

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM ____

REPORT TO CABINET

14 JUNE 2012

REPORT OF CORPORATE
MANAGEMENT TEAM

CABINET/COUNCIL DECISION

Corporate Management and Finance - Lead Cabinet Member – Councillor Harrington.

EMPLOYEE CODE OF CONDUCT

1. Summary

The Employee Code of Conduct has been reviewed and updated as a result of changes in legislation and to reflect current practices and procedures. Existing procedures such as the recording of gifts and hospitality are included in the Code.

2. Recommendations

That the revised Employee Code of Conduct at **Appendix 1** is approved and accepted as a revision to the Council's Constitution (Part 5).

3. Reasons for the Recommendations

The Bribery Act 2010 replaced offences of common law and under the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916. As a result of the legislative changes the Employee Code of Conduct has been revised and updated to reflect the current practice and procedures.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

EMPLOYEE CODE OF CONDUCT

SUMMARY

The Employee Code of Conduct has been reviewed and updated as a result of changes in legislation and to reflect current practices and procedures. Existing procedures such as the recording of gifts and hospitality are included in the Code.

RECOMMENDATION

That the revised Employee Code of Conduct at **Appendix 1** is approved and accepted as a revision to the Council's Constitution (Part 5).

DETAIL

1. The Employee Code of Conduct aims to promote high standards of conduct and to help maintain public confidence in the Council's services. It is a summary of existing codes of practice and procedures that all employees are required to follow.
2. The Code governs standards of behaviour in relation to:-
 - Gifts and Hospitality
 - Acceptance of Legacies
 - Confidential Information
 - Conflicts of Interests
 - Appointment to Public Office
 - Engaging in Political Activities
 - Recruitment and Employment
 - Sustainability and the Environment
 - Diversity
 - Intellectual Property/Copyright
 - Use of the Council's Facilities/Assets
 - Health and Safety
3. Certain conduct by employees is a criminal offence, namely:-
 - (a) Failure to comply with health and safety legislation
 - (b) accepting a bribe
 - (c) bribing another person
 - (d) failure to declare interests in contracts or companies
4. Other forms of misconduct are explained in the revised code and depending on the circumstances may result in disciplinary action. The provisions of the code will therefore be brought to the attention of all employees by using a variety of methods,

including KYIT, staff forums/employee groups, induction training and constitutional updates.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

5. There are no financial implications arising directly from this report. Costs arising from providing training and advice in relation to the revised code will be met from existing budgets.

Legal

6. The promotion of high standards of conduct for employees helps to ensure all legislative requirements are complied with.

RISK ASSESSMENT

7. Potential breaches of the Code of Conduct by employees is assessed as a low to medium risk, with ongoing measures in place to control the risk, including awareness of health and safety regulations, HR policies and procedures and ICT protocols.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

8. High standards of conduct are critical to the Council's governance and organisational development.

EQUALITY IMPACT ASSESSMENT

9. It is not considered that an assessment is necessary. The new revised code retains the key features of the current code and existing policies and procedures.

CONSULTATION

10. The revised code has been the subject of consultation with Trade Unions and the Human Resources Strategy Group.

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<u>Background Papers:</u>	Attached
<u>Ward(s) and Ward Councillors:</u>	Not Ward Specific
<u>Property Implications:</u>	None