

## Report of the City Solicitor to the meeting of Standards Committee to be held on 29 September 2011

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### Subject:

Officer Code of Conduct

### Summary statement:

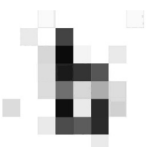
This report provides a draft Officer Code of Conduct for consideration by the Committee.

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## 1. Summary

- 1.1 This report provides a draft Officer Code of Conduct for consideration by the Committee.

## 2. Background

- 2.1 In August 2004 the Department of Communities and Local Government (DCLG) issued a consultation paper, "A Model Code of Conduct for Local Government Employees". The paper consulted on a draft Code defining the minimum standards of conduct that employees of authorities would be expected to observe in carrying out their duties.
- 2.2 Section 82 of the Local Government Act 2000 set out the commitment to introduce a model Code of Conduct for Local Government Employees. This commitment was restated in the Local Government White Paper in 2006. However the implementation of a Code for Employees has been delayed initially to enable the Government to have an opportunity to consider the proposed Code in the context of the wider review of the conduct regime for Local Government and the lessons learnt from the implementation of the New Members Code of Conduct and more recently due to the change in Government.
- 2.3 In October 2008 the DCLG published a further consultation document as the next in a series of Communities in Control consultation papers following the publication of the Local Government Empowerment White Paper: "Communities in Control: Real People, Real Power." This consultation document invited views on the proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principals) Order 2001 in relation to the Code of Conduct for Elected Members and also for views on the proposed introduction of a model code of conduct for local government employees.
- 2.4 The consultation paper was considered by the Standards Committee as part of its overarching role on ethical standards and a response sent to DCLG within the timescale of 24 December 2008. The Minutes of the Standards Committee Meeting on 4 December 2008 which set out the response sent to DCLG are attached at Appendix 1 to this report.
- 2.5 Section 82 of the Local Government Act 2000 states that the Secretary of State may, by order, issue a Code as regards the conduct which is expected of qualifying employees of relevant authorities in England. It was expected that such a Code would be implemented by way of Statutory Instrument and then would automatically form part of the Terms and Conditions of those qualifying employees.
- 2.6 A number of authorities have their own Codes of Conduct for Employees. These have been negotiated locally with Trade Unions and agreed locally to be included as part of Terms and Conditions of Employment. Bradford Council does not have a Code of Conduct for Employees but does set out in the Constitution the general principals of Conduct for Employees which are reiterated in the Disciplinary Rules included in Management Guidance.

- 2.7 The development of a Local Code of Conduct for Bradford Council Employees was delayed due to the indication in 2008 from Central Government that it was still their intention to issue a national Code through Statutory Instrument. The concern at that time was that if a Local Code were agreed with Trade Unions and did not include the same terms and conditions and standards as set out in a subsequently issued National Code there would be a conflict in terms of interpreting the Code that applied to Bradford employees.
- 2.8 However to date a National Code has not been introduced and it is felt appropriate to proceed to agree a Local Code for implementation.
- 2.9 Attached at Appendix 2 is the Disciplinary rules set out in the Management Guidance which have been amended to include provisions to extend the Disciplinary Rules to become an Officer Code of Conduct. This document has been circulated to Trade Unions and amended in accordance with the responses received.
- 2.10 The draft Officer Code of Conduct is to be considered for formal approval by the Corporate Governance and Audit Committee on 30 September 2011. The Standards Committee is asked to provide comments for consideration as part of the formal approval process.

### **3. Options**

- 3.1 The Standards Committee is asked to consider the Draft Officer Code of Conduct at Appendix 2. The Committee can either:
- 3.1.1 recommend the draft document without amendment to the Corporate Governance and Audit Committee or
  - 3.1.2 propose amendments to the draft Code for consideration by the Corporate Governance and Audit Committee

### **4. Financial and Resource Appraisal**

- 4.1 The issues raised in this report do not have any direct financial consequences.

### **5. Legal Appraisal**

- 5.1 It is important that the Council has a robust ethical framework within which it operates to ensure high standards of conduct are maintained. An Officer Code of Conduct will contribute to meeting those standards.

### **6. Other implications**

- 6.1 Trade Union implications

The draft document has been circulated to the Trade Unions and their comments incorporated into the document.

6.2 There are no equal rights, sustainability, community safety, Human Rights Act implications arising from this report.

**7. Not for publication documents**

7.1 None.

**8. Recommendations**

8.1 That the Standards Committee is asked to consider the attached Draft Officer Code of Conduct and make any suggestions for amendments or additions for consideration by the Corporate Governance and Audit Committee at its meeting on 30 September 2011 as appropriate.

**9. Reasons for the Recommendation**

9.1 To ensure the Council has a robust ethical framework within which officers can operate and officers have clarity of the standards of conduct required of them.

**10. Appendices**

Appendix 1 - The Minutes of the Standards Committee Meeting on 4 December 2008

Appendix 2 - Draft Officer Code of Conduct