

CODE OF CONDUCT POLICY

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1) Policy statement

The Standards Board for England's duty is to promote and maintain an ethical environment within local government. Therefore, the conduct of each individual employee must reflect this key principle. This policy, and the Standards Boards Code of Conduct for Employees (see Appendix 1), sets out the standards expected from all our employees, providing staff with a comprehensive frame of reference.

The Standards Board endorses the Seven Principles of Public Life drawn up by the Nolan Committee. These principles underpin our Code of Conduct for Employees and are reproduced below. These principles and the Code of Conduct for Employees are worded to directly reflect the wording in the Code of Conduct for elected members and this section of the policy will be updated automatically to reflect any changes made to the Code of Conduct for elected members as detailed in the Local Government Act and any subsequent amendments to that act.

The seven principles of public life

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.

2) **Scope of policy**

This policy and the Code of Conduct for Employees will apply to all Standards Board employees, but inevitably some of the issues covered within it will affect senior managerial and professional grade employees more than others.

Whilst the policy and the Code of Conduct are comprehensive, they do not seek to address every possible circumstance, and simply because a particular action may not be addressed within this policy and the Code of Conduct for Employees, this does not condone that action by omission.

3) **Duties and responsibilities**

The Standards Board staff should familiarise themselves with the contents of this policy and the Code of Conduct for Employees and should act in accordance with the principles set out within it.

Standards Board staff have a duty to:

- discharge public functions reasonably and according to the law and
- recognise ethical standards governing particular professions

The Standards Board's Chief Executive has overall responsibility for propriety in a broad sense including conduct and discipline.

4) **Accountability**

All Standards Board employees should be aware:

- of the respective roles of the Standards Board's sponsor department and the Standards Board itself as set out in the Financial Memorandum (copy available from the Finance Department);
- that the Minister responsible for the Standards Board is ultimately accountable to Parliament for its independence, effectiveness and efficiency

Employees should conduct themselves with integrity, impartiality and honesty. They should not deceive or knowingly mislead the Board, the sponsor department, Ministers, Parliament or the public.

5) Conflicts of interest

All Standards Board employees should abide by the Code of Conduct adopted by the Standards Board in relation to private interest and possible conflict with public duty, the disclosure of official information and political activities. They should not misuse their official position or information acquired in their official duties to further their private interests or those of others. Key members of staff, such as the Chief Executive and Heads of Departments responsible for managing any aspects of the Standards Board work should ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them.

5.1) Declarations of Interest

A register of financial and non-financial interests is maintained by the Standards Board and all employees should ensure that if they believe they may have a conflict of interest, the conflict is recorded in the register which is kept by the HR department. All new members of staff are required to complete a Declaration of Interest form (Appendix 2), signing a form showing a nil return if necessary. All staff are then responsible for updating the form when there is any change to their declaration. This notification should be done at the time of the change.

Members of the Senior Management Team (SMT) and Ethical Standards Officers (ESOs) are required to complete the form on an annual basis, signing a form showing a nil return if necessary. Returns for SMT and ESOs will be published on the Standards Board's website. Returns from all other members of staff may be made available to managers internally but will not be disclosed externally unless with the prior agreement of the individual concerned.

All employees have a responsibility to declare all reasonable information that is relevant, including those involving family members and their links with local authorities.

5.2) Active Political Membership

Active political membership is seen as a fundamental conflict in impartial case handling. For this reason, employees working in certain positions at the Standards Board cannot have, or seek to have active political membership, or have been politically active within the last 3 years on taking up appointment into one of these roles.

This restriction will be applied to Senior Management positions, any post that is involved in the casework process (i.e. referrals case manager, investigator, legal adviser etc) or any member of staff involved in giving advice or acting in a representational capacity where there should be no room for doubt about the post holder's political impartiality.

Internal or external applications for these roles will not be considered if the candidate has had active political membership within the last 3 years.

These restrictions include, but are not limited to, those set out for Local Government Officers in the Local Government Officers (Political Restrictions) regulations 1990 (S1 1990/851), which set out the restrictions as:

- announcing an intention to stand for election to the House of Commons, the European Parliament or a local authority
- continuing to remain employed by the Standards Board if s/he gives notice of his resignation in order to announce an intention to stand for election to the House of Commons
- acting as an election agent
- holding office in a political party if the office is involved with general management of or acting on behalf of the party and canvassing on behalf of a political party

All of the above applies to independent councillors.

6) Personal relationships

While the organisation has every respect for the privacy of its employees, it asks that all employees consider the impact that personal relationships can have on the organisation. Employees becoming involved in personal relationships may find it difficult on occasion to treat that person in the same way as other colleagues or team members. This situation may also bring about the perception of favouritism towards that person in a work context.

For this reason, a personal relationship with another employee in the line management chain constitutes a conflict of interest. In this instance, it may be possible for management arrangements to be reviewed to establish whether it is possible to put in place alternative management arrangements.

In addition, as they may be involved in performance related, or other issue of any member of staff, employees in a Senior Management or Human Resources role are required to advise their manager if they become involved in a relationship with any member of staff in the organisation. There is also an onus on the other party in that relationship to report this to their line manager.

Where members of staff are required to report a personal relationship, it should be done verbally and remain confidential to the line manager and the individuals that need to be aware.

7) Integrity

Standards Board employees should not use their official position to receive, agree or accept or attempt to obtain payment or other consideration for doing, or not doing, anything, or showing favour or disfavour, to any person. They should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgment and integrity. Under the prevention of Corruption Act 1916, staff may be required to prove that the receipt of payment or other consideration from someone seeking to obtain a contract is not corrupt.

As part of this the Standards Board has guidelines for dealing with gifts, hospitality and rewards. These are outlined below.

8) Rules on the acceptance of gifts, rewards and hospitality

8.1) General principles

Staff must not accept any gift, reward or hospitality from any member of the public or organisation with whom they have contact in the course of their work, as an inducement for doing something or not doing something in their capacity as an employee of the Standards Board for England. To do so would be to commit an offence under the Prevention of Corruption Act 1916. If staff receive money or any kind of gift from a person or organisation seeking a contract with the Standards Board in which they have any involvement, the courts will regard the gift as having been corruptly received unless staff can prove otherwise.

The guiding principle is that staff must not foster the suspicion of any conflict between their duty as an employee of the Standards Board and their private interest.

8.2) Hospitality

Conventional hospitality, such as the occasional meal, an invitation to the annual dinner of a national organisation or association, or a ticket to a public sporting, cultural or social event may be accepted provided that acceptance would not contravene the principles outlined above. Regular invitations from the same source which might create obligations or suspicions should be refused. Gifts and benefits of a trivial or inexpensive seasonal nature, for example diaries and calendars, may be accepted. However, more substantial offers, and invitations to expensive social functions or offers of travel or accommodation (unless as part of an official

engagement) should be declined. In cases of doubt, staff should relate the matter to their line manager in the first instance, who will take account of the reasons for the contact on both side, and the position of the member of staff at the Standards Board.

8.3) Hospitality from contractor or potential contractors

Staff responsible for the purchase of supplies or equipment; for making decisions on any tenders; or who are involved with contractors working for the Standards Board, should take particular care when offered any form of gift or hospitality from people or organisations involved.

8.4) Gifts

Gifts with an assessed value of more than £25 should not normally be accepted. Where such a gift cannot be refused without causing embarrassment, then it may, exceptionally and subject to the approval of a function Director, be accepted. Gifts with a value of less than £25 should only be accepted when they are occasional and where acceptance would not give rise to public concern. Gifts of money should always be refused.

8.5) Gifts and hospitality register

In order to protect staff against allegations of impropriety, a Gifts and Hospitality Register has been set up for staff to declare any gifts or hospitality they have accepted. This is kept in confidence and is located in the HR Manager's Office. All gifts or hospitality valued at £25 or more must be recorded in this register without delay. The register should record the name of the recipient, a description of the gift or hospitality, the approximate value, the date received and the name of the provider. It is the individual's responsibility to ensure completion of this register.

8.6) Fees for speeches

Where a member of staff makes a speech or gives a lecture as part of his or her official duties, an offer of travel expenses and any necessary or reasonable accommodation and meals provided in connection with the event may be accepted. It is a matter of judgement as to whether a fee should be accepted if offered, but fees should normally be accepted from commercial organisations. Any fee which is accepted must be paid to the Standards Board.

Where a gift is offered instead of a monetary fee for speeches, lectures or broadcasts, it may be accepted only if the item can be used officially, e.g. booktokens or an ornament that can be displayed in the office. The donor should be advised of this

policy and the Code of Conduct for Employees and that the gift has been accepted on behalf of the Standards Board (i.e. that the individual has gained no personal advantage from the gift). If the offer of the gift does not meet the criteria it should not be accepted or should be returned to the donor with a polite letter of refusal explaining the Standards Board's rules. All such offers should also be recorded on the register.

8.7) Acceptance of awards and prizes

Staff who have distinguished themselves in a particular field of activity connected with their official duties may sometimes be offered awards by external organisations. Staff who are approached by an outside organisation about the offer of an award or prize which is in any way connected with their official duty should always consult the Standards Board's Chief Executive. If the award or prize is offered in recognition of special personal merit or achievement and is not in the nature of, as such that it could be construed as, a gift or an inducement, retention of the award or prize may be agreed to, having due regard to considerations of propriety and risk of public criticism.

8.8) Travel benefits

Any benefits which staff accrue from frequent flyer and similar schemes on journeys paid for with public money must not be used for private purposes. Such benefits include air mile points and cheap or free tickets for accompanying passengers or for future trips. To avoid any suggestion of impropriety, benefits of this kind must be used for official purposes only - or foregone. Travel vouchers received as compensation for poor service must be used by the Standards Board to reduce the cost of a future official journey. Staff may, however, use frequent flyer benefits of a minor nature, such as special booking arrangements or access to special departure lounges.

8.9) Difficulties

If staff are concerned or have questions about issues relating to the acceptance of gifts, hospitality and fees, the matter should be discussed in the first instance with their line manager, who may seek advice from the Chief Executive.

9) Gifts and hospitality offered by the Standards Board

The Standards Board is obliged to ensure that it uses the public funds entrusted to it in a responsible and lawful manner. It is the Standards Board's responsibility to ensure value for money with all its expenditure. Therefore there are basic conventions concerning the giving to other organisations and individuals of gifts or hospitality. Any gifts or hospitality costing more than £25 which is offered to another

organisation or individual must be recorded in the appropriate register kept by the HR Manager in their office.

10) Relations with the public

Standards Board employees who deal with the affairs of the public should do so sympathetically, efficiently, promptly and without bias or maladministration. Standards Board staff should offer the public the highest standards of conduct and service.

11) Use of resources

Staff should endeavour to ensure the proper, economical, effective and efficient use of resources.

12) Official information

Staff owe a general duty of confidentiality to the Standards Board as their employer at common law. Staff are therefore required to protect official information held in confidence. Nothing in this policy should be taken as overriding existing statutory or common law obligations to keep confidential or, in appropriate cases to disclose, certain information. Staff also sign a security and confidentiality of information form.

13) Staff concerns about improper conduct

Employees who believe they are being required to act in a way which

- is illegal, improper, or unethical;
- is in breach of a professional code;
- may involve possible maladministration, fraud or misuse of public funds; and/ or
- is otherwise inconsistent with the Code of Conduct for Employees or this policy

Staff should raise the matter through the management line or in confidence with the HR Manager who is entrusted with the duty of investigating staff concerns about illegal, improper or unethical behaviour. Staff should also draw attention to cases where there is evidence of criminal or unlawful activity by others. They may also report cases where they believe there is evidence of irregular or improper behaviour elsewhere in the organisation, but where they have not been personally involved, or if they are required to act in a way which, for them, raises a fundamental issue of conscience.

Where a member of staff has followed the above procedure to report a matter, and believes that any subsequent action does not represent a reasonable response to the grounds of their concern, they should report the matter in writing to the HR Manager in the first instance and refer to the Whistle blowing Policy for further guidance.

14) After leaving employment

After employees have left employment with the Standards Board, they should observe their duties of confidentiality as outlined in their respective contracts and as outlined in the Standards Board's Leaving Procedures, paragraph 3.3.

APPENDIX 1

**CODE OF
CONDUCT FOR
EMPLOYEES**

PART 1 - GENERAL PROVISIONS

Scope

- 1.1) An employee must observe the Standards Board's Code of Conduct whenever he/ she -
 - a) conducts the business of the Standards Board;
 - b) conducts the business of the office to which he/ she has been appointed; or
 - c) acts as a representative of the Standards Board.
- 1.2) The Standards Board's Code of Conduct shall not have effect in relation to the activities of a Standards Board employee undertaken other than in an official capacity, except and insofar, as otherwise indicated.
- 1.3) Where a Standards Board employee acts as a representative of the Standards Board at the meeting of another public body or committee, he/ she must, when acting in that capacity, comply with the Standards Board's Code of Conduct, except and insofar as it conflicts with any other legal obligations to which he/ she may be subject.

General Obligations

- 2) An employee -
 - a) must promote equality by not discriminating against any person and treat people with respect; and
 - b) must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf, of the Standards Board.
- 3) An employee -
 - a) must not disclose information given to him/ her in confidence by anyone, without the consent of the person authorised to give it, or unless he/ she is required by law to do so, and
 - b) must not prevent another person from gaining access to information to which that person is entitled by law.
- 4) An employee must not conduct himself or herself in a manner which could reasonably be regarded as bringing his/ her office or the Standards Board into disrepute.

- 5) An employee -
- (a) must not, in his/ her official capacity or otherwise use his/ her position improperly to confer on or secure for any person, an advantage or disadvantage.
 - (b) must ensure that the resources of the Standards Board are not used for the activities of a registered political party.
- 6) An employee must when reaching decisions -
- (a) have regard to any relevant advice provided to him/ her by the Standards Board's Chief Executive;
 - (b) give reasons for those decisions in accordance with the Standards Board's rules.
- 7) An employee must report to their line manager, in the first instance, any conduct by another Standards Board employee which he/ she reasonably believes involves a failure to comply with the Standards Board's Code of Conduct, in line with the Standards Board's Whistleblowing Procedure.

PART 2 - INTERESTS

Personal Interests

- 8) An employee must regard him or herself as having a personal interest in a matter if he/ she anticipates that a decision upon the matter might reasonably be regarded as affecting his/ her well-being or financial position of/to a greater extent than other members of the public.

Disclosure of Interests

- 9) A Standards Board employee with any personal or business interests which may conflict with their responsibilities as a Standards Board employee or that a member of the public might reasonably believe could influence his/ her judgment shall disclose such interests immediately to the HR Manager, or when the interest becomes apparent.

Registration of Gifts and Hospitality

- 10) An employee must notify their line manager of the existence and nature of any gifts, benefits or hospitality offered, whether accepted or declined, from any relevant authority, any employee of a relevant authority or any other relevant organisation or person (for example, those who are contracted suppliers to the Standards Board), over the value as described in the Staff Handbook. This value may be subject to future change.

APPENDIX 2

DECLARATION OF INTERESTS

CONFIDENTIAL



Declaration of Interests

All staff are required to complete this form and return it to the Human Resources (HR) department.

The content should cover the interests of both the employee and their spouse/partner.

Unless stated otherwise declarations are only required as they related to relevant authorities (e.g. local authorities); other stakeholder bodies (e.g. the Local Government Association); and bodies with a commercial or other operational relationship with the Standards Board (e.g. current suppliers of goods and/or services).

Any member of staff concerned or uncertain concerning their declaration should consult with their line manager or Head of Corporate Services.

ALL STAFF ARE REQUIRED TO NOTIFY THE HR DEPARTMENT OF ANY CHANGE TO THEIR DECLARATION. This notification should be done at the time of the change.

Returns for members of the Senior Management Team (SMT) and Ethical Standards Officers (ESOs) will be published on the Standards Board's web-site. Returns from all other members of staff may be made available to managers internally but will not disclosed externally without the prior agreement of the individual concerned.

Given that the Standards Board exists to promote ethical standards it is extremely important that we are seen to uphold the highest standards around the declaration of interests. Consequently staff are encouraged to disclose all matters that might be perceived, by any reasonable person, to have some bearing on how they might be expected to fulfil those specific duties. This might include making a declaration relating to other family members or close friends, for example if a parent were the leader of a Council. This does not necessarily mean declaring all previous associations/relationships with members and/or senior employees of relevant authorities, only those that might be sufficiently significant that they might reasonably be considered to generally have some bearing on how you would carry out your job in relation to that authority.

COMPLETION AND MAINTENANCE OF THIS DECLARATION OF INTERESTS DOES NOT REMOVE THE REQUIREMENT FOR ALL MEMBERS OF STAFF TO DECLARE AN INTEREST IN RELATION TO ANY SPECIFIC PIECE OF WORK WHICH THEY MIGHT OTHERWISE BE CALLED UPON TO BE INVOLVED WITH, WHERE THERE IS A PARTICULAR ISSUE(S)/RELATIONSHIP(S) THAT COULD BE PERCEIVED TO HAVE SOME BEARING ON HOW THEY MIGHT BE EXPECTED TO FULFIL THEIR SPECIFIC DUTIES.

All returns will be subject to the Data Protection act 1998.

1. Personal Details

Surname

First Names

Department

Position

2. Employment

Any employment, office, trade or profession carried on for profit or gain, including any employment with a relevant authority within the last five years.

3. Directorships / Office holding (including Ministerial and public appointments)

The name of the organisation (including partnerships) in which you have held a directorship or office (e.g. Treasurer) in the last 5 years. Please include details of organisations that have (or had during the relevant period) a significant relationship with relevant authorities and other bodies normally covered by this declaration.

4. Clients

Any organisations you have represented in the last 5 years. Please include details of organisations that have (or had during the relevant period) a significant relationship with relevant authorities and other bodies normally covered by this declaration.

5. Sponsorship / Financial / Material support

Any sponsorship or financial or material support received in the last 5 years other than services normally available to all members of the public.

6. Land and Property

The name of the authority in which there is a residence or beneficial land holding during the last 5 years.

7. Political Representation

The name of any local authority of which he/she is a member, or has been within the last five years. Please give specific dates as some senior posts are barred to individuals who have been active in party politics over the last 2-3 years.

8. Other interests

This includes associations, memberships, and unpaid employment in any organisation that could be perceived to be relevant to the work of the Standards Board and our relationship with relevant authorities and other bodies normally covered by this declaration.

9. Signature of Employee

I declare this information to be accurate and complete.

Signed	Date
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APPENDIX 3

AMENDMENT TO CODE OF CONDUCT POLICY

Additional clause agreed in November 2008

5.1a Significant connections to an active case

In the “Interests” section of this appendix it says that you must declare interests that affect your well-being or finances more than other members of the public. You must also declare personal or business interests that the public might reasonably believe would conflict with your position at the Standards Board. As well as those interests, in the past some members of staff have been concerned to make known to others a connection that they might have to a case that they are involved with. That connection might not be the sort that you need to declare. However, it might be one that you would want others to be aware of.

In the interests of openness and transparency it is right that these connections should be made known. This provides protection for the staff and the organisation from allegations of bias. It also helps to prevent the integrity of an investigation from being undermined by unfounded allegations of impropriety brought about because of some perceived connection being hidden.

Where it is known to you, you should declare what might be perceived by a reasonably objective person as a significant connection to an active case. The following are examples of the sorts of things that might constitute a significant connection with an active case:

- A member of your family or a close associate works for the authority in a senior position or a position which regularly brings them into contact with members or they work closely with the subject member or complainant.
- You have previously worked for the authority or the subject member or complainant and are likely to be known to the officers or members involved.
- The subject member is your ward councillor or is otherwise known to you other than through your work at the Standards Board.
- The complainant is known to you other than through your work at the Standards Board.
- An organisation, other than the Standards Board, with which you are connected, is involved in the case.

This does not necessarily mean that you will no longer be able to be involved with the case. You should register the connection following the procedure set out below and discuss the issue with your head of department and the Head of Casework or Director of Strategy and Guidance as appropriate. Between you, you need to decide what action, if any, needs to be taken as a result of the connection. If this cannot be agreed the Chief Executive will decide.

Reporting	Report to
Member of staff	Head of Department
SMT member	Chief Executive
Chief Executive	Chair of the Board
Member of the Board	Chair of the Board
Chair of the Board	Chief Executive

You should fill in the attached form and send a copy to your line-manager, head of department, the Head of Casework or Director of Strategy and Guidance as appropriate and the HR Manager. If an investigation is under way or about to start the Head of Casework is the appropriate person. If the Standards Board is involved in supporting an authority the Director of Strategy and Guidance is the appropriate person.

You should complete the form together and ensure that it is given to the HR Manager who will keep a central record of these forms. If the connection is relevant to an active case, you should also record the details on the CRM case file.

APPENDIX 4

SIGNIFICANT CONNECTION FORM

See attached

