

Report to	Standards Committee
Date	11 February 2011
By	Monitoring Officer
Title of Report	Officer Code of Conduct
Purpose of Report	To advise the Authority on the adoption of a Code of Conduct for Officers

Recommendation: That, subject to the comments of Standards Committee Members, the draft Code is recommended to the Authority for approval

1. Introduction

- 1.1 This report concerns a proposal that the Authority adopt an Officer Code of Conduct. Comments of the Standards Committee are being invited on a draft Code, **appended** to this report. Subject to comments, it is proposed to report a final document to the Authority meeting in March 2011 for adoption.

2. Background

- 2.1 It is common practice for local authorities, including national park authorities, to have a Code of Conduct for Officers. This sets out the standards of conduct that are required of officers when carrying out the work of the authority. Alongside the Members' Code of Conduct, and local protocols such as those governing dealings with planning matters, and Member and officer relations, it promotes transparency, integrity and public confidence in the work of the Authority.

3 A Draft Officer Code of Conduct for the South Downs National Park Authority

- 3.1 The proposed Code attached has been drafted with regard to similar Codes in place within other local authorities, including national park authorities. In general, these are based on a model code produced several years ago by the Local Government Management Board. In 2008 the Government consulted on a proposed new national code of conduct for local government officers, but this has not progressed any further.
- 3.2 The proposed draft deals with a number of subject areas where guidance to officers should be helpful, such as:
- Disclosure of information
 - Political neutrality
 - Recruitment of other staff
 - Outside commitments
 - Personal financial and non-financial interests
 - Corruption and use of financial resources
 - Receipt of gifts and hospitality

4. Resources

- 4.1 Once a protocol is adopted, it is intended that this will minimise the time that would otherwise need to be committed to dealing with issues or disputes that may arise from relevant officer activities.
- 4.2 It is proposed that training on the protocol would be arranged for officers, and that the protocol would be reviewed and updated from time to time in the light of changes in law and practice, and having regard to experience and lessons learned from individual situations.

5. Risk Management

- 5.1 The Protocol would form an important part of the Authority's risk management arrangements by promoting appropriate behaviour in the Authority's dealings, thereby minimising the likelihood of disputes and liabilities arising, and complaints being upheld.

6. Human Rights, Equalities, Health and Safety

- 6.1 The aim of the protocol is to ensure that stakeholders and service users are treated fairly and consistently by officers in carrying out the Authority's business.

7 External Consultees

- 7.1 None.

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Appendices	Appendix 1 - Officer Code of Conduct
SDNPA Consultees	Chief Executive Officer, Director of Corporate Services, Head of Planning, Head of Operations, Chief Finance Officer, Deputy Chief Finance Officer, Monitoring Officer & Senior Solicitor.

SOUTH DOWNS NATIONAL PARK AUTHORITY

OFFICER CODE OF CONDUCT (DRAFT)

1 INTRODUCTION

- 1.1 This Code of Conduct applies to all officers of the South Downs National Park Authority. It sets out the standards of behaviour required of officers.
- 1.2 The Nolan Committee identified seven principles which apply to all aspects of public life, and therefore to all officers. These general principles are:
- **Selflessness** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - **Accountability** Holders of public office are accountable for their decisions and actions to the public, and must submit themselves to whatever scrutiny is appropriate to their office.
 - **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.
 - **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
 - **Leadership** Holders of public office should promote and support these principles by leadership and example.

The Code of Conduct incorporates these principles.

- 1.2 Certain provisions in the Code deal with matters which can constitute a criminal offence, e.g. the section on corruption. Contravention of this and certain other provisions could additionally constitute a disciplinary offence which could result in disciplinary action. Employees should therefore read the document carefully and, if they have any queries or are uncertain about its content, should contact their line manager for advice.
- 1.3 This Code supplements, and does not replace, any code or recognised standards of conduct promulgated by any professional body of which an officer is a member.

2 STANDARDS

- 2.1 Officers are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow

employees with impartiality. Officers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

3 DISCLOSURE OF INFORMATION

- 3.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Officers must be aware of which information the Authority is and is not open about, and act accordingly. Officers must respect the confidentiality of personal information in accordance with the Data Protection Act.
- 3.2 Officers should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an officer from a Member, which is personal to that Member and does not belong to the Authority, should not be divulged by the officer without the prior approval of that Member - except where such disclosure is required or sanctioned by the law.

4 POLITICAL NEUTRALITY

- 4.1 Officers serve the Authority as a whole. It follows they must serve all Members and not just those of any particular group, and they must ensure that the individual rights of all Members are respected.
- 4.2 Officers, whether or not in politically restricted posts, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

5 RELATIONSHIPS

5.1 Members

Mutual respect between officers and Members is essential to good local government. Close personal familiarity between officers and individual Members can damage the relationship, and prove embarrassing to other officers and Members, and should therefore be avoided.

5.2 The local community and service users

Officers should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community, as defined by the policies of the Authority.

5.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be unfairly discriminated against.

6 RECRUITMENT AND EMPLOYMENT MATTERS

- 6.1 Officers involved in appointments should ensure that these are made on the basis of merit. To avoid any possible accusation of bias, officers should not be involved in an appointment

where they are related to an applicant, or have a close personal relationship with him or her, nor should they attempt to influence such decisions.

- 6.2 Similarly, officers should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

7 OUTSIDE COMMITMENTS

- 7.1 Some officers have conditions of service which require them to obtain written consent to take any outside employment. All officers should be clear about their contractual obligations and should not take outside employment which conflicts with the Authority's interests.

8 PERSONAL INTERESTS

- 8.1 Officers must declare, to the Chief Executive, any financial or non-financial interests that they consider could bring about conflict with the Authority's interests. This includes contracts with the Authority in which the officer has a pecuniary interest, which they are obliged to declare under S.117 Local Government Act 1972.
- 8.2 Officers must declare, to the Chief Executive, membership of any organisation not open to the public, without formal membership and commitment of allegiance, and which has secrecy about rules or membership or conduct. A record shall be kept of all such declarations.

9 EQUALITIES

- 9.1 All officers must ensure that policies relating to equality issues as agreed by the Authority are complied with, in addition to the requirements of the law. All members of the local community, customers and other officers have a right to be treated with fairness and equity.

10 SEPARATION OF ROLES DURING TENDERING

- 10.1 Officers involved in a tendering process and/or dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Officers who are privy to confidential information on tenders or costs for either internal or external contractors, should not disclose that information to any unauthorised party or organisation.

11 CORRUPTION

- 11.1 Officers must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

12 USE OF FINANCIAL RESOURCES

- 12.1 Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner, and in accordance with the Authority's

financial procedures. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

13 GIFTS AND HOSPITALITY

- 13.1 Officers should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community, or where the Authority should be seen to be represented. All offers of hospitality should be reported to the Chief Executive for a decision as to whether the offer can be accepted. A record shall be kept of all such decisions.
- 13.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 13.3 Officers should not accept significant personal gifts from contractors and outside suppliers, but are permitted to keep insignificant items of token value such as pens, diaries, etc.

14 SPONSORSHIP

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an Authority activity - whether by invitation, tender, negotiation or voluntarily - the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the Authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way, without there being full disclosure to the Chief Executive of any such interest. Similarly, where the Authority, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Adopted by the South Downs National Park Authority

Date: March 2011