competitor organisation, or one we are in partnership with
- (d) you or your close relatives hold any Directorships or positions of influence in any companies linked with the Council.

4.5 Gifts and Hospitality

- 4.5.1 Whenever possible you should always decline, politely, any gifts or hospitality offered to you as a result of your work as an officer. When this is not possible, without causing offence you may accept the gift or hospitality but you must report it to your line manager.
- 4.5.2 Even if you decline or accept an offer you must record all gifts and hospitality considered to be equal to or above the value of £10 that are offered to you in the course of your duties for the Council. These include those from Councillors, contractors, other public bodies, partner organisations, consultants or others with whom you have a business relationship.
- 4.5.3 A central register is kept by the Democratic Services Manager & Deputy Monitoring Officer (and a copy should be provided to HR for inclusion on the employee's personnel file) for recording gifts/hospitality, their value, the person or organisation offering them and whether they were accepted. A form for registering these is attached as Appendix 3 to this document.
- 4.5.4 If you are not sure about how to react to such offers you should seek advice from your line manager or Head of Service.
- 4.5.5 You must:
 - (a) declare any gifts or hospitality in a timely and accurate manner
 - (b) raise any concerns about a potential gift or offer of hospitality with your manager as soon as you become aware of it.
- 4.5.6 Failure to declare any gifts or hospitality in accordance with this Code will be considered a disciplinary offence and one of the sanctions that could be imposed is dismissal.

4.6 Working with sensitive information

- 4.6.1 We expect you to use sensitive information properly and to have due respect for confidentiality. Information gathered while working for the Council, whether held electronically or by other means, should not be used for commercial or personal gain, someone else's gain or otherwise

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misused. Due regard needs to be given to the Council's Information Security Policy.

4.6.2 You must:

- (a) not knowingly disclose information given to you in confidence by anyone, or disclose information acquired that you believe is of a confidential nature, including commercially sensitive information, without the consent of the person authorised to give it, or unless you are required by law to do so
- (b) not knowingly prevent another person from gaining access to information to which that person is entitled by law
- (c) know what information the Council treats as confidential and commercially sensitive information. (If in doubt, check with your manager.)
- (d) know who is entitled to have access to what information
- (e) be responsible and professional in using and allowing authorised users access to personal information on clients, customers, staff and others
- (f) use personal information in line with the Data Protection Act 2018 and General Data Protection Regulation
- (g) report to your manager anyone, whether another member of staff, a member of the public or a Councillor, who attempts to put pressure on you for access to information to which they are not entitled.

4.7 Working within the law and the Council's Constitution

4.7.1 The Council expects you to work within the law. Council powers are set by a framework of laws and regulations. In order for its decisions and actions to be held to be reasonable in law, the Council must carry out its business in a way that is rational, proper and fair. Unlawful or criminal behaviour at, or even away from, work may result in a loss of trust and confidence in the employee or the Council.

4.7.2 You must inform your Head of Service in writing immediately if you are charged with or convicted of a criminal offence or receive a caution whilst you are employed by the Council (this includes events having taken place outside of your working hours). The Council would then need to consider whether this charge, conviction or caution could reasonably be considered to bring the Council into disrepute or makes you unsuitable to carry out your job. Whilst not an exhaustive list, examples would include:

- submitting false or fraudulent claims to the Council or other public bodies (for example, income support, housing or other benefit claims)

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- breaching copyright on computer software or published documents
- offences against children and/or sexual or violent in nature that may render you unfit to work with children or vulnerable adults
- crimes of dishonesty that render you unfit to hold a position of trust.

4.7.3 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Whilst you should have a general awareness of the Constitution the areas that you are expected to have a good knowledge of are the Code of Financial Practice and Code of Procurement Practice. The Code of Financial Practice provides the framework for managing the Authority's financial affairs and applies to every member and officer of the Authority and anyone acting on its behalf.

4.7.4 Breaches of financial rules are taken seriously and the Head of Finance is responsible for reporting breaches of these rules to the Council and/or Cabinet.

4.7.5 You must:

- (a) have an understanding of the Code of Financial Practice that is appropriate to your job
- (b) complete any financial work in accordance with the Code of Financial Practice
- (c) inform your Head of Service, the Head of Finance or the head of Internal Audit immediately if you become aware of any breach of the Code of Financial Practice or if you suspect any breach may have occurred.

4.8 Working with Councillors

4.8.1 Councillors expect staff to contribute to proper and effective working relationships with them. You serve the Council as a whole – all Councillors – and not just those of any particular group. You must ensure that the rights of Councillors are respected. You must maintain political neutrality at work and be seen to be impartial.

4.8.2 Close personal familiarity between individual Councillors and officers can damage this relationship and give rise to the appearance of improper conduct. Generally, a close relationship between a Councillor and member of staff is incompatible with the high standards of public life that the Council is promoting. If such a relationship exists or begins to develop you must discuss this as soon as practicably possible with your Head of Service.

4.8.3 You must:

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- (a) serve all Councillors impartially and professionally, not just those of a particular political group
- (b) do nothing to disrupt Council meetings
- (c) dress and behave with appropriate formality at official events and meetings
- (d) deal with Councillors' enquiries efficiently and within the agreed timescales
- (e) disclose to your Head of Service any family, business or close personal relationships with Councillors
- (f) report to your Head of Service any time a Councillor asks or pressures you to deal with a matter outside of Council procedure or policy
- (g) not seek to influence Councillors prior to any appointment
- (h) not canvass Councillors on individual employment-related matters for which there are Council approved procedures (for example, in matters of recruitment, discipline, unsatisfactory performance, terms and conditions of employment)
- (i) report any claims or allegations about other staff to an appropriate manager, and not to Councillors
- (j) not take advantage of your status as a Council employee to gain privileged access to a Councillor to advance your interests or views as a resident of the District. This is especially important in matters such as planning applications and enquiries.

4.8.4 You should:

- (a) not permit your own personal or political opinions or preferences to interfere with your work or working relationships with Councillors
- (b) report to your Head of Service if you have concerns that a Councillor's conduct or treatment of staff is inconsistent with Council policies.

4.8.5 Extensive guidance to Members and officers of the Council in their relations with one another is set out in the Member/Officer Protocol, and the Employee Code of Conduct should be read in conjunction with that protocol.

4.9 Managing contact with the Media

4.9.1 The Council expects staff to promote the policies and reputation of the Council and act as ambassadors. Contact with the press and media is conducted through the Media Team. This protects individual employees from unwanted media attention and allows the Council to manage its

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reputation properly. Relations with the media require specific skills and expertise and staff should not discuss Council business with the media without their Head of Service's prior permission, unless you act as spokesperson for one of the Council's recognised trade unions in pursuit of legitimate industrial relations activities.

4.9.2 Staff must comply with the Council's Media Policy.

4.9.3 You must:

- (a) get permission from your Head of Service to speak, write, or give interviews to the media whilst representing the Council
- (b) never bring the Council's name into disrepute in any other way through the press and other media
- (c) never bring the Council into disrepute by publicising material that is confidential, or against the interests of the Council, or its employees
- (d) not leak information to the press and media except within the exclusions provided strictly by the Council's Whistleblowing Policy
- (e) refer enquiries from the media to the Media Team in the first instance.

4.10 Reporting Improper Conduct – The Confidential Reporting Policy

4.10.1 We are committed to preventing any malpractice, fraud, corruption and any other actions that are illegal or not in the best interests of the Council's customers. The people of the District expect and deserve the highest standards of public service and we rely on all staff to play their part. You have a duty to report any reasonable suspicions of malpractice, fraud, poor practice or illegal activities. We have a duty to act on any information from whistle-blowers and to protect you if you speak out. The Council's whistleblowing policy sets out the reporting process.

4.10.2 All managers have an absolute duty to act on employees' legitimate concerns. Failure to do so will be a disciplinary matter. Victimising staff that raise legitimate concerns or deterring someone from speaking out about fraud or abuse will be treated as a serious disciplinary offence. The detail of this is included with the Council's Disciplinary Policy.

4.10.3 The Council will:

- (a) take you seriously when you come forward and act in a fair and reasonable manner to tackle any impropriety that is found to have taken place
- (b) do everything reasonably possible to support you and protect you from reprisals
- (c) do everything reasonably possible to protect your confidentiality

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- (d) tell you what action is being taken.

4.10.4 You must:

- (a) know what practices are acceptable and which are not (as set out in this Code and the Whistleblowing Policy) – check with your manager if you are unsure
- (b) report immediately any irregularities, malpractice, illegal or fraudulent activity, or any abuse or suspected abuse, either of staff or customers
- (c) immediately report any matters that you feel have not been properly dealt with
- (d) provide any evidence or relevant information you have
- (e) report any concerns about corrupt or improper conduct by others to your line manager, in the first instance. If you do not feel able to approach your line manager, you should report your concerns to your Head of Service or the Chief Executive, the Council's Monitoring Officer or the Audit and Risk Manager.

You also have the right to raise concerns about financial malpractice with the Council's External Auditors as set out in the Whistleblowing Procedure

- (f) never abuse this process by raising allegations that are known to you to be unfounded. This will be considered as a disciplinary matter.

4.11 Gross misconduct

4.11.1 The Council will apply this Code of Conduct consistently and fairly. It is a public document and is distributed to all staff. Any breaches of the Code may result in disciplinary action which could result in your dismissal.

4.11.2 Some breaches (known as gross misconduct) could potentially be deemed serious enough to justify the Council in dismissing staff for a first offence, and without notice. The examples of gross misconduct below are given so that you can judge what could potentially compel the Council to dismiss you. This is not a complete list, since each case will be decided on their individual facts and circumstances.

4.11.3 For illustrative purposes only, these are examples where the Council will consider dismissing you for gross misconduct:

- (a) conceal any matter that you should report in line with Council Policies
- (b) disclose any matter that you should keep confidential
- (c) succeed in getting a job by lies or deception

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- (d) commit any acts of discrimination, harassment or victimisation
- (e) threaten, fight with, or assault anyone
- (f) steal or take or damage things that belong to someone else and/or the Council
- (g) seriously demean or offend the decency of others
- (h) act in a way that resulted, or would have resulted, in injury or danger to yourself or others
- (i) undertaking private work when you are claiming time for working for the Council
- (j) breach financial regulations or standing orders
- (k) refuse to make or abide by an agreement to repay any debt you owe to the Council
- (l) break a law at/or away from work which makes you unsuitable for the work you do or would damage, or could potentially damage, public confidence in the Council
- (m) obtain Council services, property or money by fraud (for example, falsify timesheets)
- (n) submit false or fraudulent claims to the Council or other bodies (for example, income support claims, housing or other benefit claims)
- (o) ask for or accept bribes, gifts or favours
- (p) disrupt Council meetings
- (q) discriminate against another person, in conflict with the Council's Equal Opportunities Policy.

NB: This list is not exhaustive

4.12 Working with External Organisations

4.12.1 Members of staff become involved in external organisations from time to time. This can result from being appointed by the Council as its representative or by other means. Examples of such organisations could be working groups such as the West Midlands Information Governance Forum or the local crime and disorder reduction partnership.

4.12.2 Staff must be careful about any conflict of interest that may result. These can often occur where an officer's role overlaps with the interests of another organisation.

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Particular care is needed in relation to executive positions in external organisations such as trusteeships, or various offices such as Chair, Treasurer or Secretary.

- 4.12.3 The Council's protocol on partnerships and other external organisations provides advice for the conduct of members and officers when representing the Council on external partnerships and other organisations.
- 4.12.4 The Council's policy is for such executive appointments to be avoided where there is any possibility of a conflict of interest. Staff must take advice from their Head of Service if they are in doubt.
- 4.12.5 All appointments must be approved by your Head of Service and who will ensure they are recorded centrally with the Democratic Services Manager.
- 4.13 All employees must follow the Council agreed guidelines for volunteering to work on a recognised WDC project/event including elections and referendums.

5. Guidance notes on the declaration of pecuniary and personal interests

5.1 Introduction

- 5.1.1 The Code of Conduct covers all employees working under a contract of employment within Local Government, including session workers and casuals. Some of the issues covered by the Code may affect senior, managerial and professional employees more than it may others.

5.2 Advice

- 5.2.1 You should not maintain outside interests that are to the detriment of your work with the Council or that conflict with your employment/position within the Council.
- 5.2.2 If you are in doubt as to whether or not you have specific outside interests which should be declared, you should contact your manager in the first instance or your Head of Service. If you do not wish to discuss these issues with your manager, you should contact HR.
- 5.2.3 Shareholders (Part B, Question 1.2 of the declaration form) – you are only required to declare shareholdings that could be directly related to your work, for example, shareholdings that provide a measure of control of a company which has dealings with the Council, or shareholdings, the value of which might be affected by Council work in which you are involved.
- 5.2.4 Grant Aid/Professional Bodies (Part B, Question 1.3 of the declaration form) – where you are involved either yourself in the running of a group or organisation as a Committee member, or involved in the decision-making process, then you should declare this only if it has a clear impact

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on your area of work and conflicts with the Council's interests. If you are in any doubt about this you must discuss it with your manager.

- 5.2.5 Membership of Clubs, Associations and Societies (Part B, Question 2 of the declaration form) – this includes special interest societies, charities, groups that are grant-aided by the Council and pressure groups. This includes declaring any membership of organisations not open to the public, with commitment of allegiance, which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others. These need only be declared where there may be a direct impact on your area of work with the Council.
- 5.2.6 Professional Bodies (Part B, Question 3 of the declaration form) – if you are asked to do work and intend to use information relating to the Council for a group or organisation of which you are a member, you should declare your membership.
- 5.2.7 Housing Association/Tenants' Residents' Association (Part B, Question 5 of the declaration form) – if you are a Committee member of a Council Tenants' or Residents' Association, you should declare your membership where there may be direct impact on your area of work.
- 5.2.8 Trusts (Part B, Question 6.2 of the declaration form) – if you are a member of a charitable Trust or have any other interest you only need to declare it where there may be a direct impact on your area of work.
- 5.2.9 Recruitment of Relatives (Part V, Question 7 of the declaration form) – the term "associated with" includes spouse, partner, close family members, e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.
- 5.2.10 You must declare any contract that you or your spouse/partner – or the both of you – have with regard to the provision of a service or the supply of goods/assets to the Council, such as the lease of land or property to the Council.

5.3 Completing the Declaration Form

- 5.3.1 Please read the Code of Conduct carefully and consider whether you have any external interests that may need to be declared. If you are in any doubt about whether you should declare a specific matter, it is recommended that you declare it.

5.3.2 New Employees and those accepting new Contracts of Employment:

All newly appointed staff and existing staff accepting new contracts of employment will be required to complete a declaration of interests form as a condition of appointment.

This requirement will be publicised in the recruitment documentation sent to applicants. All staff will be required to declare interests before taking up their posts.

5.4 Completed Declaration Forms

- 5.4.1 Once you have completed the Code of Conduct declaration form, you should forward it to your Head of Service for review and approval. It should then be forwarded to HR who will retain it on your personnel file and also store it on a central register that is kept by the Democratic Services Manager and Deputy Monitoring Officer. The information you give is strictly confidential.

5.5 Failure to declare/follow the Code

- 5.5.1 If you fail to return a declaration form, it will not, in itself, constitute a disciplinary offence. However, should a relationship or other issue emerge which was relevant and this has not been declared as set out in this Code, non-declaration might be taken as evidence of misconduct or gross misconduct which could potentially result in disciplinary action being taken against you.
- 5.5.2 Failure to follow the Code in any aspect may also be raised in disciplinary action being taken against you for a breach of the Council's rules or procedures.
- 5.5.3 The above instances may constitute a criminal offence under Section 117 of the Local Government Act 1972. Criminal sanctions may apply where an abuse of position has occurred as a result of a Council contract or where an employee or their relatives have gained pecuniary advantages.
- 5.5.4 In the case of someone wishing to complain about the conduct of an employee they should address their complaint to the relevant line manager or head of service and it would be for that Head of Service to determine, following an investigation in line with the Council's complaints policy, whether the employee contravened the Code.

5.6 Inspection of Information

- 5.6.1 Your declaration form will not normally be open for inspection to anyone, other than by your line manager, HR, or an officer undertaking an investigation into your conduct in line with agreed policies.
- 5.6.2 By completing a declaration form, this will not in itself represent any form of sanction or approval by the Council of the contents of the declaration.

5.7 Amending Declaration Forms

- 5.7.1 If your circumstances alter and you wish to amend or review a declaration form, or view your personnel file, please contact HR.

5.8 Confidentiality

- 5.8.1 The information given on the declaration form is given in the strictest confidence and must not be divulged inappropriately and inappropriate divulgence may result in disciplinary action being taken.

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Committee for Standards in Public Life:

The Seven Principles of Public Life (Revised January 2013)

Principle	Revised description
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

CODE OF CONDUCT FOR EMPLOYEES OF

WARWICK DISTRICT COUNCIL:

Declaration form

- (i) This form must be completed by all new employees on joining the Authority.
- (ii) This form must be completed and signed by all employees in politically restricted posts. Other staff must complete this form if there is any matter which they are required to declare.

Please read the Code of Conduct for Council Staff and associated Guidance Notes on the declaration of pecuniary and personal interests before completing this form.

Please print clearly in black ink

Name: _____

Work Address: _____

Section: _____

Telephone Number: _____

PART A

1. Employment

1.1 I am/will be employed by the Council as:

(If you have more than one job in the Council, please list all those jobs)

1.2 I also work as:

Employer's name and nature of business:

1.3 I am also self-employed as:

I trade under the following names:

PART B: Personal Interests of Employee

1. Financial interests

1.1 Directorships: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I, or my close relative, (wife, husband, partner, parent, child, for example) hold the following Directorships in the following companies:

1.2 Shareholdings: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I, or my nominees, own shares in the following companies:

1.3 Grant Aid/Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have recently applied or intend to apply for a grant on my own behalf from the Council.

Yes / No

If 'YES' specify nature and amount.

A group or organisation in which I am involved in the running (and in the decision-making process) has applied for and/or intends to apply for a grant from the Council.

Yes / No

If 'YES' specify nature, amount and your position in group/organisation.

2. Clubs, Associations and Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have a personal interest in or membership of the following clubs, associations or societies which has the potential to conflict with the interests of the Council:

Warwick District Council Employee Code of Conduct

3. Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I am involved in the decision-making process of the following bodies:

(Please state name and nature of any professional body/bodies in which you are a member).

4. Select Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have a personal interest in/or membership of the following societies:

(Please state name and nature of any select societies in which you have a personal interest/membership).

Please state in what capacity you are a member:

5. Housing Association: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

5.1 I am a member or office holder of a Housing Association with properties in the District.

Yes / No

If 'YES' specify names, registered offices and capacities:

5.2 I am a member or office holder of a Tenants'/Residents' Association in the District.

Yes / No

If 'YES' specify names of Associations:

Warwick District Council Employee Code of Conduct

6. Other Interests: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

- 6.1 I, or my partner, are associated with a limited company or unincorporated business.

Yes / No

Specify nature of Associations:

- 6.2 I am involved in the decision-making process of a charitable Trust

Yes / No

If 'YES' specify which Trust and nature of relationship with the Trust:

- 6.3 I have another interest which may impact on my work.

Yes / No

Please specify:

The Council encourages voluntary work, public duties and activities in support of the local community and employee involvement in these areas is welcomed and supported.

- 6.4 I have been appointed by a Government Minister as a member of a statutory undertaking or other bodies which is constituted in order to discharge or assist in discharging a statutory function.

Yes / No

If 'YES' specify bodies:

- 6.5 I am a Councillor in a Local Authority.

Yes / No

If 'YES' specify which authority and office/title held:

Warwick District Council Employee Code of Conduct

- 6.6 I am a co-opted member of a Local Authority Committee, Sub-Committee or similar body.

Yes / No

If 'YES' please specify:

- 6.7 I am a member of a school governing body and/or am on the controlling body of a parent/teachers association.

Yes / No

If 'YES' specify which association:

- 6.8 I am a Board member of a Hospital Trust/Health Authority.

Yes / No

If 'YES' specify Hospital Trust/Health Authority:

- 6.9 I serve as a Magistrate.

Yes / No

If 'YES' specify which Court:

7. Recruitment of Relatives

Are you related to, or have an association with, a Member of the Council or anyone working for the Council? The term 'associated with' includes spouse, partner, close family members (mother, father, sister, brother, for example) and other persons with whom you have a close personal relationship.

Yes / No

If 'YES' specify name and work area:

Warwick District Council Employee Code of Conduct

Declaration

Please see Guidance Note for Staff re: inspection of information (Paragraph 5.6).

I declare that I have read the Code of Conduct for Council Staff and associated Guidance.

Notes on declaration of pecuniary and personal interests and to the best of my knowledge and belief, the answers given above are truthful, accurate and complete. I undertake to inform my Head of Service of any change to these answers within 28 days of that change taking place.

Signed (Employee):_____ **Date:**_____

Signed (Line Manager):_____ **Date:**_____

For information on how we use, store and manage your personal data please see our privacy notice on our [website](#)

When completed, please return this form to HR Support.

FOR OFFICE USE

Date received:

**WARWICK DISTRICT COUNCIL
REGISTER OF HOSPITALITY, GIFTS OR EMPLOYEE INTERESTS**

Officer's name	
Service Area	

HOSPITALITY AND GIFTS

Date	
Received from	
Given to or received by	
Type of gift/Nature of Hospitality	
Action taken (Accepted/Refused/Passed to charity/and so on.)	
Relevant circumstances/comments:	

APPROVAL

Signature of Employee	
Signature of Head of Service, Deputy Chief Executive or Chief Executive	
Date	

For information on how we use, store and manage your personal data please see our privacy notice on our [website](#)

When completed, please return this form to the Democratic Services Manager and email a copy to HRsupport@warwickdc.gov.uk for inclusion on your personnel file.

FOR OFFICE USE

Date received:

PROTOCOL ON MEMBER/OFFICER RELATIONS

1 INTRODUCTION

- 1.1 The purpose of this Protocol is to guide the Council's Members and Officers in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is intended, however, that the approach that it adopts to these issues will serve as a guide to dealing with other, related, issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 Following the Protocol will help to ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and other relevant guidance that may be issued from time to time.
- 1.6 This Protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to members and officers. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.7 The Protocol therefore supplements and interprets, but does not supplant:
 - ❖ statutory provisions, the Code of Conduct for Members, the Code of Conduct for Employees and other codes and guidance;
 - ❖ the other provisions of the Council's own adopted constitution and especially the rules of procedure;
 - ❖ disciplinary codes that regulate the conduct of Officers.
- 1.8 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:
 23. *Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.*
 24. *Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.*

- 1.9 In line with the National Code's reference to "mutual respect", it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.10 Mutual respect and trust should be founded on The Ten General Principles of Public Life (developed from the Nolan Principles). The principles, applying equally to Members and Officers, are:
- Selflessness
 - Honesty and Integrity
 - Objectivity
 - Accountability
 - Openness
 - Personal Judgment
 - Respect for Others
 - Duty to Uphold the Law
 - Stewardship
 - Leadership

3 THE ROLE OF MEMBERS

- 3.1 Members are elected democratically. It is their policies, ideas and decisions that people vote for. Members agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability and Members are the channel for the voices of the people in their wards.
- 3.2 The Council meets as a body when all its Members are summoned to attend a Council meeting. This meeting has ultimate authority over the affairs of the Council, subject only to the law. The Council can delegate authority to the Cabinet, committees and sub-committees of Members (and co-opted members in some circumstances) and to Officers. When Members meet as the Cabinet, a committee or sub-committee they can take decisions and act on behalf of the Council, within that body's terms of reference and delegated powers, again subject only to the law.
- 3.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other Members, Officers and people outside the Council, to help the Council develop policies and deliver services.
- 3.4 As a Member attending a meeting of Council, the Cabinet, or of a committee or sub-committee, or in less formal settings, Members will have a variety of roles:
- The policy making role – deciding the broad direction of Council policy
 - The executive role – deciding how those policies are to be delivered in practice
 - The scrutiny role – holding Cabinet and Officers to account for their decisions and actions
 - The ward member role – representing the interests of individual residents or residents' groups within their ward, in the overall public interest.

- 3.5 Members will be involved in individual staffing matters only if they are a member of a committee or panel set up for that purpose. This may include being part of an appeals process or in the case of the Chief Executive and other senior officers in the appointment process.
- 3.6 In other circumstances, however, Members must not become embroiled in the management of the Council (such as officer-related disciplinary, capability or grievance processes). They must not engage in activities that might undermine the management line of command or adherence to Council HR procedures, or try to influence the recruitment process.

4 THE ROLE OF OFFICERS

- 4.1 Officers can also have a variety of roles:
- They are responsible for the operational management of the Council.
 - They advise Members to help them to take decisions in the Cabinet, committee, sub-committee and Council.
 - Some Officers have personal statutory powers and duties, for example, the Officers designated as Head of Paid Service (Chief Executive), Chief Finance Officer (Head of Finance and the Monitoring Officer (Head of Members' Services and Monitoring Officer.
 - The Council has given delegated powers to the Chief Executive, Deputy Chief Executives and other Officers so that they can act and take decisions on behalf of the Council in many areas, provided that they follow the rules of delegation and that Members have access to their decisions.
 - The Council is a large organisation, and Officers have a role to play within the organisation itself.
- 4.2 Officers' roles have two dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have managerial responsibility primarily. Many Officers have elements of both in their job.
- 4.3 Officers should expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not to be required to make recommendations they cannot support professionally) and the chance to explain what may appear to be a shortcoming in performance.
- 4.4 In addition Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of Officers to manage the implementation of policy, in agreement with Members.
- 4.5 Officers serve the Council through its committees and other Council bodies. They work to the instructions of their Head of Service or the Chief Executive - not individual Members of the Council, whatever office the Member might hold.

4.6 Officers should:

- a. Pursue every known lawful policy of the Council
- b. Implement the decisions of Council, the Cabinet, committees and sub-committees
- c. Inform Members through their head of service of any decision that they cannot fully implement and the reasons for this
- d. Be helpful and respectful to Members
- e. Behave in a professional manner
- f. Serve all members, not just those of the administration group(s)
- g. Maintain confidentiality
- h. Deal with Member enquiries efficiently
- i. Strive continually to comply with the Council's performance management and scrutiny processes
- j. Support Members in their role as ward Councillors

4.7 Officers must not raise directly with Members, either acting independently or on behalf of others, any personal matter to do with their jobs, or relating to any potential appointment within the Authority. Formal procedures have been agreed with the trade unions for dealing with such issues.

5 OFFICER SUPPORT TO MEMBERS AND PARTY GROUPS

5.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

5.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body.

5.3 Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

5.4 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is in control of the Council, such support is available to all party groups.

5.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a. Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- b. party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not

therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

- c. similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

- 5.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting that includes persons who are not Members of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and, for this and other reasons, Officers may not attend and/or give advice to such meetings.
- 5.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 5.8 Whilst any Member may ask a relevant senior manager for written factual information about a service, such requests must be reasonable. Requests will be met subject to any overriding legal considerations or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, they should raise the matter in the first place with the relevant head of service and, if still dissatisfied, should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s) and relevant Portfolio Holder(s), as appropriate.
- 5.9 Officers should ensure that any information supplied does not contain any personal information (within the meaning of the Data Protection Act 1998) relating to individual employees such as salary, grade, Trade Union affiliation etc.
- 5.10 Requests for personal information about specific employees or where the group of employees is so small that individual employees personal details are likely to be revealed should only be considered where a Member has a demonstrable need for such detailed personal information in order to carry out the business of the Council and they could not carry out that business without the information being supplied in a redacted form. Any such request must be properly justified.
- 5.11 All information held by the Council, in whatever form, is confidential to the Council unless and until such confidentiality is waived by the Proper Officer and subject to the requirements of the Data Protection Act 1998. Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Act and to familiarise themselves with their obligations under the Act accordingly. Officers or Members who require advice or assistance in relation to their duties under the Data Protection Act 1998 should take advice from the Monitoring Officer or the Council's legal service as appropriate.

5.12 In relation to budget proposals:

- a. the Administration shall be entitled to confidential information/discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee / Council meetings, whichever is the earlier; and
- b. the opposition groups shall also be entitled to confidential information/discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.

5.13 As part of the Budget process, Officers may be called upon to give advice on budgetary proposals, wherever they may emanate from (once political confidentiality has been lifted). This is in addition to the "normal" rights that any member has to seek advice "in confidence" from Officers.

5.14 In addition, Officers may feel it appropriate to offer advice to individuals, groups or all Members. In doing so, they should be aware of the need to remain impartial. It is appropriate and indeed, in certain circumstances, necessary that as a matter of professional judgement, if a proposed course of action is imprudent, Officers should advise the Members of the Authority that this is so. It would, however, be for the Officer to decide how and when to do so. This is without prejudice to issues of legality and financial administration which are covered by specific duties placed on the Chief Financial Officer and Monitoring Officer.

5.15 Members should consider, when attending a meeting, whether or not minutes should be taken and/or an officer should be present. It is a matter for Members' judgement whether this is necessary, but factors such as whether any commitment is likely to be given on behalf of the Council and/or whether any complex financial, legal or procurement issues may be discussed will be relevant in deciding that. In such situations, Members are generally recommended to have an officer present and to ensure that contemporaneous minutes are taken and, where appropriate, shared with the other parties present to ensure that an accurate record is maintained. It will, however, be a case of judgement on each and every occasion as to how and when this principle is applied.

5.16 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.

5.17 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

5.18 It is clearly important that there should be a close working relationship between Members serving on committees (including the Cabinet) and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

6 OFFICER SUPPORT TO MEMBERS ON CABINET AND ON COMMITTEES

- 6.1 Officer support to Members serving on the Cabinet and on Committees should adhere to certain principles and standards regardless of which body the Member is serving on. In all cases Officers are expected:" then the points a. to f. remain as at present
- a. to maintain political impartiality at all times when commenting on the Council's policies and actions;
 - b. to be prepared to explain and justify advice given to Members and to justify decisions they themselves have taken under the Scheme of Delegation;
 - c. to ensure that an Officer of sufficient seniority appears before the relevant meeting in the light of the topics under discussion;
 - d. to provide information in a comprehensive and timely fashion;
 - e. to respond to questions from Members in an open, constructive and helpful manner;
 - f. not to mislead or be economical with the truth.
- 6.2 As set out above, although much of the advice concerning officer support is generic, applying equally to the provision of support to all types of committees, there are some aspects of the Cabinet and Scrutiny Committees that necessitate some additional, specific, guidance, as follows:

Cabinet

- 6.3 It is clearly important that there should be a close working relationship between Members serving on the Cabinet and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 6.4 Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Cabinet Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 6.5 Members serving on the Cabinet have wide ranging leadership roles. They will:
- a. lead the preparation of the Council's policies and budget;
 - b. take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and

- c. be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 6.6 Where functions that are the responsibility of the Cabinet are delegated to Officers or other structures outside the Cabinet, the Cabinet will nevertheless remain accountable to the Council, through the Scrutiny Committees, for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out.
- 6.7 Under executive arrangements, individual Members of the Cabinet are allowed to formally take decisions. Members serving on the Cabinet must satisfy themselves that they are clear what exactly they can and cannot do.
- 6.8 The Council has mechanisms and protocols that ensure that (as with the Council and its Committees) an individual Cabinet Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about the extent of legal authority.
- 6.9 Members also need to comply with the Code of Financial Practice and Code of Procurement Practice when they are directly involved in procurement exercises, particularly in discussions with potential and/or actual tenderers.
- 6.10 Decisions taking by individual Members of the Cabinet give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Cabinet should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Financial Officer as appropriate) that will arise from their decisions. To ensure effective leadership for the Council and the community it serves, there are arrangements to ensure co-ordination of and sharing responsibility for Cabinet decisions including those made by individuals.
- 6.11 Officers will continue to work for and serve the Local Authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Cabinet, it is likely that in practice many Officers will be working to the Cabinet for most of their time. The Cabinet must respect the political neutrality of Officers. Officers must ensure that, at all times, their political neutrality is not compromised.
- 6.12 In organising support for the Cabinet, there is potential for tension between Officers and Members of the Cabinet with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions, whether real or perceived.

Scrutiny Committees

- 6.13 Scrutiny Committees are an important element of the Council's arrangements. It is not, however, a Scrutiny Committee's role to act as a Disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff and the Monitoring Officer's and the Standards Committee as regards the conduct of Members. This means:
- a. A Scrutiny Committee's questioning should not be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the implication of allocating criticism or blame;
 - b. in these circumstances, it is for the Chief Executive to institute a formal enquiry, and a Scrutiny Committee may ask (but not require) him to do so.
- 6.14 Scrutiny Committees should not act as a "court of appeal" against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure, and external/statutory, e.g. Local Government Ombudsman or appeal to the Courts. That said, Scrutiny Committees may:
- a. investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
 - b. comment on the merits of a particular policy affecting individuals.
- 6.15 It would be unfair to invite someone to appear at a Scrutiny Committee without telling them in general terms what they will be asked and without giving them adequate time to prepare. Scrutiny Committees ought to provide written questions, or at least "indicative topics", beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel had previously indicated.
- 6.16 The way in which Scrutiny Committee Members probe Officers should be influenced by the level of seniority of the Officers present – accordingly when calling Officers to give evidence, Members should consider the level of the Officer they wish to have before them in the light of the line of questioning they wish to follow.
- 6.17 Officers may be asked to give a professional opinion, including presenting alternative options. Officers may not confine themselves solely to justifying either the position of or the advice that they gave to the Cabinet although, in giving options, it is to be expected that they will explain the rationale for the advice they gave.
- 6.18 It is appropriate for Members of Scrutiny Committees to ask Officers to explain and justify advice given to Members, whether on the Cabinet or otherwise, prior to decisions being taken, and to justify decisions that Officers have taken under delegated powers.

7 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 7.1 Support services (e.g. stationery, typing, printing, photocopying) to Members must only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

8 MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 Members have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another senior Officer of the Division concerned.

- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

- 8.3 The law concerning access to information is complex, with the following pieces of legislation applying:

- The Access to Information provisions of the Local Government Act 1972
- The Data Protection Act 1998
- The Local Government Act 2000
- The Freedom of Information Act 2000

The Freedom of Information Act has probably the greatest impact, potentially providing Members with a single route through which to obtain information in support of their work, whatever their role within the Authority.

- 8.4 Any Council information provided to a Member is deemed to be information provided in confidence; it is subject to the protections afforded by the Data Protection Act 1998 and must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports / briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

- 8.5 Failure to observe this obligation or disclosure of confidential information may amount to a breach of the Code of Conduct. Failure to safeguard and protect the confidentiality of personal information within the meaning of the Data Protection Act 1998 may result in prosecution of the Authority and/or any individual Officer or Member by the Information Commissioner and the imposition of significant monetary penalties.

- 8.6 Any Member request for personal information or personal data about an individual employee (rather than a general group of employees as a whole) should only be supplied where there is a demonstrable need for that Member to have the information at that level of detail in order to carry out their duties as a Member of the Council. Any such requests should be referred to and considered

by the Head of HR who may, if necessary, refer the request to the Monitoring Officer.

- 8.7 In cases where such information is to be released, the Head of HR will specifically remind the Member that the information is confidential, subject to the protection of the Data Protection Act 1998 and confirm the necessary measures for handling that data in order to keep it confidential and ensure that it is not further disclosed to any other person or body either within or external to the Council.

9 CORRESPONDENCE AND ADVICE

- 9.1 Members seeking advice from officers shall be entitled to assume that such advice is given under "Chatham House rules" in terms of disclosure to other Members, unless otherwise agreed with the officer(s) concerned.
- 9.2 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. In other words, a system of "silent copies" should not be employed.
- 9.3 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of an Cabinet Member or the Leader of the Council or the Leaders of all political groups represented on the Council by agreement, but this should be the exception rather than the norm. Letters that, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Cabinet or otherwise.
- 9.4 Officers responding to members' queries should do so in a timely manner, and in accordance with the agreed standards for replying to letters and emails from Members; namely:
- a. Members will receive an acknowledgement within two working days of the date of the enquiry, to include the name and contact details of the officer dealing with the enquiry (subject to leave, etc);
 - b. a response will be given as soon as possible but not later than 10 working days of the date of the enquiry. If it is not possible to give a detailed response within 10 working days, the councillor should be informed within that period of the date by which they can expect to receive the information requested and be given a reason for the delay
- 9.5 Democratic Services provides an alternative route whereby Members may make enquiries or request information from officers within the Authority. Any Member may pass an enquiry to Democratic Services who will then refer it to the appropriate officer and follow it up as necessary. Members can expect to be updated as to progress by the officer responsible for replying to the request.

10 PUBLICITY AND PRESS RELEASES

- 10.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have used publicity to keep increasingly the public informed and to encourage public participation. Every council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective, publicity aimed to improve public awareness of a council's activities is, in the words of the Government, to be welcomed.
- 10.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity that provides guidance on the subject and that should be complied with.
- 10.3 Particular care should be paid to any publicity used by the Council around the time of an election. Advice will be given on this by the Monitoring Officer.

11 ALLEGATIONS OF MEMBER OR OFFICER MISCONDUCT

- 11.1 In a situation where a Member identifies that an Officer may have committed a breach of the Council's disciplinary rules and procedures, they should draw the issue to the attention of the Chief Executive who, following consultation with the Council's Monitoring Officer, will ensure an appropriate investigation.
- 11.2 In respect of an Officer who believes a Member has breached the Members' Code of Conduct, they should:
- a. not offer any opinion or judgement upon that conduct to the Member;
 - b. they must advise the Monitoring Officer immediately of the circumstances, facts, their belief and the rationale behind it, including supplying all and any documentation; and
 - c. they should not comment further on the issue to any other Officer or Member without the prior consent of the Monitoring Officer.

These provisions are to protect both the Member and Officer, avoid Officers from becoming unduly involved in allegations of Member misconduct at an inappropriate level and to ensure that any investigation that may need to be carried out by the Monitoring Officer or other agency, is not compromised in any way.

- 11.3 Any complaints made regarding the alleged conduct of Councillors will be dealt with in accordance with the Council's agreed arrangements for handling complaints.

- 11.4 The Monitoring Officer will investigate allegations of fraud or criminal misconduct against Members. They may investigate other allegations of misconduct against Councillors, but only if:
- a. the matter affects the business of the Council or its reputation; and
 - b. it is proper for the Monitoring Officer to investigate.
- 11.5 Some issues are matters of party discipline. Even if the allegations were proved, there may be no action or sanction that the Council can apply. Normally such matters must be investigated by the party itself. The Monitoring Officer will refer the matter to the group leader.
- 11.6 The Monitoring Officer:
- a. will investigate any matters which are properly raised with them;
 - b. will always inform the Councillor who is the subject of the allegations - unless this would prejudice the investigation;
 - c. has no obligation to report the findings to the Councillor making the allegation but is responsible for satisfying the Councillor that appropriate action has been taken; and
 - d. has a duty to take whatever action they think fit as a result of the investigation, in accordance with their statutory duties.
- 11.7 Investigations will be subject to supervision by and report to the Standards Committee of the Council or any equivalent body.
- 11.8 Where the allegation is within the terms of reference of the Council's auditors, the police, the matter will be referred to them.

12 CONCLUSION

- 12.1 Straightforward respect and consideration between Members and Officers provide the greatest safeguard of the integrity of the Council.

13 APPROVAL / DISTRIBUTION / CLARIFICATION

- 13.1 This version was approved by the Council as part of the Constitution in (*to be completed*).
- 13.2 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.
- 13.3 Questions of interpretation of this Protocol will be determined by the Chief Executive in consultation with the Monitoring Officer.
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