

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Thursday 11 th April 2019
Report Subject	Officers' Code of Conduct
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

The Standards Committee is responsible for reviewing all the Codes and Protocols in the Constitution once every Council term. The purpose is to ensure that each remains pertinent and up to date. It has reviewed the Officers' Code of Conduct and has made recommendations for updating it.

The Officers' Code of Conduct is based on the prescribed national model issued by Welsh Government under the Local Government Act 2000. The parts of the Code that are in bold text are drawn from the national model and are mandatory. These cannot be changed. The remaining text is supplementary guidance added by way of further explanation. The supplementary guidance can be changed.

A number of changes are suggested to the document in order to -

1. Expand the guidance on when it is necessary to declare an interest;
2. Refer to newly created standardised forms for recording interests and gifts;
3. Expand the guidance on outside employment; and
4. Update posts and service references where these have changed.

RECOMMENDATIONS

1	Approve the proposed changes to the explanatory guidance in the Officers' Code of Conduct
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REPORT DETAILS

1.00	EXPLAINING THE CODE OF CONDUCT AND PROPOSED CHANGES
1.01	<p>This report is part of the ongoing rolling review of the Constitution. The Standards Committee is reviewing all Codes and Protocols (relating to behaviour) in the Constitution once per Council term to ensure that they remain pertinent and up to date.</p>
1.02	<p>The Local Government Act 2000 contains powers for ministers to prepare a mandatory model Code of Conduct for officers. The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 lays down a national model code that must be adopted. The Code can be supplemented but may not be made less onerous.</p>
1.03	<p>The Council adopted the prescribed national model code. It has supplemented the Code's requirements with further explanatory text or more detailed instructions e.g. on how to record interests. The mandatory text is in bold and cannot be changed. The supplementary text is in normal font and can be changed.</p>
1.04	<p>The Council has recently improved its processes for officer declarations of interest. It has produced new forms and guidance for the task which have been rolled out across all portfolios. As a result the supplementary guidance within the Code has been changed to match the guidance in the forms and to more clearly explain what is required.</p>
1.05	<p>In addition, it has become apparent that clearer guidance is required on when an employee should declare an interest because of a role they hold outside the Council. All employees need the consent of their manager to undertake any extra paid work because:</p> <ul style="list-style-type: none">• the additional role may be incompatible with their Council duties;• it is possible that running a family business or working in a voluntary capacity might lead to a perception of a conflict of interest e.g. a licensing officer running a pub which she/he might need to inspect or might be inspected by his/her colleagues; or• the employee may end up working extremely long hours or being distracted by the outside job to the detriment of their Council duties; or• the employee might breach statutory limits e.g. maximum driving hours, or working time limits. <p>I have therefore proposed amendments to the Code to clarify this possibility.</p>
1.06	<p>Finally, there have been a number of organisational restructures since the Code was last reviewed. There are references to posts and services within the Code that need to be updated to reflect new titles.</p>

2.00	RESOURCE IMPLICATIONS
2.01	Assuming the amendments are approved, then the Code will need to be brought to the attention of all officers. This can be accommodated within existing resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Head of Paid Service and the Human Resources and Organisational Development Manager have been consulted on whether amendments are needed in light of any management issues they have encountered.
3.02	The Standards Committee wanted the Unions to be consulted on the proposed changes and, subject to their comments, recommended the changes be adopted.
3.03	The Unions welcomed the improvements in the process for reporting interests and fully supported the changes to the code.

4.00	RISK MANAGEMENT
4.01	The process of keeping codes and protocols up to date is a form of risk mitigation. These proposed amendments to the Code of Conduct, along with the improvements to the process for declaring interests, strengthen the integrity of council decision making, thereby reducing the risk of dissatisfaction and challenge.

5.00	APPENDICES
5.01	Appendix 1 - Proposed amendments to the Code in tracked changes.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Forms and guidance for declaring interests and gifts Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 70344 E-mail: Gareth.Legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None.