

Officers' Codes of Conduct

(a) Code of Conduct for Qualifying Employees of Relevant Authorities in Wales.

General Principles

1. The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority by providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

2. Qualifying employees of relevant authorities work for their employing authorities and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political Neutrality

3. Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

Relations with Members of the Public and Other Employees

4. Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.
5. Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

Equality

6. Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

Stewardship

7. Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

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- (1) any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests.
- (2) any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

Whistleblowing

9. In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical 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 Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

Treatment of Information

10. Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Appointment of Staff

11. Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

Investigations by Monitoring Officers

12. Where a monitoring officer is undertaking an investigation in accordance with regulations an investigation in accordance with regulations made under section 73 (1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

(b) Code of Conduct for Council Employees

1. Standards

Local government employees 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. Employees will be expected, through the procedures set out in the Council's Whistleblowing Policy, and without fear of recrimination, to bring to the attention of the appropriate level of management any irregularity or deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 Bridgend County Borough Council is committed to open government. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Subject to any obligations of confidentiality it is required to observe, the Council itself may decide to be open about other types of information. Employees must be aware of which information the Council is and is not open about, and act accordingly.
- 2.2 Employees should ensure that the individual or personal circumstances of clients and users of Council services are treated confidentially.
- 2.3 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. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

- 3.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

4. Relationships

4.1 Councillors

- 4.1.1 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

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- 4.1.2. Employees should comply with the protocol on Officer/Member Relations set out in Part 5 of the Council's Constitution.

4.2 The Local Community and Service Users

- 4.2.1. Employees 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 Council's policies.

4.3 Contractors

- 4.3.1 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 discriminated against.
- 4.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

5. Appointments and Other Employment Matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustment for any other employee who is a relative, partner or close friend.

6. Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment or become involved in any other activity, whether paid or not, which conflicts with the Council's interests.
- 6.2 Employees should seek advice on the ownership of intellectual property or copyright created during their employment.

7. Personal Interests

- 7.1 Employees must declare to their immediate manager *or publicly whenever they are present at any meeting of the Authority (whenever an Officer and a Member are present)* any financial or non-financial interests which could conflict with the Council's interests.
- 7.2 Examples of non-financial interests include acting as a school governor in schools maintained by the Council, involvement with an organisation receiving grant aid from the Council, membership of an NHS Trust Board or involvement with an organisation or pressure group which may seek to influence the Council's policies. Membership of a political party or trade union need not be declared.

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- 7.3 Employees should declare to an appropriate manager 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.

8. Equality Issues

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

9. Separation of Roles During Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees 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.
- 9.4 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 processes.
- 9.5 Employees should be especially careful to ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. Corruption

- 10.1 Employees must be aware that it is a serious criminal offence for them corruptly 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 their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. Use of Financial Resources

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

12. Gifts and Hospitality

- 12.1 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Council will allow employees to keep insignificant items of modest value such as mugs, calendars, pens, diaries, etc. up to a value of £20.
- 12.2 Apart from participating in concessionary schemes arranged by the Council, trade unions or other groups specifically for the benefit of their own members, or taking advantage of discounts generally available to any member of the public, employees should not acquire materials, labour or plant at cost, trade or discount prices from or through a contractor employed by the Council.

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- 12.3 Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers given by suppliers are the property of the Council.
- 12.4 Employees should only accept offers of hospitality if there is a genuine need to receive or impart information or represent the local 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 Council should be seen to be represented. They should be properly authorised and recorded.
- 12.5 When gifts or hospitality have to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 12.6 When receiving 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.
- 12.7 Acceptance by employees of hospitality through attendance at relevant conferences, seminars and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is given by or on behalf of the Council and where purchasing decisions are not compromised. Where visits to inspect equipment, or for the purpose of investigating any matter relating to the award of any contract, are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 12.8 Each chief officer shall maintain a register recording details of hospitality received by employees, and the date on which and by whom authorisation was given for the hospitality to be received. The registers shall be available for public inspection.

13. Sponsorship - Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government 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.
- 13.2 Where the Council 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 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.

14. Breaches of the Code

- 14.1 Failure to meet the standards and requirements of this Code may result in disciplinary action against an employee or action for breach of their employment contract with the Council.

15. Review of the Code

- 15.1 The operation of the Code will be evaluated from time to time and will be subject to review as necessary.

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Protocol on Member/Officer Relations

1. Introduction

- 1.1 The purpose of this Protocol is to guide Members and Officers of Bridgend County Borough Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.5 The National Assembly for Wales has issued a Code of Conduct for Qualifying Employees of Relevant Authorities. This covers all the Council's employees. Paragraph 4 of the Code is reproduced below:

“Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.”

Paragraph 4.1.1 of the Council's own Code of Conduct for its Employees contains similar wording.
- 1.6 In line with the reference in the Code to “mutual respect” it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.7 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the relevant Chief Officer. The Chief Officer will then look into the facts and report back to the Member. If the Member continues to feel concern, s/he should then report the facts to the Chief Executive Officer who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Procedure.
- 1.8 Where an Officer feels that s/he has not been properly treated with respect and courtesy they should raise the matter with the Chief Officer or the Chief Executive Officer as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Chief Officer or

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Chief Executive Officer will take appropriate action either by approaching the individual Member and/or the relevant group leader.

2. Officer Advice to Members and Party Groups

2.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.

2.2 Paragraph 4 (Promotion of Equality and Respect for Others) of the Council's Code of Conduct for Members and Co-opted Members states that:

"Members:

(a)

(b) must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees."

Similarly, paragraph 3 (Political Neutrality) of the Council's Code of Conduct for Council Employees states as follows:

"3.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

1.1 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

1.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work."

2.3 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

2.4 The support provided by Officers can take many forms ranging from a briefing meeting with Cabinet Members or a Chairperson prior to a meeting of the Cabinet, a Committee or other decision making body to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support should be available to all party groups.

2.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

2.5.1 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;

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- 2.5.2 Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- 2.5.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, the Cabinet, the relevant Committee or other decision making body when the matter in question is considered.
- 2.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Code of Conduct for Members and Co-opted Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not attend and give advice at such a group meeting.
- 2.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 2.8 Whilst any Member may ask a relevant Chief Officer or the Chief Executive Officer for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work. Requests will be met subject to any overriding legal considerations (which will be determined by the Monitoring Officer, or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable). If that is the case, s/he will raise the matter with the Chief Executive Officer who will discuss the issue with the relevant group leader(s).
- 2.9 Where a Member requests factual information (usually written) from an Officer as set out in paragraph 2.8 above, that information will also be supplied to the appropriate Cabinet Member or Chairperson of the appropriate Committee and relevant Officers.
- 2.10 Where a Member requests policy advice (usually oral) that advice will not be supplied to the relevant Cabinet Member or Chairperson of the appropriate Committee without the consent of the requesting Member.
- 2.11 In relation to Budget proposals:
- (a) the Cabinet shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until the Cabinet's Budget proposals are published; and
 - (b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative Budget proposals. These will remain confidential until determined by the respective opposition groups or until published whichever is the earlier.
- 2.12 It must not be assumed by any party group or Member that any Officer is supportive of any plan, policy or strategy developed because of that Officer's assistance in the formulation of that plan, policy or strategy.

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- 2.13 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive Officer who will discuss them with the relevant group leader(s).

3. Support Services to Members and Party Groups

- 3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

4. Members' Access to Information and to Council Documents

- 4.1 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 2.8. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another senior Officer of the Directorate concerned.
- 4.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 4.3 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Rules in Part 4 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.
- 4.4 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

5. Relationships between Officers and Cabinet Members/Chairpersons

- 5.1 It is clearly important that there should be a close working relationship between Cabinet Members, Chairpersons of Committees etc. and the Officers who report to or interact with the Cabinet and Committees etc. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 5.2 It must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Director or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report may be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member or a Chairperson and a Director or other Senior Officer in this area should be referred to the Chief Executive Officer for resolution in conjunction with the Monitoring Officer.

6. Correspondence

- 6.1 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government

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Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

7. Site Visits / Meetings with Members

- 7.1 The ability of Officers to undertake duties free from political pressure prevails over any provisions which enable Member meetings and site visits to take place. As part of the operational role of the Directorates, Officers will arrange and undertake various meetings or site visits that will assist in the development of recommendations for senior officers or elected Members. It is not always appropriate that these meetings be attended by Elected Members and it is at the discretion of the responsible Officer to determine the merits of inviting either the Local Elected Members or an Elected Member with a particular responsibility or interest in the site or issues relating to that site.
- 7.2 It is recognised that there are occasions when Members need to meet with officers and the electorate or other third parties and attend site visits to carry out their legitimate role as Ward Councillors. Officers will attend site visits as are necessary for the performance of their duties and will, often separate to this function, ensure that Member meetings and site visits are available to Members.
- 7.3 The Planning and Development Committee has determined that for Planning purposes, only local members can request a site visit. This is usually restricted to sites within the Members own Ward and occasionally sites close to boundaries between wards where the impact of any development may affect an adjacent ward
- 7.4 Elected members will be invited to meetings and site visits when these are requested by individuals such as Assembly Members or Members of Parliament. These requests are likely to have an impact on the ward or areas of responsibility of the Elected Member.