

Comments on Consultation on Draft National Code of Conduct

These comments are restricted to the aspects of the consultation document which relate to the draft Officer Code of Conduct ('the Code'), ie questions 13 to 22 of the consultation. They do not cover the proposed changes to the Councillors' Code.

It is proposed that the Code be adopted into the terms and conditions of employment for employees in all local authorities. In addition, Councils could opt to apply the Code to partners and contractors.

KCC negotiates its own terms and conditions and we already have our own 'Kent Code' which was reviewed and revised in October 2008 as well as policies, guidance, systems and training which clearly establish the standards of behaviour we expect from our employees.

The following are the questions on the Code in the consultation exercise with suggested responses from KCC.

Consultation Question 13: Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?

No, many local authorities, including KCC, negotiate local terms and conditions and it is therefore more appropriate to leave each local authority to agree a code which is in keeping with their approach to local terms and conditions. The consultation suggests that LAs could supplement the model code with their own, but this seems needlessly bureaucratic. A model code could be offered for local authorities to adopt or adapt to suit their particular circumstances, but making such a code mandatory would not be helpful and is not needed.

The responses to the other questions should be read in the context of our response to this question, ie that a mandatory code is not needed.

Consultation Question 14: Should we apply the employees' code to fire fighters, teachers, community support officers and solicitors?

It is not proposed that the Code would apply to employees in professions that are covered by their own code of conduct, eg 'fire-fighters, teachers, community support officers, solicitors etc'. Determining which employees are, or are not, covered by the mandatory code could cause confusion. KCC's 'Kent Code' applies to all employees. It sets out standards of behaviour for all employees that are relevant in the local government context and our approach in KCC, whereas professional codes relate more generally to the way that work should be carried out.

Consultation Question 15: Are there any other categories of employee in respect of whom it is not necessary to apply the code?

No.

Consultation Question 16: Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

The proposed core values are:

- General Principles
- Accountability
- Political Neutrality
- Relations with Members, the Public and Other Employees
- Equality
- Stewardship
- Personal Interests
- Whistleblowing
- Treatment of Information
- Appointment of Staff
- Investigations by Monitoring Officers

In general terms, these categories seem to reflect core values adequately as a model, but we believe this should be left to LAS to determine them.

The Kent Code also includes;

- Harassment
- Media
- Contractors/Consultations
- Outside Commitments
- Separation of Roles during Tendering
- Working with Voluntary and Other Organisations
- Gifts and Hospitality
- Sponsorship – Giving and Receiving
- Health & Safety at Work
- Equipment & Materials
- Use of Financial Resources

We have a system within the Kent Code for declaring independence where an employee has identified an interest. The manager records the action taken to prevent any conflict of interest.

It also links to other policies which set out expected behaviours, eg 'Responsible User Guidance' (for using computers), 'Anti-Fraud & Corruption Statement Policy', 'Spending the Council's Money' (procurement procedures).

Consultation Question 17: Should the selection of ‘qualifying employees’ be made on the basis of a ‘political restriction’ style model, or should qualifying employees be selected using the delegation model?

The proposed ‘qualifying employees’ core values in addition to those applied generally are;

- Compromising the impartiality of officers of the authority
- Using your position improperly
- Considering advice provided to you and giving reasons
- Personal interest

We do not see the need to separate ‘qualifying employees’ from the totality. As an example, ‘Considering advice provided to you and giving reasons’ does not rest easily as an additional value: *‘If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees’ code applies, the qualifying employee must have regard to this advice’* – this should apply to every employee.

Our ‘Kent Code’ is clear about standards of behaviour at all levels. This is coupled with management training, clear job descriptions which state accountabilities and a scheme of delegation. However the qualifying employees are identified, there is a danger that employees moving between roles might not be informed of the change in expectations placed on them. Also, new employees need to be aware of the Council’s stance relating to both their current job, and in the future, eg would there be implications in relation to aspects of their life outside work they might need to discuss with their employer if their responsibilities changed?

We have a strong ethos for nurturing talent in the workforce. There would therefore be instances where regardless of the means of categorisation, an employee would not have been designated a ‘qualifying employee’. However, having been given a development opportunity, an employee might be working at a level, in some but not all aspects of their job, which questions whether these additional values should apply. An example would be an employee who is leading a key project before seeking promotion.

Consultation Question 18: Should the code contain a requirement for qualifying employees to publicly register any interests?

The Kent Code requires this for employees, not just those that might fall into the ‘qualifying’ category. The ‘qualifying’ category implies a rather traditional hierarchical approach suggesting that only senior employees are likely to be in a position where there is the potential to influence Council business in appropriately. An employee on a lower grade may also have significant interests outside work so this requirement needs to encompass all employees. We think it is sufficient to require employees to declare and register any interests with employing organisations only.

Consultation Question 19: Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

The criteria do not include the registering of gifts and hospitality. The Kent Code includes this - employees must consult their line manager and declare in a register a gift or hospitality which is accepted or offered.

Consultation Question 20: Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?

See response to question 16 which refers to KCC's Kent Code which is more comprehensive than the Code and encompasses those aspects of the members' code which are not already included.

Consultation Question 21: Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

No, but see answer to question 16 above.

Consultation Question 22: Should the employees' code extend to employees of parish councils?

Yes, if a decision is made to have a Code, as Parish Council's have an important part to play in local democracy. The appropriate standards of behaviour for employees should mirror that of other local government employees.

General Comment:

3.13 'Contracts, partners and part time staff' 'Part time staff' needs to be more clearly defined. A high percentage of the local government workforce is part time. The focus here is on people who may have a job with another employer, perhaps be self-employed or have some other interest which might be relevant in this context. It is not referring generally to people who work part time hours so needs to be more specific in future drafting.