

Title of Report:	Revised Code of Conduct for Local Government Employees
Committee Report Submitted To:	Corporate Policy and Resources Committee
Date of Meeting:	27th April 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	All themes
Outcome	All outcomes
Lead Officer	Head of ODHR

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	YES/NO
Capital/Revenue	
Code	
Staffing Costs	

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes	Date: February 2021
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to present Council with the Revised Code of Conduct for Local Government Employees.

2.0 Background

- 2.1 Under Section 40(4)(cc) of the Local Government Act (NI) 1972, the functions of the Local Government Staff Commission include:

“establishing and issuing a code of recommended practice as regards conduct of officers of councils”.

- 2.2 The attached Code has been drafted by a working group comprising officers from local government, the Department for Communities, the Local Government Staff Commission and the Trade Unions. It has been agreed by the Local Government Staff Commission and is promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.
- 2.3 It was therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by all councils and the Commission.
- 2.4 Also attached is a schedule of the main amendments, for your information and ease of reference.
- 2.5 The draft code has been considered at the Senior Leadership Team and also the Trade Unions through the Action Group and Joint Consultative and Negotiating Committee (JCNC).
- 2.6 In accordance with Council’s duty under Section 75 Equality Legislation, the policies have been screened and the result is that they were screened “out”.

3.0 Recommendation(s)

It is recommended that the Revised Code of Conduct for Local Government Employees is recommended to Full Council for approval.

**CODE OF CONDUCT
FOR LOCAL GOVERNMENT EMPLOYEES**

January 2021

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

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CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

1.0 INTRODUCTION

1.1 Status of the Code

Under Section 40(4)(cc) of the Local Government Act (NI) 1972, the functions of the Local Government Staff Commission include:

“establishing and issuing a code of recommended practice as regards conduct of officers of councils”.

This Code has been drafted by a working group comprising officers from local government, the Department for Communities, the Local Government Staff Commission and the Trade Unions. It has been agreed by the Local Government Staff Commission and is promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.

It is therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by all councils and the Staff Commission from 1st April 2021.

It is desirable for the protection of the public and the protection of employees that guidance be given to local government employees as to the conduct expected of them. This Code provides guidance to assist councils and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.

The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

2.0 FRAMEWORK FOR THE CODE

The public is entitled to expect the highest standards of conduct from all employees who work for local government and this Code has been developed in line with best practice, existing legislation and the following guidance.

The provisions of this Code apply to all staff employed by councils in Northern Ireland, arc21 and the Local Government Staff Commission for NI in the performance of their duties on a day-to-day basis including any additional offices to which they may be appointed in their capacity as a local government employee (see Appendix 1, page 23 for a definition of employee/member of staff).

2.1 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (the National Agreement):

2. Official Conduct

2.1 Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

2.2 Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.

Similar provisions are incorporated in the National Conditions of Service of Chief Executive and Chief Officers.

2.2 Principles of Conduct

This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) and the four further principles of conduct that have been adopted by the Northern Ireland Assembly, both emphasise that those in public life should practice:

➤ **Selflessness** – Officers should act solely in terms of the public interest.

- **Integrity** – Officers 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.
- **Objectivity** - Officers must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** – Officers are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** – Officers 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.
- **Honestly** – Officers should be truthful.
- **Leadership** - Officers 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.
- **Equality** – Officers should promote equality of opportunity and not discriminate against any person, treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- **Promoting Good Relations** - Officers should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.

- **Respect** – Officers should show respect and consideration for others at all time.

- **Good Working Relationships** - Officers should work responsibly with other officers and Elected Members for the benefit of the whole community. Officers' working relationships should at all times be professional, courteous and based on mutual respect.

➤ **3.0** **CONSULTATION AND IMPLEMENTATION**

This Code was drafted and agreed by a working group comprising officers from local government, the Department for Communities, the Local Government Staff Commission and the Trade Unions.

The Code was issued for consultation in February 2020. The Code will be finally revised and issued for implementation with effect from 1st April 2021.

4.0 MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

4.1 Standards of Behaviour, Impartiality and Conflicts of Interest

Council employees (see Appendix 1, page 23 for a definition of employee/member of staff) are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Where it is part of their duties to provide appropriate advice to councillors and fellow employees this must always be done with impartiality.

Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service or illegal or unethical conduct (see paragraph 4.14, page 19 - *Raising Concerns* which provides more detail about an employee's responsibilities in this regard).

Responsibility is placed on every member of staff to disclose to an appropriate manager or officer of the council every potential conflict of interest in which he/she may be involved. Employees must adhere to the requirements regarding declaration of interests which are set out in their Council policy on Conflict of Interests (insert hyperlink) and must declare any new interests to the Designated Manager as soon as they become aware of them. They also have a responsibility to advise their new line manager if they change their role/position in the Council. For further information, employees should also refer to the NIAO ['Conflicts of Interest: A Good Practice Guide'](#) and the SOLACE [Local Public Services Senior Managers: Code of Ethics](#)

In general employees' private interests must not have the potential for allegations of impropriety or partiality which might bring the Council into disrepute. This includes standards of behaviour outside the working environment where the employee is known to be an employee of the Council. This also extends to the use of social media outside of work, for example, some councils do not allow their employees to state that they work for the council on their personal facebook profile. Further information can be found in the Council's ICT policies and procedures (insert hyperlink).

Employees should not use their official position, or information acquired in their official duties, to further their private interest or those of others.

Employees must report to the appropriate manager any impropriety or breach of the terms of this Code.

4.2 Disclosure of Information

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public (see Appendix 1, page 20 for examples). The Council itself may also decide to be open about other types of information.

The Council should therefore make clear to employees:

- the types of information which must be made available, and to whom;
- the types of information which the Council has voluntarily made open, and to whom;
- the types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018. Employees must ensure that they process data lawfully in accordance with the data protection principles. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the Council's publication scheme.

Employees 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. This could be a potentially criminal or fraudulent act.

Any particular information received by an employee from an individual, (including a councillor) which is personal to the individual should be kept confidential, except where such disclosure is required or sanctioned by law, for example, where an individual shares information which may be a safeguarding issue, this must be shared with the Council Safeguarding Officer and passed on to the relevant agency, or where the individual provides their permission to disclose the information.

4.3 Political Neutrality

Employees serve the Council as a whole. They must serve all councillors equally, and not just those of a particular group, for example the majority/main party, and must ensure that the individual rights of all councillors are respected.

Some employees may be required to advise political groups. In providing this advice, employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

All employees must not let their own personal or political opinions interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. This does not compromise an officer's rights in relation to collective trade union representation and engagement, and lawful trade union activity.

An employee of a council cannot stand, be elected or co-opted as a councillor for the council in which they are employed. An employee may stand and be elected as a councillor in a council different to that which they are employed by (provided they do not hold one of the prescribed offices or employments outlined in the Local Government (Disqualification) (Prescribed Offices and Employments) Regulations (Northern Ireland) 2014.

4.4 Potential Conflict of Interest Situations

As specified in paragraph 4.1, page 8 - *Standards of Behaviour, Impartiality and Conflicts of Interest*, staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute.

Appendix 2 on page 24 sets out a model Declaration of Interest Form, extracted from the NI Audit Office Guidance. Councils can use this model form or their own form for staff to declare their interests.

In particular, attention is drawn to the following examples of situations where potential conflicts of interest can occur:

Relationships with Councillors

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to councillors. Mutual respect between employees and councillors is essential to good local government.

Employees should deal with councillors in a polite, professional and efficient manner. They should not approach or attempt to influence councillors in relation to personal or contractual matters, for example, a potential regrading of their post but should use the existing employment procedures within the Council, for example, the Grievance Procedure.

Employees should not report any issues or concerns regarding the operation of the council, which have come to their attention in the course of carrying out their duties, to a councillor. These should be raised with their line manager, or by following the whistleblowing procedures, if appropriate.

This does not compromise an employee's rights as a ratepayer to access and/or question the provision of Council services to them through open and transparent Council procedures, for example, in relation to a planning or refuse collection issue.

Employees should report to an appropriate manager if a councillor attempts to pressurise them to deal with a matter which is not in accordance with Council procedure or policy.

Employees who have concerns about whether there is a potential conflict of interest should raise the matter with an appropriate manager.

For further advice and guidance, refer to the Local Government Employee and Councillor Working Relationship Protocol attached at Appendix 3, page 27.

Contact with the Community and Service Users

The community and service users have a right to expect a high standard of professional service from the Council. Employees have a responsibility to the community they serve and should, ensure courteous, effective and impartial service delivery to all groups and individuals within the community.

Employees should always try to be positive, constructive and inclusive. This may require reasonable adjustments for effective communication with people

with disabilities in accordance with the provisions of the Disability Discrimination Act 1995. In addition, the language needs of someone whose first language is not English need to be considered.

Employees also have a right not to be verbally or physically abused by the community and service users. Any incidents should be reported immediately to the employee's line manager.

Relationships with Contractors, Planning Applicants and those applying for Council Grant

All relationships with external contractors or potential contractors or applicants for planning consent or grant must be made known to the appropriate manager. Similarly, any beneficial interest or licence in respect of land which is affected by a planning application must be made known to the appropriate manager.

Employees who are employed within the Planning Department, and who are members of the Royal Town Planning Institute (RTPI), must also adhere to their Code of Professional Conduct (RTPI Code of Professional Conduct)

Orders and contracts, grants and planning decisions must be decided on merit and no special favour should be shown in the procurement process to any businesses or potential suppliers particularly those run by, for example, friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 20 for a definition of family relationship).

Employees who deal with, engage or supervise contractors or process or determine applications under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager as soon as they are aware and a decision on their suitability to be part of the process should be made and recorded.

Employees must not accept money or any other reward from any organisation, body or individual who may benefit from work or funding provided by the council. To do so would, in law, be corrupt.

Bribery & Corruption

Under the Bribery Act 2010 it is a serious criminal offence to

- Offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- Accept, agree to accept or request a reward in return for performing a relevant function or activity improperly.
- Bribe a foreign public official in order to win business, keep business or gain business advantage for the organisation.

4.5 Appointments and Other Employment Matters

Employees involved in appointments should at all times act in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures).

The Code of Procedures at Part D, Stage 2 – Conflict of Interest, page D:52 states:

"Responsibility is placed on every panel member to disclose to an appropriate manager or officer of the council where potential conflict of interest may be present, for example partners or persons where a family relationship is deemed to exist, or if an individual has agreed to act as a referee for an applicant"

and

"Where a potential conflict of interest exists, the issue is not about satisfying the conscience of the individual. Public perceptions and also those of other candidates must be considered and, in such cases, it may be appropriate for the individual to withdraw from the recruitment exercise."

Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee with whom they have a close personal relationship, a person to whom the employee owes (or is owed) an obligation, partner or person where a family relationship is deemed to exist (see Appendix 1, page 20 for a definition of family relationship). For further examples of Potential Categories of Interests see Appendix 1, page 20.

Employees should declare an interest and, if appropriate, remove themselves from discussions or meetings where they personally could potentially be a beneficiary and/or be impacted by decisions made.

4.6 Outside Commitments

Employees must not have any external business, external employment or external appointment without advising their line manager. Employees should adhere to the requirements regarding declaration of interests (seeking clarification from their line manager if required) if any of the following apply to the business, employment or appointment, and engagement in it would, in the Council's view:

- not be in the Council's interests
- put the employee in a position where duty to the Council and external interests would conflict, or are likely to conflict
- weaken public confidence in the impartiality of the Council or in the effective conduct of the Council's work.

Engagement in any external business, employment or appointment will be deemed to act detrimentally to the Council's interests where it may give rise to or contribute to an employee's sickness absence, or deterioration in performance.

Employees should follow the Council's rules on the use of Council facilities including administrative or technical support, ownership of intellectual property or copyright (insert hyperlink) created during their employment.

Employers and employees of councils should be aware of their responsibilities under The Working Time Regulations (NI) 2016.

4.7 Personal Interests

Employees should review regularly their personal circumstances and take steps to deal with any potential conflict of interest (refer to paragraph 4.1, page 8). As soon as they become aware of a potential conflict, employees must declare to an appropriate manager any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:

- membership of an organisation receiving grant aid from the council.

- membership of an organisation or pressure group which may seek to influence the Council's policies.
- membership of an organisation which may seek to influence the performance of an employee in carrying out their duties.
- having a beneficial interest in land which is within the Council's district and is subject to any planning application.
- having a beneficial interest in a company which is seeking to, or doing business with the council

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager.

The Council recognises and respects the right of all employees to become members of organisations. However, employees must declare personal interests where there is, or could be perceived to be, a conflict of interest between their duties as an employee and their membership of the organisation.

4.8 Equality Issues

All members of the community, customers and employees have a right to be treated with fairness and equity.

In this regard employees must:

- be made aware of their obligations under Section 75 of the Northern Ireland Act 1998, other relevant equality law and the Human Rights Act 1998 (see Appendix 1, paragraph 4, page 21);
- co-operate with the Council in ensuring a neutral working environment and in the application of any policies agreed by the Council relating to equality issues:
- not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions;

- report any concerns about discriminatory conduct to their line manager or other appropriate employee.

4.9 Separation of Roles During Procurement

Employees involved in funding applications, the procurement process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees who are privy to confidential information relating to the tendering process should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that, in awarding contracts, no special favour is shown to current or former employees or someone with whom they have a close personal relationship, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 20 for a definition of family relationship) or to businesses run by them or employing them in a senior or relevant managerial capacity. If any such relationship exists, a decision on the suitability of an employee to be part of the process should be made and recorded.

4.10 Fraud and Corruption

Employees must be aware that, under the Bribery Act 2010, it is a serious criminal offence for them to 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 his/her official capacity (see paragraph 4.12, page 17 for guidance on *Hospitality and Gifts*).

Employees must adhere to the highest principles of integrity and must comply with all relevant policies in relation to expenses, travelling and mileage allowances.

Employees should also be aware of the Fraud Act 2006 and should refer to the Council's Anti-Fraud, Bribery and Corruption Policy.

4.11 Use of Financial and other Council Resources

Employees must ensure that they use public funds entrusted to them in a responsible manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

An employee who, in their role in the Council, is responsible for a budget and becomes insolvent or bankrupt, must inform their line manager promptly.

4.12 Hospitality and Gifts

Employees should only accept offers of hospitality or invitations to attend social or sporting functions where the Council should be seen to be represented. They must be properly authorised and recorded in accordance with the Council's policy.

If an employee is in any doubt about the propriety of accepting any hospitality, he/she should take advice from their line manager.

When hospitality has to be declined, those making the offer should be courteously advised of the procedures and standards operating within the Council. Offers of hospitality which are declined should also be recorded in the Gifts and Hospitality register.

Employees should not accept personal gifts from contractors, members of the public, outside suppliers and organisations or groups in receipt of funding from the Council, although the Council may wish to allow employees to keep items of token value such as pens, diaries etc. .

When considering whether or not to accept authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- it is clear that the hospitality is corporate rather than personal;
- any offers of hospitality are reported and agreed by the employee's line manager in advance, or
- where the Council is satisfied that any procurement decisions are not compromised.

Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent procurement decisions.

4.13 Sponsorship - Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council 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.

Where the Council wishes to sponsor an event or service neither an employee nor any friends, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 20 for a definition of family relationship) must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where the Council 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.

4.14 Raising Concerns

If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical, dangerous or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under The Public Interest Disclosure (Northern Ireland) Order 1998, in line with the Council's Raising Concerns Policy and Health and Safety Policies.

Any employee raising such concerns need have no fear of recrimination. He/she will be properly supported and the Council will do everything possible to keep the matter confidential.

4.15 Breaches of the Code of Conduct

Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may be a disciplinary matter, which could lead to loss of employment. Some breaches of the Code could result in referral of the matter to the PSNI, which could lead to criminal prosecution.

LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT

1. Disclosure of Information (paragraph 4.2, page 9)

Data Protection Act 2018

Freedom of Information Act 2000.

Part 8, sections 42-52 of the Local Government Act (Northern Ireland) 2014 deals with Access to meetings and Documents.

Obligations of Discovery in connection with litigation.

Human Rights Act 1998

General Data Protection Regulation 2016

2. Potential Conflict of Interest Situations (paragraph 4.4, page 10)

Persons who owe you an obligation, or to whom you owe an obligation – this might include a debtor, creditor, fellow member of an organisation.

Very close personal relationships may also create a conflict, e.g. a good friend.

Family Relationship

For the purposes of the Code of Conduct, a relevant family relationship shall be deemed to exist between an officer and another person if they are:

- Married
- Civil Partners
- Cohabiting as if they were married
- Cohabiting as if they were civil partners (partners)

or the other person is a biological, adopted, foster or step relative to an officer or of that officer's married partner, civil partner, or partner under one of the following categories:

- Child
- Parent
- Sibling
- Son in law or Daughter in law
- Mother in law or Father in law

- Sister in law or Brother in law
- Uncle or Aunt
- Nephew or Niece
- Grandson or Granddaughter
- Grandparent

For the avoidance of doubt, a personal relationship for the purposes of the Code of Conduct includes:

- a family relationship other than that specified above
- a business/commercial/financial relationship
- a sexual/romantic relationship
- a friendship

Potential Categories of Interest relating to Additional Employment

The following guidelines have been adapted from the NI Civil Service conflict of interest guidelines relating to additional employment

The following extract¹ deals with mitigating the conflict of 'being an employee, director, partner of another business or organisation, or pursuing a business opportunity':

"If an employee wishes to undertake any work (paid or unpaid) with another employer they must first advise their line manager/the Council.

No remunerative private work of the following description may be undertaken:

- work which would occupy your time or attention or render you unavailable for duty during normal official hours;*
- work identified in any way with the activities of a political party, group or organisation;*
- work of an educational, literary or scientific nature involving the use of information acquired by you in your official capacity or from official sources, except where it has previously been published, unless you have received the permission of your employing department to undertake such work;*
- work of a nature conflicting with your duty to the Council*

¹ NICS Staff Handbook, Section 6.01, paragraph 6.1 and 6.2

- e. *work which may ultimately have to be reviewed by you or any member of the Council acting in an official capacity;*
- f. *work, related to your function, which an employee of the Council might otherwise justifiably undertake, but which is of such a scale as to involve unfair competition with persons wholly dependent on such work for a livelihood;*
- g. *work which would involve the use of the property, tools, equipment or materials of the Council; and*
- h. *work which is, or might be, inconsistent with your position as a public servant and may expose you or the Council to public criticism.”*

3. Appointments and Other Employment Matters (paragraph 4.5, page 13)

Code of Procedures on Recruitment and Selection

Part B - General Principles Underpinning the Code (on page 4) recommends actions to ensure that appointments are made under the merit principle.

Section 41 of Local Government Act (NI) 1972 deals with appointments to councils

4. Equality Issues (paragraph 4.8, page 15)

Legislation

- The Employment Equality (Sexual Orientation) Regulations (NI) 2003
- The Employment Equality Age Regulations (NI) 2006
- Sex Discrimination (NI) Order 1976
- Fair Employment and Treatment (NI) Order 1998
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Rehabilitation of Offenders (NI) Order 1978 and Exceptions Order 1979
- Equal Pay Act (Northern Ireland) 1970
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000
- Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002

- Parental Rights and Flexible Working under the Employment Rights (Northern Ireland) Order 1996
- Northern Ireland Act 1998
- Human Rights Act 1998
- General Data Protection Regulation 2016
- Environmental Information Regulations 2004

5. Fraud and Corruption (paragraph 4.10, page 16)

Section 46 of Local Government Act (NI) 1972 deals with the declaration of interest where an employee has a pecuniary interest and with recording of such interests. Not to do so will be an offence.

Section 47 of the Local Government Act (NI) 1972 forbids employees to accept payment apart from their salary/wage.

KEY TERMS USED IN THE CODE OF CONDUCT

Employee/s or Member/s of Staff

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Code also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council.

**Appendix 2 –
Councils Declaration of Interest**



Department of the
Environment

www.doeni.gov.uk

Local Government Policy Division 1

To:
Current Chief Executives
Chief Executives of New Councils
HR Managers
Change Managers

Level 4
Causeway Exchange
1-7 Bedford Street
Town parks
BELFAST
BT2 7EG

Circular LG 43/2014

Telephone: (028) 9082 3396

Email: peter.gregg@doeni.gov.uk

Date: October 2014

Dear Sir / Madam

Local Government Employee and Councillor Working Relationship Protocol

The Northern Ireland Local Government Code of Conduct for Councillors is now in place, in line with the statutory requirements in the Local Government Act (Northern Ireland) 2014.

As a separate exercise, The Local Government Reform Joint Forum (LGRJF) has reviewed the Local Government Officer Code of Conduct.

A protocol on working relationships between Councillors and Local Government Officers was previously annexed to the Local Government Officer Code of Conduct, and the Department has revised this in consultation with key stakeholders to create a stand-alone protocol as an annex to both codes. The agreed working relationship protocol is attached for your organisation to implement.

Yours faithfully

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**Local Government Employee
&
Councillor
Working Relationship
Protocol**

Local Government Employee and Councillor Working Relationship Protocol

1.0 Introduction

- 1.1 The Local Government Act (Northern Ireland) 2014 (the 2014 Act) creates a new environment for Local Government in Northern Ireland. The 2014 Act includes a new ethical framework for local government, a key element of which is the introduction of a mandatory Code of Conduct for Councillors.
- 1.2 The 2014 Act imposes a mandatory requirement for Councillors to observe the Northern Ireland Local Government Code of Conduct for Councillors (the Councillor Code), which establishes mechanisms for the investigation and adjudication of complaints and for appeals. With the exception of Part 9 (Planning), the Code came into force on 28 May 2014 the Part of the Code which deals with planning will come into effect from 1 April 2015.
- 1.3 The Local Government Staff Commission for Northern Ireland is responsible for issuing the Code of Conduct for Local Government Employees (2004) (the Employee Code). In conjunction with the Local Government Reform Joint Forum, the Commission has prepared a revised Code of Conduct for Local Government Employees due to come into effect from 1 April 2015.
- 1.4 Local Government has already established policies and procedures to resolve issues that Employees (for the purpose of this protocol the term 'Employees' or members of staff should be taken to mean any individual employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Protocol also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council), may encounter in the workplace. This protocol does not override any existing Employee policies or legal obligations but seeks to clarify the expected working relationship between Councillors and Employees.

2.0 Purpose

- 2.1 The protocol is intended to set out the working relationship between Councillors and Employees of councils. It relates to all aspects of the working environment, both physical and virtual. The protocol also advises of the steps to be taken to deal with concerns at an early stage to reduce negative impacts upon Councillors or Employees and ensure the prompt resolution of any difficulties which may arise. All issues raised under the remit of this protocol must be dealt with in the strictest confidence.

2.2 The protocol should also assist in furthering and developing a harmonious working environment with positive, constructive and professional relationships between Employees and Councillors.

2.3 The protocol reflects the content of both Employee and Councillor Codes of Conduct that demand the highest standards of personal conduct at all times. It upholds the seven Nolan Principles and the additional principles of public life:-

- **Public Duty** - have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them; to act in the interests of the community as a whole.
- **Selflessness** - should act in the public interest at all times and should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefits for themselves, their family, friends or associates.
- **Integrity** - should not place themselves under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence them in the performance of their duties.
- **Objectivity** - in carrying out public business, including considering public appointments, awarding contracts, or recommending individuals for rewards and benefits, they should make choices on merit.
- **Accountability** - are accountable to the public for their decisions and actions and for the way that they carry out their responsibilities and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** - should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions when required and restrict information only when the wider public interest clearly demands it.
- **Honesty** - should act honestly. They have a duty to declare any private interests relating to their public duties and should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.
- **Leadership** - should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
- **Equality** - should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- **Promoting Good Relations** - should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms.
- **Respect** - Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Employees, Councillors and councils, they should therefore show respect and consideration for others at all times.

- **Good Working Relationships** - Councillors and Employees are servants of the public, and are interdependent upon one another. But their responsibilities are distinct. Employees are ultimately responsible to the Chief Executive²; Councillors are responsible to the electorate. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

3.0 Conduct of Local Government Employees towards Councillors

- 3.1 Employees must treat all political groups and individual Councillors equally, fairly and remain politically neutral at all times. Employees will provide professional, impartial and effective support, to enable Councillors to fulfil their role, in and on behalf of, the council. Employees will not seek to influence or lobby a Councillor with regards to personal issues.
- 3.2 It is important that there should be good working relationships between senior council employees and Chairs of Committees / Mayors. However such relationships should not be allowed to become so close as to cast doubt either on an officer's ability to deal impartially with other councillors, or the Chair/Mayor's ability to deal impartially with other employees.

4.0 Procedure

- 4.1 In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an Employee, the following process should be followed:

Informal Approach

- 4.2 A Councillor should seek to raise the matter in the first instance with the relevant Head of Service or Director who should seek to resolve the matter with the Employee concerned. The Councillor must not engage directly with the Employee, nor make any attempt to reprimand or discipline the Employee.
- 4.3 If the matter is about the conduct of an Employee at Head of Service or Director level, the Councillor should address their concern to the Chief Executive.
- 4.4 The Head of Service/Director/Chief Executive will undertake to resolve the matter through discussions with the Employee concerned and report on the outcome to the Councillor.

² A Chief Executive is also an employee and is ultimately responsible to the Council]

Formal Approach

- 4.5 If the Councillor is unhappy with the outcome of the informal approach or considers the initial complaint to be of a serious nature, they should raise the matter with the relevant Head of Service or Director and make their Party Group Leader, if relevant, aware of the complaint.
- 4.6 The relevant Head of Service/Director (or Chief Executive if applicable), will ensure the matter is investigated according to the relevant council procedures consulting with appropriate human resource sections.
- 4.7 The outcome of the investigation may result in:-
- no further action being required,
 - a verbal or written apology to the Councillor with an acknowledgement by the Employee that their conduct failed to meet the agreed standard and an undertaking that there will be no recurrence or
 - referral for consideration under the council's disciplinary procedure.
- 4.8 The Head of Service/Director (or Chief Executive if applicable), will write to the Councillor and Group Party Leader, if relevant, advising of the outcome.
- 4.9 The Employee will be informed in accordance with the relevant council procedures.
- 4.10 If the complaint is in relation to the Chief Executive the procedures specified in the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities or the appropriate mechanism at that time will be followed.

5.0 Conduct of Councillors towards Employees

- 5.1 Councillors' engagement with Employees must be equitable, reasonable, courteous and respectful and ensure that the impartiality of Employees is not compromised. Councillors must abide by their Code and their council's standing orders.

Procedure

5.2 In the event that an Employee wishes to raise either an informal or formal complaint regarding the conduct or behaviour of a Councillor, the appropriate support must be provided by their respective line manager and the following procedure should be followed:

Informal Approach

5.3 An Employee should seek to raise the matter in the first instance with their relevant Head of Service or Director, providing details of the incident that has occurred. The Employee must not engage directly with the Councillor. If necessary, the Head of Service or Director may involve the Group Party Leader, if relevant.

5.4 The Head of Service or Director will undertake to resolve the matter through discussions with the Councillor concerned and report on the outcome to the Employee and the Chief Executive.

Formal Approach

5.5 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature, they may wish to consult with their recognised Trade Union representative, if applicable prior to raising the matter formally (verbally or in writing) with the relevant Head of Service or Director. The Employee and their representative may also raise the complaint directly with the senior Human Resource Employee in the Council.

5.6 The relevant Head of Service/ Director, (or senior HR Employee if applicable), will ensure the matter is investigated according to the appropriate council investigatory process.

5.7 The Councillor and Party Group Leader, if relevant, will be advised of the complaint and should agree to co-operate with the investigation to establish the facts.

5.8 The outcome of the investigation may result in:-

- no further action being required, or
- a verbal or written apology to the Employee with an acknowledgement by the Councillor that their conduct failed to meet the agreed standards and an undertaking that there will be no recurrence.

- 5.9 If the Head of Service/Director (or senior HR Employee), considers that the circumstances of the complaint is sufficiently serious or a pattern of behaviour emerges, they may recommend to the Chief Executive that the matter is raised at a formal meeting with the Party Group Leader, if relevant. The minutes of this meeting should be presented to the appropriate governance committee for consideration.
- 5.10 The Head of Service/ Director (or senior HR Employee), will write to the Employee (and where appropriate their recognised Trade Union representative) advising of the outcome. If the Employee is unhappy with the outcome, they may request that their complaint be reviewed by the Chief Executive. The Chief Executive will review the complaint and advise the Employee (and their Trade Union representative) of their decision.
- 5.11 The Councillor and the Group Party Leader, if relevant, will be informed in writing of the outcome of the investigation and consideration of further action.

(To note: This protocol does not preclude an employee, at anytime, if they think it necessary, to write to the Commissioner for Complaints setting out how, in their opinion, a Councillor has breached the Code).

This protocol is the interface between current Councillor and Employee Codes of Conduct, which require the highest standards of personal conduct, including activities on social media, to be maintained at all times.

**Code of Conduct
for Local Government Employees**

Schedule of Amendments

January 2021

Background

This paper sets out a schedule of amendments for a revised Code of Conduct which was developed by a Working Group, comprising representatives from the Councils, NIHE, the Department for Communities and the Trade Unions.

The amendments to the Code have been made:

- to take account of best practice
- following a review of examples of similar Codes of Conduct in other public sector bodies
- to address issues which Councils had reported in operating the current Code.

The draft revised Code was issued for consultation in February 2020 and the closing date was extended due to COVID-19 until 30 September 2020. The working group met in October 2020 to consider the consultation responses and to agree the final amendments to the revised Code. The Code was approved at the Commission meeting on 19th January 2021 and will be issued to councils as a statutory recommendation.

2. Amendments

The structure of the Code remains the same. The significant changes are as follows:

Hyperlinks

Hyperlinks have been included throughout the document in order that councils can link to their own policy to provide employees with further information and greater clarity, for example, a Council's Policy on Social Media, Fraud or Gifts and Hospitality.

In particular:

- a link has been provided to the NI Audit Office 'Conflicts of Interest: A Good Practice Guide' (page 8)

- a link has been provided to the SOLACE Local Public Services Senior Managers: Code of Ethics (page 8)
- a link has been provided to the RTPPI Code of Professional Conduct for those who are employed in planning departments (page 12)

4.3 Political Neutrality (page 10)

A paragraph has been added to clarify that an employee of a council cannot stand, be elected or be co-opted as a councillor for the council in which they are employed.

4.4 Potential Conflict of Interest Situations (page 10)

This has been updated to provide greater clarity, for example, the wording in relation to the relationship between councillors and officers, and between the community and service users.

4.6 Outside commitments (page 14)

This paragraph has been updated to reflect current ways of working, that is, that an individual is required to advise their line manager if have a second job or business.

4.11 Use of Financial and other Council Resources (page 17)

This paragraph has been amended to include a reference to a council employee, who is responsible for a budget, informing their line manager if they become insolvent or bankrupt.

Appendix 1 (page 20)

The definition of family relationship has been extended.

An extract from the NI Civil Service Handbook relating to additional employment has been adapted for local government and included.

Appendix 2 (page 24)

A model declaration of interest form has been included.