

Human Resources Committee

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Draft Paper for Future Standards of Conduct within Local Government

Report of Kim Jobson, Head of HR, Corporate Services

Purpose of the Report

1. To report on the paper - Standards of Conduct in English Local Government; The Future from the Office of the Deputy Prime Minister (ODPM) which draws together the Government's views on the future conduct regime for local government.

Background

2. In November 2004 a report was brought to the HR Committee relating to a draft code of conduct for local government employees and in particular to seek Members views on a response to the consultation paper. The remit of this consultation paper was to determine a code of conduct for relevant local government employees aiming to establish a common core of fundamental values that should underpin standards of conduct within local government. This is in addition to the Code of Conduct for Members and links to an ODPM consultation paper – "A Model Code of Conduct for Local Government Employees" produced in August 2004.
3. Comments approved at the HR Committee in November 2004 were submitted to the ODPM on behalf of DCC and have formed part of the paper referred to.

Current situation

4. In December 2005, following the consultation period, the ODPM published its paper. This paper confirmed the government's intention to proceed with a statutory code of conduct for local government employees. Although there has been no indication of timescales regarding when this is likely to take place it is recognised that to implement changes will require primary legislation and it is the intention of the ODPM to seek changes to legislation at the next convenient opportunity that Parliamentary time allows. This legislation will support a number of the ideas for change identified within the paper.
5. Some of the proposals can be put into effect through secondary legislation which would be quicker to implement and so a phased introduction of measures is being considered in respect of some areas to allow change to evolve organically. A timescale for implementing changes will be agreed and implemented.

Proposals highlighted in the paper

6. As a result of consultation with local government employers recommendations highlighted in this paper are as follows:
 - Any code must be clearer, simpler and more positive.
 - How the code is enforced, nationally and locally, is as important as its content.
 - The ten general principles of:
 1. Selflessness
 2. Honesty and integrity
 3. Objectivity
 4. Accountability
 5. Openness
 6. Personal judgement
 7. Respect for others
 8. Duty to uphold the law
 9. Stewardship
 10. Leadershipas set out in the Relevant Authorities (General Principles) Order 2001 should be a preamble to the Code setting out the standards to be attained by members.
 - The regime for declaring interests should be urgently addressed.
 - The duty to report potential misconduct should be removed.
 - The code should be clearer in ensuring that, where private conduct is regulated, it should only be for unlawful activities.
 - The public interest defence should be explicitly included in the code and its provisions on confidential information reconsidered and clarified in the light of the Freedom of Information Act.

Way Forward

7. The vision of the ODPM is for the different elements of the conduct regime, including the members' code of conduct, the Standards Board and local standards committees to work effectively together and be an integrated whole.
8. Local ownership of the conduct regime would best be achieved by a move to a more locally based decision making process, with equity and independence being ensured both by:
 - The retention of a central, strategic and investigatory role for the Standards Board for England
 - Improvements to the operation and effectiveness of standards committees.
9. The ODPM envisage the conduct regime relating to local authority employees will be made more systematic, in particular, by the introduction of a code of conduct for employees, taking into account lessons learnt in the operation of the code for members.

10. However they are minded to retain the current rules requiring senior local authority posts to be politically restricted, but for changes to be made to uprate the pay of the political assistants and to ensure that pay increases to them will no longer require the Secretary of State's approval.

Recommendation

11. Members are asked to note the recommendations of the consultation paper outlined under point 6 above.

12. Further reports will be brought to the Committee when appropriate. Your views and comments are invited on this information.

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Appendix 1: Implications

Finance

None.

Staffing

The provisions of the Code of Conduct will become part of the terms and conditions of all staff.

Equality and Diversity

None.

Accommodation

None specific.

Crime and disorder

None.

Sustainability

None.

Human rights

None specific.

Localities

None.

Young people

None specific.

Consultation

Will take place with Trade Unions and Service areas regarding any changes to existing codes.

Health

None.